



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.1

### TITLE: LAW ENFORCEMENT AUTHORITY

**EFFECTIVE: 07/30/2017**

**REVISED: Replaces Policy 100**

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#### PURPOSE

New Orleans Police officers are granted the authority to perform their function based on established legal authority. The New Orleans Police Department does not tolerate abuse of law enforcement authority.

#### POLICY STATEMENT

1. The authority of a commissioned New Orleans Police Officer derives from the Home Rule Charter and the Code and Ordinances of the City of New Orleans. The Home Rule Charter and all City codes can be found at [www.municode.com](http://www.municode.com).
2. The authority of a New Orleans police officer extends to the geographic limits of the City of New Orleans. The scope of a New Orleans police officer's duty to preserve the peace within the jurisdiction is set by statutory authority.
3. Commissioned members of the New Orleans Police Department are entitled to exercise the authority of a "peace officer" pursuant to the requirements of La. R.S. 40:2405.
4. Law enforcement agencies other than the NOPD operating within the geographic limits of the City of New Orleans may exercise only the specific authority granted to them by law or pursuant to a grant of authority by the Superintendent of Police as authorized by law.
5. The New Orleans Police Department has the authority to investigate all state and municipal criminal offenses occurring within the City of New Orleans. The Superintendent of Police may agree, as set forth herein, that another agency with jurisdiction will take the lead in the investigation.
6. A federal law enforcement agency or the Louisiana State Police will be the lead investigative agency with respect to a use of force involving one of their officers who is on-duty or who is working an approved law enforcement secondary employment detail at the time of the use of force. The Louisiana State Police also will be the lead investigative agency for officer-involved shootings involving security personnel or officers of the Louisiana Alcohol and Tobacco Commission (ATC), the Louisiana State Fire Marshal's Office, Louisiana Probation and Parole, and the Louisiana Department of Corrections pursuant to the Louisiana State Police's agreements with those agencies. In all other

cases, NOPD shall investigate uses of force by a law enforcement officer in accordance with this Chapter.

7. Except as set forth in paragraph 6 above, NOPD's Force Investigation Team (PIB-FIT) shall investigate all Level 4 uses of force (see: **Chapter 1.3 – Use of Force**) by a law enforcement officer within the City of New Orleans who is on-duty or working approved law enforcement secondary employment. Memoranda of Understanding with partner agencies provide guidance on how these investigations will be conducted, including what the partner agency shall do in advance of the arrival of the Force Investigation Team.
8. Except as set forth in paragraph 6 above, or as directed by PIB, NOPD district supervisors shall investigate all Level 1-3 uses of force by a law enforcement officer within the City of New Orleans who is on-duty or working approved law enforcement secondary employment when there is reasonable suspicion to believe the use of force constitutes a criminal offense.
9. If requested, NOPD will support investigations conducted by other law enforcement agencies pursuant to specific authority granted to such other agencies at the direction of the Superintendent of Police or pursuant to an existing MOU or CEA.
10. Should questions of jurisdiction or authority arise during the course of any incident response or on-scene investigation involving NOPD and another law enforcement agency, the on-scene supervisor shall immediately contact his/her bureau chief for clarification and direction.

#### **DEFINITIONS:**

Definitions relevant to this Chapter include:

**Concurrent jurisdiction**—For the purposes of law enforcement action, concurrent jurisdiction exists where more than one law enforcement agency has the authority to take action. Authority to act may be created or controlled through municipal, state, and federal laws, memoranda of understanding, or cooperative endeavor agreements between law enforcement agencies. See **Appendix A - Agencies with Exclusive or Concurrent Jurisdiction**.

**Exclusive jurisdiction**—For the purposes of law enforcement action, exclusive jurisdiction exists where one law enforcement agency has the authority to take action to the exclusion of all other agencies. Certain lands / properties fall within the exclusive jurisdiction of the United States. On these lands federal criminal law applies to the exclusion of state law. See **Appendix A - Agencies with Exclusive or Concurrent Jurisdiction**.

**Federal Protective Service (FPS)**—An agency of the Department of Homeland Security (DHS) designated to protect federal facilities, their occupants, and visitors by providing law enforcement and protective security services.

**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 also shall investigate all instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD.

**Member**—An individual who works for the NOPD. This includes volunteers and Reserve Officers while “on-duty” and performing functions under the auspices of the NOPD.



**Peace officer, police officer or law enforcement officer**—A commissioned member of a law enforcement agency with the legal authority within his/her jurisdiction, to enforce the laws of the State of Louisiana, his/her municipality, or parish (See La. R.S. 40:2402).

**Proprietary jurisdiction**—The United States may acquire or own property without accepting any special criminal jurisdiction over it. In this situation the United States simply retains proprietary jurisdiction (ownership) over the property. The government is only acting as the owner of the property, and the appropriate law enforcement agency at the state or local level handles any offenses occurring on the property. For purposes of this Chapter, proprietary jurisdiction is treated the same as concurrent jurisdiction.

**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).

**Vessel**—Includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, whether self-propelled or otherwise, including barges.

#### **AUTHORITY WITHIN JURISDICTION**

11. The arrest authority of a commissioned New Orleans Police officer within the jurisdiction of the City of New Orleans includes:
  - (a) Authority to arrest when the officer is in compliance with an arrest warrant (C. Cr. P. 204).
  - (b) Authority to arrest when 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) Authority to arrest when the person to be arrested has committed a felony, although not in the presence of the officer (C. Cr. P. 213(2)).
  - (d) Authority to arrest when 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) Authority to arrest when 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 (see: C. Cr. P. 213(4)).
12. Officers of law enforcement agencies with concurrent jurisdiction have arrest authority as authorized by law.

#### **AUTHORITY OUTSIDE OF JURISDICTION**

13. The authority of a peace officer extends to any place in the state of Louisiana, as follows:
  - (a) When the officer is in close pursuit of the person to be arrested (C. Cr. P. 204; C. Cr. P. 213).
  - (b) When the officer is responding to a mutual aid request in another jurisdiction pursuant to La. R.S. 33:2337.

**INTERSTATE PEACE OFFICER AUTHORITY**

14. Peace officer authority may extend to other states:
  - (a) As applicable under interstate compacts and memoranda of understanding in compliance with the laws of each respective 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).
15. 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).

**EMERGENCY POLICE OFFICERS**

16. In the case of riot, general conflagration, flood, or similar grave emergency, the Mayor may authorize the Superintendent of Police to appoint “emergency police” (La. R.S. 33:2337 and Home Rule Charter – City of New Orleans Article IV. Chapter 5, Section 4 – 502).
17. Such appointments shall not exceed 30 days without the express authorization of the Mayor and a 2/3 vote of the City Council (Home Rule Charter – City of New Orleans Article IV. Chapter 5, Section 4 – 502.1.a).
18. “Emergency police” shall have such powers as may be vested in them by the Superintendent of Police and are subject to the policies, rules and regulations that govern regular NOPD officers.
19. Officers who have retired in good standing from the NOPD and maintained their Louisiana Commission on Law Enforcement and Administration of Criminal Justice Retired Officer firearms qualification may be granted authority to serve as “emergency police” during a declared state of emergency and within a declared emergency zone.
20. An “emergency police” officer must successfully qualify with the authorized NOPD duty weapon as soon as possible with a firearms instructor certified by the Louisiana Peace Officer Standards and Training Council (POST).
21. Nothing in this Chapter prohibits the Superintendent of Police from exercising his/her authority to deputize persons not members of the NOPD as “special officers” under the provisions of Home Rule Charter – City of New Orleans Article IV. Chapter 5, Section 4 – 502.2. The Superintendent shall prescribe the rules and regulations governing the exercise of police power by persons so deputized and may suspend or cancel the deputization in the Superintendent’s discretion (Home Rule Charter – City of New Orleans Article IV. Chapter 5, Section 4 – 502.2).

**GRANTS OF JURISDICTION OR AUTHORITY WITHIN THE CITY OF NEW ORLEANS**

22. Parishes, municipalities, harbor districts and terminal districts are authorized to make agreements to act jointly in activities involving police protection (see: La. R.S. 33:1324).
23. A memorandum of understanding (MOU), cooperative endeavor agreement (CEA), Special Officer’s Commission, or the express grant of authority by the Superintendent of

Police during emergencies or special events such as Mardi Gras may confer specific authority to another law enforcement agency and its commissioned officers within the City of New Orleans for the duration of the emergency or event.

24. Nothing within the Chapter shall limit the authority of the Superintendent of Police to either request or provide mutual aid to another law enforcement agency under the provisions of La. R.S. 33:2337.

### **HARBOR POLICE**

25. 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 (La. R.S. 34:26).
26. Special considerations when working with the Port of New Orleans, Harbor Police, and vessels include:
  - (a) The vessel's 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 the City of New Orleans.
  - (b) Normally, complaints involving nuisances, such as ships "blowing tubes" (cleaning debris from inside their smokestacks by release of steam), discharging fuel oil, etc., will be investigated by the Harbor Police Department. Members 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 or propulsion 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 by a qualified member of the vessel's crew.
  - (e) An investigating officer shall be informed about the identity of individuals responsible for a violation of either state or city law by the port captain or port engineer of the vessel's company prior to making an arrest.

### **ORLEANS LEVEE DISTRICT AND LAKE FRONT AIRPORT**

27. 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.
28. New Orleans Police Department members will respond to emergency requests for assistance from the Orleans Levee District Police. Non-emergency requests for assistance will be approved by the District Platoon shift supervisor before NOPD officers are dispatched.
29. Personnel responding to a call for service at the Lake Front Airport shall enter the main entrance located in front of the Administration Building and rendezvous with 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.
30. 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.

31. Nothing in this section shall prevent a commissioned member 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.

#### **UNIVERSITY OR COLLEGE POLICE**

32. The authority of university or college police officers is governed by **Louisiana R.S. 17:1805**. Agreements between universities or colleges and the New Orleans Police Department shall be reflected in an MOU or CEA between the university or college and the Superintendent of Police.
33. The New Orleans Police Department and the state supported or private colleges and universities having all or part of their campuses in the City of New Orleans have concurrent jurisdiction in those areas controlled and protected by the universities and colleges.
34. New Orleans Police Department members will respond to emergency requests for assistance from university or college police officers. Non-emergency requests for assistance will be approved by the district platoon shift supervisor before NOPD officers are dispatched.
35. Nothing in this section shall prevent a commissioned member of the New Orleans Police Department from exercising his/her duty to enforce laws and conduct investigations on property under the control of the universities and colleges within Orleans Parish.

#### **FEDERAL PROPERTY WITHIN THE CITY OF NEW ORLEANS**

36. The Federal Protective Service (FPS) and the New Orleans Police Department have an agreement for NOPD to respond to all emergency calls for service at the locations listed in **Appendix B - Facilities Covered by DHS and Other Federal Agencies**.
37. The Federal Protective Service will act as the "point of contact" to coordinate response for these locations and contact the appropriate federal agency for follow up. The FPS can be reached at 877-437-7411.
38. Police department personnel shall respond to a call for service and are authorized to make an arrest at the locations listed in **Appendix B - Facilities Covered by DHS and Other Federal Agencies**.
39. Any NOPD law enforcement actions involving locations listed in **Appendix B - Facilities Covered by DHS and Other Federal Agencies** shall be reported to the member's supervisor as soon as practicable.

#### **U.S. MILITARY JURISDICTION WITHIN THE CITY OF NEW ORLEANS**

40. Military law enforcement agencies may exercise jurisdiction in incidents involving military personnel, installations, or property.
41. Any NOPD law enforcement actions involving U.S. military personnel shall be reported to the member's supervisor as soon as practicable.

## **APPENDIX A – Agencies with Exclusive or Concurrent Jurisdiction in the City of New Orleans**

Agencies with exclusive or concurrent jurisdiction include but are not limited to:

### *Exclusive Jurisdiction*

- **Federal law enforcement agencies** (DHS, FBI, DEA, ICE, BATF, etc.) may exercise exclusive jurisdiction over violations of federal laws and violations on Federal property (see **Appendix B - Facilities Covered by DHS and Other Federal Agencies**).

### *Concurrent Jurisdiction*

- The **Harbor Police** have peace officer powers in the area under the jurisdiction of the Board of Commissioners for the Port of New Orleans (La. Rev. Stat. 34:26).
- The **Levee Police** are commissioned as peace officers by the Department of Public Safety and Corrections and police the levee district (La. Rev. Stat. 38:326). They are responsible for maintaining order and exercising general police power on and off the levees, within the area of the levee district or levee and drainage district, and upon its surrounding waters.
- **University or college police** officers are responsible for maintaining general order and exercising police power on the campus of each respective college or university. “While in or out of uniform, these police officers shall have the right to carry concealed weapons and to exercise the power of arrest when discharging their duties on their respective campuses and on all streets, roads, and rights-of-way to the extent they are within or contiguous to the perimeter of such campuses. In the discharge of their duties on campus and while in hot pursuit on or off the campus, each university or college police officer may exercise the power of arrest” (La. Rev. Stat. 17:1805(A)(1) and (3)). Pursuant to La. Rev. Stat. 1705(D)(1)-(6), and “upon authorization by the chief administrative officer of the educational institution,” “college or university police officers of the Agencies shall have authority to discharge their duties off campus: (1) if engaging in intelligence gathering activity; (2) when investigating a crime committed on campus; (3) when transporting prisoners in furtherance of his or her duties as set forth in the statute; (4) when transporting money, securities, or other valuables on behalf of the college or university; (5) while providing security or protective services for visiting dignitaries to the college or university both on and off the campus; or (6) if specifically requested by the chief law enforcement officer of the parish or city.”
- The **Louisiana State Police** Service is established under the Louisiana Constitution Art.10, Section 41 and includes all regularly commissioned, full-time law enforcement officers with full state police powers employed by the office of the state police within the Department of Public Safety and Corrections. The Louisiana State Police is the state police department of Louisiana, which has jurisdiction anywhere in the state. It was created to protect the lives, property and constitutional rights of people in Louisiana.
- The **Orleans Parish Sheriff’s Office** is established under the Louisiana Constitution Art. 5, Section 27.

**APPENDIX B – Facilities Covered by DHS and Other Federal Agencies**

NOPD will respond to emergency calls for service at the below locations and make arrests if necessary.

**Facilities covered by DHS**

<b>Location Name</b>	<b>Address</b>	<b>Jurisdiction Type</b>
FE HEBERT FEDERAL BLDG	600 S Maestri Pl	Exclusive
Post Office	701 Loyola	Exclusive
BPSH NEW ORLEANS BLDG	3819 PATTERSON DR	Concurrent
NEW ORLEANS CUSTOM HOUSE	423 Canal Street	Concurrent
JM WISDOM COURTHOUSE	600 Camp Street	Concurrent
Army Corps of Engineers	7400 Leake	Concurrent
ENERGY CENTRE	1100 Poydras	Proprietary
ELMWOOD VILLAGE CENTER	1200 S CLEARVIEW PKY	Proprietary
124 SOUTH CLARK	124 SOUTH CLARK	Proprietary
1250 POYDRAS BUILDING	1250 POYDRAS BUILDING	Proprietary
1515 POYDRAS BLDG.	1515 POYDRAS BLDG.	Proprietary
1555 POYDRAS	1555 POYDRAS	Proprietary
FBI New Orleans	2901 LEON C. SIMON	Proprietary
CANAL PLACE 1	365 Canal Street	Proprietary
TEXACO CENTER	400 Poydras Street	Proprietary
Veterans Affairs	4301 POCHE COURT WEST	Proprietary
H BOGGS FED BLDG/COURTHOUSE	500 Poydras Street	Proprietary
POYDRAS CENTER	650 Poydras	Proprietary
800 COMMERCE ROAD	800 COMMERCE ROAD	Proprietary
916 N PETER STREET	916 N Peters Street	Proprietary
GSA Parking Lot	701 St Charles	Proprietary

**Exclusive Federal Jurisdiction Not Covered by DHS**

<b>Location Name</b>	<b>Jurisdiction Type</b>	<b>Jurisdiction Agency</b>
Federal City, New Orleans (Algiers)	Exclusive	Navy Police
Federal Reserve Bank, 501 St. Charles Street	Exclusive	Federal Reserve Police

**Concurrent Jurisdiction Not Covered by DHS**

<b>Location Name</b>	<b>Jurisdiction Type</b>	<b>Jurisdiction Agency</b>
Southern Regional Research Center, 1100 Robert E. Lee Boulevard	Concurrent	No specific agency
Veterans Administration Hospital, 1601 Perdido Street	Concurrent	VA Police
Post Office Stations ( <b>excluding</b> 701 Loyola Avenue and 610 South Street)	Concurrent	Postal Police
Michoud Assembly Facility, 13800 Old Gentilly Road	Concurrent	NASA Contract Security
Jackson Barracks, 6400 St. Claude Avenue	Concurrent	Army MP





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.1.1

### TITLE: OATH OF OFFICE

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 104**

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#### PURPOSE

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

#### OATH OF OFFICE

1. No person shall be employed by the New Orleans Police Department or perform any duties as a commissioned volunteer (Reserve Officer) unless and until he/she files the following written statement with the City (R.S. 42:52; R.S. 42:53):

I, (***member's 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 (***job title***), according to the best of my ability and understanding. So help me God. **(The last sentence ("So help me God.") may be omitted if the person taking the oath has a political, ideological, personal, or legal reason to affirm rather than swear.)**

2. A member may be temporarily employed for up to 15 days. If the above statement is not filed with the Department by the 15th day, the person must be discharged (**R.S. 42:52 Oath or affirmation; form**).
3. The original, signed oath shall be maintained in the member's personnel jacket.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.1.2

### TITLE: LAW ENFORCEMENT CREDENTIALS AND CERTIFICATIONS

**EFFECTIVE: 10/22/2017**

**REVISED: 11/11/2018**

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#### PURPOSE

New Orleans Police officers are trained, certified and credentialed under the authority of the Superintendent of Police. When commissioned members of the Department are separated from service or employment with the NOPD under less than honorable circumstances, his/her credentials and certifications as a law enforcement or peace officer will be revoked.

#### POLICY STATEMENT

1. The credentialing and certification of a commissioned member of the New Orleans Police Department derives from authority granted to the Superintendent of Police by the Home Rule Charter, and the Code and Ordinances of the City of New Orleans.
2. The Superintendent of Police has the authority to limit or revoke a commissioned member's authority and credentials for cause.
3. The Louisiana Commission of Law Enforcement and Administration of Criminal Justice / Peace Officer Standards and Training Council is the certifying agency for the State of Louisiana and has the sole authority for final determinations concerning the revocation of POST peace officer certifications.

#### DEFINITIONS

**Credentials**—An identification card, document or certified document showing a law enforcement officer's legal right to exercise official power or authority. Credentials are a visual representation of a law enforcement officer's legal authority.

**Certification**—Official approval from a legal authority to perform acts or exercise a right legally. A certification is a visual representation of a law enforcement officer's adherence to a set legal training standard.

**Commission**—A document issued by a legal authority granting an individual a particular position or rank as well as the legal authority to enforce laws and make arrests.

**GENERAL PROVISIONS**

4. Members of the New Orleans Police Department who have been separated from service or employment with the NOPD under less than honorable circumstances shall have his/her commission (active or retired) revoked by the Superintendent and a notice sent to the Louisiana Council on Peace Officer Standards and Training recommending the revocation of his/her Louisiana P.O.S.T. certification (see also: **R.S. 40:2405 (J)**). The Superintendent's Office shall submit this notice within 30 business days of the final determination of less than honorable separation as defined by this Chapter.
5. Separated from service or employment with the NOPD (includes full-time, part-time and reserve commissioned members) under less than honorable circumstances includes:
  - (a) A conviction of malfeasance of office.
  - (b) A conviction of an offense which results in the individual officer's restriction of his/her constitutional right to bear arms. (For purposes of this provision, any offense which results in the restriction of an individual officer's access to/use of firearms qualifies.)
  - (c) Involuntary termination for disciplinary reasons involving an adjudication of civil rights violations where the officer has exhausted all administrative remedies.
  - (d) The officer has been convicted of a misdemeanor involving the crime of domestic abuse battery (R.S. 14:35.3) or a felony in any court of the United States.
  - (e) A judicial disposition in a criminal case which results in revocation of certification.
  - (f) Conviction of an offense greater than a misdemeanor under state law.
  - (g) Resigned or retired under investigation for an offense greater than a misdemeanor under state law.
6. Members of the New Orleans Police Department who have been separated from service or employment with the NOPD under other circumstances that raise serious concerns (e.g., for bribery or dishonesty) may have his/her commission (active or retired) revoked by the Superintendent and a notice sent to the Louisiana Council on Peace Officer Standards and Training recommending the revocation of his/her Louisiana P.O.S.T. certification at the Superintendent's discretion. The Superintendent's Office will submit notice to the former member of any such discretionary referral within 30 business days of the final determination of separation.
7. The intent to revoke a commission or law enforcement certification (including POST) of a former commissioned member shall be communicated, in writing, to the member's last known address of record.
8. Commissioned members who resign or retire under investigation under circumstances that would allow for the commissions and certification(s) to be revoked shall receive notification of the information, known at the time, communicated to POST with a request for revocation.
9. All records, reports and correspondence associated with cases involving the application of this Chapter shall be maintained in a separate file in the Public Integrity Bureau after the final determination of action by the Superintendent and the Louisiana Commission of Law Enforcement and Administration of Criminal Justice / Peace Officer Standards and Training Council.
10. Only notations of final determinations of revocation of credentials, commission and certification(s) shall be noted on the member's personnel and disciplinary record. The record shall be maintained for at least five years after the revocation.

11. The Superintendent's exercise of discretionary authority under this Chapter does not create any rights, privileges or causes of action for redress not already granted by law.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2

### TITLE: DISCLOSURE OBLIGATIONS

**EFFECTIVE: 06/27/2021**

**REVISED: New Chapter**

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#### PURPOSE

The purpose of this policy is to provide members with the information necessary to properly fulfill the reporting and testimonial disclosure obligations.

#### POLICY

1. It is the policy of the New Orleans Police Department (NOPD) to follow disclosure requirements concerning exculpatory or favorable evidence and evidence impacting the credibility of government witnesses consistent with the law. This policy is intended to ensure timely disclosure of exculpatory and impeachment information so as to ensure that trials are fair, and to ensure that prosecutors receive sufficient information to meet their disclosure obligations relating to the guilt or innocence of the defendant and the credibility of witnesses for the prosecution.
2. Adherence to NOPD policy and rules in all matters is imperative. Breaches of such rules and policies related specifically to honesty and veracity may have direct bearing on a member's ability to continue serving as a law enforcement officer.

#### DEFINITIONS

**A-Case Officer**—A commissioned member of the NOPD assigned to a District or Division of the Field Operations Bureau who is responsible for ensuring that a complete investigative case file is compiled and presented for all adult State arrests made by officers assigned to that District / Division.

**Brady Disclosure** - The *Brady* decision (*Brady v. Maryland, 373 U.S. 83 (1963)*) and subsequent rulings recognize the duty of all law enforcement agencies to identify and provide to the prosecution any exculpatory evidence and material that would have a reasonable probability of altering the results in a trial, or any material that could reasonably mitigate the sentencing of a defendant and any material relevant to the credibility of government witnesses, including, but not limited to police officers. [Case related.]

**Disciplinary History** - all disciplinary investigations, initiated by public complaint or internal by a supervisor or member, in which the officer is an accused member, regardless of the disposition of each allegation.

**Giglio Disclosure** - The *Giglio* decision (***Giglio v. U.S.*, 405 U.S. 150 (1972)**) and subsequent rulings recognize the duty of all law enforcement agencies to identify and provide to the prosecution any material relevant to the credibility of government witnesses, including but not limited to, police officers. [Witness related.]

**Duty to Disclose** - The affirmative constitutional duty of the police to notify the prosecutor of any exculpatory evidence and *Brady* or *Giglio* material. *U.S. v. Agurs*, 427, U.S. 97 (1976). This is an ongoing duty, requiring NOPD make prosecutors aware of any additional potential impeachment or exculpatory information that arises after specific request from prosecutors or during the pendency of the specific criminal case or investigation to which the additional information relates.

**Exculpatory Evidence** - Evidence that is favorable to the accused or is material to the guilt, innocence, or punishment of the accused.

**Giglio Material** - Evidence that may impact the credibility of a government witness, including a police officer. Impeachment material is included in the *Giglio* disclosure requirements.

**Impeachment material** - testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. The five basic methods of impeaching a witness are: use of contradiction, proof of bad character, inconsistency, bias, or diminished capacity.

**Kyles material** – cumulative, undisclosed evidence, which, if disclosed to competent counsel, could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict. (*Kyles v. Whitley*, 514 U.S. 419 (1995)).

**Material Evidence** - Evidence is “material” if there is a reasonable probability that disclosing it will change the outcome of a criminal proceeding. A “reasonable probability” is a probability sufficient to undermine confidence in the outcome of the trial or sentencing in a criminal case.

## GENERAL

### General Provisions of Disclosure — Affirmative Duty to Report

3. NOPD shall exercise due diligence to ensure that material which is favorable or exculpatory to the accused, or impacts the credibility of the investigation or government witnesses is made available to the prosecutorial authority (i.e., U.S. Attorney, Orleans Parish District Attorney, Louisiana Attorney General, or City Attorney).

It is NOPD's responsibility to disclose such material as soon as reasonably possible to the prosecutorial authority, or in time for effective use at trial. Responsibility for disclosing such material extends from the initiation of the Department's investigation through the trial and sentencing process.

5. The A-Case Officer shall complete an “Investigative File Certification” form provided by the District Attorney's Office upon submission of a case file. No case file shall be deemed complete without this form.
6. The NOPD has a duty to provide the prosecutorial authority with an up-to-date list of their misconduct allegation history, regardless of outcome of the investigation, unless providing the information would compromise an ongoing, confidential investigation.
7. The list of their misconduct allegation history for all NOPD members, as reflected in PIB records and IAPro, shall be provided to the relevant prosecutorial authority and shall be sent by email in the first week of each month to the OPDA, the US Attorney for the



Eastern District of Louisiana and upon request to any other prosecutorial authority wherein a member of NOPD is a witness in a criminal prosecution.

8. The list of their misconduct allegation history will be supplied by PSAB from an Excel spreadsheet linked to the IAPro data maintained by PIB. The searchable Excel spreadsheet will be current to the date provided. **The list of their misconduct allegation is confidential in its entirety and only for use by the prosecutorial authority for making decisions as to witness information disclosure to the defense.**
9. All members must disclose to the prosecution (*in writing*) and *include in the case file* any, ***material which is favorable or exculpatory to the accused, or impacts the credibility of the investigation or government witnesses known to the member*** without a specific request by the prosecutor handling a case .
10. All members have an affirmative duty to maintain knowledge of their personnel history including their disciplinary/Public Integrity Bureau (PIB) history.
11. It is the prosecutor's responsibility to establish whether material disclosed by the NOPD is relevant to the case and must be provided to the defense.
12. Examples of *Brady/Giglio* material that may be subject to disclosure include, but may not be limited to:
  - a) Information that would directly negate the defendant's guilt concerning any count in an indictment.
  - b) Information that would cast doubt on the admissibility of evidence that the government plans to offer that could be subject to a motion to suppress or exclude.
  - c) Any criminal record or criminal case pending against any witness whom the prosecution anticipates calling.
  - d) The failure of any proposed witness to make a positive identification of a defendant.
  - e) Information that casts doubt on the credibility or accuracy of a witness or evidence.
  - f) An inconsistent statement made orally or in writing by any proposed witness.
  - g) Statements made orally or in writing by any person that are inconsistent with any statement of a proposed government witness regarding the alleged criminal conduct of the defendant.
  - h) Information regarding any mental or physical impairment of any governmental witness that would cast doubt on his or her ability to testify accurately and truthfully at trial.
  - i) Information that tends to diminish the degree of the defendant's culpability or the defendant's offense level under state or federal sentencing guidelines.
  - j) A finding of misconduct by PIB or in any court of competent jurisdiction that reflects on the witness's truthfulness, bias, or moral turpitude. This includes employees under suspension.
  - k) An officer's untruthfulness, dishonesty, bias, or misconduct in conjunction with his or her service as a law enforcement officer.
    - l) Benefits provided to witnesses including:
      - i. Dropped or reduced charges
      - ii. Immunity
      - iii. Expectations of downward departures or motions for reduction of sentence
      - iv. Assistance in a state or local criminal proceeding
      - v. Considerations regarding forfeiture of assets
      - vi. Stays of deportation or other immigration status considerations
      - vii. S-Visas
      - viii. Monetary benefits

- ix. Non-prosecution agreements
  - x. Letters to other law enforcement officials (e.g. state prosecutors, parole boards) setting forth the extent of a witness's assistance or making substantive recommendations on the witness's behalf
  - xi. Relocation assistance
  - xii. Consideration or benefits to culpable or at risk third-parties
  - m) Other known conditions that could affect the witness's bias such as:
    - i. Animosity toward defendant
    - ii. Animosity toward a group of which the defendant is a member or with which the defendant is affiliated
    - iii. Relationship with victim
    - iv. Known but uncharged criminal conduct (that may provide an incentive to curry favor with a prosecutor)
13. Officer personnel files that are related to matters stated above may be provided or opened to the prosecution or defense as part of a *Brady/Giglio* disclosure when specifically requested, as is consistent with the law.

#### **DEPARTMENTAL RESPONSE TO OFFICER ACTIONS**

14. Members who are knowingly and intentionally untruthful, or otherwise dishonest in the course of their employment, or use excessive force undermine the credibility of their testimony at trial. Such members are also subject to disciplinary action up to and including termination of employment.

#### **EXCLUDED EVIDENCE OR REFUSAL OF CASES BY OPDA SCREENING**

16. The Orleans Parish District Attorney's Office will provide to PSAB the following information:
- a. Determinations of no probable cause made by judges and commissioners will be forwarded via email within 24 hours.
  - b. The granting of any motion to suppress evidence or statements will be forwarded via email within 24 hours of the granting of the motion by the court whether or not the State intends to seek supervisory review.
  - c. Notice of any cases refused or dismissed for any "Law Enforcement" reason will be forwarded via email within 72 hours of the refusal or dismissal. There are five specific codes that the DA uses for Law Enforcement based refusals:
    - i. 350 - NO PROBABLE CAUSE FOR ARREST
    - ii. 351 - UNLAWFUL SEARCH NO WARRANT
    - iii. 352 - UNLAWFUL SEARCH WITH WARRANT
    - iv. 356 – MOTION TO SUPPRESS EVIDENCE GRANTED
    - v. 431 - INCOMPLETE POLICE INVESTIGATION
    - vi. 433 - LAW ENFORCEMENT ISSUES (for example inappropriate or illegal conduct and issues relating to officer veracity).
17. Upon refusal or dismissal of a case due to law enforcement issues, the District Attorney 's Office will alert PSAB and PIB, the A-Case Officer, the arresting officer, the arresting officer's supervisor, the District Captain, the First Assistant District Attorney, the OPDA Chief of Case Management, and the designated Department of Justice Official via email with the pertinent information regarding the refusal or dismissal.

18. The Assistant District Attorney making the determination to refuse or dismiss a case for “law enforcement issues” will be available to discuss the case with PSAB if further explanation is needed.
19. To prevent refusals or dismissals for “Incomplete Police Investigation”, the OPDA will:
  - a. notify NOPD’s Professional Standard’s and Accountability Bureau via email when an incident report and arrest report are not received within 10 days of an arrest.
  - b. notify NOPD’s Professional Standards and Accountability Bureau via email when a complete case file (see **Chapter 42.15 – Arrest Case Management and District Attorney Screening**) is not received within 28 days of an arrest.
  - c. notify NOPD’s Professional Standards and Accountability Bureau when a complete case file is received by issuing a receipt of complete case file.
  - d. notify NOPD 's Professional Standards and Accountability Bureau of the prosecution decision of a submitted complete case file by submitting a "Buck Slip" to the A Case Officer.
  - e. notify NOPD's Professional Standards and Accountability Bureau when the DA's Office learns of any information of officer misconduct affecting an investigation or information impugning officer veracity whether or not an arrest is made or a completed case file is presented to the District Attorney.
20. Where a final judicial ruling at any criminal proceeding has determined through a Motion to Suppress or similar filing that the evidence, statement or confession shall be excluded or suppressed on the grounds of a constitutional violation by an NOPD member, the member who learns of the ruling shall notify his/her commander. The Commander shall ensure the Motion to Suppress is documented in INSIGHT. If an INSIGHT threshold is met it shall be assigned to the appropriate supervisor for follow-up in INSIGHT.
21. When the Orleans Parish District Attorney’s Office decides to decline prosecution due to the credibility on the part of one or more NOPD members involved in a case, or declines prosecution due to a member’s actions that negatively impact seized evidence or statements, the reason(s) for the case refusal shall be noted on the District Attorney’s screening action form and noted in the Orleans Parish District Attorney Prosecution Data Extract file, a part of the INSIGHT Source System (see **Chapter 35.1.9 - INSIGHT**). If an INSIGHT threshold is met it shall be assigned to the appropriate supervisor for follow-up in INSIGHT.
22. The A-Case Officer shall document a reason for every case screening refusal for officer reasons, as received from the Orleans Parish District Attorney’s Office, forward the information to the DIU commander and the involved officer(s)’s supervisor for corrective action and copy the Performance Standards Section (PSS) for tracking and follow-up.
23. If the supervisor determines during his/her review of an incident that NOPD should revisit policy, tactics, training, or strategy related to the incident, the supervisor shall document that in a PRR Form #358. The supervisor submitting a PRR form #358 is responsible for thoroughly completing the form’s “Request” section. The supervisor shall make a digital copy of the form and email it to PSAB@nola.gov . The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions the PSAB reviewer may have .
24. If PSS, after reviewing the corrective action, disagrees or has issues with the corrective action taken, they shall notify the Captain of PSAB in writing, outlining the issues and

concerns. The PSAB Captain shall review the information and if the PSAB Captain concurs with the PSS assessment, shall contact the Deputy Chief of PSAB in writing concerning the findings and recommendation. The PSAB Deputy Chief, shall consult with the Bureau Chief of the involved member(s) over the final corrective actions.

## TRAINING

25. All members **and employees** of the NOPD shall receive training in disclosure requirements as new hires and as NOPD determines through its In-Service training needs assessment.

**NOTE: THE FOLLOWING SECTIONS SHOULD BE READ IN CONJUNCTION WITH 42.15 OR OTHER SECTIONS BUT NOT INCLUDED WITH DISCLOSURE OBLIGATIONS.**

## FEEDBACK ON SUBMITTED CASES BY OPDA SCREENING AND TRIAL DIVISIONS

26. In an effort to improve the investigative work product and promote efficiency, the NOPD has requested that the Orleans Parish District Attorney's Office (OPDA) task all Assistant District Attorneys in the Screening Division and Trial Division to provide the following information which may negatively impact the proper and timely screening, charging and prosecution of cases to the NOPD in a timely manner both by email and during regularly scheduled Charge Conferences (weekly):
- a. Individual officer issues such as:
    - i. Late or incomplete reports that delay screening, charging and prosecution decisions.
    - ii. Late crime lab reports that delay screening, charging and prosecution decisions.
    - iii. Deficient reports that prevent timely screening, charging and prosecution decisions.
    - iv. Refusals
    - v. No Probable Cause including reductions
    - vi. Failure of officers to respond to inquiries from prosecutors
    - vii. Granting of motions to suppress
    - viii. Conflicts between what is shown on body cameras and stated in reports
    - ix. Poor or disinterested testimony by members of NOPD
      - x. Any untruthfulness, written or spoken, relating to the investigation or case.
      - xi. Inadequate/insufficient statements of Probable Cause for warrants
      - xii. Failure to appear in court when notified or served.
      - xiii. Timeliness / punctuality of attendance for court or scheduled meetings on case.
    - xiv. Unprofessional conduct.
  - b. Systemic and administrative issues are those that the OPDA feels are organizational or administrative. Wide scale policy violations or where the NOPD policy creates a dysfunction in the process itself.
27. These issues will be communicated by email to:
- i. The Deputy Chief of PSAB - Systemic and Administrative issues only.
  - ii. The Staff Captain for FOB – all.
  - iii. The PSAB - Performance Standards Section – all.
  - iv. The Assistant United States Attorney – all.

**CORRECTIVE ACTION ON FEEDBACK BY OPDA**

28. All feedback provided by the OPDA to NOPD shall be reviewed by the involved members' chain-of-command for corrective measures. At a minimum, all corrective measures shall be documented in the Supervisors Feedback Log (SFL) indicating what action(s) were taken to correct the indicated issue(s). If formal disciplinary action was initiated, the PIB Control number shall be indicated in the SFL entry. Every issue noted by the OPDA shall be noted in the SFL within 48 hours of being communicated to the involved members' immediate supervisor.
29. The Staff Captain for FOB shall be responsible for communicating, the appropriate Captain within FOB, all issues noted by the OPDA concerning members of his/her command within 72 hours of receipt from the OPDA Office and shall ensure that the appropriate SFL entry is initiated within the required time.
30. The PSAB – PSS supervisor responsible for receiving the email notifications from the OPDA Office shall be responsible for communicating, the appropriate Captain within the noted members' Bureau, other than FOB, all issues noted by the OPDA concerning members of his/her command within 72 hours of receipt from the OPDA Office and shall ensure that the appropriate SFL entry is initiated within the required time.
31. PSAB shall be responsible for performing periodic reviews of the email notifications from OPDA and the SFL entries to ensure that all required processes are being followed and corrective measures are being taken in a timely and appropriate manner.
32. If PSS, after reviewing the corrective action, disagrees or has issues with the corrective action taken, they shall notify the Captain of PSAB in writing, outlining the issues and concerns. The PSAB Captain shall review the information and if the PSAB Captain concurs with the PSS assessment, shall contact the Deputy Chief of PSAB in writing concerning the findings and recommendation. The PSAB Deputy Chief, shall consult with the Bureau Chief of the involved member(s) over the final corrective actions.
33. PIB is solely responsible for reviewing, classifying and assigning investigations of corrective measures forwarded to them for formal disciplinary action and may also review SFL entries for appropriateness. (see: **52.1.1 – Misconduct Intake and Complaint Investigation**).
34. In the case of either suppression of evidence or declination of prosecution based on an NOPD officer's alleged misconduct, a constitutional violation or credibility the member who learns of the ruling shall notify his/her commander or PIB. The informed commander shall initiate a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**) if not already initiated

**APPENDIX “A”** – List of recordings, documents and evidence relating to, surrounding or pertaining to the case that, if possessed by the officer or NOPD, must be provided to the prosecutor when the case is presented for screening and/or charging. Below are examples.

- Recordings of events surrounding arrests in both video and audio format
  - Body worn camera (BWC) recordings
  - In Car Camera (ICC) recordings, including interior of police unit
  - ECW (Taser) discharge recordings
  - Crime camera recordings reviewed or copied which MAY record activity of evidentiary value
  - Audio recorded statements
  - Video recorded statements
  - 911 phone call recordings
  - OPCD dispatch recordings
- Photos
- Cell phones
- Forensic lab reports (NOPD- SCIS, LSP or any other lab)
- Requests, even if not processed, for scientific testing
- Evidence and Property receipts
- Photographic lineups, both front and back of photos including:
  - Negative identifications
  - Failure or unable to identify
  - Tentative identifications, and
  - Positive identifications
- Confirmation photographs, both front and back of photos including:
  - Negative identifications
  - Failure or unable to identify
  - Tentative identifications, and
  - Positive identifications
- Crime Bulletins and NopdAll / NopdPIO BOLO's
- Warrant Applications, both Arrest and Search, whether signed by a Judge, executed or not
- Orders of Search (Search Warrants) or Arrest and the Return
- Written statements of ANY person
- Internal reports, including:
  - Canine
  - EMS
- Reports from / by other agencies
- Other case documentation, including:
  - Notes
  - handwritten recordings
  - Interim reports
  - Drafts
  - Morphs
  - Dailies
  - Logs
- Other issued violation documentation including:
  - Traffic citations
  - Summons
  - Other citations
- Any other written documentation or recording of ANY information of ANY type including mental impressions



- Any information that could be used to demonstrate a bias or to impugn the integrity or veracity of ANY witness including:
  - open or pending criminal charges,
  - any open or pending administrative or disciplinary findings of “untruthfulness” or failure to adhere to law made against any law enforcement witness.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.4

### TITLE: SEARCH AND SEIZURE

**EFFECTIVE: 7/10/2016**

**REVISED: 1/15/19, 5/23/2021, 5/15/2022**

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#### PURPOSE

The federal and state Constitutions both provide every person with the right to be free from unreasonable searches and seizures. This Chapter requires that New Orleans Police Department officers abide by these legal protections when dealing with search and seizure issues, as well as searches of persons in custody.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to respect the fundamental privacy rights of all individuals. Officers will conduct searches in strict accordance with the rights secured and protected by the Constitution and laws of the United States of the persons being searched. All seizures by this Department will comply with relevant federal and state law governing the seizure of persons and property.
2. All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy, and hygiene and shall be in compliance with policy and law to protect the rights of the persons subject to any search.
3. Officers shall not use race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group in exercising discretion to conduct a warrantless search or to seek a search warrant (refer to **Chapter 1.2.4.2 – Search Warrants**), except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.
4. Officers shall conduct searches of individuals on probation or parole only when officers have probable cause, or the person has consented to a search.
5. In all instances where property or evidence is seized, the officer shall immediately complete documentation as appropriate and outlined in this Chapter and Departmental regulations including a complete and accurate inventory of the property or evidence seized. A receipt for the items seized shall be provided to the individual from whom the item was seized.

## DEFINITIONS

**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. (La. C.Cr. P. Art. 201)

**Body cavity search**—Any visual or physical inspection of a person's genital or anal cavities with or without physical contact or intrusion into a body cavity.

**Consensual Contact**—Casual conversation between an officer and an individual during which the individual clearly is free to walk away or ignore the officer. A consensual contact is not considered a "stop" within the meaning of the law or this Chapter. If a reasonable person would not feel free to terminate the encounter and walk away, the encounter is not consensual, but rather is a "stop." An investigatory "stop" requires an officer to have reasonable suspicion that the person has committed, or is about to commit, a crime. A stop to enforce traffic laws requires probable cause to believe the driver has offended a traffic law. During a consensual contact, the officer shall not position his/her body or vehicle in a manner that would make a reasonable person believe that he or she is not free to walk away. Officers shall not engage in any physical gestures, such as placing the officer's hand on his/her firearm that would make a reasonable person believe that he or she is not free to walk away.

**Contraband** - Any property that it is illegal to acquire, trade, carry, produce, or otherwise have in one's possession under a statute, rule or that has determined by a court to be contraband, because of its use in an unlawful activity or manner, of its nature, or if the circumstances of the person who acquires or possesses it. Any controlled dangerous substance as defined in R.S. 40:961 et seq.

**Custodial Arrest**—Synonymous with "**Arrest**" but referring to maintaining physical custody and control of the arrested person and booking at a jail facility rather than any form of release by the officer such as a summons or traffic citation.

**Exigent Circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to himself/herself or others.

**Field Interview Cards (FICs)**—The method the New Orleans Police Department (NOPD) utilizes to document stops and other discretionary interactions between a member of NOPD and individual members of the community. See **Chapter 41.12 – Field Interview Card**.

**Investigatory Stop**—The temporary involuntary detention and questioning of a person and/or vehicle and its occupants to investigate potential criminal conduct. To conduct an investigatory stop, the officer must have reasonable suspicion that the individual or vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct.

**Pat-down/frisk**—An external examination of the outer garments of an individual for the purpose of ensuring the individual does not possess any weapons. A pat down may only be performed when it is based on an officer's reasonable suspicion that the person is armed and dangerous and must be limited to what is necessary to detect weapons

**Plain-feel doctrine (aka plain-touch doctrine)**—An officer may seize an object while conducting a legal pat-down if its nature as contraband is immediately apparent during a touching permitted by a stop and frisk.

**Probable cause**—The facts and circumstances known to the officer at the time which would justify a reasonable person in believing that 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 that criminal activity has been or is about to be committed. The standard for reasonable suspicion is less than probable cause but must be more than a hunch or a subjective feeling.

**Search**—An inspection, examination, or viewing of persons, places, or items in which an individual has a legitimate expectation of privacy.

**Stop**—A brief, minimally intrusive detention of a subject, including pedestrians, bikers, and/or the occupants of a vehicle, during which a reasonable person in the subject's position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1 (1968).

**Strip search**—Any search of a person that includes manipulating or reaching inside clothing or the removal or rearrangement of some or all clothing to permit visual or physical inspection of the exterior of the suspect's groin/genital area, buttocks, female breasts, or undergarments covering these areas,.

**Supervisor Feedback Log (SFL)**—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to supervisors, the Professional Standards and Accountability Bureau, and the Public Integrity Bureau on NOPD Web Apps under Applications.

**Vehicle stop**—The involuntary detention of a motor vehicle and its occupants. Vehicle stops may be conducted (1) where there is probable cause to believe that the driver has committed a traffic violation or (2) where there is reasonable suspicion that a vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct. See also **Chapter 1.2.4.3 – Vehicle Stops**.

## SEARCH AND SEIZURES

6. The U.S. Constitution generally requires law enforcement to obtain a warrant prior to conducting a search. There are, however, limited exceptions to the warrant requirement, such as valid consent to search, search incident to a lawful arrest, and a search conducted under exigent circumstances.
7. Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts **it is the officer's responsibility to remain current on the legal aspects of search and seizure laws. When in doubt as to the existence or applicability of an exception to the search warrant requirement, the officer should take the time to obtain a search warrant (refer to Chapter 1.2.4.2 – Search Warrants).**

## GENERAL REQUIREMENTS FOR SEARCHES AND SEIZURES

8. Officers shall not use race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group 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 investigation.

9. Officers should realize that the search of a person is inherently demeaning; therefore, officers shall make all efforts to conduct the search with dignity, courtesy, and in a professional manner that does not compromise the officer's safety.
10. Whenever practicable, an officer of the same gender as the gender identity of the person being searched should conduct the search. When an officer is to search a person not of the same gender as the searching officer, the officer shall make a reasonable effort to summon an officer of the same gender as the subject to conduct the search. When it is not practicable to summon an officer of the same gender as the subject, the officer shall:
  - (a) Have another officer or a supervisor witness the search.
  - (b) Not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.See **Chapter 41.13.1 – Interactions with LGBTQ Persons** for guidance on conducting searches with LGBTQ individuals.
11. Officers shall not frisk any person for the purpose of determining that person's gender or to view or touch the person's genitals or breasts. Where same-gender searches are required by law or NOPD policy, the officer shall respect the gender identification expressed by the individual. Where the individual does not self-identify and the gender identity is not clear to a reasonable person or the officer is uncertain, the officer will take reasonable, non-invasive steps to determine the gender identity, such as asking the individual how the individual would like to be addressed.
12. Officers shall explain to the person being searched the reason for the search and the process officers will use to conduct it to the greatest extent practicable.
13. Officers should attempt to record the activity on which they base their reasonable suspicion to the extent practicable and safe pursuant to **Chapter 41.9 - Body Worn Camera** and **Chapter 41.3.8 – In Car Camera**.
14. Officers shall not seize or search recordings in a manner inconsistent with **Chapter 1.2.10 – Public Recording of Police Officers**.
15. Officers shall carry out searches with due regard and respect for private property interests and in a manner that minimizes damage. Officers shall leave property in a condition as close as reasonably possible to its pre-search condition.
16. In order to minimize the need for forcible entry, and where doing so would not place officers at heightened risk, officers shall attempt to obtain keys, combinations, or access codes when a search of locked property is anticipated.
17. 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.
18. Officers shall not use or rely on information known to be materially false or incorrect in effectuating an investigatory stop or detention or in establishing reasonable suspicion for a search.
19. Officers shall not compromise their safety, or other officers' safety, in order to justify searches.

20. 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 determine whether they are occupants of the premises being searched, unless the officer has individualized reasonable suspicion that the non-occupant is involved in criminal activity or poses a danger to officer safety.
21. A juvenile cannot waive his/her rights and consent to a search without first being allowed to engage in a meaningful consultation with an attorney or an informed parent, guardian, or other adult interested in his or her welfare. For searches involving juveniles, see **Chapter 44.2 – Juveniles**.

### CONSENT SEARCHES

22. Officers shall document consent to search in writing and shall record the consent process and the entire search process on his/her BWC.
23. An officer shall immediately notify a supervisor when considering a search based on consent. Before an officer may conduct a consent search, the officer must have the express approval of his or her supervisor. The approving supervisor's name and approval shall be noted on the required **Consent to Search Form** (Form #146).
24. When an officer seeks consent for a search, the officer shall affirmatively inform the subject of his or her right to refuse and to revoke consent at any time. The officer shall document and execute the subject's consent on the "Consent to Search Form" (Form #146), which clearly explains these rights. The following information shall be required on all Consent to Search Forms:
  - (a) The date, time, location, and NOPD item number that directly relates to the request or consent to search.
  - (b) The full name of the person who is granting the consent.
  - (c) The residential address of the person who is granting consent.
  - (d) The full name of the officer who is requesting consent to search.
  - (e) An indication if the consent relates to the search of the person, his/her vehicle, or residence (it can be more than one).
  - (f) The initials of the person granting consent indicating the officer(s) did not threaten or coerce the person to obtain consent.
  - (g) The initials of the person granting consent indicating the officer(s) did not make any promises in return for cooperation to the person to obtain consent.
  - (h) An indication that the person granting consent had the right to refuse to consent to the search.
  - (i) An indication that the person granting consent had the right to revoke consent at any time.
  - (j) An indication that all of the rights listed on the form were read and explained to the person granting consent by the officer(s) requesting consent prior to the person signing.
  - (k) The signature of the person granting consent to search.
  - (l) The signatures (and names printed) of two persons who are not members of the NOPD and preferably family or friends of the person granting consent and who were present for the entire recitation of rights and witnessed the person granting consent.
  - (m) The signature of the officer requesting consent and a witness or assisting officer who was present for the entire recitation of rights to the person granting consent; and
  - (n) The signature of the supervisor who approved the consent to search BEFORE the search was executed.



25. The original Consent to Search Form must accompany the related NOPD Incident Report or EPR along with a copy of the receipt for any items seized by the officer(s). The original receipt for any items seized will be given to the consenting person.
26. The officer shall specifically reference the video documentation of the consent to search in the related FIC, NOPD Incident Report or EPR along with a copy of the receipt for any items seized by the officer(s). In these reports, the officer should note the approximate time the consent to search was conducted.

### **CONSENSUAL CONTACTS**

27. An officer may engage a person in consensual contact (see **Chapter 1.2.4.1 – Stops**) during the course of his/her duties.

### **PERFORMING A STOP/DETENTION**

28. When reasonable suspicion or probable cause exists to perform a stop, it should be performed with due caution, restraint, and sensitivity. Officers are authorized to perform stops only in accordance with **Chapter 1.2.4.1 – Stops** and **Chapter 1.2.4.3 Vehicle Stops**. Documentation of stops shall be done according to **Chapter 41.12 – Field Interview Cards**.

### **JUSTIFICATION FOR CONDUCTING PAT-DOWNS/FRISKS**

29. During a stop, if the officer has reasonable suspicion that the suspect is in possession of a weapon and presents a present danger to the officer or others in the area, the officer may conduct a pat-down (frisk) of the suspect's outer garments to search for weapons. Not every stop or detention justifies conducting a pat-down. These pat-downs are justifiable and may be performed only to protect the safety of officers and others and may never be used as a pretext for obtaining evidence.
30. In **addition** to the basis for the stop itself, in order to conduct a pat-down the officer must have reasonable suspicion that the subject may possess a weapon and pose a threat to the officer and/or others. (See **Chapter 1.2.4.1 – Stops**.) The basis for reasonable suspicion may include, but is not limited to:
  - (a) Prior knowledge that the subject carries a weapon.
  - (b) Suspicious behavior, such as failure to comply with instructions to keep hands in sight; or
  - (c) Observations, such as suspicious bulges, consistent with carrying a concealed weapon.
31. An individual's presence in a "high-crime area" is not, by itself, sufficient to justify a pat-down.
32. The officer must articulate, in sufficient detail to allow for supervisory review, the basis for reasonable suspicion for the pat-down on the FIC.
33. The purpose and scope of the search must be strictly limited to what is necessary to discover weapons that pose a danger to the officer or those nearby; however, pursuant to the "plain-feel doctrine," police may seize contraband discovered in the course of a frisk but only if the contraband's identity is immediately apparent. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.

34. Officers may not pat-down for weapons during a consensual civilian contact. Conducting a weapons pat-down during a consensual civilian contact converts the encounter to a detention.

### PERFORMING A PAT-DOWN(FRISK)

35. Officers shall conduct pat-downs only in the following manner:
- (a) Unless exigent circumstances exist, pat-downs should be conducted by at least two officers, one who performs the search while the other provides protective cover.
  - (b) Unless exigent circumstances exist, a pat-down 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 performed with the back of the officer's hand, or with the fingertips. See **Chapter 41.13.1 – Interactions with LGBTQ Persons** for guidance on conducting searches with LGBTQ individuals.
  - (c) Because pat-downs are cursory in nature and are limited to determining if an individual is armed, they should be performed with the subject in a standing position, with hands placed against a stationary object and feet spread apart. Unless specifically required for safety or the safety of others, officers shall not handcuff individuals during a pat-down unless there is probable cause to arrest. See **Chapter 1.3.1.1 Handcuffing and Restraint Devices**.
  - (d) **Pat-downs are of outer clothing only.** Pat down(s) are not generalized searches of the entire person. Officers may not place their hands in pockets or under the outer most layer of clothing unless they feel an object that could reasonably be a weapon (e.g., firearm, knife, club, etc.).
  - (e) During pat-downs, officers may seize only those items that are immediately recognizable as contraband without manipulation of the object (plain feel doctrine).
  - (f) If the subject is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may contain or conceal a weapon, the officer may not search it. Instead, the officer should place it out of reach of the subject.
  - (g) If the pat-down of the subject's clothing fails to disclose a weapon, no further search may be conducted without a warrant unless the search is conducted incident to arrest.
  - (h) If a weapon or obvious contraband is discovered during the pat-down, the officer may retrieve that item only.
  - (i) If the item is a weapon or obvious contraband, the possession of which is a crime, the officer may make an arrest of the subject and perform a search incident to a lawful arrest.
  - (j) If retrieving the item requires manipulating or reaching inside clothing or removal or rearrangement of some or all clothing covering the suspect's groin/genital area, buttocks, female breasts, or undergarments covering these areas, refer to the requirements below for strip searches or body cavity searches.
  - (k) Officer must articulate in the electronic Field Interview Card and any related incident reports (EPR):
    - i. The reasonable suspicion for the stop.
    - ii. The reasonable suspicion for the pat-down; and
    - iii. The results of the pat-down, including a description of any weapon(s) or contraband found and the location on the body or clothing where recovered.

**SEARCH INCIDENT TO ARREST AND TRANSPORTATION SEARCHES**

36. A search incident to arrest (**SITA**) is permissible after a lawful custodial arrest. This warrantless search is an exception to the general 4th Amendment search warrant requirement. It does not matter what offense the person is being arrested for; as long as the custodial arrest is legal, the search incident to arrest is allowed.
37. Officers **shall** conduct a search of any person or persons placed under a lawful custodial arrest.
38. There are two valid purposes for conducting searches incident to custodial arrest:
  - (a) To protect the officer and other persons in the vicinity from any dangerous items in the possession of the person arrested; or
  - (b) To prevent the destruction of evidence within the reach of the person being arrested.
39. The scope of the search incident to arrest extends to the immediate areas in which the arrestee might obtain a weapon or evidentiary items, including clothing, purses and wallets of the arrestee; the search may be for weapons, evidence, or a means of escape.
40. An officer shall conduct a search of a custodial arrestee:
  - (a) Immediately after the arrest (see: **Chapter 1.9 – Arrests**).
  - (b) When receiving an arrestee from another person; and
  - (c) Before transporting an arrestee in any Department vehicle (see **Chapter 71.1 – Prisoner Transportation and Guarding**).
41. Whenever practicable, an officer of the same gender as the person being searched should conduct the search. If an officer of the same gender is not reasonably available, a witnessing officer or supervisor shall be present during any search of a person not of the same gender as the searching officer. See **Chapter 41.13.1 – Interactions with LGBTQ Persons** for guidance on conducting searches with LGBTQ individuals.

**SEARCHES OF VEHICLES WITHOUT A WARRANT**

42. The United States Supreme Court, in *Arizona v. Gant*, 129 S. Ct. 1710 (2009), ruled that police may search the passenger compartment of a movable vehicle incident to a recent occupant's arrest only if:
  - (a) The arrestee is within reaching distance of the passenger compartment at the time of the search, or
  - (b) It is reasonable to believe the passenger compartment of the vehicle contains evidence of the offense of arrest.
43. Officers may conduct a limited search of the passenger compartment of a vehicle for weapons if the officer has reasonable suspicion that an individual, whether or not the arrestee, is dangerous and might access the vehicle to gain immediate control of weapons. The search must be limited to those areas in which a weapon may be placed or hidden. (See also: **Chapter 1.2.4.3 – Vehicle Stops**).
44. Absent the stated exceptions to the search warrant requirement, officers may not search vehicles, even incident to arrest, unless the officer has obtained a search warrant or can articulate an exception to the warrant requirement applies.

**CUSTODIAL SEARCHES**

45. For the safety of everyone, the officer having control over a custodial arrestee shall search the custodial arrestee prior to transport to a booking facility or before bringing the custodial arrestee into any NOPD facility.

**SEARCHES AT ANY NOPD FACILITY**

46. Officers receiving arrestees in any NOPD facility shall thoroughly search the arrestee (SITA). When an arrestee has been handcuffed, the arrestee should remain handcuffed during the search.

**HANDLING OF ARRESTEE'S PROPERTY**

47. Officers shall take reasonable care in the handling of an arrestee's property to avoid damage, discrepancies, or losses.
48. Any property belonging to an arrestee but retained by an officer for safekeeping shall be kept in a secure location until the arrestee is released or transferred.
49. Any property too large to be secured in the receiving facility shall be taken to Central Evidence and Property for safekeeping and logged as property under the arrestee's name.
50. 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.
51. The arresting or transporting officer shall provide the arrestee with a receipt indicating: the items seized, the officer's name and badge number, and the procedure to reclaim property that is not being held as evidence.
52. Officers shall log property belonging to the arrestee but retained by that officer as evidence, according to procedures established for the handling of evidence. The arrestee shall be advised that such property will be kept as evidence.
53. Officers shall not retain custody of an arrestee's property for any reason other than turning it over to a receiving facility (jail) or the NOPD Central Evidence and Property Section.

**HANDLING OF ARRESTEE'S CURRENCY OR VALUABLES**

54. All money handled by officers and belonging to the arrestee shall be counted in front of the arrestee. If not evidence, it shall be returned to the arrestee.
55. Any money or valuables in the possession of an arrestee shall not be placed on the books at Central Evidence and Property for safekeeping, unless the arrestee is physically or mentally impaired to the extent that he or she can easily be victimized or he or she specifically requests that the officers place his/her belongings in safekeeping.
56. All money in possession of an arrestee and seized as evidence shall be counted in front of the arrestee and logged as evidence in Central Evidence and Property before the seizing officer's tour of duty ends.

57. In all cases, officers shall document their handling of money or valuables (e.g., Incident Report, FIC, Traffic Citation, etc.). Officers shall specifically mention the amounts by denomination, names of persons present during counting, and descriptive notation of any other valuables.

### **INVASIVE SEARCHES INSIDE OUTER CLOTHING**

58. Searches that reach inside outer clothing covering a person's groin/genital area, buttocks, or female breasts may exceed the scope of a pat-down or be more invasive than a search incident to arrest (SITA). Unless the requirements for a strip search outlined below are met, officers may not:
- a. Reach inside outer clothing covering a person's groin, genital, and buttock / anal region, or female breasts.
  - b. Manipulate items inside outer clothing which may be in direct contact with skin in the groin, genital, and buttock / anal region, or female breasts to recover an item or move them into open view; or
  - c. Require someone to remove or rearrange some or all clothing to permit visual or physical inspection of a person's groin/genital area, buttocks, female breasts, or undergarments covering these areas (see requirements for strip searches).
59. Officers shall follow the requirements of Chapter 41.3.10 – Body Worn Camera and the documentation requirements of Chapter 41.12 – Field Interview Cards. After indicating the basis for the search on the FIC, officers shall note in the "Justification for Search" the fact that they went inside outer clothing in the areas of the body covered by this provision and the particular exigency that prompted that action. If officers were unable to meet any of the requirements in paragraph 64 of this policy, they shall provide a detailed explanation about why they did not comply with those requirements, including a description of any exigent circumstances that applied.

### **STRIP SEARCHES**

60. Strip searches may only be conducted only where the officer has articulable probable cause to believe one or more of the following circumstances exist **and** less intrusive means (e.g., metal detectors) do not exist or are unavailable:
- a. The subject is concealing a weapon or item that presents an immediate risk of harm to the officer, subject, or others.
  - b. The subject is concealing evidence of a violent crime or serious non-narcotic felony and there is an immediate risk that the evidence may be lost or destroyed before the subject is turned over to the OPSO.
61. When conducting a strip search, if the item may be retrieved through less intrusive means, such as manipulating items inside outer clothing which may be in direct contact with skin in the groin, genital, and buttock / anal region to recover an item or move them into open view, the officer must recover the item using the least intrusive method.
62. Strip searches may not be conducted to search for evidence of crimes for which NOPD does not issue arrest warrants or categories of crimes which the Orleans Parish District Attorney's Office has formally communicated to NOPD they generally intend not to prosecute.

63. In those cases where a subject has discarded previously concealed contraband or weapons from within clothing, officers may not conduct a strip search unless they have articulable probable cause to believe there is additional contraband concealed in the groin/genital area, buttocks, female breasts, or undergarments covering these areas.
64. Strip searches, not conducted at the booking facility, shall be conducted in the secure area of a NOPD facility unless exigent circumstances exist. The following requirements apply to all strip searches:
- (a) The officer shall obtain written authorization from his or her supervisor prior to the strip search, and the supervisor shall be on-scene at all times during the search.
  - (b) Officers shall be trained on the limitations of a strip search .
  - (c) Officers shall use appropriate methods and personal protective equipment when conducting strip searches.
  - (d) All strip searches shall be performed under conditions that provide privacy from all but those authorized to conduct the search.
  - (e) All officers involved in a strip search shall take reasonable steps to minimize the potential embarrassment or discomfort to the party being searched.
  - (f) Prior to conducting the strip search, the officer and supervisor will explain to the subject why they are being strip searched and give the person the opportunity to voluntarily produce the suspected item. The person will be allowed to voluntarily produce the item only if the officer and supervisor believe that the item can be produced without compromising officer safety or risking destruction of evidence.
  - (g) All officers involved with the strip search shall be of the same gender as the identified gender of the person being searched. Officers shall advise the subject of the search that policy requires the officer conducting the strip search to be the same gender as the person being searched. Officers shall verify with the person being searched what gender the officer conducting the search should be. This shall be recorded on BWC, prior to conducting the strip search.
  - (h) All strip searches shall be conducted in a professional manner and include the least number of personnel necessary.
  - (i) Whenever possible, a second officer of the same gender should assist in conducting the search.
  - (j) Officers conducting a strip search shall not touch the genital area, buttocks, or female breasts of the person being searched.
  - (k) No employee should view an arrestee's private underclothing, genital area, buttocks, or female breasts while that person is changing clothes, unless the arrestee otherwise qualifies for a strip search.
65. Strip searches shall not be video recorded or photographed unless requested by the person being searched. Before the search and while recording using their body worn camera, officers shall explain to the person being searched that NOPD generally does not record strip searches but can record the search using their body cameras at the person's request. The officer shall ask the person being searched whether they wish the search to be recorded.
- (a) If the person being searched does **not** want the search recorded:
    - i. This request shall be recoded on the video.
    - ii. The officer shall stop recording the incident after verbalizing that he/she is doing so for the purpose of a strip search. No officer will record any part of the search.
    - iii. After the search is complete, if appropriate, officers shall resume recording the incident.
  - (b) If the person being searched requests the search be recorded:

- i. The affirmative request shall be documented on the video.
  - ii. Officers shall stop and immediately re-start recording so the video is only of the strip search. The recording shall be concluded once the strip search is finished. If appropriate, officers shall resume recording the incident to begin a new video.
  - iii. No further strip searching shall be conducted without repeating the entire documentation process.
  - iv. The video of the strip search shall be categorized as "Strip & Body Cavity Search Video (Restricted)" from the drop-down selection for BWC and labeled in such a manner as to identify the item number and subject.
  - v. NOTE: Once categorized as "Strip & Body Cavity Search Video (Restricted)" only IT Admin and PIB will be able to view the recording.
66. If the subject has been placed under custodial arrest, the arrestee when transported to the OPSO booking facility, officers shall advise the deputies of the circumstances, method, and location of concealment of the contraband. The OPSO deputies can then determine if any additional action is required by intake procedures.
67. Officers shall not conduct field strip searches except when exigent circumstances exist such that to relocate the individual would place the life of the officers, the subject, or others at risk. Field strip searches must be explicitly approved by a supervisor. Field strip searches should be rare. Supervisors shall immediately respond to the scene when an officer requests permission to conduct a strip search.
68. Where field strip searches are conducted, they must be done under conditions that provide privacy. In these circumstances, if an officer of the same gender as the identified gender of the person being searched is not on the scene, and if waiting for an officer of the appropriate gender to arrive would not pose a risk to the officers or others, the on-scene officer shall request an officer of the appropriate gender come to the scene to perform the search.

### **STRIP SEARCH REPORTING REQUIREMENTS**

69. The primary officer conducting the search shall prepare a written Strip Search Authorization Form #353 to include:
  - (a) The written authorization for the search obtained from the employee's supervisor.
  - (b) The name of the supervisor who authorized the search.
  - (c) The name of the person who was searched.
  - (d) The name of the person who conducted the search.
  - (e) The name of any person who assisted or witnessed the search.
  - (f) The time and date of the search including the duration.
  - (g) The place at which the search was conducted, including the particular room or area used.
  - (h) A list of the items, if any, recovered during the search and the location on the body where found.
  - (i) The facts upon which the officer based his or her belief that the person searched was concealing a weapon or controlled substance or other particularized evidence of a crime if the person was not arrested for a felony.
  - (j) The steps taken to protect the person's privacy; the existence of any videos and;
  - (k) If a field strip search, the exigent circumstances that placed the life of the officers or others at risk.

70. The officer shall provide a copy of the written authorization and search form to the person searched.
71. The officer shall document any strip search conducted without a warrant in an FIC. (See **Chapter 41.12 – Field Interview Cards**).

### **BODY CAVITY SEARCHES**

72. No person may be subject to a body cavity search **without** a search warrant.
73. A body cavity search **shall only** be conducted at a medical facility by authorized medical personnel.
74. 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, officers shall:
  - (a) Restrain the subject in such a manner as to prevent his or her ability to obtain a weapon or dispose of evidence.
  - (b) Keep the subject under observation at all times until the determination is made as to the need and legality to conduct a body cavity search.
  - (c) Consult with their 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 serious nature or poses a threat to the safety of officers or others.
  - (d) Obtain written authorization from their supervisor prior to obtaining a warrant for the body cavity search. The Application for Search Warrant (Form #117) shall be completed by the requesting officer providing an accurate and clear description of the reasons for the request for the search, the place or person to be searched, and items or possible evidence that are the purpose of the search, and reviewed and signed by the approving supervisor.
  - (e) If a search warrant is obtained, the officer must advise the individual that a judicial officer has signed a search warrant for a body cavity search. If practicable the officer shall display the warrant to the individual and allow him or her to read the warrant. If not, the officer shall read to the individual the portion of the warrant commanding the officer to conduct the body cavity search and the limits of the search.

### **CONDUCTING BODY CAVITY SEARCHES**

75. Body cavity searches shall be conducted as follows:
  - (a) A body cavity search shall be conducted only by a physician, registered nurse, or practical nurse, licensed to practice in this state.
  - (b) The search shall be conducted at a medical facility.
  - (c) All officers present during the search shall be of the same gender as the identified gender of the person being searched and limited to those absolutely necessary to conduct and document the search.
  - (d) The search shall be conducted in a secure area with sufficient privacy so that the search cannot be observed by persons not directly involved with the search.
  - (e) Officers present during the search shall not touch the genital area, buttocks, or female breasts of the person being searched.
  - (f) Body cavity searches shall not be video recorded or photographed unless requested by the person being searched. The request shall be documented on the video. Before the search and while recording using their body worn camera, officers shall explain to the person being searched that NOPD generally does not



record cavity searches but can record the search using their body cameras at the person's request. The officer shall ask the person being searched whether they wish the search to be recorded.

- iv. If the person being searched does **not** want the cavity search recorded:
    1. This request shall be recoded on the video.
    2. The officer shall stop recording the incident after verbalizing that he/she is doing so for the purpose of a cavity search. No officer will record any part of the search.
    3. After the search is complete, if appropriate, officers shall resume recording the incident.
  - v. If the person being searched requests the cavity search be recorded:
    1. The affirmative request shall be documented on the video.
    2. Officers shall stop and re-start their video, so the video is only of the cavity search. The recording shall be concluded once the strip search is finished. If appropriate, officers shall resume recording the incident to begin a new video.
    3. No further cavity searching shall be conducted without repeating the entire documentation process.
    4. The video of the cavity search shall be categorized as "Strip & Body Cavity Search Video (Restricted)" from the drop-down selection for BWC and labeled in such a manner as to identify the item number and subject.
    5. NOTE: Once categorized as "Strip & Body Cavity Search Video (Restricted)" only IT Admin and PIB will be able to view the recording.
76. The officer who executed the search warrant for a body cavity search shall prepare a written Return on Search Warrant (Form #117b) to include:
- (a) The written authorization for the search obtained from the employee's supervisor and noted on the Search Warrant Application Form (Form #117).
  - (b) The name of the physician, registered nurse, or practical nurse performing the search.
  - (c) The names of all other medical personnel present during the search.
  - (d) The name of the person who was searched.
  - (e) The names of the officers' present during the search.
  - (f) The time, date, and duration of the search;
  - (g) The place at which the search was conducted, including room number; and
  - (h) A list of the items, if any, recovered during the search and the location on or in the body where found.
77. A copy of the signed search warrant and a receipt for any items seized should be provided to the person searched.

### **BLOOD, SALIVA, AND DNA SAMPLES**

78. The collection of DNA samples, blood, saliva or other bodily fluids during the course of a criminal investigation are governed by the Chapters relating to those specialized investigations (e.g. traffic fatality, sexual assault, homicide, etc.).
79. Unless specifically trained and/or certified, members of this Department shall not recover specimens of DNA, blood, saliva or other bodily fluids for possible evidentiary use.

80. Unless a specific exception exists under State law or the investigator has obtained appropriately documented consent from the person from whom the sample is to be taken, a warrant is required before any sample is taken.
81. Investigators shall make attempts to obtain consent, where possible, in all cases. Consent must be voluntary and documented in writing on the appropriate consent to search forms for that type of investigation.
82. All procedures governing the collection and preservation of evidence and chain of custody outlined in **Chapter 83.1 – Collection and Preservation of Evidence** shall be followed.

### **SUPERVISOR'S RESPONSIBILITIES**

83. 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.
84. Supervisors shall review the written and video documentation for consent searches to ensure that they comply with the law and this Chapter.
85. For all officers' applications for search warrants, their respective supervisors shall review the 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 New Orleans Police Department regulations. The supervisor shall conduct and document this review according to **Chapter 1.2.4.2 – Search Warrants**.
86. The supervisor shall assess the information contained in the warrant application and supporting documents for authenticity, including examination for "boilerplate" or "pat" language, inconsistent information, and lack of articulation of a legal basis for the warrant.
87. Supervisors who approve strip searches or body cavity searches are responsible for maintaining a record of all requests that are approved or disapproved. This record shall reflect the following:
  - (a) NOPD Item Number;
  - (b) Type of Search (Strip/Body Cavity);
  - (c) Name of Requesting Officer;
  - (d) Name of approving/disapproving supervisor; and
  - (e) The reason for the approval or disapproval.
88. As part of the supervisory review, the supervisor shall document in the District or Division's Compliance Logs those searches or warrant applications that are legally unsupported, are in violation of New Orleans Police Department policy, or that indicate a need for corrective action or review of NOPD policy, strategy, tactics, or training.
89. If the supervisor determines during his/her review of an incident that NOPD should revisit policy, tactics, training, or strategy related to the incident, the supervisor shall document that in a PRR Form #358. The supervisor submitting a PRR form #358 is responsible for thoroughly completing the form's "Request" section. The supervisor shall make a digital copy of the form and email it to PSAB@nola.gov. The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions the PSAB reviewer may have.

90. 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 supervisor shall document the corrective action in the Supervisor Feedback Log (see **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**) or by initiating a formal disciplinary investigation (see **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation**) and note the corrective action in the Compliance Log.
91. Supervisors shall take into account the quality and accuracy of searches, search documentation, search warrants and supportive affidavits or declarations in officer performance evaluations.
92. Supervisors shall assist their subordinates in executing search warrants in accordance with **Chapter 1.2.4.2 – Search Warrants**.

### **TRAINING**

93. 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 to their job duties.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.4.1

### TITLE: STOPS

**EFFECTIVE: 07/10/2016**

**REVISED: 10/06/2019**

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#### PURPOSE

All stops, searches, and arrests are to be conducted in accordance with the rights secured or protected by the U.S. Constitution and laws of the United States and the State of Louisiana. This Chapter sets forth the requirements that apply to all stops, including pedestrian, vehicle stops, and other stops. Additional particularized requirements apply for vehicle stops and are set forth in **Chapter 1.2.4.3 - Vehicle Stops**.

#### POLICY STATEMENT

1. Members of the Department shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity as a factor in conducting a stop, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.
2. NOPD officers shall be fair, impartial, and courteous during stops and shall take the necessary action in a professional and positive manner.
3. Officers shall exercise good judgment and sound discretion when determining the best action to take, including de-escalation, and shall not unnecessarily embarrass, demean, cause collateral harm to individuals, or present an unnecessary public safety risk.
4. Except in exigent circumstances, when a subject is stopped or detained as part of an investigation and subsequently released, the officer will explain to the subject in a professional, courteous manner why he or she was stopped or detained.

#### DEFINITIONS

**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. (La. C.Cr. P. Art. 201)

**Consensual Contact**—Casual conversation between an officer and an individual during which the individual clearly is free to walk away or ignore the officer. A consensual contact is not considered a “stop” within the meaning of the law or this Chapter. If a reasonable person would not feel free to terminate the encounter and walk away, the encounter is not consensual, but

rather is a “stop.” An investigatory “stop” requires an officer to have reasonable suspicion that the person has committed, or is about to commit, a crime. A stop to enforce traffic laws requires probable cause to believe the driver has offended a traffic law. During a consensual contact, the officer shall not position his/her body or vehicle in a manner that would make a reasonable person believe that he or she is not free to walk away. Officers shall not engage in any physical gestures, such as placing the officer’s hand on his/her firearm, that would make a reasonable person believe that he or she is not free to walk away.

**Exigent circumstances**—A compelling urgency or true emergency that an officer can specifically describe without using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to himself/herself or others.

**Field Interview Cards (FICs)**—The method the New Orleans Police Department (NOPD) utilizes to document stops and other discretionary interactions between a member of NOPD and individual members of the community. See **Chapter 41.12 – Field Interview Card**.

**Investigatory Stop**—The temporary involuntary detention and questioning of a person and/or vehicle and its occupants to investigate potential criminal conduct. To conduct an investigatory stop, the officer must have reasonable suspicion that the individual or vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct.

**Pat-down/frisk**—An external examination of the outer garments of an individual for the purpose of ensuring the individual does not possess any weapons. A pat down may only be performed when it is based on an officer’s reasonable suspicion that the person is **armed and dangerous** and must be limited to what is necessary to detect weapons.

**Probable Cause**—The facts and circumstances known to the officer at the time that would justify a reasonable 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 that criminal activity has been or is about to be committed.. The standard for reasonable suspicion is less than probable cause but must be more than a hunch or a subjective feeling.

**Search**—An inspection, examination, or viewing of persons, places, or items in which an individual has a legitimate expectation of privacy. This applies to legal persons as well as natural persons. See also **Chapter 1.2.4 – Search and Seizure**.

**Stop**—A brief, minimally intrusive detention of a subject, including pedestrians, bikers, and/or the occupants of a vehicle, during which a reasonable person in the subject’s position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1 (1968).

**Vehicle Stop**—The involuntary detention of a motor vehicle and its occupants. Vehicle stops may be conducted (1) where there is probable cause to believe that the driver has committed a traffic violation or (2) where there is reasonable suspicion that a vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct. See also **Chapter 1.2.4.3 – Vehicle Stops**.

## GENERAL INFORMATION

5. All stops, searches and arrests made by members of the NOPD must be consistent with the Department’s overall crime prevention strategy and with the community’s priorities for enforcement. All interactions with the public shall be conducted with fairness and respect for all parties involved.

6. Stops shall not be done solely to generate activity or statistics.
7. NOPD officers, either on-duty or off-duty, must have a functioning police radio when conducting a stop.
8. NOPD officers, either on-duty or off-duty, **are not authorized** to make stops outside of Orleans Parish, unless the violation would be considered a felony under state law. If a stop for a felony violation is made outside of Orleans Parish, the officer shall contact the law enforcement agency with jurisdiction as soon as feasible of the impending or actual stop supplying all requested information.
9. Non-uniformed officers conducting stops shall conspicuously display their Department credentials to the stopped subject(s) and announce that they are police officers.

### LEVELS OF POLICE-CITIZEN CONTACT

10. In general, there are three levels of interaction between the police and the public. They are, in order of intrusiveness: consensual contacts; stops; and arrests.

### STOPS

11. A stop is a detention short of an arrest for the purpose of investigating potential criminal conduct or enforcing traffic laws. All other detentions must be made pursuant to the policies for arrests with and without a warrant (**Chapter 1.9 - Arrests**) or seizure of a person for a psychological evaluation (**Chapter 41.25 – Crisis Intervention**).
12. Officers may only conduct stops where (1) there is reasonable suspicion that a person has engaged, is engaging, or is about to engage in criminal conduct or (2) there is probable cause to believe that a driver has committed a traffic violation. The stop must be based on what the officer knew before prior to the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot provide the justification for the original stop.
13. Members of the Department shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity as a factor in conducting a stop, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.
14. During a stop, officers shall limit the seizure to a reasonable scope.
15. Actions that would indicate to a reasonable person that he or she is being arrested or detained convert a stop into an arrest requiring probable cause or an arrest warrant.
16. Unless justified by the articulable reasons for the original stop, officers must have additional articulable justification for further limiting a person's freedom during a stop, such as:
  - (a) Taking a person's identification or driver license away from the immediate vicinity;
  - (b) Ordering a motorist to exit a vehicle;
  - (c) Putting a pedestrian up against a wall or comparable structure;
  - (d) Directing a person to stand or remain standing or to sit on a patrol car bumper or any other place not of his or her choosing;
  - (e) Directing a person to lie or sit on the ground;
  - (f) Applying handcuffs (see **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**);
  - (g) Transporting a person any distance away from the scene of the initial stop, including for the purpose of witness identification;
  - (h) Placing a person into a police vehicle;

- (i) Pointing a firearm (see **Chapter 1.3 – Use of Force**); and
- (j) Frisking for weapons (see **Chapter 1.2.4 – Search and Seizure**).

Taking any of these actions does not necessarily convert a stop into an arrest.

17. During all stops, officers shall be courteous and professional, including identifying themselves. When reasonable, as early in the contact as safety permits, officers will inform the suspect of the following:
  - (a) The officer's name;
  - (b) The officer's rank or title;
  - (c) The fact that the officer is a New Orleans Police Officer; and
  - (d) The reason for the stop.
18. When releasing a person at the end of a stop, officers shall offer an explanation of the circumstances and reasons for the stop.
19. Individuals other than the driver of a motor vehicle, who is required to provide a driver's license, have a right to refuse to identify themselves. An individual's refusal to identify him or herself, alone, will not justify an arrest. Officers may not transport a person to any police facility or jail merely for the purpose of identifying him/her unless they have probable cause to arrest.
20. During detention of an alleged violator of any provision of the motor vehicle laws of this state, an officer may not detain a motorist for a period of time longer than reasonably necessary to complete the investigation of the violation and issuance of a citation for the violation, absent reasonable suspicion of additional criminal activity.
21. Additional requirements apply to vehicle stops. See **Chapter 1.2.4.3 – Vehicle Stops and Chapter 61.3 – Traffic Citations**,

### **FRISKS (PAT-DOWNS)**

22. Officers may conduct a frisk or pat-down of stopped subject(s) if they reasonably suspect that the subject(s) may be **armed and presently dangerous**. The purpose **and** scope of the frisk or pat-down is to discover weapons or other items that pose a danger to the officer or those nearby. It is *not* a generalized search of the entire person.
23. The decision to conduct a frisk or pat-down must be based upon the totality of the circumstances and the reasonable conclusions drawn from the officer's training and experience.
24. A frisk or pat-down may not be used as a pretext to search for incriminating evidence.
25. An individual's presence in a "high-crime area" is not, by itself, sufficient to justify a frisk.
26. In **addition** to the basis for the stop itself, in order to conduct a frisk the officer must have reasonable suspicion that the subject may be armed and pose a threat to the officer and/or others. This may include, but is not limited to:
  - (a) Prior knowledge that the subject carries a weapon;
  - (b) Suspicious behavior, such as failure to comply with instructions to keep hands in sight; and
  - (c) Observations, such as suspicious bulges, consistent with carrying a concealed weapon.

27. The frisk for weapons is strictly limited to what is necessary for the discovery of weapons that might be used to harm the officer or others nearby. The frisk must be limited to a pat-down of outer clothing. Once the officer ascertains that no weapon is present after the frisk or pat-down is completed, the officer's limited authority to frisk is completed and the frisk must stop.
28. Pursuant to the "plain-feel doctrine," police may seize contraband discovered in the course of a frisk but only if the contraband's identity is immediately apparent. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.
29. Officers may not frisk for weapons during a consensual civilian contact. Conducting a weapons frisk during a consensual civilian contact converts the encounter to a detention.
30. Additional guidance on conducting a frisk or pat-down is provided in **Chapter 1.2.4 – Search and Seizure**.

### **CONSENT SEARCHES**

31. The guidelines for conducting a consent search are contained in **Chapter 1.2.4 – Search and Seizure**.

### **ANONYMOUS TIPS**

32. Information or descriptions resulting from anonymous tips without additional facts are insufficient to establish probable cause to stop and search individuals. Officers must carefully develop reasonable suspicion in cases involving anonymous tips. Officers' observations while on the scene, securing more complete information from an anonymous caller, and other circumstances that would tend to support the information received are all ways that officers can use to articulate reasonable suspicion allowing a stop.

### **REPORTING**

33. Members of the Department conducting a stop shall complete an electronic field interview card (FIC), recording the information for the individuals involved, subject to the guidelines of **Chapter 41.12 – Field Interview Card**.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.4.2

### TITLE: SEARCH WARRANTS

EFFECTIVE: 01/08/2017

REVISED: 07/28/2019; 05/25/2021

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#### PURPOSE

Search warrant requirements are governed by the 4th Amendment to the U.S. Constitution as well as Louisiana Code of Criminal Procedure Articles 161 through 167. This policy governs how the NOPD requires officers to conform to the applicable laws when applying for or executing search warrants and the manner and content of the documents to be used.

#### POLICY STATEMENT

1. Officers shall not use race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group in exercising discretion 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.
2. The NOPD recognizes the inherent and potentially deadly danger posed by no knock warrants to subjects, bystanders, and officers. The department is committed to preserving individuals' safety by using no-knock entries only when the no knock entry is immediately necessary to prevent an imminent threat of harm to a person, and the potentially lethal risks posed by immediate, unannounced entry are outweighed by the need to prevent that harm.
3. If a compelling reason exists to use a no-knock entry, and if the affiant officer has facts constituting reasonable suspicion that the potentially lethal risks of entering unannounced are outweighed by the risk of not entering, the officer shall specifically request use of "no-knock" entry when executing a Search Warrant in the Warrant Application. This analysis of risks shall be documented and reviewed by supervisors prior to submitting the warrant application to a judicial officer. .
4. No-knock entries in the execution of search warrants are prohibited, absent clear facts and circumstances establishing that the officers or another person would be harmed unless they made immediate, unannounced entry, and that risk of harm outweighed the potentially lethal risks of entering unannounced. Officers should execute no knock warrants only as a last resort. The facts must be assessed (or re-assessed) at the time of entry by officers and on-scene supervisors.

5. As with the execution of all Search and / or Arrest Warrants, all members participating in the execution of a “No-Knock” Warrant shall activate their BWC prior to the execution of the warrant. The BWC shall remain activated during the entire search and shall remain active for any member on the premises of the search.

#### **WARRANT DOCUMENTATION**

6. Electronic versions of the search warrant forms to be utilized are found on the website <https://cloudgavel.com/>. Members shall utilize their City email address and password to log in.
7. The paper forms to be utilized in the event the CloudGavel site is down or Departmental computers are off-line are found on **NOPD Web Applications, Nopd.org, Forms** (NOPD Forms **117A - Application for Search Warrant, 117W - Search Warrant - Order of Search, and 117R - Warrant Return**).
8. The instructions in this Chapter governing the completion of search warrants apply to both the electronic and the paper versions of the warrant forms.
9. All supervisory members of the Department shall utilize the **Warrant Log** when recording the review and execution of search warrants.
10. The Special Operations Division shall utilize its own planning and after-action reporting mechanism for all search warrants, of any level, executed by SOD, which at a minimum shall be consistent with the planning and after action-reporting requirements detailed in this Chapter.

#### **WARRANT LOG**

11. Each District/Unit and specialized unit shall document the following in the **Warrant Log**:
  - (a) Each search warrants.
  - (b) The case file (item number) where a copy of such warrant is maintained.
  - (c) The officer who applied for the search warrant.
  - (d) Each supervisor who reviewed and approved or disapproved the application for a search warrant; and
  - (e) Documentation if disapproved, including why it was disapproved and what remedial actions, if any, were taken by the supervisor (disciplinary or training). The supervisor shall document corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**) or by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**) and note the corrective action in the Compliance Log.

#### **SEARCH WARRANT PREPARATION – OFFICER’S RESPONSIBILITIES**

12. Search warrants for Criminal District Court shall be drafted in CloudGavel or on NOPD form 117A (Application for Search Warrant), 117W (Search Warrant – Order of Search), and 117R (Warrant Return). All forms shall be typed.
13. Using either Cloud Gavel or the Application for Search Warrant (Form 117A) and Search Warrant – Order of Search (Form 117W):
  - (a) The affiant/officer shall provide an accurate and clear description of the reasons for the request for the search (i.e., probable cause).
  - (b) The affiant/officer shall particularly describe the person or place to be searched.
  - (c) The affiant/officer shall describe the person or things intended to be seized (items of possible evidence that are the purpose of the search).
  - (d) The affiant/officer shall prepare an affidavit signed under oath and under penalty of

perjury.

- (e) The affiant shall provide the magistrate judge/judge with a truthful and complete affidavit that recites the evidence to establish probable cause.
- (f) The affiant shall not omit from the application any material evidence or information known at the time it was presented that would vitiate the finding of probable cause. Examples of this type of information are:
  - i. Material facts impacting the credibility of an informant or witness.
  - ii. The bias of an informant or witness.
  - iii. Witness' observations of the crime that are contrary to the affidavit.
  - iv. Material evidence that would significantly undermine witnesses' and victims' identification of suspects.
  - v. Material evidence that would undermine witnesses' and victims' statements of events.
  - vi. Material evidence that witnesses have identified persons other than the suspect as the perpetrator of the crime.
  - vii. Material evidence that a victim or witness has advised the suspect is not the perpetrator of the crime, including that the victim or witness has seen a line-up and advised the suspect is not perpetrator.
  - viii. The existence of material evidence pointing to another perpetrator.
  - ix. Material evidence that the suspect was not at the scene of the crime.
  - x. The existence of material physical evidence or scientific testing that would contradict statements of facts in the application.
- (g) An affiant seeking a no-knock entry authorization shall specifically request such authorization and shall present particularized facts constituting "reasonable suspicion" that announcing their authority and purpose prior to entry would compromise the safety of the subject, another individual, and/or the police, or provide the occupants with time to arm themselves or otherwise engage in violent resistance.

- 14. The investigating officer shall present all "No-Knock" search warrant documentation to a reviewing Bureau Chief for approval prior to submission to a Judicial Officer for approval.
- 15. Search warrants for adult State criminal charges shall be presented to be signed to the on-duty Magistrate Judge or a Judge of Criminal District Court. Search warrants for juvenile State criminal charges shall be presented to be signed to a Juvenile Court Judge. Municipal and Traffic Court Judges have no authority to issue search warrants.
- 16. Search warrants shall be prepared and distributed as indicated on the forms.
- 17. Search warrants are required by statute (C. Cr. P. Art. 163) to be executed prior to the expiration of the tenth day after its issuance, or they become invalid. The only exception is for search warrants under C. Cr. P. Art. 163.1 for the search of a person for body samples (e.g. DNA). These warrants are good for 180 days after their issuance.
- 18. When the planned execution of a search warrant presents a possibility of injury to officers or others, the officer charged with executing the warrant shall contact EMS and request EMS be available prior to executing a search warrant.
- 19. The Warrant Return (Form 117R) is to be executed within one day after the execution of the search warrant or within one day of the expiration, by statute, of the search warrant if not executed.

#### **OFFICER'S RESPONSIBILITIES DURING AND AFTER WARRANT EXECUTION**

- 20. Officers must knock and announce their presence and wait for a reasonable time for the occupants to answer the door when executing a search warrant unless the situation

meets the criteria for no-knock entries described in this Chapter.

21. Even if the judge grants “no-knock” authorization, officers executing the no-knock warrant must affirmatively assess whether a no-knock entry remains necessary at the time of service. This assessment shall be documented in the investigative report (EPR).
22. If the judge declines to grant the officers' request for a no-knock entry, officers may make a no-knock entry only in the following circumstances:
  - a. The changed facts constitute exigent circumstances.
  - b. The exigency makes it impracticable to seek judicial authorization for the no-knock entry based on the changed circumstances; and
  - c. A Deputy Chief authorizes execution of a no-knock entry unless the exigency renders such authorization impracticable.
23. Following any no-knock entry not specifically authorized in a search warrant:
  - a. Officers must document:
    - i. The changed circumstances that constituted exigent circumstances and necessitated the unannounced entry.
    - ii. The facts that prevented seeking judicial approval; and
    - iii. If applicable, the facts that prevented seeking command level approval.
  - b. Documentation of changed circumstances and supervisory approval or the reasons no approval was sought must be reviewed and approved by a Deputy Chief. The Deputy Chief will take appropriate corrective action to remedy any deficiencies observed.
  - c. Documentation regarding any unapproved no-knock entry must be provided to the judge reviewing the initial application for a search warrant, including documentation of the changed circumstances and the reason it was not practicable to seek judicial authorization in advance.
24. Once officers have made entry under “No-Knock” provisions (either Judicially granted or under an exception), they shall announce their authority loudly and clearly (example: “NOPD, we have a warrant!”).
25. The execution of all Search Warrants shall be recorded on BWC. All members participating in the execution of a Search Warrant shall activate their BWC prior to the execution of the warrant. The BWC shall remain activated during the entire search and shall remain active for any member on the premises of the search.
26. 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 determine whether they are occupants of the premises being searched, unless the officer has reasonable suspicion that the non-occupant is involved in criminal activity or poses a danger to officer safety.
27. Officers shall document the reasons non-occupants were detained and the duration in their incident report.
28. Investigating officers shall list, in detail, all property seized in connection with the execution of the warrant in the space provided on the Warrant Return (Form 117R).
29. The investigating officer shall provide a receipt for items seized to the presumptive owner of the items or principal occupant of the structure searched. A copy of the receipt shall be made part of the incident report.
30. All procedures governing the collection and preservation of evidence and chain of

custody outlined in **Chapter 83.1 – Collection and Preservation of Evidence** shall be followed.

31. 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 (Form 117R). All available information concerning wanted individuals arising out of the execution of the warrant shall also be listed on the Warrant Return.
32. All search warrant documentation shall be completed and distributed even if the warrant is not subsequently executed after judicial approval or becomes invalid by not being executed within the time constraints or additional investigation has invalidated the basis of the warrant. In those instances when the warrant is not executed or becomes invalid, the investigating officer shall mark the Search Warrant "**not executed**" and shall distribute as indicated on Search Warrant – Order of Search (Form 117W). The reasons for the non-execution or invalidation of the warrant should be noted in the incident report.

### **SUPERVISOR REVIEW OF WARRANT APPLICATION**

33. 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 regulations.
34. The supervisor shall assess the information contained in the warrant application and supporting documentation for:
  - (a) Use of "boilerplate" or "pat" language.
  - (b) Ensuring the information is consistent and detailed; and
  - (c) Probable cause has been established within the document.
  - (d) Requests for execution of the Search Warrant on Sundays, at nighttime and for "no-knock" entry are supported by facts that constitute reasonable suspicion that it is necessary within the guidelines of this Chapter.
35. The supervisor shall take appropriate action to address violations or deficiencies, including initiating a formal disciplinary investigation or recommending non-disciplinary corrective action for the involved officer. The supervisor shall document corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**) or by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**) and note the corrective action in the Compliance Log.
36. The quality and accuracy of search warrants and supportive affidavits or declarations shall be taken into account in officer performance evaluations.

### **RISK DETERMINATION, PLANNING, EXECUTION, AND DOCUMENTATION**

37. The determination of risk assessment of a particular search is made by the on-scene supervisor working with the case officer and SOD. The risk assessment dictates who handles the warrant and the associated documentation requirements. Supervisors shall consider the factors in **Appendix A – Risk and Planning Factors** when assessing the risk of executing a search warrant. For warrants that are neither no-risk nor automatically high risk, the supervisor should also complete the **Risk Assessment/Threat Analysis form** in **Appendix B** to determine whether the warrant is high risk or moderate risk. However, the form's point system is not conclusive. Even if the form determines a warrant is a moderate risk warrant, if the on-scene supervisor or SOD believes it is in the best interest for the safety of officers and civilians to have SOD serve the warrant, SOD

may do so. The on-scene supervisor completing the form shall raise any concerns with SOD. SOD shall assess all forms to determine whether any moderate risk warrants are more appropriately executed by SOD. SOD's determination is final.

38. The determination for risk levels of the operational plan for execution of the search warrant falls into three basic categories:
- (a) **No Risk** – The person, item, vehicle, or structure is securely in police custody and control or the documentation/item subject to the warrant is in the custody of an organization or business in a stable, safe environment posing no threat. The scene must be stable and/or secured. Examples include:
    - i. A crime scene that has been completely secured and no suspects or persons other than police personnel are on the scene.
    - ii. The item or vehicle is secured, impounded or in custody at CE&P.
    - iii. The structure is empty of persons or animals other than police personnel.
    - iv. Video from surveillance cameras at a business/residence.
    - v. Business records from a company.
    - vi. Buccal swabs only.
  - (b) **High Risk** – Warrants that pose a significant safety risk and require the expert planning, specialized equipment, and execution by SOD to maximize safety and effectiveness. Warrants are determined to be high risk by evaluating the automatic high-risk factors or, if none apply, by completing the “Risk Analysis and Threat Assessment” form in Appendix B for discussion between the on-scene supervisor and the SOD supervisor. **High-risk warrant is ONLY executed by SOD.** The factors that automatically trigger the high-risk category include:
    - i. The suspect is associated with a para-military, terrorist, or violent extremist organization or an identifiable criminal gang.
    - ii. The suspect is known or believed to possess fully automatic weapons or explosives.
    - iii. There are armed counter surveillance personnel present at the site.
    - iv. The site is known or believed to be booby-trapped.
    - v. Request for “no-knock” entry has been submitted or granted based on “imminent danger to officers or others”.
  - (c) **Moderate Risk** – Everything that is not classified as no-risk or high-risk. Moderate-risk search warrants pose some level of risk but are not so risky as to require the involvement of SOD. If the warrant does not automatically fall into the no-risk or high-risk category, the on-scene supervisor shall complete and submit the “Risk Analysis and Threat Assessment” form in Appendix B to the on-duty SOD supervisor and inquire if SOD wishes to execute the warrant. A copy shall be saved to the PSAB folder in the network drive (G Drive). If the Risk Analysis and Threat Assessment Form determines a warrant is a moderate risk warrant, but the on-scene supervisor believes the warrant is more appropriately categorized as a high-risk warrant, the supervisor will discuss that with SOD. The SOD supervisor has the discretion to execute a moderate-risk warrant or leave the execution to the field supervisor and officers. If there is a disagreement about the risk level between on-scene supervisor and the SOD supervisor, the assessment and classification made by SOD shall be considered conclusive. Examples of moderate-risk warrants include:
    - i. A search warrant for stolen TVs in an occupied house
    - ii. A search warrant to collect evidence with DNA (other than a buccal swab) associated with a sex crime.

If SOD serves the warrant, SOD is responsible for the operational plan and the after-action report. Both will be done in the appropriate SOD application.

If SOD refuses to serve the warrant:

    - i. SOD must refuse in writing and the investigative unit must save a copy of the refusal in the PSAB folder in the network drive (G drive).
    - ii. The investigative unit that serves the warrant shall do the operations plan

and after-action report in the Warrant Log.

39. For **No Risk** searches, the supervisor shall concur that the classification is "No Risk". The Risk Analysis and Threat Assessment form, operational plan, and after-action report are not needed.
40. For **Moderate Risk** searches that are not executed by SOD, the supervisor shall:
- (a) Fill out the **Warrant Log** accurately and completely.  
Develop an operational plan for the execution of the search warrant before executing the search warrant. Some of the factors that should be evaluated and planned for are listed in **Appendix A** of this Chapter.
  - (b) The operational plan must be documented with a digital timestamp, proving the plan was developed prior to executing the search warrant. Digital timestamps can be accomplished by:
    - i. recording the plan on BWC,
    - ii. documenting the plan in the Warrant log,
    - iii. using a Departmental date and time stamping machine which cannot be altered by the user. Every page of the plan must be stamped.
    - iv. Using a "tamperproof" document date and time stamp in the document, or
    - v. taking a digital photo of the plan. .
  - (c) Be present for the execution of the search warrant and ensure adequate police resources (including EMS) are present to meet the needs identified in the operational planning, including crisis scenarios.
  - (d) Complete an after-action report in the **Warrant Log**.
41. If SOD executes a **Moderate Risk** search warrant, the SOD supervisor is responsible for all documentation required in the SWAT Report application, and the district supervisor is not required to document an operational plan or after-action report in the **Warrant Log**.
42. For **High Risk** searches, the supervisor shall:
- (a) Fill out the **Warrant Log** accurately and completely.
  - (b) The on-scene supervisor shall complete and submit the "Risk Analysis and Threat Assessment" form in Appendix B and contact the Special Operations Division and advise the on-duty SOD supervisor that he or she is requesting SOD assistance in the execution of a "High Risk" warrant. The SOD supervisor will review the available information with the on-scene supervisor and will make the final determination of risk. If SOD executes the warrant, the SOD supervisor is responsible for all documentation required in the SWAT Report application. The district supervisor is not required to document an operational plan or after-action report in the **Warrant Log** if SOD executes the warrant.
43. Within 24 hours of the execution of a Moderate Risk search warrant that is not handled by SOD:
- (a) The investigating officer's platoon commander shall meet with the scene supervisor and entry team members to conduct an assessment of operational effectiveness and document the assessment in the **After-Action Report** section of the **Warrant Log**. Relevant assessment topics include:
    - i. The reliability of information used as a basis for the warrant.
    - ii. Procedures used to identify the target location and overall performance of entry team members; and
    - iii. Recommendations to improve performance or increase safety.
  - (b) As part of the supervisory review, the on-scene supervisor or platoon commander shall document any corrective action from the assessment in the Supervisor Feedback Log (see **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**) or, if necessary, initiate a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**).

## SUPERVISOR'S RESPONSIBILITY ON SCENE

44. 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 other than a **no risk** search warrant.
  - (b) Prior to executing a search warrant other than a **no risk** search warrant, the supervisor shall meet with the investigating officer(s) to assess probable cause factors which led to the issuance of the warrant, confirm the target location, coordinate entry strategy, and assist in developing an operational plan for execution of the warrant by considering and planning for the types of factors listed in **Appendix A – Risk and Planning Factors**, as well as assessing the need for additional or specialized resources.
  - (c) For search warrants where no-knock entry has been authorized, supervisors will ensure the facts on the ground still support a no-knock entry. If they do not, supervisors will assist in modifying the operational plan.
  - (d) On-scene supervisors shall review any previously unrequested or judicially authorized “no-knock” entry and ensure the factors for the authorization are documented, in detail, in the after-action report and in the investigative report (EPR).

## REPORTING AND REVIEW OF “NO-KNOCK” SEARCH WARRANTS AND ENTRIES

45. On-scene supervisors or officers who have executed a search warrant with a “no-knock” entry provision, or who have executed a “no-knock” entry on a search warrant, shall, within 24 hours of the execution of the search warrant, report the search warrant execution in an email to PSAB-Performance Standards Section with the item number, date and time of execution, location and names of all officers and supervisors on-scene and a copy of the after-action report. The respective Bureau Chief shall be copied on the email.
46. If the supervisor determines during his/her review of an incident that NOPD should revisit policy, tactics, training, or strategy related to the incident, the supervisor shall document that in a PRR Form #358. The supervisor submitting a PRR form #358 is responsible for thoroughly completing the form’s “Request” section. The supervisor shall make a digital copy of the form and email it to [PSAB@nola.gov](mailto:PSAB@nola.gov). The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions the PSAB reviewer may have.
47. The Deputy Chief shall review all documentation of any no-knock entries that were not previously approved by a judicial officer for compliance with this policy. This review shall include assessing:
- a. Whether changed circumstances documented constituted exigent circumstances and necessitated the unannounced entry.
  - b. Whether the facts documented truly prevented seeking judicial approval; and
  - c. If applicable, whether the facts documented prevented seeking command level approval.
48. The Deputy Chief will take appropriate corrective action to remedy any deficiencies observed.
49. PSAB shall review the documentation and video of all reported or discovered “no-knock” entry search warrants for compliance with the provisions of this Chapter. Any concerns or policy violations shall be reported to the involved member’s Captain and Bureau Chief for appropriate disciplinary action.



50. NOPD shall include data about no-knock entries in its annual Use of Force Report.

**APPENDIX A – Risk and Planning Factors**

Elements to consider and plan for include the following:

1. History of subject(s) of the warrant. Relevant questions include:
  - (a) Violent crime history (homicide, rape, armed robbery, resisting officers with force, battery on officers, etc.)?
  - (b) Significant drug violator (quantity and type of CDS)?
  - (c) Subject on probation (for what) or parole?
  - (d) Known drug / alcohol abuser (type of drug)?
  - (e) History of mental instability (especially acting out, violent, delusional)? (See **Chapter 41.25 – Crisis Intervention** and plan accordingly)
  - (f) Military or police background or training?
  - (g) Known to possess weapons (type)?
2. Animals on premises which present a risk to officers.
3. Are there physical barriers or geography that need to be considered? (Fences, water, high traffic density roads, other buildings presenting a barrier, or presence of bystanders.)
4. Are cameras visible or known to be present? (Can they be disabled?)
5. Are any other individuals, including children, elderly or handicapped persons, present or likely present? (Consider executing at a different time to reduce risk / trauma.)
6. How likely are the items to be seized capable of being easily removed / moved / destroyed?
7. Is this part of an ongoing criminal enterprise that needs to be quickly interdicted?
8. Is “no-knock” entry anticipated?

Any identified factors should be presented, discussed, and planned for. Adequate police resources (including EMS) should be present to meet the identified need(s), including crisis scenarios.

Remember to always critically evaluate the source of the information being used. Is it reliable? Can it be verified? How perishable is the information? Are there reasonable alternatives to when the warrant should best be executed to maximize safety?



**Appendix "B" -**

**TYPE OF OPERATION/INVESTIGATION (CHECK THE CORRECT BOX)**

- SEARCH WARRRANT**
- ARREST WARRANT**
- BOTH**

**ITEM NUMBER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **CASE DETECTIVE:** \_\_\_\_\_

**DISTRICT:** \_\_\_\_\_

**FORM PREPARED BY:** \_\_\_\_\_

**++PRIMARY SUSPECT'S NAME:** \_\_\_\_\_

**DATE OF BIRTH:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**NOTES:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

++ LIST ANY ADDITIONAL SUSPECTS THAT WILL BE AT LOCATION AND PROVIDE ADDITIONAL SUSPECT ASSESSMENT INFORMATION AS AN **ATTACHMENT** TO THIS PRIMARY RISK ANALYSIS/THREAT ASSESSMENT.

++ IF ADDITIONAL SUSPECTS OR PRIMARY SUSPECT WILL BE AT ALTERNATE LOCATION DIFFERENT FROM PRIMARY ADDRESS FOR WARRANT SERVICE. A **SEPARATE** RISK ANALYSIS/ THREAT ASSESSMENT SHALL BE COMPLETED AND SUBMITTED FOR THAT LOCATION SEPARATELY.

**Assessment continued**

**INSTRUCTIONS:** Y/N RESPONSES ARE TO ONLY BE PLACED ON NUMBERED QUESTION LINES. THESE REPOSSES WILL BE USED TO CALCULATE THE RISK OF THE WARRANT EXECUTION.

**pg. 2 of 6**

I. SUSPECT ASSESSMENT (PLACE A Y-YES OR N-NO IN BOX)	Y/N	UNKNOWN
<b>1. KNOWN OR SUSPECTED OF VIOLENCE: ("X" INDICATES COUNTS)</b>		
HOMICIDE (X _____)		
ASSAULT (X _____)		
ARMED ROBBERY (X _____)		
MAJOR DRUG VIOLATOR (CLASS 1) (X _____)		
RESISTING ARREST, ASSAULTY ON POLICE (X _____)		
DESCRIBE: _____ _____ _____		
<b>2. IS SUSPECT ON PAROLE OR PROBATION?</b>		
PROVIDE DETAILS BELOW, INCLUDING WHERE: _____ _____		
<b>3. IS SUSPECT A DRUG ABUSER?</b>		
IF YES, GIVE TYPE: _____ _____		
<b>4. IS SUSPECT AN ALCOHOL ABUSER?</b>		
DOES SUSPECT HAVE A HISTORY OF VIOLENCE WHILE INTOXICATED?		
<b>5. IS SUSPECT MENTALLY UNSTABLE?</b> (SEE CHAPTER 41.25)		
IF YES, DESCRIBE CONDITION: _____ _____ _____		
WHERE WAS THIS INFO OBTAINED: _____ _____ _____		
<b>6. DOES SUSPECT HAVE MILITARY/POLICE BACKGROUND?</b>		
If yes, give branch/department, length of service, specialties, etc. _____ _____ _____		

Assessment continued

pg. 3 of 6

<b>(PLACE A Y-YES OR N-NO IN BOX)</b>	<b>Y/N</b>	<b>UNKNOWN</b>
<b>7. IS SUSPECT CURRENTLY / HISTORICALLY ASSOCIATED WITH AN ORGANIZATION WHICH IS KNOWN OR SUSPECTED OF VIOLENT CRIMINAL ACTIVITY?</b>		
<b>If yes, who/what group?</b>		
<b>Where was this information obtained:</b>		
<b>Can that organization be classified as: (only check box <b>one</b>)</b>  * a) Para- military * b) Terrorist: * c) Violent Extremists: * d) Identifiable Criminal Gang:		
<b>II. Weapon Assessment</b>		
<b>8. Is suspect known or believed to possess: (Answer Y/N to all that apply)</b>		
a) <b>Rifle</b> Type _____ *Auto _____		
b) <b>Shotgun</b> Type _____ *Sawed-off ? _____		
c) <b>Handgun</b> Type _____		
* d) <b>Explosives</b> Type _____		
d) <b>Knives</b> Type _____		
e) <b>Other</b> (Specify below) Type _____		
<b>III. Site Assessment</b>		
<b>9. Are there geographic barriers, large animals, or considerations?</b>		
<b>If yes, describe:</b>		
<b>10. Is site fortified?</b>		
<b>If yes, describe:</b> _____ _____ _____		

Assessment continued

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PLACE A Y-YES OR N-NO IN BOX	Y/N	UNKNOWN
<b>* 11. IS SITE BOOBY-TRAPPED</b>		
If yes, describe: _____ _____		
<b>12. Does site have surveillance/monitoring devices?</b>		
If yes, describe: _____		
<b>* 13. Are armed counter surveillance personnel present?</b>		
If yes, explain: _____ _____		
<b>14. Are friends, relatives, children, elderly, handicapped or special needs persons present at site?</b>		
If yes, identify as thoroughly as possible: _____ _____		
<b>15. Geography:</b> (check one) <input type="checkbox"/> <b>Urban</b> <input type="checkbox"/> <b>Rural</b>		
<b>16. Time of service:</b> <input type="checkbox"/> <b>Daylight</b> <input type="checkbox"/> <b>Night (Dark)</b>		
<b>17. Area Type:</b> <input type="checkbox"/> <b>Residential</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Other</b> (including mixed)		
<b>18. Probable hours of occupation:</b> Specify in military (24 hour) time: From:        hours to        hours.		
<b>* 19. Forced Entry: Y / N (If "yes", need justification and planning. NOTE: Only SOD permitted to executed forced entry Search Warrants.)</b>		
<b>20. Address:</b>		
<b>21. Description of structure:</b> _____ _____		
<b>22. If business indicate hours open</b> Specify in military (24 hour) time: From:        hours to        hours.		
<b>23. Other related buildings:</b> _____ _____		
<b>24. Location of other building:</b> _____ _____		
<b>25. How is building related to main building?</b> _____ _____		
<b>Total each category of answers from all pages</b>		

## Assessment continued

pg. 5 of 6

**IV. TIME ASSESSMENT**

**Note: Analysis should seriously consider the time factor between planning and execution. The general rule is that the less time available for planning, the higher the risk value.**

**Check only one box.**

- a) Unlimited time to plan = 0 points
- b) Less than 30 days to plan = 0 points
- c) Less than 15 days to plan = 0 points
- d) Less than 7 days to plan = 1 points
- e) Less than 3 days to plan = 2 points
- f) Less than 1 day to plan = 3 points
- g) Less than 12 hours to plan = 4 points

**V. INFORMATION ASSESSMENT****Information Source:**

- Confidential Informant** (indicate Informant ID number if known): \_\_\_\_\_
- Concerned Citizen** (indicate name if provided): \_\_\_\_\_
- Detective:** (indicate name and Unit): \_\_\_\_\_
- Other Police Officer**(indicate name and Unit): \_\_\_\_\_
- Known Victim** (indicate name): \_\_\_\_\_
- Other** (indicate available information) \_\_\_\_\_

**Reliability of source/information: (Check only one)**

- 0%-25%
- 25%-50%
- 50%-75%
- 75%-100%

**Warrants scoring over 25 points using the point totals below are considered high risk and must be executed by SOD.**

**Yes answer to any “\*” question automatically makes the warrant a high-risk warrant and require the mandatory use of SOD in the planned operation. All tactical call-out regulations apply.**

**If a supervisor believes that in the interest of safety of officers or members of the public, a warrant classified as moderate risk by the points system should be executed by SOD, the supervisor must raise that concern with SOD.**

**SOD will determine whether to execute the warrant. SOD’s determination is final.**







# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.4.3

### TITLE: VEHICLE STOPS

**EFFECTIVE: 07/28/2019**

**REVISED: (Replaces Policy/Procedure 503)**

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#### PURPOSE

All stops, searches, and arrests are to be conducted in accordance with the rights secured or protected by the U.S. Constitution and laws of the United States and the State of Louisiana. The requirements that apply to all stops, including pedestrian, vehicle stops, and other stops, are set forth in **Chapter 1.2.4.1 - Stops**. The purpose of this Chapter is to set forth additional guidelines for safely conducting vehicle stops. Specific guidance on issuing traffic citations during a vehicle stop is provided in **Chapter 61.3 Traffic Citations**.

#### DEFINITIONS

**Authorized Emergency Vehicle**—A properly equipped vehicle, owned and operated by or for a government agency, to protect and preserve life and property for a planned or unplanned response, in accordance with state laws regulating emergency vehicles.

**Crime of Violence**—A felony involving the infliction or threatened infliction of serious bodily injury or death.

**Emergency Equipment**—All emergency equipment available, to include red and/or blue emergency flashing lights and siren.

**Investigatory Stop**—The temporary involuntary detention and questioning of a person and/or vehicle and its occupants to investigate potential criminal conduct. To conduct an investigatory stop, the officer must have reasonable suspicion that the individual or vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct. (See also: **Chapter 1.2.4.1 – Stops**)

**Marked Police Vehicle**—An Authorized Emergency Vehicle used primarily by uniformed police officers. It is conspicuously marked. It is equipped with emergency lighting and a siren.

**Stop**—A brief, minimally intrusive detention of a subject, including pedestrians, bikers, and/or a vehicle and its occupants, during which a reasonable person in the subject's position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1 (1968). (See also: **Chapter 1.2.4.1 – Stops**)

**Uniformed or in uniform**—An authorized NOPD uniform worn in accordance with **Chapter 41.10 – Uniform Specifications**.

**Unmarked Police Vehicle**—An Authorized Emergency Vehicle used primarily by plainclothes police officers. It is not conspicuously marked and may be of any color. It is equipped with emergency lighting and a siren.

**Vehicle stop**—The involuntary detention of a motor vehicle and its occupants. Vehicle stops may be conducted (1) where there is probable cause to believe that the driver has committed a traffic violation or (2) where there is reasonable suspicion that a vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct.

### CONDUCTING VEHICLE STOPS

1. NOPD officers may only conduct investigatory vehicle stops where the officer has reasonable suspicion that a person in the vehicle has been, or is about to be engaged in the commission of a crime. Officers may only conduct stops to enforce traffic laws when he or she has probable cause to believe the driver or occupant has committed a traffic violation.
2. Vehicle stops pose risks to police officers and the community and must be conducted with caution and forethought. Otherwise routine vehicle stops may develop into serious confrontations and officers must be prepared to react accordingly. Officers should continually be cognizant of the tactical options available.
3. All Department vehicles used to conduct vehicle stops shall be equipped with emergency equipment and operable emergency lights and sirens.
4. NOPD officers, either on-duty or off-duty, must have a functioning police radio when conducting a vehicle stop.
5. Uniformed NOPD officers, either on or off-duty, in marked police vehicles, are authorized to stop vehicles and their occupants in Orleans Parish in order to:
  - (a) Enforce traffic laws;
  - (b) Conduct investigations; and
  - (c) Stop criminal activity.
6. NOPD officers, either on-duty or off-duty, **are not authorized** to make vehicle stops outside of Orleans Parish, unless the violation would be considered a felony under state law. If a vehicle stop for a felony violation is made outside of Orleans Parish, the officer shall contact the law enforcement agency with jurisdiction as soon as feasible of the impending or actual stop supplying all requested information.
7. Nothing in this Chapter shall prohibit a member from making a vehicle stop in conjunction with a vehicle pursuit which originated in Orleans Parish and crossed into an adjacent parish, as limited by **Chapter 41.5 - Vehicle Pursuits**. Vehicle pursuits without expressed approval by the necessary NOPD supervisor are not authorized by this Department, even if allowed by the local law enforcement agency.
8. During detention of an alleged violator of any provision of the motor vehicle laws, an officer may not detain a motorist for a period of time longer than reasonably necessary to complete the investigation of the violation and issuance of a citation for the violation, absent reasonable suspicion of additional criminal activity.
9. Non-uniformed officers operating police vehicles (marked or unmarked) not equipped with functioning emergency lights or siren shall not make motor vehicle stops unless there is imminent danger of loss of life should they fail to act. In other less urgent cases that demand attention, officers shall contact Communications Services and request that

a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.

10. Off-duty officers are **PROHIBITED** from conducting vehicle stops while operating a personal vehicle, **except** for a crime of violence in progress in Orleans Parish.
11. Officers in an unmarked vehicle or in a vehicle without 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.
12. Non-uniformed officers conducting vehicle stops shall conspicuously display their Department credentials to the vehicle occupants and announce that they are police officers.
13. When conducting a vehicle stop, officers must be cognizant of roadway, traffic, and lighting conditions.
14. The safety of the officer, the occupants of the vehicle, and other roadway users is a prime concern. If the vehicle stops in an unsafe location, the officer shall direct the driver to move to a more suitable location by use of visual signals and/or the vehicle public address system. Under no circumstances will an officer allow a driver who is suspected of driving while intoxicated move his/her vehicle once it has stopped.
15. When conducting a vehicle stop, officers shall advise Communication Services of his/her unit number, location, and the stopped vehicle tag number prior to exiting his vehicle and approaching the subject vehicle. If the vehicle has a temporary paper tag, or no tag, the officer shall provide Communications Services with a description of the vehicle and its occupants.
16. Off-duty officers making a vehicle stop shall advise Communication Services of his/her badge number if no permanent unit number is assigned.
17. When conducting a vehicle 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.
18. When possible, officers will position police vehicles in such a manner to allow a "safety zone" between the officers' and the violator's vehicles.
19. The decision on whether to approach the stopped vehicle on foot or to order the driver out of the vehicle shall be made by the officer making the stop. The officer should keep all tactical options available, including emergency disengagement techniques.
20. At the conclusion of the vehicle stop, the officer shall remain on the scene until the stopped vehicle leaves. In situations where the vehicle becomes disabled and cannot be moved, the officer shall assist the driver and/or occupants of the stopped vehicle as provided for in **Chapter 61.13 – Disabled Vehicles – Stranded Motorists**.
21. For additional guidelines on searches of vehicles, frisks and searches incident to arrest, see **Chapter 1.2.4 – Search and Seizure**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.6

### TITLE: ALTERNATIVES TO ARREST - DIVERSION

**EFFECTIVE: 11/26/2017**

**REVISED: 08/11/2019**

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#### PURPOSE

Elected officials, law enforcement officers, residents, business owners, and service providers in New Orleans want to improve public safety and public order in their neighborhoods, while also reducing future criminal behavior by individuals engaged in low-level offenses. A randomized controlled trial has shown that Law Enforcement Assisted Diversion (LEAD), which diverts some low-level offenses away from jail and prosecution and instead provides individual case management, is more successful at reducing recidivism than arrest and detention.

#### POLICY STATEMENT

1. NOPD will employ LEAD to divert from custodial arrest and prosecution individuals who are suspected of having committed some low-level offenses, provided the individuals meet LEAD selection criteria, the individuals willingly participate in such diversion, sufficient resources exist to provide individual case management and services, and LEAD staff determine that such diversion is likely to reduce recidivism more successfully than arrest and detention.
2. The LEAD team, starting with the arresting officer, will provide an immediate and brief assessment to determine what factors led the individual to engage in misdemeanor criminal activity and offer immediate crisis-related assistance, as needed and available.
3. Over time and utilizing a harm-reduction framework, LEAD case managers will connect participants to comprehensive services to address the identified causal factors and designed to reduce the overall harm the individual is causing to himself/herself and the community.
4. The referred individual is considered to be in LEAD if:
  - (a) He/she completes a secondary and more comprehensive intake and assessment process within 30 days of referral (field screening) and receives a treatment and action plan. At this point, the suspect is no longer at risk for arrest and prosecution on the initial charge. The 30-day window may be extended by the Operations Working Group (OWG) on the recommendation of a LEAD Intake Officer (LIO); and
  - (b) He/she signs a release of information allowing the sharing of information on an as-needed basis among the OWG.

5. The LEAD Program Coordinator will make ongoing, real-time determinations of program capacity during the day/shift when the program is capable of accepting referrals (i.e., if three people have been referred in the previous two hours, it is possible that LEAD staff will not be available to conduct another intake, and LEAD referrals may cease until a staff member is available again).
6. The LEAD Program Coordinator shall update Communications Services continuously on changes in program working hours and capacity to accept diversions.
7. The LIO, approving supervisor, or LEAD staff may, at any time in the process, reconsider the suitability of a suspect for LEAD and **stop the diversion process** for any reason and make a recommendation to the OWG that the case be referred for prosecution. A final decision will be made by members of the OWG, including the suspect's case manager, regarding appropriate course of action and immediate next steps.

## DEFINITIONS

**Diversion**—In the context of the LEAD-community-based-diversion approach, diversion means that a suspect who could have been charged with a misdemeanor, booked into jail, or issued a summons, and referred for prosecution, will instead be engaged by LEAD program staff (a program coordinator and case management team) working with the City's Health Department and a local service provider.

**Lead Intake Officer (LIO)**—A New Orleans Police Department officer who is specially trained in LEAD intake and referral procedures. All Police Department members, including LIOs, will be trained on the principles of harm reduction and how to apply these principles when dealing with addiction, mental illness, homelessness, trauma, and poverty, as well as LEAD Operational Guidelines.

**LEAD Program Coordinator**—A person employed by the City of New Orleans and working within the New Orleans Health Department. (He/she will act as the primary outreach and case manager during the initial pilot phase.) When a behavioral health service provider is selected, he/she will coordinate case managers and peer support specialists working with people in diversion. He/she will also convene and facilitate OWG meetings and act as liaison between officers and others involved in LEAD to ensure the program is meeting NOPD partner needs.

**LEAD Service Provider**—An outreach and case-management team working for a behavioral health service provider designated by the City of New Orleans to provide immediate individual assessment of a suspect or individual referred by a New Orleans Police officer for diversion.

**LEAD Staff**—The LEAD Program Coordinator, Case Manager, and/or Outreach Staff who works with the Case Manager.

**NOPD Subcommittee**—A group of Police Department personnel who are responsible for developing the Operational Guidelines and for making recommendations to the OWG as LEAD is developed and implemented.

**Operations Working Group (OWG)**—A group of stakeholders, including NOPD's Subcommittee and LEAD staff, responsible for developing and amending the referral and diversion protocols, staffing program participants' cases per the Protocols, and providing periodic reports on resource utilization and participants' progress to the Policy Coordinating Committee.

**Policy Coordinating Committee (PCC)**—The signatories of the Memorandum of

Understanding who are responsible for reviewing and providing feedback on the referral and diversion protocols for LEAD candidates, reviewing and providing feedback on periodic reports from the OWG, making criminal justice and human services system data available for comparison and evaluative purposes, and providing policy and media guidance and administrative oversight for the LEAD program's operation and evaluation.

## LEAD PROCESS

8. The primary decision maker initially will be LEAD-trained law enforcement officers (**LEAD Intake Officer or LIO**) on the street and their sergeants.
9. There is no exception to the requirements for use of Body Worn Camera (BWC) or In-Car Camera (ICC) during any stop, arrest, screening and diversion under this Chapter. BWC and ICC, if applicable, shall remain in use from moment of contact through the final mark-up of the incident/item (see: **Chapter 41.3.10 – Body Worn Camera** and **Chapter 41.3.8 – In-Car Camera**).
10. LIOs and sergeants will make a series of decisions (field screening criteria) about the suspects they contact to determine whether or not those suspects should be:
  - (a) Diverted to the LEAD service provider;
  - (b) Issued a summons and released on his/her promise to appear; or
  - (c) Processed as an in-custody, physical arrest and booked (affidavit).
11. All field screening of suspects for LEAD suitability shall begin with a complete records check of the suspect by the arresting officer. Attempts at concealment of true identity or total lack of available data in the records system are criteria the arresting officer can use to assess suitability for diversion.
12. The LIO shall utilize the following screening criteria when determining the offense or suspect's eligibility for LEAD:
  - (a) Only **adults** are suitable for LEAD.
  - (b) Only **non-violent misdemeanor** (Municipal) criminal offenses are suitable for LEAD.
  - (c) The individual cannot have been physically combative with the officer at any time during the entire process from the initial stop to the turnover to LEAD service provider.
  - (d) If there is a **victim present who OBJECTS** to the diversion once explained by the officer, it will not take place.
  - (e) If the suspect requires immediate medical treatment, including but not limited to detoxification, LEAD cannot take place. Instead, the suspect will be brought to the appropriate facility for medical treatment. The enforcement action will be processed as a non-diversion action.
  - (f) If the suspect is unable to provide **informed consent** (impaired due to drugs or alcohol, as well as mental incapacity) to participate in LEAD, diversion will not take place and the suspect will be brought to the appropriate facility for medical treatment. The enforcement action will be processed as a non-diversion action.
  - (g) If the suspect poses a threat to self or others due to mental illness, it will not take place (see: **Chapter 41.25 – Crisis Intervention**).
  - (h) The suspect displays no interest in being offered services through a community based diversion program rather than being issued a summons, or taken to and booked into jail, or the suspect's words and actions about diversion or the service provider who arrives on scene indicate it would be futile to attempt a diversion strategy.

13. After a LEAD-eligible suspect is identified, and prior to the conclusion of any enforcement action (summons or affidavit), the LIO or sergeant will contact the Orleans Parish Communications District (OPCD) primary dispatch radio talk group for the District and provide them with the officer's name, district, suspect's name, and hand-off location.
14. OPCD will review the LEAD schedule to make sure a service provider is available and notes the officer's desired location for hand-off—either in the field or, if the officer has requested, to bring the suspect to meet the service provider somewhere else such as the police station or the LEAD office.
15. OPCD will text the dedicated LEAD phone number in order to reach the service provider on duty and provides that person with pertinent information: officer's name, suspect's name, and hand-off location.
16. When the service provider arrives at the hand-off location, the officer will contact OPCD on the primary dispatch radio talk group for the District, to note the time. The service provider then will gather any necessary additional information from the officer, will conduct a brief assessment of the suspect, and secures the suspect's signature on the consent form.
17. The officer will complete an FIC on the suspect (see **Chapter 41.12 – Field Interview Cards**).
18. The FIC will automatically transfer to the LEAD service provider/LEAD staff and the Commander of the 8<sup>th</sup> District for tracking purposes.
19. The service provider or LEAD staff may determine, at the point of referral that the person is unable or unwilling to follow through with an intake or assessment within the 30-day window allowed and refer the suspect/case back to the arresting officer for issuance of a summons or an affidavit and subsequent booking and referral for prosecution. However, if the diversion is accepted, the officer may clear the scene, contact OPCD and provide the appropriate disposition to close the incident after taking appropriate enforcement action. OPCD should note the time of contact by the officer so an evaluation of the efficiency of the program can be made.
20. The LIO or sergeant who made the referral (field screening) to LEAD will:
  - (a) Complete the FIC, EPR, and/or summons as appropriate for the charge and signal) that would be needed to refer the case to the appropriate prosecutor. The suspect must sign the summons, dated to appear in 45 days if diversion requirements are not fulfilled. (See: **Chapter 41.8 – Affidavits and Summons** and **Chapter 41.12 – Field Interview Cards**).
  - (b) Forward the LEAD packet for review to the LIO's supervisor.
  - (c) The narrative in the EPR, if one is written, will clearly state that the suspect has been referred to LEAD. If just a summons, it would indicate in the remarks that it is a LEAD referral. The summons shall be stamped with the LEAD stamp (available in the 8<sup>th</sup> District Station Front Desk).
  - (d) The sergeant shall forward the paper summons to the 8th District Commander, who will track it and forward it to the City Attorney for prosecution if necessary. The EPR (if written) will not be forwarded unless requested.
21. If the LIO determines that the suspect does not meet the threshold criteria for LEAD referral, and therefore charges the suspect, books the suspect into jail, and refers the case to the Prosecutor, the LIO may nonetheless refer the case to his/her supervising sergeant for review by the LEAD staff with a request to override the exclusion for a specific reason, within 1414 days of the stop.



22. If the suspect has not fulfilled the LEAD requirements within 30 days of the stop and referral, OWG shall discuss the case and determine whether to immediately refer the case for prosecution, continue LEAD requirements, or take other action in consultation with the service provider. If no progress has been made within 43 days of the stop and referral, the City Attorney may file the charge(s).
23. If, at any point in consideration for LEAD or during the suspect's performance of the LEAD requirements, the suspect is instead arrested on the underlying offense, the arresting officer shall notify the officer's supervisor and complete an arrest report pursuant to **Chapter 1.9 – Arrests**.

#### **PROGRAM / PROCESS ASSESSMENT DURING PILOT PHASE**

24. Informal LEAD program assessments will take place monthly in the first six months of operation under the pilot/development program and quarterly thereafter until the program is declared out of the pilot phase by the PCC. During this period, changes to this Chapter shall be made by General Order after approval by the OWG.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.7

### TITLE: ALTERNATIVES TO ARREST – SOBERING CENTER

**EFFECTIVE: 11/26/2019**

**REVISED:**

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#### PURPOSE

Elected officials, law enforcement officers, residents, business owners, and service providers in New Orleans want to improve public safety, public health and public order in their neighborhoods, while also reducing future criminal behavior by individuals engaged in low-level offenses. The Department and City of New Orleans desire to divert eligible publicly intoxicated persons as an alternative to arrest to reduce the use of criminal-justice resources and assist individuals in receiving needed services.

#### POLICY STATEMENT

1. Persons intoxicated due to alcohol who would meet the requirements of **Municipal Ordinance Sec. 54-405 – Public drunkenness, drug incapacitation** and would otherwise be placed under arrest and booked for that violation, may be diverted to the Sobering Center as an alternative to booking when meeting the requirements of this Chapter and when consenting to the alternative after being informed by the officer. The detaining officer, will perform an assessment to determine eligibility to be brought to the Sobering Center and, if eligible, contact the Sobering Center for space availability.
2. Persons intoxicated due to alcohol who would meet the requirements of **Municipal Ordinance Sec. 54-405 – Public drunkenness, drug incapacitation** who are to be charged with ANY other misdemeanor municipal offense **not** involving violence, vice, theft or criminal mischief that is appropriately the subject of a municipal summons, may be issued a summons for the charges and transported to the Sobering Center if authorized by the officer's supervisor, and if the officer and supervisor determine that the individual meets the requirements of issuing a summons in lieu of arrest pursuant to **Chapter 41.8 – Affidavit and Summons**. An affidavit or summons shall not be completed for public intoxication for persons transported to the Sobering Center.
3. The use of diversion for public drunkenness, **SHALL NOT** apply to persons in lieu of a possible DWI charge. (see: **Chapter 61.1.11 – D.W.I. Procedures**.)
4. The use of diversion for public drunkenness, **SHALL NOT** apply to persons also charged with a felony.

#### DEFINITIONS

Definitions related to this Chapter include:

**Sobering Center** – a facility maintained by or contracted through the City Of New Orleans to provide a safe, controlled environment for non-violent subjects to stay until the effects of alcohol intoxication have diminished to a safe level. The Sobering Center is not a "treatment facility" within the meaning of R.S. 28:2.

**Sobering Center Exception List** – a list of persons who, because of identified medical or physiological concerns, have been determined by Sobering Center staff to be ineligible for participation for this type of diversion.

#### **ELIGIBILITY FOR SOBERING CENTER DIVERSION**

5. The detaining officer shall utilize the following screening criteria when determining the offense or subject's eligibility for diversion to the Sobering Center:
  - (a) Only **adults** are suitable for diversion.
  - (b) Only **non-violent misdemeanor** (Municipal) criminal offenses that also involve public intoxication are suitable for diversion to the Sobering Center.
  - (c) The suspect cannot have been physically combative with the officer at any time during the entire process from the initial stop to the turnover to Sobering Center.
  - (d) If the subject has a **medical condition** at the time of arrest that requires immediate treatment diversion cannot take place. Instead, the subject will be brought to the appropriate facility for medical treatment. The enforcement action will be processed as a non-diversion action.
  - (e) If the subject is demonstrably unable to understand the process of diversion, diversion will not take place and the subject will be brought to the appropriate facility for medical treatment. The enforcement action will be processed as a non-diversion action.
  - (f) If the subject poses a threat to self or others due to mental health crisis, diversion will not take place (see: **Chapter 41.25 – Crisis Intervention**).
  - (g) If the subject's words and actions about diversion or the Sobering center indicate it would be futile to attempt a diversion strategy, diversion will not take place.
6. There is no exception to the requirements for use of Body Worn Camera (BWC) or In-Car Camera (ICC) during any stop, arrest, screening, and diversion under this Chapter. BWC and ICC, if applicable, shall remain in use from moment of contact through the final mark-up of the incident/item (see: **Chapter 41.3.10 – Body Worn Camera** and **Chapter 41.3.8 – In-Car Camera**).
7. Officers and sergeants will make field screening decisions about the subjects they contact to determine whether or not those subjects should be:
  - (a) Diverted to the Sobering Center.
  - (b) Issued a summons and released IF a responsible adult who is not impaired accepts responsibility for the subject and agrees to relocate them to a safe environment and with supervisory approval. The subject may only be issued a summons if they have the capacity to understand what they are signing, their legal obligation to appear and the repercussions of a non-appearance (failure-to-appear capias).
  - (c) Processed as an in-custody, physical arrest and booked.
8. All field screening of subjects for diversion suitability shall begin with a complete records check of the subject by the detaining officer. Attempts at concealment of true identity or total lack of available data in the records system are criteria the detaining officer can use to assess the unsuitability for diversion.
9. After a diversion-eligible subject under this Chapter is identified and the officer's supervisor concurs in the eligibility and decision to transport to the Sobering Center:
  - a. the officer shall contact the Sobering Center to determine if space is available and the subject is not on an "Exception List".
    - i. A subject on the Sobering Center Exception List is not eligible for diversion and shall be processed as a summons or arrested as appropriate.
    - ii. If space is available, diversion may proceed.
    - iii. If space is not available, the officer shall charge the subject and either summons or book into jail as appropriate.
  - b. The officer shall **clearly** state to the diversion eligible subject, as part of the BWC incident recording, that they have the right to refuse to participate in the diversion to the

Sobering Center and the effect of their refusal to participate in the diversion to the Sobering Center and any subsequent enforcement related actions by the officer.

- c. The diversion eligible subject's consent or refusal to participate in the Sobering Center diversion shall be clearly indicated on the BWC incident recording. A non-responsive action is considered a "refusal".
10. The officer shall follow the appropriate prisoner transport guidelines of **Chapter 71.1 – Prisoner Transport**.
  11. At the conclusion of any enforcement action (summons or arrest), the officer or sergeant will contact the OPCD primary dispatch radio talk group for the District and provide them with the appropriate disposition of the item, according to **Chapter 81.7 – Police Complaint Signals and Dispositions** and **Chapter 82.4 – Complaint Signals – Changing of Item Signals and Dispositions**. Specific mention shall be made of the transport to the Sobering Center. Officers shall utilize signal 19SC when marking up calls involving persons diverted to the Sobering Center when no enforcement action is taken.
  12. The officer shall complete all necessary EPR and FIC on the subject as required by the signal for the offense. (See: **Chapter 41.12 – Field Interview Cards**).
  13. The officer or sergeant who made the field screening for diversion to the Sobering Center will:
    - (a) Complete the FIC, EPR, and/or summons as appropriate for the charges and signal other than a stand-alone public intoxication charge that would be needed to refer the case to the appropriate prosecutor. The use of a summons must be approved by the member's supervisor and the summons must be signed by the subject. The subject may only be issued a summons if they have the capacity to understand what they are signing, their legal obligation to appear and the repercussions of a non-appearance (failure-to-appear capias).
    - (b) The narrative in the incident report (EPR), if one is written, will clearly state that the subject has been diverted to the Sobering Center. Any related summons shall indicate in the remarks that a Sobering Center referral was involved.  
Any summons shall be processed normally. (See: **Chapter 41.8 – Affidavits and Summons**.)  
The name and contact information for the responsible adult who is not impaired and accepted responsibility for the subject and agreed to relocate them to a safe environment shall be noted on the summons form.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.10

### TITLE: PUBLIC RECORDING OF POLICE OFFICERS

**EFFECTIVE: 03/19/2017**

**REVISED: 04/30/2017**

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#### PURPOSE

The purpose of this Chapter is to provide guidance for officers in dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the press.

#### POLICY STATEMENT

1. In accordance with the rights secured or protected by the Constitution and laws of the United States and the Constitution and laws of the State of Louisiana, onlookers or bystanders may witness, observe, record and / or comment on officer conduct, including stops, detentions, searches, arrests, or uses of force. Officers shall respect the right of persons to observe, record, and / or verbally comment on or complain about the performance of police duties occurring in public. Officers shall be cognizant that the exercise of these rights serves an important public purpose.
2. Members of the public, including media representatives, have an unambiguous First Amendment right to observe, record, and / or verbally comment on or complain about the performance of police duties occurring in public. The right is not limited to public streets and sidewalks; it includes areas where individuals have a legal right to be present, including an individual's home or business, or other private property where the person has a right to be or is legally present. The seizure and/or destruction of recordings without a warrant or due process may also violate the individual's Fourth and Fourteenth Amendment rights.
3. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public. No individual is required to have or to display "press credentials" in order to exercise the right to observe, record, and / or verbally comment on or complain about the performance of police duties taking place in an area accessible to, or within view of, the general public.
4. Officers should assume that they are being observed or recorded at all times when on duty in a public place.
5. Any allegations that a recording may contain evidence of wrongdoing by an officer shall be immediately communicated to a supervisor who shall secure the recording and notify PIB who will make the scene and assume custody and control of the recording and

follow the guidelines of **Chapter 84.1 – Evidence and Property, Chapter 83.1 – Collection and Preservation of Evidence, and Chapter 83.2 – Computers and Digital Evidence.**

#### **DEFINITIONS:**

Definitions relevant to this Chapter include:

**Recording**—Capturing of images, audio, or both by means of a camera, cell phone, audio recorder, or other device.

**Media**—The storage source for visual or audio recordings, whether by film, analog, or digital means.

#### **OFFICER'S RESPONSIBILITIES**

6. Officers are prohibited from threatening, intimidating, or otherwise discouraging any individual from observing stops, detentions, arrests, and other incidents or remaining in the proximity of the incident or recording police officer enforcement activities unless one of the restrictions below applies.
7. Officers must not intentionally block or obstruct persons, cameras or recording devices in any manner unless it is to protect the privacy or identity of victims, witnesses, or undercover officers.
8. Officers are prohibited from deleting recordings or photographs and from damaging or destroying recording devices/cameras under any circumstances.
9. 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 restrictions below applies.

#### **RESTRICTIONS**

10. A person may observe, record, and / or verbally comment on or complain about the performance of police duties occurring in public unless the person engages in actions that:
  - (a) Jeopardize the safety of the officer(s), victims, witnesses, third parties, the suspect(s), or others in the vicinity;
  - (b) Jeopardize the integrity of the crime scene;
  - (c) Violate the law; or
  - (d) Incite others to violate the law.
11. Examples of such restrictions include but are not limited to:
  - (a) Persistently engaging or attempting to engage an officer in conversation while the officer is executing his/her duties;
  - (b) Interfering through direct physical intervention with a lawful arrest;
  - (c) Tampering with a witness;
  - (d) Inciting bystanders to interfere with, hinder, or obstruct an officer in the performance of his/her duties;
  - (e) Unreasonably impeding the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic;
  - (f) Trespassing on private property;
  - (g) Entering a private dwelling or similar private space without the owner's permission;
  - (h) Entering a marked crime scene; and

- (i) Entering any area not accessible to the general public.
- 12. An individual's observation, recording, and / or verbal comment on or complaint about the performance of police duties occurring in public from a safe distance without any attendant action intended to obstruct the activity or threaten the safety of others does **not** amount to interference.
- 13. A person's expression of criticism of the police (or the police activity being observed) does **not**, by itself, constitute interference.
- 14. The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.
- 15. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying does **not**, of itself, justify an officer taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's constitutional right to protected speech. Even foul expressions of disapproval towards police officers are protected under the First Amendment.

*\* The U.S. Supreme Court has held that "a properly trained officer may reasonably be expected to exercise a higher degree of restraint" than the average citizen when it comes to reacting to insults or "fighting words."*

*\* Courts have given First Amendment protection to persons who made obscene gestures and yelled profanities at police officers, and they have prohibited the police from interfering with such speech.*

## **SEIZURE OF EQUIPMENT**

- 16. Where an officer has a reasonable belief that a bystander or witness has captured a recording of critical evidence related to a serious crime, the officer shall:
  - (a) Consult, if possible, with a supervisor;
  - (b) Ask the recording person if he/she will consent to lend the recording medium to the officer temporarily so that it can be viewed; and
  - (c) Request the recording person to e-mail the recording to the officer at his/her government e-mail address.
- 17. If the recording person does not agree to share the recording, he/she may not be pressured, threatened, or intimidated to gain compliance. 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.
- 18. If the recording person does not agree to share the recording and the officer has reasonable cause to believe that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be seized under a temporary restraint. The warrantless seizure of material protected by the First Amendment and Fourth Amendment (photos, videos, etc.) will be strictly scrutinized by a court. In ordinary circumstances, the seizure of cameras or recording devices without a warrant will not be reasonable. Cameras or recording devices will not be seized without a warrant unless:
  - (a) Officers have probable cause to believe that critical evidence of a felony is contained on/in the camera or recording device;
  - (b) Officers first have explained the circumstances and have unsuccessfully attempted to get the consent of the person in possession of the recording device;

- (c) The seizure of the camera/recording device is for no longer than reasonably necessary for the officer, acting with due diligence, to obtain a warrant to seize the evidence; and
  - (d) Supervisory approval has been granted for the seizure.
19. Unless and until a warrant to search the device has been obtained, an officer will not search the device or attempt to view the recording without the recording person's consent.

### **RESPONSES BY OFFICERS BEING RECORDED**

20. Some appropriate police responses to being recorded are:
- (a) Informing the recording party that he/she has a right to record but there are some restrictions.
  - (b) Advising the recording party if he/she is doing something that is not permitted.
  - (c) Directing the recording party to a location at a reasonable distance where he/she can record.
  - (d) Designating a reasonable police perimeter. This perimeter **MUST** be applied to all individuals equally, and the recording party should not be singled out.

### **ARREST**

21. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, when appropriate, prior to making an arrest.
22. Arrest of a person who is observing, recording, and / or verbally commenting on or complaining about the performance of police duties occurring in public shall be related to an objective, articulable violation of the law unrelated to the act of observing, recording, and / or verbally commenting on or complaining about the performance of police duties occurring in public. The action does not, in itself, provide grounds for detention or arrest.
23. Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

### **SUPERVISORY RESPONSIBILITIES**

24. A supervisor shall be summoned to the scene of any incident in which an individual observing, recording, and / or verbally commenting on or complaining about the performance of police duties occurring in public is going to be, or will most likely be, arrested or when recording equipment is or may be seized without a warrant or lawful consent.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3

### TITLE: USE OF FORCE

EFFECTIVE: 12/06/15

REVISED: 04/01/2018, 10/02/2022

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#### PURPOSE

This Chapter governs the use of force by NOPD police officers. The Use of Force Chapter applies to all commissioned members of the NOPD.

#### DEFINITIONS

**Active Resistance**—Resistance exhibited by a suspect that is between passive resistance and aggressive 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.

**Aggravated Resistance**—When a subject's actions create an objectively reasonable perception on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated resistance represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

**Aggressive Resistance**—Is a subject's attempt to attack or an actual attack of an officer. Exhibiting aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

**Anatomical Compliance Technique / Pressure Point Compliance Technique**—The act of applying pressure to vulnerable areas, weak points or pressure points of the body. This technique is used to cause immediate compliance 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. (La. C.Cr. P. Art. 201).

**Canine Apprehension**—Where articulated facts demonstrate that a canine played a clear 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. This includes all instances in which a canine is removed from the police car; or when a suspect gives up immediately after an announcement is made that if they do not surrender, the canine will be released; or when a canine search is conducted in an effort to apprehend a suspect.

**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.

**Compliant**—Cooperative obedience in response to lawful requests or directions from law enforcement personnel.

**Critical Firearm Discharge**—A discharge of a firearm by an NOPD officer, including discharges when no person or animal is struck. Range and training firings, humane destruction of animals, and off-duty hunting discharges when no person is struck are not critical firearms discharges.

**Conducted Energy Weapon (CEW)**—A weapon designed primarily to discharge electrical impulses into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.

**CEW Application**—The contact and delivery of electrical impulse to a subject with a CEW.

**Deadly Force/Lethal Force**—Any force likely to cause death or serious physical injury. The use of a firearm (discharge) is considered deadly force. Neck holds and strikes to the head, neck or throat with a hard object are considered lethal force.

**Elbow strike**—A strike to a person with the point of an officer's elbow.

**Firearm**—A pistol, revolver, shotgun, carbine, or machine gun. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. (Gun Control Act of 1960, Title 18, US, chapter 44, Title1)

**Force Statement**—A written statement required as part of the departmental Use of Force Report (in Blue Team application and Form #114). The Force Statement is completed by an involved officer or witness officer documenting a use of force. A Force Statement is not considered a compelled statement under *Garrity v. New Jersey* or under analogous State law. The statement can be considered compelled only when the officer is ordered to provide a statement after refusing to do so on the grounds that the officer has a reasonable, good faith belief that such statement may incriminate himself/herself.

**Force Tracking Number**—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.

**Force Transition**—Force transition is the movement, escalation/de-escalation, from the application of one force type to another in conjunction with the "objectively reasonable" standard.

**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 also shall investigate all instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD.

**Imminent Threat**—An immediately impending danger that must be instantly met.

**Impact Weapon**—Any solid or semi-solid object used by an officer as a method of gaining control of a subject. Absent exigent circumstances, officers shall not use non-traditional weapons/hard objects, such as firearms or radios, as impact weapons.

**In-Custody Death**—An incident in which an individual died while in, or as an apparent result of being in, the custody of NOPD.

**Kick**—To forcibly strike a person with any part of an officer's leg.

**Leg sweep**—To trip a person and/or cause one or both legs of a person to collapse and the person to fall to the ground.

**Less-Lethal Force**—Force employed that is neither likely nor intended to cause death or serious injury.

**Less-Lethal Weapon**—An 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 such as a firearm.

**Neck Hold**—One of the following types of holds: (1) arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck; (5) any actions with the hands and fingers of an officer, which restricts the airflow of an individual. A neck hold is 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. Passive resistance, including verbal statements, bracing, or tensing alone does not constitute active resistance

**Probable Cause**—The facts and circumstances, known to the officer at the time, which would justify a reasonable person in believing that the suspect committed or was committing an offense.

**Reasonable Force**—Force that is objectively reasonable under the circumstances. The minimum amount of force necessary to effect an arrest or protect the officer or other person.

**Reasonably Necessary**—Force is reasonably necessary when the facts and circumstances, including the reasonable inferences drawn therefrom, known to an officer at the time he or she uses force, would cause an objectively reasonable officer to believe that force is appropriate.

**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. The pointing of a firearm at a subject is a reportable use of force.

**Seizure (or Detention)**—Occurs when an officer's words, actions, or control would convey to a reasonable person that he or she is not free to leave.

**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 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 CEW 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 CEW application for 15 seconds or longer, whether continuous or consecutive; and
- (h) Any strike, blow, kick, CEW application or similar use of force against a handcuffed subject.

**Specialized Weapons** - weapons which require specialized training, certification and authorization prior to use, such as chemical agents, 40mm launchers, stinger rounds and grenades, flashbangs, LRAD systems, etc. (see: **Chapter 46.2.3 – CRU SWAT Equipment and Storage.**)

**Specialty Impact Munitions** - Refers to extended range impact munitions. These munitions may include impact rounds containing chemical agents.

**Supervisor**—A sworn NOPD employee at the rank of sergeant or above and non-sworn NOPD members with oversight responsibility for officers.

**Takedown**—A person is thrown, pushed, tackled, or shoved to the ground or against a wall, car, or other surface by an officer. The key element to a takedown is the degree of force used. The use of a compliance technique off-balancing the subject against a wall, car, or surface (**other than ground**) alone is **not** a takedown. A shove or push does not maintain contact, but rather creates distance between the officer and the subject, and is not a takedown unless a fall to the ground results.

**Use of Force**—Physical effort to compel compliance by an unwilling subject above unresisted 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. The level of the force used as compared to the resistance encountered, 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 are examples.

**Use of Force Levels**—For reporting and investigative purposes, the New Orleans Police

Department categorizes use of force by its members into four (4) primary force levels:

#### **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 that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving, or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.

#### **LEVEL 2**

Level-2 uses of force include use of a CEW (including where a CEW is fired at a person but misses); the use of “flash bangs” and “aerial flash bangs” to compel compliance from an unwilling subject; a canine deployment resulting in an apprehension without contact and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.

#### **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 when contact is made (except to the head), regardless of injury; a canine deployment resulting in an apprehension contact that is not a bite or the destruction of an animal.

#### **LEVEL 4**

Level-4 uses of force include all ‘serious uses of force’ as listed below:

- (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 a CEW 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 CEW application for 15 seconds or longer, whether continuous or consecutive;
- (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
- (i) Any vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization.
- (j) Any use of specialized weapons, such as gas dispersants, the use of “flash bangs” and “aerial flash bangs” or impact rounds for the purposes of crowd control (See **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances**), including the munitions listed in **Appendix E** of Chapter 46.2.1).

**Use of Force Report**—A written report documenting a supervisor's investigation of a use of force (in Blue Team application and Form #114).

#### **USE OF FORCE POLICY STATEMENT**

1. The policy of the New Orleans Police Department is to value and preserve human life when using lawful authority to use force. Therefore, officers of the New Orleans Police

Department shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. Members are advised that the Department places restrictions on officer use of force that go beyond the restrictions set forth under the Constitution or state law.

2. Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through the use of poor tactical decisions.
3. When feasible based on the circumstances, officers will use de-escalation techniques, disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health and crisis resources, in order to reduce the need for force, and increase officer and civilian safety. Moreover, the officers shall de-escalate the amount of force used as the resistance decreases.
4. Any evaluation of reasonableness must allow for the fact that officers must sometimes 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.
5. While the ultimate objective of every law enforcement encounter is to protect the public, nothing in this Chapter requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Nevertheless, officers should strive, where practicable, to first try to de-escalate a situation prior to using force.

#### **USE OF FORCE PRINCIPLES**

6. NOPD officers, regardless of the type of force or weapon used, shall abide by the following requirements:
  - (a) Officers shall use verbal advisements, warnings, and persuasion, when possible, before resorting to force.
  - (b) Officers are expected to use sound judgment when making a subjective and independent decision regarding the need and appropriateness of the force to be used.
  - (c) Under no circumstances will an officer use force solely because another officer is using force.
  - (d) Officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health professionals or a CIT Officer, when feasible, in order to reduce the need for force and increase officer and civilian safety.
  - (e) When possible, officers shall allow individuals time to submit to arrest before force is used.

#### **MEDICAL ATTENTION**

7. Immediately following a use of force, officers and supervisors shall inspect and observe subjects for injury or complaints of pain. Officers shall obtain medical assistance for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. This may require officers to render emergency first aid within the limits of their individual skills, training and available equipment until professional medical care providers arrive on the scene. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored by the officer involved in the incident or an on-scene assisting officer until medical personnel can assess the individual. NOPD officers shall request

medical assistance without delay when a subject has visible injuries or the subject complains of injury.

#### **AUTHORITY TO USE REASONABLE FORCE (Louisiana R.S. 14:20 and R.S. 14:22)**

8. Officers may use only necessary and reasonable force:
  - (a) To protect themselves from injury;
  - (b) To protect others from injury;
  - (c) To effect a lawful detention;
  - (d) To effect a lawful arrest; or
  - (e) To conduct a lawful search.
9. A use of force is “necessary” when it is reasonably required, considering the totality of facts and circumstances, to carry out one of the above listed law enforcement objectives.
10. When practicable, officers will identify themselves as peace officers before using force. If it is not already known by the subject to be detained, arrested, or searched, officers should, if reasonable, make clear their intent to detain, arrest or search the subject.
11. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create an objectively reasonable belief that a situation may escalate to the point at which lethal force would be authorized. Once an officer determines that the use of deadly force is no longer likely, the officer shall re-holster the weapon.
12. 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. **(See La. C. Cr. P. 220)**

#### **DEADLY FORCE**

13. **Deadly/Lethal force shall be used only when:**
  - (a) There is an imminent danger of death or serious physical injury to the officer or another person; or
  - (b) To prevent the escape of a fleeing subject if there is probable cause to believe:
    - i. The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
    - ii. The escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person.
14. Officers are not authorized to fire their firearms in order to subdue an escaping suspect who presents no imminent threat of death or serious injury. **(Tennessee v. Garner, 471 U.S. 1 (1985)).**
15. Deadly Force may never be used for the protection of property.

#### **DETERMINING THE REASONABLENESS OF FORCE**

16. When determining whether to use force **(see: Graham v. Connor, 490 U.S. 386 (1989))** and in evaluating whether an officer has used reasonable force, the facts and circumstances, when they are known or reasonably should be known by the officer, that should be considered include, but are not limited to:
  - (a) The seriousness of the suspected offense or reason for contact with the individual;
  - (b) Whether the subject poses a threat of injury to himself, officers or others, and the immediacy and severity of the threat;

- (c) The conduct of the individual being confronted as reasonably perceived by the officer at the time;
- (d) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers versus subjects);
- (e) The effects of drugs or alcohol;
- (f) The subject's mental state or capacity;
- (g) Proximity to weapons or dangerous improvised weapons/devices;
- (h) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained;
- (i) The availability of other options and their possible effectiveness;
- (j) The training and experience of the officer;
- (k) The environment wherein the event is occurring;
- (l) Whether the person appears to be resisting in an active, aggressive, or aggravated manner;
- (m) The risk of escape;
- (n) The apparent need for immediate control of the subject for a prompt resolution of the situation versus the ability to step back, regroup and develop an alternative approach and the time available to the officer to make a decision;
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others; and
- (p) Any other exigent and articulable circumstances.

## **DE-ESCALATION**

17. When it is consistent with protecting the safety of the officer, the subject, or the public, officers shall use de-escalation techniques to avoid or reduce the need for the use of force. These techniques include gathering information about the incident, assessing the risks, assembling resources, attempting to slow momentum, and communicating and coordinating a response. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options.

## **SUPERVISORY RESPONSE TO FORCE INCIDENTS**

18. The prospect of a favorable outcome is often enhanced when supervisors become involved in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions. Whenever possible, supervisors shall acknowledge and respond in a timely manner to in-progress incidents in which there is a higher potential for officers to use force.

## **FORCE LEVELS**

19. When use of force is needed, officers will assess each incident to determine, based on policy, training and experience, which use of force option is believed to be appropriate for the situation and bring it under control in a safe and prudent manner.

### **LEVELS OF RESISTANCE**

- (a) **Passive Resistance,**
- (b) **Active Resistance,**
- (c) **Aggressive Resistance, and**
- (d) **Aggravated Resistance.**



## LEVELS OF CONTROL

20. There are a variety of controls officers can use to stop the unlawful actions of a subject(s) or to protect a subject(s) from injuring himself/herself/themselves or others. The type of control officers use may vary based upon the facts and circumstances confronting them. Officers shall assess all contacts to determine the appropriate level of control. When possible, officers shall attempt to gain control of subjects by using verbal commands/directives first.
21. If verbal commands/directives are ineffective or not feasible, officers may utilize other control methods. If force is necessary, officers shall determine which control technique(s), tactics or authorized defensive equipment would best de-escalate the incident and bring it under control in the safest manner. When it is objectively reasonable, officers may utilize the following skills and techniques as follows:
- (a) **Professional Presence**—This includes all symbols of police authority, such as badge, uniform, marked police vehicle, etc., and applies to all levels of control.
  - (b) **Verbal Commands**—This level includes fundamental verbal skills and strategies that are available to the trained officer. The mere presence of the officer can be included in this category.
  - (c) **Contact Controls**—When confronted with a subject demonstrating minimal resistant behavior, the officer may use low-level anatomical compliance techniques or physical tactics to gain control and cooperation. These tactics can be psychologically manipulative as well as physical, and include additional verbal persuasion skills, anatomical applications, and escort positions.
  - (d) **Compliance Techniques**—When a subject becomes resistant (active resistance), the officer may use anatomical compliance techniques or physical control tactics to overcome the level of resistance and remain vigilant for more aggressive behavior from the subject.
  - (e) **Conducted Energy Weapon**—The CEW is used in: (1) situations in which a subject who may be lawfully detained or apprehended poses an imminent risk of harm to the officer(s), the subject, or others; attempts to subdue the subject with less intrusive means have been or will likely be ineffective; and there is an objectively reasonable expectation that it would be unsafe for officers to approach the suspect within contact range; OR (2) situations in which a suspect for whom an officer has probable cause to arrest is actively fleeing from arrest for a serious offense; and attempts to subdue the subject with less intrusive means have been or will likely be ineffective or increase the likelihood of greater harm to the officer, the subject or another party. **Officers are reminded that mere flight shall not be the sole justification for using a CEW against a suspect.** Members should consider the severity of the offense, the suspect's threat level to others, and the risk of serious injury to the subject before deciding to use a CEW on a fleeing suspect.
  - (f) **Defensive Tactics**—When a subject attempts to assault the officer or another person (aggressive resistance or aggravated resistance), the officer is justified in taking appropriate physical action to immediately stop the aggressive action and to gain control of the subject. This may include the use of hands, fists and feet.
  - (g) **Authorized Impact Weapons**—Those less-than-lethal weapons such as the PR-24 and expandable batons, which, when authorized by the NOPD and utilized in accordance with training, may be used to overcome aggressive and aggravated resistance.
  - (h) **Deadly or Lethal Force**—Deadly/Lethal force shall be used only when:
    - i. There is an imminent danger of death or serious physical injury to the officer or another person; or
    - ii. To prevent the escape of a fleeing subject if there is probable cause to believe:

- The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
- The escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person.

### DUTY TO INTERCEDE

22. Officers have a duty to intercede to prevent the use of unreasonable force if the officer has reason to know that unreasonable force is being used and there is a realistic opportunity to intervene to prevent harm. The action required by the officer will depend on the circumstances of the incident. Appropriate action may include, but is not limited to:
- (a) Verbal or physical intervention;
  - (b) Immediate notification to a supervisor; and
  - (c) A direct order by a supervisor to cease the use of unreasonable force.

### PROHIBITED ACTIONS

23. **Neck Holds**—Officers shall not use neck holds, except when lethal force is authorized.
24. **Head, Neck, Throat, Heart, Kidney, and Groin Strikes with Impact Weapons**—The head, neck, throat, spine, heart, kidneys and groin shall not be intentionally targeted with impact weapons except when deadly force is authorized. Head strikes with impact weapons are prohibited except when lethal force is authorized.
25. **Shooting at or from moving vehicles**—Officers shall not discharge a firearm from 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 another person. Discharging a firearm in this circumstance is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger or it is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander.
- Officers shall not intentionally place themselves in the path of, or reach inside, a moving vehicle. Where possible the officer shall attempt to move out of the path of a moving vehicle rather than discharge their weapon to stop the vehicle. Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
26. **Shooting through a door or window** when the target is not clearly in view.
27. **Warning shots** or shots fired for the purpose of summoning aid are prohibited.
28. **Using firearm as impact weapon**—Officers should never use a firearm as an impact weapon, i.e. “pistol whip” a subject or using the firearm as a club, except in situations where deadly force would be authorized.
29. **Force against persons in handcuffs**—Officers shall not use force against persons in handcuffs, except to prevent imminent bodily harm to the officer, or another person, or to physically move the subject who has become passively resistant.
30. **Force to overcome passive resistance**—Officers shall not use force to overcome passive resistance, except that physically moving a subject is permitted when it is necessary and objectively reasonable.

**OLEORISIN CAPSICUM SPRAY (OC Spray)–PROHIBITED**

31. Oleoresin capsicum spray is **not** authorized for general use by the New Orleans Police Department. Officers shall not use or possess OC Spray while on duty, including officers working secondary employment. Exception to the general prohibition is made for SOD/SWAT use only, under highly specific circumstances such as civil disturbances when a command level decision has been made to deploy OC spray. (See **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances**).

**DANGEROUS ANIMALS**

32. Officers are authorized to use firearms to stop an animal in circumstances in which the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. The officer must be cognizant of the surroundings when shooting at an animal and ensure there is no risk to people in the area. Under 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, CEW, animal control officer). Nothing in this Chapter shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

**SPECIALIZED UNITS AND WEAPONS**

33. Not every member of the NOPD is trained on all available weapons or skills. Specialized weapons are **RESTRICTED** to members of designated units (i.e., SOD), who have been trained in their use, and for use during special events or incidents (see: **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances**). The general guidelines for the appropriate levels of force categories follow the guidelines of this Chapter, such as:
- a. If the weapon is used or deployed as an impact round, it's a Level 3 UOF (like an impact weapon), unless it meets the requirements for an impact round to be a level 4 such as a strike to the head or sensitive area, loss of consciousness, serious physical injury, or hospitalization. OR if the weapons are used or deployed in a crowd control setting, they are considered a Level 4 UOF.
  - b. Any of the gas dispersants or agents, including aerial, would be a Level 2 UOF (in line with OC spray) **unless** used in a civil disturbance / crowd control setting, then they would be considered a Level 4 UOF.
  - c. Aerial flash bangs are distraction devices and considered a Level 2 UOF, unless they cause injury or strike/impact someone. The same applies to a flash bang. **unless** used in a crowd control / civil disturbance setting, then they would be considered a Level 4 UOF.
  - d. Any weapon or munition used in a civil disturbance setting is considered a Level 4 UOF.
34. Specialized units (i.e. SOD) and members who have been trained on the weapons and skills covered in **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances (Appendix – E)** shall have their individual training documented, along with the required certification and re-certification in their individual Departmental training records and in INSIGHT (personnel jacket). Any use of specialized weapons by a member who has not achieved and/or maintained required certification shall be investigated as a Level 4 UOF and appropriate corrective action taken.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3.1.1

### TITLE: HANDCUFFING AND RESTRAINT DEVICES

**EFFECTIVE:** 12/06/15

**REVISED:** 04/02/2017, 05/10/2020

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#### PURPOSE

This Chapter governs handcuffing and otherwise restraining suspects during detentions and arrests to provide adequately for the safety and security of the suspect being detained or in custody, the transporting officer, and the public.

#### POLICY STATEMENT

1. The New Orleans Police Department authorizes the use of handcuffs and restraint devices to control suspects who are actively, aggressively, or aggravatedly resisting a lawful detention or arrest in accordance with this Chapter, **Chapter 1.3 - Use of Force** and department training.
2. Restraint devices **shall not** be used to demean, embarrass, punish, or display authority; they also shall not be used as a show of force.
3. Consistent with NOPD Policy concerning use of force generally, force shall not be used against an individual in handcuffs or other restraint device except as reasonably necessary to prevent imminent bodily harm to the officer or another person or persons.
4. The improper use of force against individuals in handcuffs or other restraining devices can constitute excessive force in violation of the United States Constitution and State law, and it may result in criminal prosecution as well as civil liability.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Active Resistance**—Resistance exhibited by a suspect that is between passive resistance and aggressive 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.

**Aggressive Resistance**—Is a subject's attempt to attack or an actual attack of an officer. Exhibiting 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 a knife or stick) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, nor tensing constitutes aggressive resistance.

**Aggravated Resistance**—When a subject's actions create an objectively reasonable belief on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated resistance represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

**Agitated delirium** (also known as excited delirium)—A syndrome or condition characterized by extreme physical agitation, paranoid or irrational behavior, and/or pain insensitivity, often but not necessarily caused by mental illness or substance use.

**Positional or compression asphyxia**—When a subject's body position interferes with his or her breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway. Death may occur from positional asphyxia.

**Sudden tranquility**—When a subject who was acting violent suddenly becomes calm, sleepy, and appears to be resting.

### **HANDCUFFING TECHNIQUE**

5. Officers shall ensure that handcuffs are applied according to the approved method. The approved method of properly placing and securing handcuffs on a subject is with the subject's hands behind the back, thumbs pointing up, and the palms out. In all cases, handcuffs shall be double locked. If handcuffs are put on in any other manner, the officer(s) shall reapply the handcuffs in the approved manner if and when it is safe to do so and as soon as it is safe to do so.
6. It is the officer's responsibility to ensure that any reapplication or change of handcuffs can be accomplished safely. Officers who are contemplating a reapplication or change of handcuffs should take into consideration all safety concerns, the need for additional officers and balance the benefits of proper application of the handcuffs against the risks associated with re-handcuffing a suspect already in custody and secured.
7. The circumstances surrounding the placement, removal, and reapplication of handcuffs shall be documented on the required FIC or EPR.

### **ISSUANCE, MAINTENANCE AND CARRYING RESTRAINT DEVICES**

8. Restraint devices described in this Chapter may be carried and used by officers of this Department only if the device has been issued or approved by the Superintendent of Police or his authorized designee.
9. Only officers who have successfully completed Department training, maintained and demonstrated their qualifications in the use of any approved restraint devices are authorized to carry and use those devices.
10. All routine maintenance of a restraint device shall be the responsibility of the officer to whom it is issued.

### **USE OF RESTRAINTS**

11. Officers are responsible for the safety and well-being of the suspects in their custody and control. Suspects under restraint may evidence signs of **positional asphyxia**, **agitated delirium** or **sudden tranquility** due to recent physical exertions, existing

physical conditions or drug use, and they must be continually monitored while under restraint.

12. Restraint devices may be used to restrain suspects who actively resist, aggressively resist, aggravatedly resist, or demonstrate an intent to resist (actively, aggressively, or aggravatedly) a lawful detention where the use of the restraint appears reasonable under the circumstances.
13. Officers shall use handcuffs for all arrests where the suspect will be booked unless the suspect falls under one of the restrictions outlined herein (i.e. pregnant, in labor, disabled, juvenile).
14. The following restraint devices are approved for use:
  - (a) Handcuffs –
    1. Smith and Wesson; Model 100; nickel or blue finish
    2. Peerless Model 700 (or equivalent); nickel or blue finish with universal size key
  - (b) Flex cuffs – a commercially produced plastic flexible band cuff with a one-way locking system that can be fastened as a restraint around a person's wrists.
  - (c) Leg restraints –
    - i. Smith and Wesson Model 1900 in satin nickel finish,
    - ii. EZ Leg Control Harness.
15. When deciding whether to use an approved restraint device described in this Chapter, officers should carefully balance all safety concerns with factors, including but not limited to:
  - (a) The circumstances of the detention or crime leading to the arrest;
  - (b) The demeanor and behavior of the detained/arrested suspect;
  - (c) The age and health of the person;
  - (d) Whether the person is known to be pregnant;
  - (e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front to allow the person to sign or write notes;
  - (f) Whether the individual has an injury or disability that may be aggravated by handcuffing, and what reasonable accommodations may be made for such disability; and
  - (g) Any other apparent disability or condition.
16. Once handcuffed, the arrested suspect shall be secured in the rear seat of the police unit. The safety belt shall be properly utilized. Once secured in the vehicle, the primary responsibility for the safety of the detainee or arrested suspect is with the transporting officer.
17. Officers shall use caution when securing a suspect in a police vehicle utilizing a seat belt. Seat-belted a suspect places officers in an awkward physical position, exposing them to potential harm during the belting procedure. If possible, two officers should be present when belting suspects in a police vehicle.

## DANGERS OF RESTRAINTS

18. Officers are reminded of the danger of "**positional asphyxia**," and will follow the guidelines for care of restrained subjects listed below.
19. Officers are reminded of the danger of "**agitated delirium**" and will follow the guidelines for care of restrained 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 important. 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 a subject suspected of agitated delirium is in custody, EMS should be immediately contacted to evaluate the subject. Some of the symptoms include:

- (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); and
- (g) Unexpected physical strength;
  - 1. For officer safety, **NEVER** engage a subject displaying symptoms of agitated delirium one-on-one.
  - 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 should immediately call for backup and EMS.

20. Guidelines for the care of restrained subjects are:

- (a) Follow training guidelines for physical restraint of subjects.
- (b) If a subject has been placed on his or her stomach, turn him or 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, lie or kneel on the subject's back. Hold the subject's legs down and secure their ankles with approved leg restraints. The use of these restraints may require specialized training.
- (d) **Never** attach the handcuffs to leg or ankle restraints. The **use of any "hog-tying" technique is strictly prohibited.**
- (e) Ask the subject if he or she has used drugs recently or suffers from a cardiac, respiratory disease or condition such as asthma, bronchitis, or emphysema.
- (f) Monitor the subject carefully, looking for breathing difficulties or loss of consciousness. Immediately transport to a medical facility or call for EMS.
- (g) If the subject is transferred to a detention facility, inform the facility's custodians of any preexisting conditions, treatment received or requested because of respiratory difficulty or loss of consciousness.

## RESTRAINT OF SUSPECTS BEING DETAINED

- 21. It may be necessary to restrain an individual who is detained but not under arrest. The use of restraints on suspects being detained should only continue for as long as is reasonable to assure the safety of the suspect, officers and the public.
- 22. **Investigative Stops, detentions for investigation of infractions and violations** — Officers have authority to handcuff a person when the officer has a reasonable suspicion, based on individually articulable facts that the person has committed a crime, or authority to detain the person (Traffic Infraction Investigation and Citation) **and**:

- (a) A reasonable suspicion based on articulable facts that the person will flee if not restrained;
  - (b) A reasonable suspicion based on articulable facts that the person might present an immediate threat of serious physical injury to the officer or others present if not restrained; or
  - (c) The person is, or the officer reasonably suspects based on articulable facts that the person will be, physically uncooperative with the officer in a way that interferes with the officer's ability to pursue the investigation or conduct the stop safely if the person is not restrained.
23. The authority to handcuff during investigatory stops continues only as long as one of the circumstances listed above exists, or as long as continued restraint serves to avoid one of the circumstances. If a change in situation eliminates all justification for the handcuffing, and the officers on scene do not reasonably believe that any of the circumstances listed above will exist if the person is released from the handcuffs, the handcuffs must be removed.
24. When handcuffing a detainee or subject of an investigative stop, the officer shall inform the subject that he/she is not under arrest and that the handcuffs are only a temporary measure for everyone's safety.
25. Officers shall note on the electronic Field Interview Card (FIC) if the individual was handcuffed and the reasons why. (i.e. Subject repeatedly turned and started to step away from officer during questioning and was temporarily handcuffed to prevent flight risk.)
26. **Execution of search warrant at private residence or at business premises open to the public** —Officers have authority to handcuff people they encounter on the premises as is reasonably necessary for the execution of the search warrant with all practicable safety. Subject to the other restrictions contained in this Chapter, officers shall consider the following factors in deciding whether to handcuff individuals at a private residence during the execution of a search warrant:
- (a) The legitimate law enforcement interest in preventing flight in the event that incriminating evidence is found;
  - (b) Minimizing the risk of harm to the officers; and
  - (c) The orderly completion of the search, which may be facilitated if the occupants of the premises are present.
27. Resistance to handcuffing under these circumstances **does not support a charge of Resisting Arrest** because the person is handcuffed not as part of an arrest, but only as a means of self-defense or defense of others. These kinds of detentions are not based on criminal conduct and the justification for the handcuffing can dissipate rapidly. Officers must pay close attention to the circumstances that justify these handcuffings, and if a change in circumstances eliminates all justification for the handcuffing, the handcuffs must be removed.
28. When deciding whether to remove restraints from a suspect, officers should weigh the safety interests at hand against the continuing intrusion upon the suspect's freedom of movement.

## RESTRAINT OF SUSPECTS UNDER ARREST WHO WILL BE BOOKED



29. Officers shall handcuff suspects who have been placed under arrest and will be booked and need not articulate any additional safety concerns or circumstances unless the suspect falls under one of the restrictions outlined herein (e.g. pregnant, disabled, juvenile, etc.). This exception does not apply to traffic citations and municipal or state summons where the officer must or intends to release the person.

### **RESTRAINT OF PREGNANT PERSONS**

30. Females in labor shall not be handcuffed or restrained except in extraordinary circumstances and only when such restraints are necessary to prevent escape or injury.
31. Females who are known to be pregnant should be restrained in the least restrictive manner effective to assure the safety of the suspect, officers and the public.
32. If practicable, officers should obtain approval from a supervisor of the intent to handcuff a pregnant female. A supervisor shall be notified as soon as possible after handcuffing a pregnant female.

### **RESTRAINT OF JUVENILES**

33. A juvenile under 10 years of age should not be restrained unless he or she is suspected of a dangerous felony and actively resists, aggressively resists or aggravatedly resists, or demonstrates an intent to resist (actively, aggressively, or aggravatedly) a lawful detention or arrest and the use of the restraint appears reasonable under the circumstances.
34. Mechanical restraints, including handcuffs, shall never be used with juvenile status offenders, including curfew offenders, in the absence of a real and credible threat that the juvenile will use force against another person.
35. Juveniles shall not be handcuffed behind the back in the absence of a real and credible threat that the juvenile will use force against another person.
36. Juveniles shall not be restrained with mechanical restraints other than handcuffs.
37. Juveniles shall never be handcuffed to a fixed object, such as a bench or a pole.
38. In addition to the above provisions, when a child is held in NOPD **secure custody** at the Juvenile Intake Unit:
  - (a) Handcuffs should not be used except when cases of uncontrollable behavior present serious threats to the safety of the juvenile or others. All reasonable alternatives including verbal counseling or use of minimum physical restraint shall be attempted before resorting to the use of handcuffs.
  - (b) Juveniles who are handcuffed must be isolated to protect them from abuse, and shall be directly observed by an NOPD officer at least twice in every 30 minutes to ensure the safety and well-being of the juvenile.
  - (c) Handcuffs shall not be used for a time period in excess of one hour, and shall immediately be removed as soon as the juvenile is no longer a serious threat to his or her own safety or the safety of others.
  - (d) NOPD officers shall not handcuff juveniles during juvenile court proceedings absent a reasonable real and credible threat that the juvenile will use force against another person, or specifically directed by the juvenile court judge in each instance.

39. In addition to the above provisions, when a child is held in NOPD **non-secure custody** at the Juvenile Intake Unit:
- (a) Handcuffs shall never be used except when cases of uncontrollable behavior present serious threats to the safety of the juvenile or others. All reasonable alternatives including verbal counseling or use of minimum physical restraint shall be attempted before resorting to the use of handcuffs.
  - (b) A supervisor shall approve the use of handcuffs before they are applied.
  - (c) Handcuffed juveniles – like all other juveniles in non-secure custody – must be under the continuous observation of an NOPD officer for the duration of their time in NOPD custody.
  - (d) Handcuffs shall not be used for a time period in excess of one hour, and shall immediately be removed as soon as the juvenile is no longer a serious threat to his or her own safety or the safety of others.
40. **Reporting**—For each incident when handcuffs are used for a juvenile in custody at the Juvenile Intake Unit, whether secure or non-secure, the officer using the handcuffs must appropriately document the following:
- (a) Name of the juvenile.
  - (b) Date and time the restraints were applied and by whom.
  - (c) Persons notified, and when and from whom approval is obtained.
  - (d) Location and confinement.
  - (e) Staff member assigned to supervise.
  - (f) Date and time the restraints were removed.

#### **RESTRAINTS ON PERSONS WITH DISABILITIES**

41. Unless exigent circumstances do not permit, after securing the scene and reasonably ensuring that there is no threat to human life, officers should make objectively reasonable modifications to standard cuffing and restraint practices in order to provide necessary, reasonable accommodations based on a suspect's known or apparent disability.

#### **APPLICATION OF HANDCUFFS OR FLEX CUFFS**

42. Handcuffs, including flex cuffs, may only be used to restrain a suspect's hands. Special care should be made to insure that the flex cuffs are not so tight as to cut off circulation to the hands.
43. The same handcuffing procedures used for standard handcuffing should be used for applying flex cuffs.
44. Some of the tactics used in standard handcuffing will not apply to use of flex cuffs due to the nature and characteristics of the flex cuffs.
45. Caution should be taken to ensure flex cuffs are properly fitted and not over tightened.
46. Flex cuffs shall not be removed with any sharp and/or pointed object (i.e., knives, pointed scissors, etc.). A removal tool designed for safely removing flex cuffs should be used.
47. Because of the nature of the ratcheting mechanism of flex cuffs and their inability to be double locked, officers shall make frequent checks to insure the suspect secured has not

tightened them restricting blood flow .

48. If a CEW is used, the officer should attempt to handcuff a suspect during the CEW activation cycle if possible. This is referred to as “controlling/cuffing under power” (see **Chapter 1.7.1 – CEW**).
49. When handcuffs are employed and always prior to the suspect being placed in a unit for transport, handcuffs shall be double-locked and checked to make sure the double-lock is set to prevent tightening and injury.
50. When one pair of handcuffs is not sufficient to restrain the individual due to size, injury or other physical condition and a single pair of handcuffs may cause an unreasonable level of discomfort, officers should consider alternatives, such as using an additional set of handcuffs linked in a chain or multiple flex cuffs.
51. An officer’s handcuffs should be removed as soon as reasonable after the person has been seated, accepted for processing/custody by the jailor and is safely confined within a detention facility.

#### **NOTIFICATION OF RESTRAINT USE OTHER THAN HANDCUFFS**

52. When an officer transports a suspect with the use of restraints **other than handcuffs**, the officer shall inform the jail or detention facility staff upon arrival at the jail or facility that restraints were used.
53. This notification should include all information regarding the circumstances the officer reasonably believes would present a safety concern or medical risk to the suspect (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, the suspect’s transportation to the jail / facility.

#### **APPLICATION OF AUXILIARY RESTRAINT DEVICES**

54. Only Department authorized devices may be used by officers. Any person in auxiliary restraints and being placed in the custody or control of the NOPD shall be continuously monitored by the officers or members in whose custody or control he or she remains. If the person in custody was restrained using non-approved restraints, switching to approved restraints should be done as long as it is safe to do so and adequate resources and personnel are present to ensure the safety of the public, the person in custody and officers.

#### **APPLICATION OF LEG RESTRAINTS**

55. An officer may use leg restraints on a suspect when the suspect is actively resisting, aggressively resisting or aggravatedly resisting, or demonstrates the intent to resist actively, aggressively, or aggravatedly, a lawful detention or arrest, the use of the restraint appears reasonable under the circumstances and it is reasonable to do so during the course of detention, arrest or transportation. Only leg restraint devices approved by the Department shall be used.

#### **ADDITIONAL LEG RESTRAINT CONSIDERATIONS**

56. In determining whether to use a leg restraint, officers should consider:

- (a) Whether the suspect, officers and the public could be injured due to the violent behavior of a suspect and the safety of the suspect, officers and the public requires it;
- (b) Whether it is necessary to protect the suspect from his or her own actions (e.g., hitting his or her head against the interior of the transport unit, running from the arresting officer while handcuffed, kicking at objects or officers); and
- (c) Whether it is necessary to avoid damage to property (e.g., kicking at windows of the transport unit).

### **GUIDELINES FOR THE USE OF LEG RESTRAINTS**

57. The following guidelines should be followed when applying leg restraints:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device prior to use. A supervisor shall be notified as soon as possible 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 detention facility or the suspect no longer appears to pose a threat.
- (c) Once secured, a suspect **shall not** be placed on his or her stomach for an extended period. This position could reduce the person's ability to breathe. The person should be placed in a seated position in a police unit and secured with a seat belt.
- (d) The restrained suspect shall be continually monitored by an officer while in leg restraints. The monitoring officer should ensure the suspect does not roll onto and remain on his or her stomach.
- (e) Officers shall look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) Ask the prisoner if the circulation is adequate and adjust the tension to the extent necessary for adequate circulation to be maintained
- (g) Visually inspect the prisoner's legs, ankles, and/or feet for swelling, discoloration, or any other indication of inhibited circulation.
- (h) When transported by ambulance/paramedic unit and requested by medical personnel, the restrained person should be accompanied by an officer. The transporting officer should describe to medical personnel any behaviors or circumstances they believe would present potential safety or medical risks to the suspect (e.g., prolonged struggle, extreme agitation, impaired respiration).
- (i) When transported by NOPD the prisoner should be maintained in an upright position using the vehicle's seat belt restraint system.

### **EXTENDED TRANSPORT TIMES**

58. When the transportation or NOPD custody of a suspect is expected to last for an extended period, officers shall be cognizant of the status and position of restraints on the suspect and the suspect's position at all times. Any adjustment to the status or position of the restraints should be made as soon as the officer(s) become aware of a potential need. For safety, one officer should reapply the restraints while a second officer maintains a cover position.

### **REQUIRED DOCUMENTATION**

59. If a suspect is detained, restrained and released without arrest, the officer shall document the details of the detention, restraint and release. This documentation shall be in the form of a Departmental Electronic Field Interview Card or on an Electronic Police Report under an appropriate signal.

60. If a suspect is arrested, the use of restraints shall be documented in the related Electronic Police Report and any reports / forms (Blue Team and **Form 114**) required under **Chapter 1.3.6 – Reporting Use of Force**. The reporting officer shall 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 during arrest and transport as well as any signs of physiological problems;
  - (d) Any known or suspected drug use or other possible medical problems; and
  - (e) The type and manner of restraints used.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3.1.2

### TITLE: CONTROL DEVICES AND TECHNIQUES

**EFFECTIVE: 12/06/15**

**REVISED: 04/01/2018**

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#### PURPOSE

This Chapter governs the issuance, maintenance, and use of control devices and techniques during detentions and arrests to provide for the safety and security of the subject being detained or in custody, the officer, and the public.

#### POLICY STATEMENT

1. The New Orleans Police Department authorizes the use of control devices and techniques in order to control persons who actively, aggressively or aggravatedly resist a lawful detention or arrest in accordance with this Chapter, **Chapter 1.3 - Use of Force** and department training.
2. Control devices and techniques **shall not** be used to demean, embarrass, or punish.

#### DEFINITIONS

**Active Resistance**—Resistance exhibited by a suspect that is between passive resistance and aggressive 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.

**Aggravated Resistance**—When a subject's actions create an objectively reasonable perception on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated resistance represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

**Aggressive Resistance**—Is a subject's attempt to attack or an actual attack of an officer. Exhibiting aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

**Agitated Delirium** (also known as Excited Delirium)—A syndrome or condition characterized by extreme physical agitation, paranoid or irrational behavior, and/or pain insensitivity, often but not necessarily caused by mental illness or substance use. (symptoms listed below).

**Anatomical Compliance Technique / Pressure Point Compliance Technique**—The act of applying pressure to vulnerable areas, weak points or pressure points of the body. This technique is used to cause immediate compliance by a subject who poses a threat.

**Compliant**—Cooperative obedience in response to lawful requests or directions from law enforcement personnel.

**Imminent Threat**—An immediately impending danger that must be instantly met.

**Impact Weapon**—Any solid or semi-solid object used by an officer as a method of gaining control of a subject. Absent exigent circumstances, officers shall not use non-traditional weapons/hard objects, such as firearms or radios, as impact weapons.

**Neck Hold**—One of the following types of holds: (1) arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck. A neck hold is considered lethal force.

**Positional or Compression Asphyxia**—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. Death may occur from positional asphyxia.

**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. The pointing of a firearm or CEW laser at a subject is a reportable use of force.

**Sudden Tranquility**—When a subject who was acting violent suddenly becomes calm, sleepy, and appears to be resting.

**Training Coordinator**—Member or members of the Education and Training Division staff designated by the Commander of the Education and Training Division to ensure 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 required by Departmental regulations.

## **ISSUANCE, MAINTENANCE AND CARRYING OF CONTROL DEVICES**

3. Control devices and techniques described in this Chapter may be carried and/or used by members of this Department only if the device or technique has been issued or approved by the Superintendent of Police or his or her authorized designee.
4. All routine maintenance and care of a control device shall be the responsibility of the member to which it is issued, who carries it, or who uses it.

## **PRIOR TRAINING**

5. Any previous baton training that any officer has received which may employ any type of strike to the head area above the shoulder line should not be utilized. This will include any prior training received through the New Orleans Police Academy, military training, or any training received by any other means.
6. Any prior training received in any type choke-hold, carotid type or otherwise should not

be utilized. This will include any prior training received through the New Orleans Police Department, military training, or by any other means.

7. Any prior training received in any type of anatomical control technique that employs a baton, flashlight, or other weapon that applies any type hold to the head area above the shoulder line should not be utilized. This includes any prior training received through the New Orleans Police Academy, military training or by any other means.

## NECK HOLDS

8. Neck holds are prohibited except where lethal force is authorized.

## USE OF RESTRAINTS

9. Control devices or techniques may be used to restrain or arrest subjects who actively resist, aggressively resist or aggravatedly resist a lawful detention or arrest and the use of the device or technique appears objectively reasonable under the circumstances.
10. Members are responsible for the safety and well-being of the subjects in their custody and control. Subjects who have resisted control or restraint may exhibit signs of **Positional Asphyxia**, **Agitated Delirium**, or **Sudden Tranquility** due to recent physical exertions, existing physical conditions or drug use and must be monitored while they are restrained.
11. Absent exigent circumstances, control devices or techniques described in this Chapter are authorized for use only by members who have successfully completed Department-approved training and maintained certification according to standards set by the Education & Training Division in the use of those devices or techniques.
12. Control devices may be used when a decision has been made to restrain or arrest subjects who have or demonstrate the intent to be violent and the use of the device appears reasonable under the circumstances.
13. Only the following control devices are approved for use when justified:
  - (a) Expandable batons (includes Monadnock Expandable Baton and ASP Batons)
  - (b) Monadnock PR-24 Side Handle Police Baton
  - (c) Monadnock Defensive Tactics System (MDTS)
14. Only the following anatomical control techniques are approved for use when justified:
  - (a) Standard control holds include those from Monadnock Defensive Tactics and Strategic Self-Defense & Grappling Tactics (SSGT) Strong Side or Support Side Escort Position or Two-on-One Escort Position;
  - (b) SSGT Hollow Behind The Ear Pressure Point to Escort Position or Brachial Pressure Point to Escort Position
  - (c) SSGT Rear Wrist Lock to Escort Position
  - (d) SSGT PR-24 or Expandable Baton Strong Side or Support Side Arm lock to an Escort Position
15. Once a suspect becomes compliant officers shall cease use of anatomical compliance techniques immediately.



16. When deciding whether to use an approved control device or technique described in this Chapter, members should carefully balance **all** safety concerns with factors that include, but are not limited to:
  - (a) The circumstances of the detention or crime leading to the arrest;
  - (b) The demeanor and behavior of the detained / arrested subject;
  - (c) The age and health of the subject;
  - (d) Whether the subject is known to be, or appears to be, pregnant;
  - (e) Any other apparent disability or condition.

#### **AUTHORIZED IMPACT WEAPON GUIDELINES**

17. The need to immediately control a suspect must be weighed against the risk of causing serious injury.
18. An intentional strike to the head, neck, throat, spine, heart, and kidneys with any impact weapon is prohibited except when lethal force is authorized.
19. Uniformed personnel shall carry the authorized baton in its authorized holder on the duty gun 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.
20. Other NOPD-issued equipment such as radios, rifles, shotguns, handguns, flashlights, and handcuffs shall not be used as impact weapons except in such circumstances where deadly/lethal force is authorized.

#### **REQUIRED DOCUMENTATION**

21. The use of any control devices shall be documented in the related Electronic Police Report and any reports or forms (Blue Team and **Form 114**) required under **Chapter 1.3.6 – Reporting Use of Force**. The reporting member shall include, as appropriate:
  - (a) The type and manner of control devices used;
  - (b) The specific description of resistance encountered;
  - (c) How and if the suspect was treated and transported;
  - (d) Observations of the suspect's behavior during arrest, treatment and transport as well as any signs of physiological problems; and
  - (e) Any known injuries or suspected drug use or other possible medical problems.

#### **EDUCATION AND TRAINING DIVISION RESPONSIBILITIES**

22. Only officers who have successfully completed Department-approved training and maintained their qualifications in the use of any control device are authorized to carry and use the device.
23. The Education and Training Division shall ensure that each Department member authorized to carry and use the device:
  - (a) Receives instructions from a certified instructor on the proper use of the **PR-24 Rigid/Expandable Side-Handle Baton/PR-24 Control Device**, according to the Monadnock requirements. The Monadnock PR-24 Basic Course requires a minimum of 8 hours for a first time user.
  - (b) Receives instructions from a certified instructor on how the proper use of the **Monadnock Expandable Baton** according to the Monadnock Expandable Baton requirements. The Monadnock Expandable Baton basic course requires a minimum of 4 hours for the first time user.

- (c) Achieves a minimum score of 70% on a written exam on the functions and proper use of both the **Monadnock PR-24 and Expandable Baton**.
24. Upon passing the written portion of each examination, the student shall be required to demonstrate proficiency to at least minimum acceptable performance standards in all taught techniques of each device to a certified Monadnock PR-24 and Monadnock Expandable Baton Instructor before being certified to carry or use either baton.
25. The Education and Training Division shall manage the control device issuance, training, and the inventory(s).
26. Control devices will be annually inspected as part of the in-service training by Education and training Division personnel or the designated instructor for that device. The inspection shall be documented.
27. Damaged departmental control devices returned to the Education and Training Division shall be properly disposed of, repaired, or replaced.
28. The Commander of the Education and Training Division or the designated Training Coordinator shall ensure:
- (a) Proficiency training is monitored and documented by the appropriate certified control device, weapons or tactics instructor;
  - (b) Retraining for all control devices shall occur pursuant to the manufacturer's guidelines or every two years at a minimum;
  - (c) All training and proficiency for control devices will be documented in the officer's training file; and
  - (d) Officers who fail to demonstrate proficiency with the control device or knowledge of **Chapter 1.3 - Use of Force** and **Chapter 1.3.6 – Reporting Use of Force** will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of the Department's regulations after remedial training, the officer shall be immediately restricted from carrying the control device and may be subject to discipline.

#### **REPORTING USE OF FORCE FOR CONTROL DEVICES AND TECHNIQUES**

29. Any reportable use of force including, but not limited to any application of an impact weapon, control device or anatomical control technique excluding hand control or escort techniques applied for the purposes of handcuffing, or escort techniques that are not used as anatomical compliance techniques, do not result in injury or complaint of injury, and are not used to overcome resistance listed within this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3.2

### TITLE: FORCE INVESTIGATION TEAM (FIT)

**EFFECTIVE: 12/06/15**

**REVISED: 04/01/2018**

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#### PURPOSE

The purpose of this Chapter is to set standards for the Force Investigation Team (FIT) to investigate and assess all serious uses of force involving department members in a fair and impartial manner utilizing individuals with appropriate expertise, independence, and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved; that policy, training, equipment, or tactical deficiencies related to the use of force are identified and corrected; and that investigations of sufficient quality to ensure that officers are held accountable, as necessary, are conducted

#### POLICY STATEMENT

1. FIT shall fully and fairly investigate all serious uses of force. In addition to all serious uses of force, FIT shall investigate uses of force indicating apparent criminal conduct by an officer, unless referred to another law enforcement agency; uses of force by Department members of a rank higher than sergeant; uses of force reassigned to FIT by the Superintendent, the Superintendent's designee, or the Public Integrity Bureau (PIB); and any death, serious physical injury or injuries requiring treatment at a hospital associated with a police pursuit. FIT also shall investigate all instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD. FIT members shall identify all policy, training, equipment, or tactical deficiencies related to the use of force. FIT investigations may result in criminal charges, administrative action, or both.
2. NOPD's Homicide Section shall not investigate any officer-involved serious use of force or any NOPD in-custody death. When it is appropriate to ensure the fact and appearance of impartiality, NOPD may refer investigations of serious use of force, or force indicating apparent criminal conduct by an officer, to an independent, competent external agency, such as the Federal Bureau of Investigations.
3. FIT shall be composed of members 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.

## DEFINITIONS

**Critical firearm discharge**—A discharge of a firearm by an NOPD officer, including discharges when no person or animal is struck. Range and training firings, humane destruction of animals, and off-duty hunting discharges when no person is struck are not critical firearms discharges.

**Deadly force/lethal force**—Any force likely to cause death or serious physical injury. The use of a firearm (discharge) is considered deadly force. Neck holds and strikes to the head, neck, or throat with a hard object are considered deadly force.

**Conducted electrical weapon (CEW)**—A weapon designed primarily to discharge electrical impulses into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.

**CEW application**—The contact and delivery of electrical impulse to a subject with a CEW.

**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 also shall investigate all instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD.

**Force statement**— A written statement required as part of the departmental Use of Force Report (in Blue Team application and Form #114). The Force Statement is completed by an involved officer or witness officer documenting a use of force. A Force Statement is not considered a compelled statement under *Garrity v. New Jersey* or under analogous State law. The statement can be considered compelled only when the officer is ordered to provide a statement after refusing to do so on the grounds that the officer has a reasonable, good faith belief that such statement may incriminate himself/herself.

**Force tracking number**—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.

**In-custody death**—An incident in which an individual died while in, or as an apparent result of being in, the custody of NOPD.

**Involved Officer (IO)**— An involved officer is an officer who used force, or against whom force was used.

**Lead investigator**—The principal person conducting the investigation and responsible for authoring the report.

**Neck hold**— One of the following types of holds: (1) arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck. A neck hold is considered lethal force.

**Public safety statement**— A statement by an involved or witness officer that describes the type of force used, the direction and approximate number of shots fired by the involved officer (or officers) and the suspect (or suspects), the location of an injured person, the description of outstanding suspect(s) and the direction of the suspect's flight, the time lapse since the suspect was last seen, whether the suspect is armed, any other information that could assist in the apprehension of outstanding suspects, description(s) of any victims or witnesses, description and location of any know evidence, and any other information to ensure officer and public safety.

**Sequestered**—The separation and isolation of officers, witnesses or accused from others who may have involvement in or be witness to an action that is under investigation by the NOPD either internally or criminally. The intent is to preserve the clarity and accuracy of the individual's independent recollection of events and actions and to minimize, to the extent reasonably possible, contamination of memory by group discussion or conversation. This does not apply to those cases where the sequestered persons are exercising legally protected rights (e.g. access to legal counsel, labor representative, etc. –see R.S. 40:2531).

**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**—Include 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 CEW 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 CEW application for 15 seconds or longer, whether continuous or consecutive; and
- Any strike, blow, kick, CEW 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 members with oversight responsibility for officers.

**Use of force**—Physical effort to compel compliance by an unwilling subject above unresisted 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. The level of the force used as compared to the resistance encountered, 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 are examples.

**Use of Force Levels**—For reporting and investigative purposes, the New Orleans Police Department categorizes use of force by its members into four (4) primary force levels:

#### **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 are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.

#### **LEVEL 2**

Level-2 uses of force include use of a CEW (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.

#### **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 when contact is made (except to the head), regardless of injury; or the destruction of an animal.

#### **LEVEL 4**

Level-4 uses of force include all ‘serious uses of force’ as listed below:

- 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 CEW 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 CEW application for 15 seconds or longer, whether continuous or consecutive; and
- Any strike, blow, kick, CEW application or similar use of force against a handcuffed subject.
- Any vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization.

**Use of Force Report**—A written report documenting a supervisor’s investigation of a use of force (in Blue Team application and Form #114).

**Witness officer (WO)** — A witness officer is any officer at the scene of an event when force was used. Whether or not the officer witnessed the actual application of force is not necessary for the officer to be considered a witness officer.

**CRIMINAL AND ADMINISTRATIVE SECTIONS**

4. The Force Investigation Team is a sub-unit of the Public Integrity Bureau. The supervisor in charge of FIT reports directly to the PIB Deputy Superintendent.
5. The Force Investigation Team is divided into administrative and criminal sections. Information obtained through a criminal investigation can be shared with administrative investigators and made part of the administrative investigation. Consistent with applicable law, compelled statements obtained as a result of an administrative investigation shall not be shared with criminal investigators and cannot be made part of the criminal investigation.
6. If an investigation proceeds criminally, any compelled interview of the subject officers shall be delayed. Officers' routine reports and public safety statements are not compelled statements. No other part of the investigation shall be held in abeyance unless specifically authorized by the Superintendent.

**CRIMINAL SECTION**

7. Investigators assigned to FIT's Criminal Section shall be responsible for conducting investigations that are criminal in nature and may focus on both the officer(s) and the suspect(s). The product of the investigation may result in the prosecution of the officer(s), as well as the suspect(s).
8. The Department may relinquish its criminal investigation to an outside agency or may request the criminal investigation be conducted by an outside agency with the approval of the Superintendent of Police, or his/her designee.

**ADMINISTRATIVE SECTION**

9. Investigators assigned to the FIT - Administrative Section shall conduct investigations that determine if a member of the department violated the Rules, Policies, and Procedures of the department. The results of the investigation may result in disciplinary actions against the officer(s).
10. FIT investigative information may also be used for training purposes.

**IMMEDIATE SUPERVISORY AND FIT DUTIES**

11. The on-scene supervisor shall immediately notify FIT, via the Command Desk, and FIT shall respond to:
  - (a) Every incident involving a serious use of force;
  - (b) Uses of force indicating apparent criminal conduct by an officer;
  - (c) Uses of force by department members of a rank higher than sergeant;
  - (d) All instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD; and
  - (e) All instances in which a person dies, suffers a serious physical injury or injuries requiring treatment at a hospital during a police pursuit.
12. FIT shall also respond to any scene as ordered by the Superintendent or his designee or PIB.

13. FIT shall immediately notify the PIB Deputy Superintendent and Commander of the use of force, verify that the on-scene supervisor has notified PIB, and obtain a force tracking number.
14. 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 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.

## INVESTIGATION

15. FIT shall conduct all investigations in accordance with its written unit standard operating guidelines. FIT's responsibilities include:
  - (a) Responding to and securing the scene;
  - (b) Ensuring all injured parties receive timely medical attention;
  - (c) Examining the subject of the use of force for injury;
  - (d) Advising the subject of his/her rights and then interviewing the subject for complaints of pain; and ensuring that the subject receives medical attention from an appropriate medical care provider;
  - (e) Ensuring that the incident scene is processed and that all evidence related to the use of force is collected, including, but not limited to, audio and video recordings, photographs, and other documentation of injuries or the lack thereof (any evidence that cannot be collected, for whatever reason, must be specifically documented in the investigative report. (e.g. the subject's refusal to have injuries photographed));
  - (f) Identifying all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
  - (g) Ensuring a canvas for and interview of civilian witnesses is conducted. Whenever possible, interviews shall be recorded, including those where the person interviewed states she/he did not witness any part of the incident. ;
  - (h) Obtaining signed, written statements from witnesses (written in their own words), whenever possible;
  - (i) Ensuring that all witness officers provide a force statement and that the statements include all information required by NOPD policy;
  - (j) Ensuring that no group interviews are conducted and involved officers are sequestered;
  - (k) Ensuring that FIT not ask officers or other witnesses leading questions that improperly suggest legal justification for the officers' conduct, when such questions are contrary to appropriate law enforcement techniques;
  - (l) Ensuring that all interviews are recorded;
  - (m) Considering all relevant evidence, including circumstantial, direct, and physical evidence, and making credibility determinations as necessary; and
  - (n) Making all reasonable efforts to resolve material inconsistencies between the officer, subjects, and witness statements, as well as inconsistencies between the level of force claimed by the officer and the subject's injuries.
16. FIT shall complete a preliminary report that shall be presented to the Superintendent or his/her designee as soon as possible, but in no circumstances later than 24 hours after learning of the use of force.
17. FIT shall complete all administrative investigations within 30 days from the use of force, and any request for an extension of time shall be subject to the approval of the Deputy Superintendent of PIB in consultation with the Superintendent.



**USE OF FORCE REPORT REVIEW**

18. FIT shall review all use of force reports of incidents for which FIT did not have primary investigative responsibility and ensure that they are complete and accurate. FIT's review and quality control shall include:
  - (a) Ensuring that all witness and involved officers provided a force statement (except witness officer statements are not required for Level 1 uses of force);
  - (b) Reviewing force statements to ensure that they include all required information;
  - (c) Ensuring that all evidence related to the use of force has been collected, including audio and video recordings, photographs, and other documentation of injuries or the lack thereof. Any evidence that cannot be collected, for whatever reason, must be specifically documented in the investigative report. (e.g. the subject's refusal to have injuries photographed);
  - (d) Ensuring that civilian witnesses have been identified, located, and interviewed, whenever possible, and that the interviews are recorded;
  - (e) Ensuring that the supervisor who wrote the use of force report completed his/her supervisory review, including viewing of relevant video evidence;
  - (f) Considering all relevant evidence, including circumstantial, direct, and physical evidence, and making credibility determinations as necessary.
  - (g) Making an assessment that the findings of the investigating supervisor are made based upon a preponderance of the evidence presented in her/his report.
19. Whenever FIT discovers that use-of-force reports are deficient, FIT shall return the report to the supervisor who wrote the report with instructions for its completion. FIT will forward a copy of the memo returning the use of force report for further action to the investigating sergeant's commanding officer.
20. When an investigating supervisor fails to correct a deficient investigation or repeatedly conducts deficient investigations, FIT shall refer a report of the supervisor's conduct to PIB for an administrative investigation. The supervisor shall be subject to corrective action including counseling, training, demotion, and/or removal from a supervisor position in accordance with Civil Service rules.

**DISTRICT ATTORNEY NOTIFICATION**

21. If the incident results in the apprehension of a suspect, the FIT investigator shall submit a complete report to the Orleans Parish District Attorney's Office within twenty-one days of the apprehension. If the suspect was hospitalized as a result of force used by an officer, the twenty-one day time frame begins at the time of booking.
22. Upon receipt of any forensic testing results, the FIT investigator shall submit the results to the District Attorney's office via supplemental report by the lead FIT criminal investigator.
23. If an incident results in the death of a suspect, the FIT investigator shall complete their investigative report within forty-five days of the incident.

**ORLEANS PARISH CORONER'S OFFICE**

24. FIT investigators shall request and obtain, when available, a completed Coroner's Report from the Orleans Parish Coroner's Office within 30 days regarding a death to a

use of force the District Attorney or other investigating agency regarding any non-natural cause of death or homicide declaration within 60 days after the use of force.

## PUBLIC STATEMENTS/MEDIA RELEASE

25. The NOPD Public Information Office shall prepare a media release, with input and concurrence from the investigating supervisor and the agency representative responsible for each phase of the investigation. These releases will be available to the lieutenant in charge of the Force Investigation Team or lead investigator in the event of inquiries from the media.
26. The name(s) of the involved officer(s) may be withheld for 24 - 48 hours. Any request for the name(s) of the involved officer(s) will be referred to the Superintendent for action.
27. No involved officer shall make any comments to the media unless authorized by the Superintendent or a Deputy Superintendent (R.S. 40:2532).
28. Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from comment and will direct inquiries to the agency having jurisdiction and primary responsibility for the investigation.

## INVOLVED OFFICERS

29. Once the involved officer(s) have been sequestered, the Platoon Supervisor or other on-scene supervisor shall notify each officer that the incident shall not be discussed with any NOPD member except with authorized members or representatives. The following shall be considered for the involved officer (R.S. 40:2531):
  - (a) Any request for legal or officer representation (e.g., employee association) shall be accommodated.
  - (b) While discussions with a licensed attorney are considered privileged as attorney-client communications, involved officers shall not be permitted to meet with other involved officers or with witness officers 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, involved officers shall not be permitted to meet with other involved officers or with witness officers 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.
    - i. Interviews with a licensed psychotherapist are 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.
    - ii. 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.
- (b) Although the Department will honor the sensitivity of communications with peer counselors, **there is no legal privilege to such communications**. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

30. Care should be taken to preserve the integrity of any physical evidence present, especially on the officer's equipment or clothing. Items such as trace evidence (i.e., DNA, blood or fingerprints) are highly perishable until they can be properly retrieved and preserved by lab members or investigators.
31. Investigators shall make reasonable accommodations to the officer's physical and emotional needs.

### **PURSUIT RELATED MOTOR VEHICLE CRASHES AND OFFICER INVOLVED SHOOTINGS**

32. When motor vehicle crashes involving a suspect vehicle and other civilian vehicles occur during the course of a Use of Force Incident (vehicle pursuit), members of the district of occurrence shall complete an official crash report supplied by the Department of Motor Vehicles. Such approved reports shall be made a part of the FIT Report as an attachment.
33. If an officer involved in a vehicle pursuit or any part of an incident which involves a motor vehicle crash while driving a department vehicle, the on duty/on call Traffic Section Unit investigator shall conduct an investigation and complete a crash report supplied by the Louisiana Department of Motor Vehicles. Such approved reports shall be made a part of the FIT Report as an attachment.
34. If the motor vehicle crash results in a fatality or serious physical injury which may result in death, members of the Traffic Fatality Section shall investigate that portion of the incident and complete a crash report. Such approved crash reports shall be made a part of the FIT Report as an attachment.

### **RECORDS AND DATA**

35. FIT shall be responsible for maintaining all files and records on all use of force incidents, both those investigative by FIT and those investigated at the unit level.
36. Because FIT is divided into two sections (Criminal and Administrative), FIT shall maintain and file cases investigated by each section separately. Discussions on related cases (administrative and criminal) involving the same officers or factual occurrence are confined to members of the appropriate section of FIT. FIT Criminal Investigators shall not access compelled statements or discuss their contents. FIT Administrative Investigators shall not disclose to or discuss with any criminal investigators the contents of compelled statements.
37. At the conclusion of each use-of-force investigation, FIT shall prepare an investigative report that shall include:
  - (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) A summary of the investigative steps taken during the investigation, including but not limited to conducting a canvas for witnesses;
  - (c) Documentation of all evidence 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;

- (d) The names of all other NOPD employees at the scene when the use of force took place;
  - (e) Making all reasonable efforts to resolve material inconsistencies between the officer(s), subject(s), and witness statements;
  - (f) Explain the justification for, and reasoning used to make credibility determinations as part of the investigative summary;
  - (g) FIT's evaluation of 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 NOPD policy and consistent with state and federal law;
  - (h) 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;
  - (i) If a weapon was used, documentation that the officer's certification and training for the weapon are current; and
  - (j) Documentation of any disciplinary and/or non-disciplinary corrective action recommended.
38. FIT shall maintain, on an ongoing basis, statistical data concerning use-of-force incidents and reports. At least once a year, FIT shall conduct a comprehensive review and analysis of all use-of-force incidents and reports, and FIT shall draft a public report. The public report shall identify any significant patterns or trends; it shall also identify and correct deficiencies including those that indicate training needs, equipment problems, or that policy changes may be required.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3.6

### TITLE: REPORTING USE OF FORCE

EFFECTIVE: 12/06/15

REVISED: 4/1/2018, 10/2/2022

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#### PURPOSE

The purpose of this Chapter is to set forth requirements for reporting and investigating an incident in which an NOPD officer used a reportable level of force and to ensure that such incidents are thoroughly investigated in a fair and impartial manner.

#### POLICY

1. It is the policy of this Department that every reportable use of force by an NOPD officer be reported accurately, completely, and promptly, and investigated with the utmost thoroughness, professionalism, and impartiality to determine if the officer actions conform to the law, complies with the Department's Chapter on use of force, and was consistent with NOPD training.
2. NOPD force reporting and investigation allows the Department and community to better understand officer use of force. It enables the Department to determine the appropriateness of officer actions during the incident and to determine whether the incident indicates any need to change NOPD policy, tactics, training, or equipment (see: Program Review Request Form #358). Force reporting and investigation thus is critical to promoting officer safety and the integrity of the Department.
3. The Force Investigation Team (FIT) shall be responsible for investigating all incidents involving Deadly Force, Serious Use of Force, or the Use of Force Indicating Potential Criminal Conduct (see definitions). FIT's responsibilities are further set out in **Chapter 1.3.2 – Force Investigation Team**.

#### RESPONSIBILITY TO REPORT USES OF FORCE – GENERAL

4. Officers who use force or observe the use of force shall notify their supervisors immediately following any use-of-force incident. Officers shall notify their supervisors upon receipt of an **allegation of unreasonable or unreported use of force by an officer. Officers who observe force and fail to report it shall be subject to disciplinary action, up to and including termination.**
5. Officer(s) who use force shall complete a Force Statement and any associated NOPD Incident Report(s). An officer who witnesses a use of force or was present at the scene when the force may also have to, depending on the Level, complete a Force Statement.

These forms shall be completed and forwarded to the officer's immediate supervisor for review and approval prior to the end of his/her tour of duty, unless prevented by injury. (See **Paragraph 16 below** for list of what must be included in the force statement.)

6. A department member who has been assigned a BWC device may review his or her own BWC recording before completing a Force Statement to help insure accuracy and consistency of accounts (**Chapter 41.3.10 – Body Worn Camera**) 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/her own BWC recordings prior to providing a recorded statement or completing reports. Witness department members will only be allowed to review BWC recordings consistent with **Chapter 41.3.10 – Body Worn Camera**. However, department members must complete their Force Statements before the end of their tour of duty in which force is used and review of BWC recordings shall not unduly delay the timely submission of a member's other reports.
7. All public safety statements and other officer statements in incident reports, arrest reports, force statements, and similar documents, and statements made in interviews such as those conducted in conjunction with NOPD's routine use of force reviews and investigation processes, are part of each officer's professional duties.
8. A supervisor who uses force or ordered the use of force being investigated shall not investigate the use of force or review the Force Statements for approval. The involved supervisor shall notify his/her supervisor immediately following any use of force in which he or she is an Involved Officer.
9. The supervisor approving the officer's Force Statement or completing the Use of Force Report shall ensure the reason for any delay is documented. Whether on duty or off duty, officers who use or observe a use of force and fail to report it in a timely manner shall be subject to disciplinary action.

## DEFINITIONS

**Active Resistance**—Resistance exhibited by a suspect that is between passive resistance and aggressive 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.

**Aggravated Resistance**—When a subject's actions create an objectively reasonable perception on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated resistance represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

**Aggressive Resistance**—Is a subject's attempt to attack or an actual attack of an officer. Exhibiting aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

**Anatomical Compliance Technique / Pressure Point Compliance Technique**—The act of applying pressure to vulnerable areas, weak points, or pressure points of the body. This technique is used to cause immediate compliance 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. (La. C.Cr. P. Art. 201).

**Canine Apprehension**—Where articulated facts demonstrate that a canine played a clear 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. This includes all instances in which a canine is removed from the police car; or when a suspect gives up immediately after an announcement is made that if they do not surrender, the canine will be released; or when a canine search is conducted in an effort to apprehend a suspect.

**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.

**Compliant**—Cooperative obedience in response to lawful requests or directions from law enforcement personnel.

**Critical Firearm Discharge**—A discharge of a firearm by an NOPD officer, including discharges when no person or animal is struck. Range and training firings, humane destruction of animals, and off-duty hunting discharges when no person is struck are not critical firearms discharges.

**Conducted Energy Weapon (CEW)**—A weapon designed primarily to discharge electrical impulses into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.

**CEW Application**—The contact and delivery of electrical impulse to a subject with a CEW.

**Deadly Force/Lethal Force**—Any force likely to cause death or serious physical injury. The use of a firearm (discharge) is considered deadly force. Neck holds and strikes to the head, neck or throat with a hard object are considered lethal force.

**Elbow strike**—A strike to a person with the point of an officer's elbow.

**Firearm**—A pistol, revolver, shotgun, carbine, or machine gun. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. (Gun Control Act of 1960, Title 18, US, chapter 44, Title1)

**Force Statement**—A written statement required as part of the departmental Use of Force Report (in Blue Team application and Form #114). The Force Statement is completed by an involved officer or witness officer documenting a use of force. A Force Statement is not considered a compelled statement under *Garrity v. New Jersey* or under analogous State law. The statement can be considered compelled only when the officer is ordered to provide a statement after refusing to do so on the grounds that the officer has a reasonable, good faith belief that such statement may incriminate himself/herself.

**Force Tracking Number**—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.

**Force Transition**—Force transition is the movement, escalation/de-escalation, from the application of one force type to another in conjunction with the “objectively reasonable” standard.

**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 also shall investigate all instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD.

**Imminent Threat**—An immediately impending danger that must be instantly met.

**Impact Weapon**—Any solid or semi-solid object used by an officer as a method of gaining control of a subject. Absent exigent circumstances, officers shall not use non-traditional weapons/hard objects, such as firearms or radios, as impact weapons.

**In-Custody Death**—An incident in which an individual died while in, or as an apparent result of being in, the custody of NOPD.

**Involved Officer**—An involved officer is an officer who used force, or against whom force was used.

**Kick**—To forcibly strike a person with any part of an officer's leg.

**Leg sweep**—To trip a person and/or cause one or both legs of a person to collapse and the person to fall to the ground.

**Less-Lethal Force**—Force employed that is neither likely nor intended to cause death or serious injury.

**Less-Lethal Weapon**—An 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 such as a firearm.

**Neck Hold**—One of the following types of holds: (1) arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck; (5) any actions with the hands and fingers of an officer, which restricts the airflow of an individual. A neck hold is 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. Passive resistance, including verbal statements, bracing, or tensing alone does not constitute active resistance

**Probable Cause**—The facts and circumstances, known to the officer at the time, which would



justify a reasonable person in believing that the suspect committed or was committing an offense.

**Public Safety Statement**—A statement by an involved or witness officer that describes the type of force used, the direction and approximate number of shots fired by the involved officer (or officers) and the suspect (or suspects), the location of an injured person, the description of outstanding suspect(s) and the direction of the suspect's flight, the time lapse since the suspect was last seen, whether the suspect is armed, any other information that could assist in the apprehension of outstanding suspects, description(s) of any victims or witnesses, description and location of any know evidence, and any other information to ensure officer and public safety.

**Reasonable Force**—Force that is objectively reasonable under the circumstances. The minimum amount of force necessary to effect an arrest or protect the officer or other person.

**Reasonably Necessary**—Force is reasonably necessary when the facts and circumstances, including the reasonable inferences drawn therefrom, known to an officer at the time he or she uses force, would cause an objectively reasonable officer to believe that force is appropriate.

**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. The pointing of a firearm at a subject is a reportable use of force.

**Seizure (or Detention)**—Occurs when an officer's words, actions, or control would convey to a reasonable person that he or she is not free to leave.

**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 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 a CEW 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 CEW application for 15 seconds or longer, whether continuous or consecutive; and
- (h) Any strike, blow, kick, CEW application or similar use of force against a handcuffed subject.

**Specialized Weapons** - weapons which require specialized training, certification, and authorization prior to use, such as chemical agents, 40mm launchers, stinger rounds and grenades, flashbangs, LRAD systems, etc. (see: **Chapter 46.2.3 – CRU SWAT Equipment and Storage.**)

**Specialty Impact Munitions** - Refers to extended range impact munitions. These munitions may include impact rounds containing chemical agents.

**Supervisor**—A sworn NOPD employee at the rank of sergeant or above and non-sworn NOPD

members with oversight responsibility for officers.

**Takedown**—A person is thrown, pushed, tackled, or shoved to the ground or against a wall, car, or other surface by an officer. The key element to a takedown is the degree of force used. The use of a compliance technique off-balancing the subject against a wall, car, or surface (**other than ground**) alone is **not** a takedown. A shove or push does not maintain contact, but rather creates distance between the officer and the subject, and is not a takedown unless a fall to the ground results.

**Use of Force**—Physical effort to compel compliance by an unwilling subject above unresisted 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. The level of the force used as compared to the resistance encountered, 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 are examples.

**Use of Force Report**—A written report documenting a supervisor's investigation of a use of force (in Blue Team application and Form #114B).

**Witness Officer**—A witness officer is any officer at the scene of an event when force was used. Whether or not the officer witnessed the actual application of force is not necessary for the officer to be considered a witness officer.

## LEVELS OF REPORTABLE USE OF FORCE

10. For reporting and investigative purposes, the Department categorizes use of force by its members into four (4) force reporting levels:

### 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 that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.

### LEVEL 2

Level-2 uses of force include use of a CEW (including where a CEW is fired at a person but misses); the use of “flash bangs” and “aerial flash bangs” to compel compliance from an unwilling subject (see paragraph 71(c)); a canine deployment resulting in an apprehension without contact and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.

### 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 when contact is made (except to the head), regardless of injury; a canine deployment resulting in an apprehension contact or that is not a bite or the destruction of an animal.

### LEVEL 4

Level-4 uses of force include all ‘serious uses of force’ as listed below:

- (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 a CEW 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 CEW application for 15 seconds or longer, whether continuous or consecutive;
- (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
- (i) Any vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization.
- (j) Any use of specialized weapons, such as gas dispersants, the use of “flash bangs” and “aerial flash bangs” or impact rounds for the purposes of crowd control (See **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances**), including the munitions listed in **Appendix E** of Chapter 46.2.1).

#### **NON-REPORTABLE LEVELS OF FORCE**

11. Hand control or escort techniques applied for the purposes of handcuffing or escorts that are not used as an anatomical compliance technique, do not result in injury or complaint of injury, and are not used to overcome resistance, are not reportable uses of force, e.g., simply handcuffing someone, simply escorting a handcuffed subject.

#### **OFFICER REPORTING REQUIREMENT – FORCE STATEMENT**

12. Depending on the level of reportable use of force, as set forth below, an Involved Officer (IO) and/or Witness Officer (WO) may be required to prepare a Force Statement. The officer shall independently prepare his or her Force Statement and include facts known to the officer, to include:
- (a) A detailed account of the force incident from the officer’s perspective.
  - (b) The reason for the initial police presence, e.g.: response to (nature of) call, on-view suspicious activity (describe the suspicious activity), flagged by a citizen (nature of citizen’s concern), shots fired, or screams heard, etc.;
  - (c) A specific description of the acts that led to the use of force;
  - (d) The specific description of resistance encountered;
  - (e) A description of every type of force used or observed;
  - (f) Names of all assisting officers and supervisors participating in the actions leading up to the use of force;
  - (g) The name of the supervisor the involved officer notified, and the time of the notification;
  - (h) The name of the supervisor who responded to the scene;
  - (i) Names, if know, of any civilian witnesses;
  - (j) A description of any injuries suffered by the officer, subject, or witnesses;
  - (k) Whether a body-worn camera was activated and its identifiable file location;
  - (l) Whether a vehicle camera was activated and its identifiable file location; and
  - (m) Whether a CEW activation occurred, even if the CEW was not discharged.

13. Officers shall not make conclusory statements, including the use of “boilerplate” or “pat” language (e.g., “suspect made a furtive movement” or “suspect took a fighting stance”) in statements and reports documenting use of force. A specific description of an individual’s action(s) that led to the perceived need for a use of force response by an officer must be clearly articulated.
14. Witness officers should prepare a Force Statement (see Paragraph 19 for exception in Level 1 Use of Force) if they were present on the scene at the time of the application of force even if they did not witness the actual application of force. Their Force Statements should describe the role they played and include information on what they saw or heard firsthand. If the witness officer did not hear or see any part of the application of force, the Force Statement should so indicate.

#### **Level 1 Use of Force**

15. Following a reportable Level 1 use of force incident, the officer using force shall:
  - (a) Immediately notify his/her supervisor.
  - (b) Complete a Force Statement prior to the end of his/her tour of duty
  - (c) Complete an NOPD Incident Report on the underlying offense that required the Use of Force. All critical information surrounding the officer’s Level 1 Use of Force should be included in this report.
  - (d) The Force Statement and all associated NOPD Incident Reports shall be provided to the same reviewing/approving supervisor prior to the officers’ end of tour of duty.
16. Witness officers may also be required to prepare a force statement if directed to do so by a supervisor.

#### **Levels 2 – 4 Use of Force**

17. Each officer using a Level 2 through 4 use of force shall immediately notify his/her immediate supervisor and shall:
  - (a) Provide a public safety statement to the responding supervisor;
  - (b) Complete a Force Statement prior to the end of his/her tour of duty; and
  - (c) Complete an NOPD Incident Report on the underlying offense that required the Use of Force. All critical information surrounding the officer’s Level 2-4 Use of Force should be included in this report.
18. Each officer present at the scene (i.e., all Involved Officers and Witness Officer) of a Level 2, Level 3, or Level 4 use of force shall also prepare a Force Statement.
19. All Involved Officers or Witness Officers shall provide their Force Statements and the corresponding NOPD Incident Report to the same reviewing/approving supervisor prior to each officer’s end of tour of duty.

#### **INVESTIGATING SUPERVISOR’S RESPONSIBILITY – GENERAL**

20. Supervisors are required to write a Force Statement if they fit the definition of an Involved Officer or Witness Officer as defined above. If they are a Witness or Involved Officer, they must follow the requirements of this Chapter.

#### **REPORTING LEVEL 1**

21. Upon notification by an officer of a Level 1 Use of Force, the supervisor shall:

- (a) If possible, respond to the scene of the event to conduct an on-scene review.
- (b) Ensure that all Involved Officers complete and submit a Force Statement prior to the end of their tour of duty;
- (c) Require Witness Officer to prepare a Force Statement if any aspect of the use of force is under question;
- (d) Contact the Communications Section Liaison, obtain a Force Tracking Number, and ensure the force tracking number is entered on the Force Statement, in the narrative of the associate EPR and on all other associated documents;
- (e) Ensure the Involved Officer has completed and submitted the underlying NOPD Incident Report prior to the end of the officer's tour of duty; elevate and investigate any use of force that has been inappropriately characterized as a Level 1 Use of Force;
- (f) Initiate a Blue Team entry by ETOD of the supervisor's NEXT Tour of Duty , which will list preliminary information regarding the use of force incident; and
- (g) Upon approving the NOPD Incident Report and Force Statement(s), forward the complete packet through the chain of command to the District/Division Commander.

### **REPORTING LEVEL 2 OR 3**

- 22. Supervisors shall thoroughly investigate and complete a Use of Force Report for all Level 2 and Level 3 uses of force, with the exception of:
  - (a) Those incidents involving a serious use of force (Level 4 use of force);
  - (b) Uses of force indicating apparent criminal conduct by an officer;
  - (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 through determination made by the Superintendent or his or her designee or PIB.
  
- 23. Supervisors shall be held accountable for the timely, accurate, and thorough investigation and documentation of all use-of-force incidents under their command or assigned to them for review and shall further ensure the provisions of all policies and procedures are properly applied.
  
- 24. Upon notification of a Level 2 or Level 3 use of force incident or allegation of excessive force, the officer's (s') immediate 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 the subject receives medical attention from an appropriate medical provider;
  - (b) Obtain statements from the Involved Officers and Witness Officers;
  - (c) Notify the Communications Section Liaison immediately of the use of force and obtain a use of force tracking number;
  - (d) Identify and collect all relevant evidence and evaluate that evidence to determine whether the use of force:
    - (e) Was consistent with NOPD policy, and/or
    - (f) Raises any policy, training, tactical, or equipment concerns (see: Program Review Request Form #358);
  - (g) Ensure that all evidence to establish material facts related to the use of force, including audio and video recordings, photographs, and other documentation of injuries or the absence of injuries are identified, collected, documented, and preserved;
  - (h) Ensure that a canvass for, and interview of, civilian witnesses is conducted (Civilian witnesses should be encouraged to provide and sign a written statement in their own words);

- (i) Ensure all officers who witnessed a use of force incident by another officer provide an independently prepared Force Statement;
  - (j) Sequester officers involved in a use of force incident until interviewed; group Interviews are prohibited;
  - (k) Ensure that Use-of-Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
  - (l) Not ask officers or other witnesses leading questions that suggest legal justifications for the officers' conduct;
  - (m) Record all interviews with civilian witnesses and all follow-up interviews with officers.
    - i. Subjects shall be advised of their rights and that they are being questioned only about the use of force. Interviews with subjects (including advisements of rights) shall be recorded. During such force investigation interviews the supervisor shall advise the subject that he or she is only questioning the subject about the use of force.
  - (n) Review all Force Statements and ensure all officer and witness officers' statements include material facts.
  - (o) Consider all evidence (circumstantial, direct, physical evidence, etc.) that may be relevant to the investigation, and make credibility determinations, if feasible. Supervisors will make all reasonable efforts to resolve material inconsistencies between statements (officers, civilians, subject, witness, etc.), as well as inconsistencies between the level of force claimed by the officer and the subject's injuries.
  - (p) Review and assess, if applicable, the CEW Firing Log to ensure consistency with the force statement and log along with proper spark testing and battery level requirements.
  - (q) Initiate a Blue Team entry by ETOD of the supervisor's NEXT Tour Of Duty, which will list preliminary information regarding the use of force incident.
25. Should the assigned supervisor at any point during a use-of-force investigation make a determination that the force used should be elevated to a Level 4 investigation; the supervisor shall immediately contact his/her District/Division Commander and the PIB Force Investigation Team for on-scene assistance. FIT, at its discretion, may take over the investigation. However, if, after a review of the facts and circumstances, the use of force meets the criteria for Level 4 use of force, FIT shall assume the investigation.

#### **REPORTING LEVEL 4**

26. For all Level 4 use of force incidents, supervisor(s) shall:
- (a) Respond to the scene;
  - (b) Obtain a public safety statement from the involved officer;
  - (c) Ensure aid is given to any injured party;
  - (d) Secure the scene, limit access to essential personnel and ensure evidence is preserved;
  - (e) Coordinate the pursuit/apprehension of any outstanding suspects;
  - (f) Notify FIT via the Communications Section; and
  - (g) Provide assistance and support as required by the PIB Force Investigation Team.  
(See **Chapter 1.3.2 – Force Investigation Team**).

#### **USE OF FORCE – INVESTIGATING SUPERVISOR'S REPORTING REQUIREMENTS FOR LEVEL 2 & LEVEL 3 USE OF FORCE**

27. For all investigations into Level 2 or Level 3 use of force events the supervisor shall provide a written gist to the Division Commander by the end of his/her shift documenting

his/her preliminary determination of the appropriateness of the use of force, including whether the force was reasonable and within policy, and whether the injuries appear proportionate to the use of force described. The written gist shall also include summaries of subject, witness, and officer statements.

28. The supervisor will initially complete and document the preliminary investigation information into Blue Team Use of Force System by ETOD of the supervisor's NEXT Tour of Duty. The supervisor will have 72-hours to complete and input the remainder of the information into Blue Team and submit it through his/her chain of command to PIB. A District/Division Commander may authorize an extension to the 72-hour deadline, but this extension must be documented in the Blue Team application or a Form 105 before the initial deadline.
29. The supervisor's Use of Force 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) A summary of the investigative steps taken during the investigation, including but not limited to conducting a canvas for witnesses;
  - (c) Documentation of all evidence 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;
  - (d) The names of all other NOPD employees at the scene when the use of force took place;
  - (e) Documentation of any non-disciplinary corrective action taken;
  - (f) Documentation of injuries incurred by the officer or subject, to include photos and records of treatment at hospital;
  - (g) Identify all audio/video recordings (e.g., Taser, BWC, DMVAR, surveillance, or other existing video recording) that exist and whether the supervisor reviewed them;
  - (h) Include as attachments to the use of force report:
    - i. Force statements by all officers using or witnessing the use of force;
    - ii. A copy of all associated Incident Reports;
    - iii. A copy of any arrest reports;
    - iv. Copies of any hospital records if treatment was obtained; and
    - v. Copies of any photos or audio/video tapes associated with the incident.
  - (i) 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 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.
30. In the event multiple officers are involved in a single incident, regardless of the varying levels of force used by a particular officer involved, the investigating supervisor shall prepare only one Use of Force Report listing all involved personnel. When multiple levels of force are used, the highest level of force shall determine the investigative responsibility.

31. Completed use of force reports shall be submitted to the PIB - Force Investigation Team through Blue Team for review and approval no later than 21 days after the initial Blue Team entry is submitted.
32. The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File).

### **REPORTING AND INVESTIGATING UNREPORTED OR UNREASONABLE FORCE**

33. When anyone reports to a supervisor an unreasonable or previously unreported use of force the supervisor will conduct a preliminary investigation into the allegation, including responding to the scene of the incident to identify and interview witnesses and preserve evidence. The supervisor also shall inform PIB immediately of the allegation of unreported or unreasonable force; PIB shall complete an appropriate investigation pursuant to **Chapter 52.1- Employee Misconduct Complaints and Internal Disciplinary Investigations**.
34. When a supervisor assigned to handle a Level 2 or Level 3 investigation, *or in reviewing a Level 1 investigation*, determines possible misconduct may have occurred, the supervisor shall:
  - (a) Criminal Misconduct—should the supervisor determine through investigation, or in review of a level 1 investigation, there may have been criminal misconduct on the part of the officer(s) involved in the use of force incident; the supervisor shall suspend the force investigation immediately and immediately notify PIB and FIT through the NOPD Communications Section. FIT will respond to the scene and assume the investigation.
  - (b) Administrative Misconduct—where a force investigation indicates administrative misconduct, including a review of a Level 1 investigation, the reviewing/investigating supervisor shall immediately notify PIB and FIT through the NOPD Communications Section to respond to the scene. PIB will review the attendant facts as communicated by the supervisor and make a determination as to who will conduct the administrative investigation. The initiation of an administrative investigation shall be documented in the Use of Force Report to include the date/time PIB was notified and PIB control number assigned.

### **INVESTIGATING USE OF FORCE – COMMAND REVIEW OF USE OF FORCE INVESTIGATIONS AND USE OF FORCE REPORTS**

35. The District/Division Commander shall be responsible for the accuracy, completeness, and timeliness of Use-of-Force Reports prepared by supervisors under his/her command. If the investigating supervisor requires more than 72 hours to complete the investigation and sufficient justification for an extension exists, the Commander will prepare a Form 105 explaining the need for the extension and providing the date by which the investigation will be completed. The Commander will immediately forward a copy of the signed and approved Form 105 to the Commander of PIB, ensuring the Force Tracking Number is entered on the memo.



36. The District/Division Commander, who receives a Level 1, 2 or 3 Use-of-Force Report, Force Statement(s), and any corresponding NOPD Incident Reports, shall review the documents to ensure they are complete and consistent, and that the findings are supported by the preponderance of the evidence. The District/Division Commander shall order additional action by the investigating supervisor when it appears there is relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings. In the event the Commanding Officer orders additional investigation by the supervisor, he should prepare a memo to the investigating supervisor describing the deficiencies and directing him to complete the additional tasks by a specific date. A copy of the Commander's memo to the supervisor should be sent to the Commander of PIB to alert him/her to any delay this may cause.
37. Only when the District/Division Commander finds the supervisor's initial Use-of-Force Report is complete and the findings are supported by the evidence will the investigation file be forwarded to PIB through the chain-of-command.
38. When the District/Division Commander determines the supervisor's findings of whether or not the officer's actions are within NOPD policy and consistent with state and federal law are not supported by a preponderance of evidence, the District/Division Commander shall document the reasons for this determination in a Form 105 and shall include the memo as an addendum to the original investigation. The District/Division Commander's review should include 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.
39. The District/Division Commander will be responsible for documenting in the Supervisor Feedback Log all policy violations related to the supervisor's investigation of the use of force or the review by any supervisor in the chain-of-command. The District/Division Commander will be responsible for determining if any disciplinary action or additional training is required for investigations or reports that are deemed insufficient. The investigating supervisor's commander shall counsel the investigating supervisor regarding the inadequately supported determination and any investigative deficiencies that led to it. Where an investigating supervisor has repeatedly conducted 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.
40. PIB shall forward all Use-of-Force Reports to the Education & Training Division for evaluation and revisions to training after PIB has reviewed the Use-of-Force Report.
41. Whenever the District/Division Commander finds evidence of a use of force indicating apparent criminal conduct by an officer that was not identified by the original investigating supervisor, he/she shall immediately notify the Commander of PIB requesting a FIT investigation be conducted. The PIB Commander immediately shall notify FIT, which will take over the investigation.

#### **USE OF FORCE – FORCE INVESTIGATION TEAM RESPONSE**

42. 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, all instances of in-custody deaths and deaths as an apparent result of being in NOPD custody, and all uses of force reassigned to FIT by the Superintendent or his or her designee or the Deputy Superintendent of PIB, the supervisor shall immediately notify the Communications Section which will in turn immediately notify FIT.

43. For all Level 4 use of force events, upon notification, the FIT supervisor will contact the on-scene supervisor and obtain a briefing of the circumstances of the use of force. The FIT supervisor will ensure appropriate FIT staff responds to the scene to ensure the investigation into the use of force is investigated fully and fairly.
44. Upon notification of an officer-involved shooting or a use of force resulting in serious injury, the FIT supervisor shall immediately contact the Deputy Superintendent of the Public Integrity Bureau, the Public Integrity Bureau Commander, and the on-call member of the Independent Police Monitor to confirm their notification regarding the incident. The FIT supervisor will:
  - (a) Contact the on-scene supervisor to obtain a briefing on the circumstance of the shooting;
  - (b) Ensure the on-scene supervisor obtains a public safety statement from the involved and witness officers;
  - (c) Direct the on-scene supervisor to:
    - i. Secure the scene;
    - ii. Identify and separate involved and witness officers;
    - iii. Isolate witnesses; and
    - iv. Protect all evidence, including body worn cameras.
  - (a) Respond to the scene and take charge of the investigation;
  - (b) Designate a member of the FIT team as lead investigator;
  - (c) Ensure sufficient FIT staff also respond to assist in the investigation; and
  - (d) Conduct a FIT response and investigation in conformance with **Chapter 1.3.2 - Force Investigation Team** (FIT), FIT unit policy and procedures manual.

#### **USE OF FORCE – PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

45. PIB shall:
  - (a) Have oversight responsibility over all investigations into Use of Force by NOPD Officers;
  - (b) Maintain a log of all reportable use of force events;
  - (c) Review all completed Force Statements submitted by officers using Level 1 reportable force to ensure compliance with reporting requirements and to identify patterns of behavior warranting remedial attention;
  - (d) Review all completed Use-of-Force Reports prepared by field supervisors assigned to investigate a Level 2 or Level 3 reportable use of force to ensure the investigation is complete and sufficient, and the finding(s) are supported by a preponderance of evidence;
  - (e) Return to the District/Division Commander for further investigation any Use-of-Force Report it finds deficient;
  - (f) When deemed appropriate, reassign the investigation into a Level 2 or Level 3 use of force to the FIT team;
  - (g) Maintain the central repository of all Force Statements and Use-of-Force Reports; and
  - (h) Include an analysis of NOPD's use of force and the department's response in its annual report.
46. The Deputy Chief 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 or her firearm, or where an individual has died while in, or as an apparent result of being in, the custody of the Department.

### **Administrative Tracking, Support and Annual Report**

47. PIB shall be responsible for quality control of all investigations into use of force, for tracking the status of the investigation and for maintaining the central repository for all Force Statements, and use-of-force reporting and investigative files. PIB shall be responsible for providing all administrative support and documentation required for the Use of Force Review Board (See **Chapter 1.3.7 - Use of Force Review Board**).
48. Annually, PIB will analyze the preceding year's use-of-force data and document its findings in a public report that includes:
  - (a) Force related outcome data;
  - (b) Determination of significant trends;
  - (c) Identification of training, policy equipment, or supervisory deficiencies; and
  - (d) Recommendations to correct deficiencies (see: Program Review Request Form #358).
53. The supervisor submitting a Form #358 is responsible for thoroughly completing the form's "Request" section. The supervisor shall make a digital copy of the form and email it to PSAB@nola.gov. The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions the PSAB reviewer may have.
54. To collect data for purposes of training, resource allocation, analysis, and related purposes, PIB may require the completion of additional report forms, as specified in Department policy, procedure, or law.

### **Reassignment of Use of Force Investigations**

55. At the discretion of the Superintendent, or his or her designee, or the Deputy Chief of PIB, a use-of-force investigation may be assigned or re-assigned for investigation:
  - (a) To FIT;
  - (b) To another supervisor, whether within or outside of the Division or District in which the incident occurred; or
  - (c) Returned to the assigned Unit for further investigation or analysis.
56. The returned assignment or re-assignment of investigations shall be explained in writing via *NOPD Form 105, Interoffice Correspondence* to the Commander of the Division / District to which it is being returned or reassigned.
57. Where a use of force is found not to comply with departmental policy, the Superintendent, or his or her designee, shall direct appropriate disciplinary action be initiated.
58. Where the use of force indicates policy, training, tactical, or equipment concerns, the Superintendent or his or her designee shall ensure necessary training is provided and policy, tactical, or equipment concerns are resolved.

### **Education and Training Division Responsibility**

59. The Commander of the Education and Training Division shall ensure that Division staff review and evaluate all uses-of-force reports to identify training issues. The Commander shall ensure that the Division updates training material accordingly.

**Supervisory Responsibility Involving the Destruction of Animals**

60. Supervisors assigned to investigate a use-of-force incident involving the destruction of animals shall be responsible for contacting the S.P.C.A. if a determination of the cause of death of the animal is necessary or the Department of Sanitation to remove the remains of the animal appropriately if no cause of death determination is required.

**Use of Force Incidents Occurring Outside Orleans Parish**

61. Whenever a NOPD member is involved in a reportable use-of-force incident resulting from an enforcement action that occurs outside Orleans Parish, the involved member shall immediately notify the NOPD Communications Section.
62. Upon notification, the Communications Section shall:
- (a) Notify the primary jurisdiction's law enforcement agency where the incident occurred;
  - (b) 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);
  - (c) Notify the Deputy Chief of PIB who shall determine if PIB and/or FIT investigators are to be called out; and
  - (d) Notify the PIB Commander who shall determine if the PIB Administrative Investigators are to be called out.
63. The law enforcement agency that has jurisdiction where the incident occurred has incident command and primary criminal investigation responsibility.
64. PIB and/or FIT investigators shall request to monitor and attend the interview of NOPD personnel, unless the distance involved makes this impractical.

**Level 4 Force Incidents Involving Outside Agency Personnel**

65. FIT shall conduct criminal investigations for Level-4 use-of-force incidents and in-custody deaths by personnel from other agencies that occur in Orleans Parish. The agency may assist at the discretion of the PIB Deputy Superintendent.

**Officer's Bill of Rights**

66. All members shall be afforded all substantive and procedural rights and remedies as provided by law, including those granted by the Rights of Law Enforcement Officers while under Investigation. (La. R.S. 40:2531).
67. The Superintendent shall determine if the member(s) should be returned to his/her regular assignment following a serious use-of-force incident after completion of any mandatory debriefing and clearance for fitness for duty by the Department's psychologist, and any recommended retraining.
68. Any determination by the Superintendent not to return an officer (or officers) to his/her regular assignment and to continue his/her reassignment is administrative and in no way considered punitive.

**Supervisor Training in Conducting Use-of-Force Investigations**

69. Supervisors shall complete a department approved training course regarding the departmental Use-of-Force Chapter and reporting and investigating use-of-force incidents. The training shall be developed through consultation with PIB.

## Report of Firearm Discharge

70. Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on or off duty, shall notify the Communications Section or dispatcher and his/her supervisor immediately or as soon as circumstances permit. If the discharge occurs within the jurisdiction of the NOPD and is a Level 4 use of force (see **Chapter 1.3 – Use of Force**, Definition of Level 4), the Command Desk shall notify FIT and additional officer statements and reports shall be made in accordance with the Force Investigation Team Chapter (see **Chapter 1.3.2 – Force Investigation Team (FIT)**). If the discharge occurs outside the jurisdiction of the NOPD, the appropriate local law enforcement agency for that jurisdiction shall be notified as well as NOPD Communications Section.

## SPECIALIZED UNITS AND WEAPONS

71. Not every member of the NOPD is trained on all available weapons or skills. Specialized weapons are **RESTRICTED** to members of designated units (i.e., SOD), who have been trained in their use, and for use during special events or incidents (see: **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances**). The general guidelines for the appropriate levels of force categories follow the guidelines of this Chapter, such as:
- a. If the weapon is used or deployed as an impact round, it's a Level 3 UOF (like an impact weapon), unless it meets the requirements for an impact round to be a level 4 such as a strike to the head or sensitive area, loss of consciousness, serious physical injury, or hospitalization. OR if the weapons are used or deployed in a crowd control setting, they are considered a Level 4 UOF.
  - b. Any of the gas dispersants or agents, including aerial, would be a Level 2 UOF (in line with OC spray) **unless** used in a civil disturbance / crowd control setting, then they would be considered a Level 4 UOF.
  - c. Aerial flash bangs are distraction devices and considered a Level 2 UOF, unless they cause injury or strike/impact someone. The same applies to a flash bang. **unless** used in a crowd control / civil disturbance setting, then they would be considered a Level 4 UOF.
  - d. Any weapon or munition used in a civil disturbance setting is considered a Level 4 UOF.

<b><u>Force Level Classification of Specialized Weapons</u></b>	
Level 1	No manner of using specialized weapons is considered a level 1 use of force.
Level 2	Flashbangs, aerial flashbangs, explosive distraction devices, gas dispersants or agents launched in any manner (OC, CS, CN)
Level 3	Any specialized weapons used as impact weapons (ballistic shields, 40mm/37mm rounds used as impact rounds)
Level 4	Any specialized weapon used in a civil disturbance setting.

72. Specialized units (i.e., SOD) and members who have been trained on the weapons and skills covered in **Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances (Appendix – E)** shall have their individual training documented, along with the required certification and re-certification in their individual Departmental training records and in INSIGHT (personnel jacket). Any use of specialized weapons by a member who has not achieved and/or maintained required certification shall be investigated as a Level 4 UOF and appropriate corrective action taken.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3.7

### TITLE: USE OF FORCE REVIEW BOARD

**EFFECTIVE: 12/6/15**

**REVISED: 11/15/19**

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#### PURPOSE

This policy establishes and sets requirements for a Use of Force Review Board to review all serious uses of force and other Force Investigation Team (FIT) investigations, all chain of command use-of-force investigations forwarded to the Board by the Deputy Chief of PIB, and all vehicle pursuits resulting in a serious injury or death

The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective.

This review process shall be in addition to any other review or investigation that may be conducted by the NOPD, or any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of force.

#### DEFINITIONS:

Definitions related to this Chapter from **Chapter 1.3 – Use of Force** include:

**Critical firearm discharge**—A discharge of a firearm by an NOPD officer, including discharges when no person or animal is struck. Range and training firings, humane destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearms discharges.

**Deadly force/lethal force**—Any force likely to cause death or serious physical injury. The use of a firearm (discharge) is considered deadly force. Neck holds, strikes to the head, neck or throat with a hard object are considered lethal force.

**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 also shall investigate all instances in which an individual has died while in, or as an apparent result of being in, the custody of NOPD.

**In-Custody death**— An incident in which an individual died while in, or as an apparent result of being in, the custody of NOPD.

**Serious use of force**—Include the following:

- (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 a CEW 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 CEW application for longer than 15 seconds, whether continuous or consecutive, and;
- (h) any strike, blow, kick, CEW application or similar use of force against a handcuffed subject.

## **REVIEW BOARD**

1. The UFRB consists of the following personnel as the UFRB's only voting members:
  - (a) The Deputy Superintendent of the Field Operations Bureau, (FOB) who will act as the UFRB chairperson;
  - (b) The Deputy Superintendent of Public Integrity Bureau (PIB);
  - (c) The Deputy Superintendent of Investigations and Support Bureau (ISB); and
  - (d) One Captain selected by the Superintendent to serve a six-month term as a non-voting member on the UFRB.
2. The Chief of the Professional Standards and Accountability Bureau and the Commander of the Education and Training Division shall participate in all Board meetings as non-voting members.
3. The commander of the Risk Management Unit shall participate as a non-voting member when a pursuit or department vehicle crash is involved.
4. The Board may summon or compel the appearance of other members of the department for questioning or to obtain Department documents necessary to carry out the duties of the Board.
5. The Deputy Superintendent of PIB is responsible for providing administrative support to the UFRB and will assign a PIB staff member to serve as the secretary to the UFRB. The UFRB secretary will:
  - (a) Assemble and distribute case information packages to UFRB members and observers prior to their meeting.
  - (b) Include in the information package a summary of key issues identified in each use-of-force investigation to be reviewed.
  - (c) Prepare a findings memo for the signature of the chairperson for each case reviewed by the UFRB after a draft has been circulated to the other voting members for consideration.
  - (d) Prepare summary minutes of the meeting for review and approval by the UFRB.
  - (e) Ensure that any follow-up action directed by the UFRB is forwarded to the responsible member of the Department for action.
  - (f) Track and report back to the UFRB action taken in response to its follow-up recommendation.
  - (g) Maintain complete records of the UFRB's actions.



6. All records and reports generated by the UFRB shall be securely maintained by PIB.
7. The PIB/FIT member or any other involved person responsible for the investigation will be available to the UFRB during its review to summarize the investigative findings and answer any questions that may arise.

#### **PROCEDURAL REVIEW REQUIREMENTS**

8. The Superintendent of Police will determine whether the UFRB should delay its review of a case until after completion of any related criminal investigation, review by any prosecutorial body, filing of criminal charges, and the decision not to file criminal charges or any other action based on recommendation by the Deputy Superintendent of PIB. This determination will be communicated to the chairperson of the UFRB in the form of a Form 105 for inclusion in UFRB records. However, in no case will the review be delayed more than 30 days after the investigation is considered complete and closed.
9. The UFRB shall:
  - (a) Review all use of force investigations completed by the Force Investigation Team.
  - (b) Review less serious use of force events where PIB/FIT identifies patterns or practices warranting command level review.
  - (c) Review other use of force events as directed by the Superintendent.
  - (d) Conduct timely and comprehensive reviews of each FIT investigation within 30 days of receiving the FIT report from the Deputy Superintendent of PIB.

#### **BOARD MEETINGS SCHEDULE**

10. Absent special circumstances, the Use of Force Review Board shall meet every 30 days to review use of force incidents or investigations submitted by PIB or the Superintendent that have been completed since the prior UFRB meeting. The cancellation or rescheduling of scheduled UFRB meetings, and the reason for such, will be noted in the **next** scheduled UFRB meetings minutes. If there are no cases for review during that period, that fact will be noted in the next scheduled UFRB meeting.
11. The chairperson shall determine the date, time, and location of meetings and communicate the schedule to the other UFRB members and observers at least three (3) working days prior to the scheduled date.
12. The quorum for each Use of Force Review Board shall be all three 3 voting members.
13. Use of Force Review Board members shall not be permitted to send a representative in their place to a Use of Force Review Board proceeding. The only exception will be the absence of a named member and the appointment of an "Acting Bureau Chief" for that Bureau during that member's absence. This appointment can only be made by the Superintendent of Police or the absent Bureau Chief with the approval of the Superintendent of Police. The appointment should be communicated in a Form 105 to the UFRB chairperson and maintained in the UFRB records by the secretary.
14. The Use of Force Review Board secretary shall document board member attendance as part of the record. Absences, with replacement, shall be expressly noted in the meeting summary/minutes.

15. The Use of Force Review Board shall complete its review of each incident on the date scheduled and in any event, no longer than 30 days of receipt of an a FIT investigation report of the incident, unless UFRB extends its review pursuant to paragraph 8, above. The UFRB shall document its findings and recommendations in a written UFRB Report within the lesser of 45 days of receiving a FIT investigation report of the incident or 15 days of UFRB presentation, unless UFRB extends its review pursuant to paragraph 8, above.

### **RESPONSIBILITIES OF THE BOARD**

16. The UFRB responsibilities are to:
  - (a) Review each FIT investigation within 30 days of receiving the completed FIT investigation report, unless UFRB extends its review pursuant to paragraph 8, above, to ensure it is complete and 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 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) Evaluate each case to either affirm or reject the investigative recommendations.
  - (e) If the Board determines the use of force violated NOPD policy, the Board shall refer it to PIB for disciplinary action.
  - (f) Review the incident to determine whether it raises policy, training, equipment, or tactical concerns, and refer such to the appropriate unit within NOPD to ensure the concerns are resolved.
  - (g) Direct district supervisors to take and document non-disciplinary corrective action to enable or encourage an officer to improve his/ her performance.
  - (h) Identify commendable conduct by NOPD officers or supervisors and ensure appropriate recognition is forthcoming.
  - (i) Document the UFRB findings and recommendations in a UFRB Report within 45 days of receiving the FIT investigation and within 15 days of the conclusion of the UFRB case presentation, unless UFRB extends its review pursuant to paragraph 6, above.
  - (j) Monitor progress on implementation of the findings and recommendation made by the UFRB.
  - (k) Ensure that a report is prepared summarizing the Board's actions during the year and included in the PIB Annual Report.
  - (l) Any case returned to FIT for further investigation shall be returned to the Board within 14 days for final Board Action.
17. The Commander of the Education and Training Division will use findings of the Board to assess the adequacy of the Department's training on use of force, defensive tactics and firearms. The Commander shall ensure that tactical deficiencies identified by the Board are addressed in future scenario-based training modules.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.3.8

### TITLE: SERIOUS DISCIPLINARY ACTION REVIEW BOARD

**EFFECTIVE:** 11/15/2020

**REVISED:**

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#### **PURPOSE**

This policy establishes and sets requirements for a Serious Disciplinary Action Review Board (SDRB) to review the supervisor's role in any serious disciplinary action involving a member of the Department and any cases forwarded to the SDRB by a disciplined member's Bureau Chief. This review board will follow the structure and procedures of the Use of Force Review Board.

#### **POLICY STATEMENT**

1. The SDRB serves as a quality control mechanism to ensure timely reviews of all serious discipline imposed on members to determine the appropriateness of the **supervision** of the members involved in the infraction and if inadequate supervision or a failure in the chain-of-command was present and caused or enabled the violation(s).
2. This review process shall be in addition to any other review or investigation that may be conducted by the NOPD, or any outside or multi-agency entity having jurisdiction over all or part of the investigation.

#### **DEFINITIONS:**

Definitions related to this Chapter include:

**Serious discipline** – any discipline imposed on a member of the NOPD as part of an internal or external investigation where the assessed penalty for any violation, or the aggregate penalties exceed 20 days suspension or greater. This shall not apply to any Level A offense regardless of the punishment imposed unless the member's Bureau Chief has requested the SDRB to review the case.

#### **REVIEW BOARD**

3. The SDRB consists of the following personnel as the SDRB's only voting members:

- (a) The Deputy Superintendent of the Field Operations Bureau, (FOB) who will act as the SDRB chairperson;
  - (b) The Deputy Superintendent of Public Integrity Bureau (PIB);
  - (c) The Deputy Superintendent of Investigations and Support Bureau (ISB);
  - (d) One Captain selected by the Superintendent to serve a six-month term as a non-voting member on the SDRB.
4. The Chief of the Professional Standards and Accountability Bureau and the Captain of the Education and Training Division shall participate in all Board meetings as non-voting members.
5. The commander of the Risk Management Unit shall participate as a non-voting member when a pursuit or department vehicle crash is involved.
6. The Captain supervising the district / division in which the member and supervisor(s) was assigned when the infraction(s) occurred shall be present and will be responsible for providing the SDRB with any information needed to review the supervisor's role in the infraction. The captain of the district / division cannot delegate this requirement.
7. Should the Captain no longer be available (i.e. retirement, resignation, etc.), the present Captain shall attend with the highest-ranking member present in the district / division at the time of the incident.
8. The Deputy Chief of PIB is responsible for providing administrative support to the SDRB and will assign a PIB staff member to serve as the secretary to the SDRB. The SDRB secretary will:
  - (a) Assemble and distribute case information packages to SDRB members both voting and non-voting, prior to their meeting.
  - (b) Include in the information package a summary of key issues regarding supervisory failings.
  - (c) Prepare a findings memo for the signature of the chairperson for each case reviewed by the SDRB after a draft has been circulated to the other voting members for consideration.
  - (d) Prepare summary minutes of the meeting for review and approval by the SDRB.
  - (e) Ensure that any follow-up action directed by the SDRB is forwarded to the responsible member of the Department for action.
  - (f) Track and report back to the SDRB action taken in response to its follow-up recommendation.
  - (g) Maintain complete records of the SDRB actions.
9. All records and reports generated by the SDRB shall be securely maintained by PIB.
10. The liaison to PIB of the Bureau of the member(s) and supervisor under review will be responsible for presenting the investigation to the review board. This will include a summary of the investigation as well as any findings. However, if PIB investigated the case, then the assigned PIB investigator will be responsible for the presentation.

## PROCEDURAL REVIEW REQUIREMENTS

11. The Superintendent of Police will determine whether the SDRB should delay its review of a case until after completion of any related criminal investigation, review by any prosecutorial body, filing of criminal charges, and the decision not to file criminal charges or any other action based on recommendation by the Deputy Chief of PIB. This decision will be communicated to the chairperson of the SDRB in the form of a Form 105 for inclusion in SDRB records.
12. The SDRB shall:
  - (a) Review all serious discipline imposed by the department with the goal of identifying if inadequate supervision or a failure in the chain-of-command was present and caused or enabled the violation(s).
  - (b) Review less serious disciplinary events where the member's Bureau Chief identifies patterns or practices warranting command level review.
  - (c) Review other discipline as directed by the Superintendent.

## BOARD MEETINGS SCHEDULE

13. Absent special circumstances, the SDRB shall meet every 30 days to review the supervisor's role in serious disciplinary action taken by the department or investigations submitted by a Bureau Chief or the Superintendent that have been completed and a disciplinary letter has been issued since the prior SDRB meeting. The cancellation or rescheduling of scheduled SDRB meetings, and the reason for such, shall be noted in the next scheduled SDRB meetings minutes. If there are no cases for review during that period, that fact shall be noted in the next scheduled SDRB meeting.
14. The chairperson shall determine the date, time, and location of meetings and communicate the schedule to the other SDRB members and observers at least three (3) working days prior to the scheduled date.
15. The quorum for each SDRB shall be all three 3 voting members.
16. SDRB members shall not be permitted to send a representative in their place to a proceeding. The only exception will be the absence of a named member and the appointment of an "Acting Bureau Chief" for that Bureau during that member's absence. This appointment can only be made by the Superintendent of Police or the absent Bureau Chief with the approval of the Superintendent of Police. The appointment shall be communicated in a Form 105 to the SDRB chairperson and maintained in the SDRB records by the secretary.
17. The SDRB secretary shall document board member attendance as part of the record. Absences, and replacement, shall be expressly noted in the meeting summary/minutes.
18. The SDRB shall complete its review of each incident on the date scheduled but, in any event, no longer than 30 days from convening of the board unless SDRB extends its review pursuant to paragraph 9, above. The SDRB shall document its findings and recommendations in a written SDRB Report within the lesser of 45 days of receiving notification of an issuance of serious discipline via a disciplinary letter issued by the Superintendent of Police or 15 days of SDRB presentation, unless SDRB extends its review pursuant to paragraph 11, above.

## RESPONSIBILITIES OF THE BOARD

19. The SDRB responsibilities are to:

- (a) Review each serious disciplinary action taken by the police department with a goal of identifying and correcting systemic issues related to inadequate supervision or a failure in the chain-of-command.
- (b) Review each serious imposition of discipline within 30 days of issuance of the disciplinary letter by the Superintendent of Police to determine the supervisor's role in the infraction.
- (c) Hear the case presentation from the bureau liaison or the PIB investigator (as determined in paragraph 10) and discuss the case as necessary, with the liaison and Captain of the district / division to gain a full understanding of the facts of the incident.
- (d) The officer(s) who were disciplined or their representatives shall not attend this hearing.
- (e) Order further investigation when it appears 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 SDRB 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.
- (f) Evaluate each case to either affirm or reject the supervisor's role in the misconduct.
- (g) If the Board determines the supervisor's role violated NOPD policy, the Board shall refer it to PIB for disciplinary action.
- (h) Review the incident to determine whether it raises policy, training, equipment, or tactical concerns, and refer such to the appropriate unit within NOPD to ensure the concerns are resolved.
- (i) Direct district supervisors to take and document non-disciplinary corrective action to enable or encourage improvement in involved officers' and supervisors' performance.
- (j) Identify commendable conduct by NOPD officers or supervisors and ensure appropriate recognition is forthcoming.
- (k) Document the SDRB findings and recommendations in a SDRB Report within 45 days of the issuance of the disciplinary letter by the Superintendent, and within 15 days of the conclusion of the SDRB case presentation, unless SDRB extends its review pursuant to paragraph 11, above. In cases where the entire Department would benefit from learning about the issues, the SDRB shall prepare a release of the issues and concerns without reference to individuals or otherwise confidential records.
- (l) Monitor progress on implementation of the findings and recommendation made by the SDRB.
- (m) Ensure that a report is prepared summarizing the Board's actions during the year and included in the PIB Annual Report.
- (n) Any case sent to PIB for further investigation shall be returned to the Board within 14 days for final Board Action.

20. SDRB training recommendations shall inform the Annual Training Needs Assessment. The Captain of the Education and Training Division will use findings of the Board to assess the adequacy and, where possible, to enhance the Department's training on supervision and discipline. The Captain shall ensure that supervisory deficiencies identified by the Board are addressed in future training modules for both new supervisors as well as supervisor in-service.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.4

### TITLE: AUTHORIZED FIREARMS

**EFFECTIVE: 08/23/2015**

**REVISED: 12/06/15, 08/11/19, 11/15/19**

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#### PURPOSE

This Chapter governs the authorization, acquisition, condition, and maintenance of Department authorized firearms.

Employees shall recognize that safety is paramount when handling firearms.

#### POLICY STATEMENT

1. Only authorized personnel who have met all Louisiana State Peace Officer Standards and Training (POST) requirements and have been commissioned by the Superintendent of Police shall have the privilege to carry a firearm, as a police officer (peace officer) both on-duty and off-duty (La. R.S. 40:2405).
2. Commissioned members in probationary status and commissioned members who return from unarmed status are required to successfully complete firearm training and qualify for duty handguns and other service firearms before they are permitted to carry and use firearms. All Recruits shall complete and satisfactorily pass POST firearms training and qualification for duty firearms before they may receive a commission.
3. **Officers shall only carry a single duty handgun while on duty or on an approved police secondary employment (PSE) and shall not carry a second firearm while on duty or on an approved police secondary employment.**

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Administrative personnel**— administrative personnel are any commissioned members, not reassigned for investigative purposes, who are performing duties of an administrative nature.

**Duty handgun**— The primary authorized firearm carried while on duty by NOPD officers. Duty handgun is synonymous with duty firearm and duty sidearm.

**Duty shotgun**—An authorized weapon designed to be fired from the shoulder, which

chambers a 12-gauge cartridge.

**Off-duty handgun**—A firearm carried by an officer while off duty **based on his/her authority as a police officer**. The firearm shall be required to meet the same guidelines as established for on-duty firearms.

**Patrol rifle**—An authorized firearm made available to properly trained and qualified officers as a supplemental resource to their duty handgun or duty shotgun.

**Patrol ready condition (duty handgun)**—A duty handgun is considered in a patrol ready condition when:

- It has been inspected by the assigned officer.
- A fully charged magazine, with Department-approved ammunition, is inserted into the magazine well.
- The first round of ammunition is chambered after inserting the magazine.

Additional rounds **will not be** manually charged into the magazine after a round has been chambered.

**Patrol ready condition (rifle)**—A rifle is considered in a patrol ready condition when:

- It has been inspected by the assigned officer;
- The fire selector switch is in the safe position;
- The chamber is empty; and
- A fully charged magazine, with Department-approved ammunition, is inserted into the magazine well.

**Patrol ready condition (shotgun)**—A shotgun is considered in a patrol ready condition when:

- It 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 is released; and
- The safety is on.

**Unarmed status**—The period of time during which a commissioned member of the NOPD has had his/her authority to carry an authorized weapon as a police officer restricted or rescinded, for any reason, by the Superintendent or his/her designated representative.

**Unintentional discharge**—Any discharge of a firearm by NOPD commissioned member in an inadvertent or unintended manner. (Unintentional discharges are synonymous with accidental discharges.)

#### **GENERAL INFORMATION/AUTHORIZED FIREARMS**

4. All duty firearms are subject to approval of the Superintendent of Police or his/her authorized designee before they are acquired and utilized by any officer of this Department. Any non-department issued firearm or holster is subject to approval of the Superintendent of Police or his/her authorized designee before any officer of this Department may use or possess such firearm while on duty.
5. The 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 that prior to issuance firearms are appropriate and in good working order, and that essential training is provided as resources allow.
6. Commissioned personnel shall be accountable for proper maintenance of department issued and personal firearms.



7. The New Orleans Police Department's Education and Training Division shall be responsible for inventory control and establish guidelines for training safety of all agency-owned firearms. Additionally, the Division shall maintain qualification records for any commissioned member requesting to carry a personally owned weapon either off or on duty.
8. The Special Operations Division and other units that require Department-issued, special weapons have specialized policies authorized by the Superintendent of Police and covered by Chapter 46 – Unusual Occurrences and Special Operations.
9. No firearm will be carried on duty or on an authorized police secondary employment that has not been inspected by a certified firearms instructor or qualified armorer for that class of firearm, of the Education and Training Division Range Staff or Special Operations Division Armory.
10. At the start of each assigned shift, any qualified, on-duty, commissioned member who intends to patrol with a patrol-ready rifle or patrol-ready shotgun must so advise his/her duty supervisor. The supervisor MUST approve the use in advance and both the officer and supervisor must note the approval on their respective Daily Activity Sheets.
11. Emergency situations may arise in which an officer may need to obtain and use a firearm with which he/she has not been previously qualified, are currently qualified or been previously authorized to carry. ***Only a police Captain, Deputy Superintendent, or the Superintendent of Police can grant this authority.***

#### DUTY HANDGUNS

12. The authorized Department-issued handgun is the Glock Model 22.
13. With prior approval as described in this Chapter, commissioned members may elect to carry a personally owned Glock Model 23 pistol in lieu of a Model 22.
14. The Superintendent of Police may authorize, in writing, a duty firearm and ammunition other than the approval duty firearm models herein, for use by a commissioned member with a physical or medical reason (e.g., hand size). Only commissioned members who have received written authorization from the Superintendent of Police and have been evaluated and qualified by the Education & Training Division Range Instructor / Armorer with the specified firearm, may use the special firearm and ammunition authorized. The cost of the required firearm, required security holster, magazine pouches, ammunition, including for future qualifications, and maintenance shall be borne by the requesting member.
15. Command staff (commissioned rank of captain, major, deputy chief or superintendent) are authorized to carry a Department-issued or personally owned Glock Model 23 or Model 27 in lieu of a Model 22 as a duty weapon after qualification with the weapon.
16. Commissioned members performing duties in plain clothes are authorized to carry the Glock Model 27 handgun. Personnel below the rank of captain are not authorized to carry a Glock Model 27 pistol as their duty handgun when working an authorized secondary employment assignment or when attired with a duty gun belt.
17. Individuals wishing to purchase their own Departmentally approved Glock pistol may do so in lieu of being issued a departmental handgun when authorized pursuant to this

Chapter. However, all approved Glock pistols must be equipped with the Glock New York #1 trigger spring.

18. All other weapons (e.g., edged weapons, chemical, electronic, impact, etc.) not previously, expressly authorized in writing by a deputy superintendent, the Superintendent of Police, or by departmental regulations, **are prohibited**. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by Louisiana State law.
19. Only issued or approved shotguns and patrol rifles are authorized for on-duty use. Officers shall not possess or use unauthorized firearms or ammunition while on-duty or on police secondary employment.
20. It shall be the responsibility of the commissioned member to submit the handgun, if other than a Department-issued duty handgun, to the POST Certified Firearms Instructor designated by the Education and Training Division Range commander for inspection prior to being carried. Thereafter, the handgun shall be subject to periodic inspection by the Education and Training Division Range staff.

#### **OTHER DEPARTMENT-ISSUED HANDGUNS AND FIREARMS MAY BE AUTHORIZED**

21. The Superintendent of Police may authorize, in writing, specialized firearms and ammunition for use by designated units (e.g., SOD, S.W.A.T., Canine, etc.) that are not authorized for all commissioned members. Only commissioned members assigned to these designated units, while in that assignment, may use the special firearms authorized for that unit.
22. Commanding officers shall ensure that all commissioned members assigned to specialized units are qualified in the use of authorized firearms specifically assigned to those units and their qualifications remain current.
23. If an officer is transferred to any other unit, for any reason, it is his/her responsibility to return all Department-issued weapons, other than his/her duty handgun, to the unit that issued the respective weapons within five working days. Within that five-working-day period, the officer may request authorization to maintain the assignment of these special weapons subsequent to his/her transfer to the new unit.
24. Upon being transferred to a new unit, NOPD members shall be responsible for notifying the commander and their immediate supervisor for the new unit of any special weapons training, certifications, or authorizations the member may possess.
25. Commanders of the transferred member's unit must affirmatively acknowledge that all specialized weapons and equipment have been returned as required and the return noted in the Departmental Property Management application (see: **Chapter 17.3 – Department Owned and Personal Property**). This may be done within 3 working days of the date of transfer.
26. A handgun authorized as a duty handgun is also authorized as an off-duty handgun.

#### **AUTHORIZED HANDGUN MAKES**

27. The following manufacturers and makes of handguns are authorized for use by commissioned members for off-duty use only with an approved security holster:
  - (a) Glock
  - (b) Smith & Wesson
  - (c) Ruger
  - (d) Colt

- (e) Beretta
- (f) Sig Sauer
- (g) Heckler & Koch
- (h) Walther
- (i) Kel-Tec
- (j) North American Arms
- (k) Browning
- (l) Kimber and Springfield

### **AUTHORIZED HANDGUN CALIBERS**

28. The following calibers of handguns are authorized for use by commissioned members:

- (a) .22
- (b) .25
- (c) .32
- (d) .38
- (e) .380
- (f) .357
- (g) 9mm
- (h) .40

### **AUTHORIZED PERSONALLY-OWNED RIFLES OR SHOTGUNS**

29. An officer may seek the written approval of the current Superintendent of Police to use his/her personally owned rifle in place of a Department-issue rifle as his/her duty rifle and/or his/her personally owned shotgun in lieu of a Department-issue shotgun provided that:

- (a) any such personally owned rifle and/or shotgun is identical in manufacturer, model, and caliber to currently utilized Department-issued-and-approved models;
- (b) the personally owned firearms are not modified in any manner a Department-issued model could not be modified;
- (c) the officer qualifies on the use of the personally owned firearms as his/her patrol rifle and/or duty shotgun pursuant to this Chapter;
- (d) the Superintendent or his/her designee determines the officer's mission and assignment require the use of the requested rifle and/or shotgun; and
- (e) the officer's carrying and use of personally owned firearms comports with all requirements of this Chapter.

30. Officers must seek re-approval for any personally owned rifle or shotgun upon any transfer of duty station or assignment to a specialized unit.

### **AUTHORIZED OFF-DUTY HANDGUNS**

31. The carrying of handguns by commissioned members while off duty is permitted by the Superintendent of Police, but may be rescinded should circumstances dictate (e.g., administrative leave, disciplinary action). Commissioned members who choose to carry a handgun while off duty **based on their authority as New Orleans Police Officers** shall be required to meet the same guidelines as established for on-duty handguns and authorized off-duty handguns in this Chapter. Firearms carried off-duty under the authority of the Department as a LEO shall be carried in an approved security level holster of the same level as for on-duty firearms.

32. Commissioned members who desire to carry a handgun when off duty as an LEO are authorized to do so only after registering the weapon's serial number with the

Department and successfully completing the POST Firearms Qualification Course conducted by a POST Certified Firearms Instructor designated by the Education and Training Division Range commander. The commissioned member shall qualify successfully with the approved off-duty handgun annually. The range qualification dates will be specified by the Education and Training Division Range commander or his/her designee.

33. It will be the responsibility of the commissioned member to submit the handgun, if other than a Department-issued duty handgun, to the POST Certified Firearms Instructor designated by the Education and Training Division Range commander for inspection prior to being carried. Thereafter, the handgun shall be subject to periodic inspection by the Education and Training Division Range Staff, but at least annually when the member qualifies with the firearm.
34. Prior to carrying any off-duty handgun, the commissioned member shall demonstrate to any designated member of the Education and Training Division Range Staff that he/she is proficient in handling and firing the handgun, and he/she shall demonstrate that it will be carried in a safe manner.
35. When carrying any off-duty handgun for which they have qualified, and under his/her authority as an LEO, the weapon shall be carried concealed, in a safe manner and secured in a holster that meets the minimum security level required of on-duty handguns.
36. If any commissioned member, under his/her authority as an LEO, desires to carry more than one make and model of handgun while off duty, he/she may do so as long as the commissioned member meets all the requirements set forth in this Chapter for each handgun used. Members shall only carry one handgun of any authorized type shall at a time while off duty.
37. Officers shall carry their Department identification at all times when armed, whether on duty or off duty.

#### **WEAPON LIGHTS, OPTICS, OR LASER SIGHTS**

38. A weapon light, optic, or laser sight may only be installed on, or affixed to, a handgun carried on-duty or off-duty after the device has been approved by the Education and Training Division Range commander.
  - (a) Any approved weapon light, optic, or laser shall only be installed on, or affixed to, a handgun in strict accordance with the manufacturer's specifications.
  - (b) The officer shall demonstrate to any designated member of the Education and Training Division Range Staff that:
    1. He/she is proficient in handling and firing the handgun with the equipment attached;
    2. The handgun will be carried in a safe manner and in an approved holster; and
    3. The handgun light, optic, or laser does not interfere with the consistent firing of the handgun.After any weapon light, optic, or laser has been installed on any handgun; the officer shall qualify annually with the handgun to ensure proper functionality and sighting of the handgun prior to carrying it.
39. Weapon lights shall not replace the use of a flashlight for conventional uses and shall not be carried unless the officer is also equipped with a traditional flashlight.
40. Weapon lights, optics, or laser sights utilized with handguns for applications specific to

duties of the Special Operations Division shall be subject to prior, written authorization by the Commander of the Special Operations Division.

### **BORROWING/LOAN OF DEPARTMENT FIREARMS**

41. Commissioned members may request to borrow a Department handgun by submitting a written request through his/her commanding officer to the Commander of the Education and Training Division. After approval, the requesting commissioned member shall bring the approved request to the Education and Training Division Range facility, where the commissioned member shall complete and sign the necessary handgun issuance forms.
42. Commissioned members may borrow only handguns with which they are qualified at the time of the request. Commissioned members who borrow Department handguns shall be prohibited from altering or modifying those handguns in any manner.
43. Commissioned members who borrow Department handguns shall return the handgun to the Education and Training Division Range Facility within six months. Should the commissioned member require an extension, he/she shall submit another written request through his/her commanding officer to the Commander of the Education and Training Division. After approval of the extension by his/her Commander, the commissioned member shall hand carry the approved request to the Education and Training Division Range commander with the borrowed firearm for an inspection and re-issuance.
44. When a commissioned member's handgun is confiscated for investigative purposes, the commissioned member may be offered the use of a Department handgun until his/her handgun is returned.
45. If the borrowed Department handgun is a different make, model, or caliber, and the commissioned member is not already qualified on the borrowed model, the officer must successfully qualify with the borrowed handgun by the next available Range qualification date.
46. Borrowed Department handguns may be picked up from the Education and Training Division 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 Range shall be responsible for issuing the handgun.

### **USE OF THE PATROL RIFLE**

47. Commissioned members shall not carry or utilize a patrol rifle unless they have successfully completed Department training as outlined in **Chapter 1.4.2 – Firearms Training Qualification and Requalification**.
48. Commissioned members may use the patrol rifle in any circumstance where they can articulate a reasonable expectation the rifle may be needed and in conformity with **Chapter 1.3 – Use of Force**. General guidelines for use of the patrol rifle may include, but are not limited to situations in which:
  - (a) an officer reasonably anticipates an armed encounter;
  - (b) an officer is faced with a situation that may require the delivery of accurate and effective fire at long range;
  - (c) an officer reasonably expects the need to meet or exceed a suspect's firepower;
  - (d) an officer reasonably believes there may be a need to engage a barricaded person or a person with a hostage;
  - (e) an officer reasonably believes a suspect may be wearing body armor;
  - (f) has been authorized or requested by a supervisor; and
  - (g) an officer needs to euthanize an animal and a duty handgun is believed to be

ineffective for the incident.

### **AUTHORIZED RIFLES**

49. The Bushmaster Model XM-15 is an optional shoulder weapon for commissioned members.
50. Rifles authorized for use by officers are subject to the following requirements:
  - (a) The rifle stocks and fore end must be black matte or brown in color, and may not have any attached lasers/optics or weapon lights without prior written approval from the Education and Training Division Range commander.
  - (b) The barrel length shall be 18 inches.
  - (c) The rifle shall be equipped with a tactical sling.
  - (d) Commissioned members who purchase their own duty rifle must demonstrate proficiency to a POST Certified Firearms Instructor prior to carrying the weapon on duty.
  - (e) Once a rifle cartridge is chambered, the safety shall be on unless the rifle is to be used immediately.
  - (f) Each commissioned member carrying a rifle may be required to demonstrate the ability to fieldstrip and clean the rifle.
  - (g) Each commissioned member shall be responsible for promptly reporting any damage or malfunction of a Department-issued or personally owned rifle to their immediate supervisor and SOD Armory Unit.
  - (h) The rifle shall be taken out of service as soon as practical for repairs.
  - (i) Repairs for a personally owned, duty-use rifle shall be the responsibility of the requesting officer.
  - (j) Each rifle carried on duty shall be subject to inspection by a supervisor, the SOD Armory Unit, or any POST Certified Firearms Instructor at any time.
  - (k) No modification may be made to any Departmentally issued or personally owned rifle once initial authorization has been granted, without subsequent written authorization from the Commander of the SOD Armory Unit or the Education and Training Division Range commander.

### **PATROL READY RIFLE CONDITION**

51. Any qualified commissioned member 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.
52. If the Departmental vehicle does not have a trunk, the patrol rifle shall be secured in a locking mechanism or lock box approved by the Superintendent of Police or his/her designee.

### **USE OF SHOTGUNS**

53. Commissioned members shall not carry or utilize a shotgun unless they have successfully completed Department training as outlined in **Chapter 1.4.2 - Firearms Training Qualification and Requalification**.
54. Commissioned members shall obtain permission from their immediate supervisor **each time** they carry a shotgun while on duty. **Approval shall not be automatic**. The approval shall be **expressly noted** on both the officer's and the approving supervisor's Daily Activity Sheet.

55. Commissioned members may use a shotgun in any circumstance in which the officer can articulate a reasonable expectation that the shotgun may be needed and in conformity with **Chapter 1.3 – Use of Force**. General guidelines for use of the shotgun may include, but are not limited to situations in which:
- (a) an officer reasonably anticipates an armed encounter;
  - (b) an officer is faced with a situation that may require the delivery of effective fire;
  - (c) an officer reasonably expects the need to meet or exceed a suspect's firepower;
  - (d) an officer reasonably believes there may be a need to engage a barricaded person;
  - (e) it has been authorized or requested by a supervisor; and
  - (f) an officer needs to euthanize an animal and a duty handgun is believed to be ineffective for the incident.

### **AUTHORIZED SHOTGUNS**

56. The Remington 870/870P, 12-gauge, five or eight shot, fixed choke, and pump-action shotgun is an optional shoulder weapon for commissioned members.
57. Shotguns authorized for use by officers are subject to the following requirements:
- (a) The shotgun stocks and fore end must be black matte or brown in color, and may not have any attached lasers/optics or weapon lights without prior written approval from the Education and Training Division Range commander.
  - (b) The barrel length shall be 18 to 22 inches, with the exception of Department- issued shotguns.
  - (c) The shotgun shall be equipped with a tactical 1 point or 3 point sling.
  - (d) Commissioned members who purchase their own duty shotgun shall demonstrate proficiency to a POST Certified Firearms Instructor prior to carrying the weapon on duty.
  - (e) Once a shotgun shell is chambered, the safety shall be on unless the shotgun is to be used immediately.
  - (f) Each commissioned member carrying a shotgun may be required to demonstrate the ability to fieldstrip and clean the shotgun.
  - (g) Each commissioned member shall be responsible for promptly reporting any damage or malfunction of a Department-issued or personally owned shotgun to their immediate supervisor and SOD Armory Unit.
  - (h) The shotgun shall be taken out of service as soon as practical for repairs.
  - (i) Repairs for a personally owned duty use shotgun shall be the responsibility of the requesting officer.
  - (j) Each shotgun carried on duty shall be subject to inspection by a supervisor, the SOD Armory Unit, or any POST Certified Firearms Instructor at any time.
  - (k) No modification shall be made to any Departmentally issued or personally owned shotgun once initial authorization has been granted, without subsequent written authorization from the Commander of the SOD Armory Unit or the Education and Training Division Range commander.

### **PATROL READY SHOTGUN CONDITION**

58. Shotguns in the field shall be 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 locking mechanism or lock box approved by the Superintendent of Police or his/her designee.

### **SAFETY AND REPORTING CONSIDERATIONS**

59. Guidelines for the safe handling and carrying of firearms include, but are not limited to, the following:

- (a) Firearms shall not be carried by any officer who has consumed **any** amount of alcoholic beverage or taken **any** drugs, including current prescription medications for that member that may adversely affect the officer's senses or judgment.
- (b) Officers shall not unnecessarily display or handle any firearm.
- (c) 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.
- (d) Any discharge of a firearm by a NOPD commissioned member, excluding range and training firings; is governed by **Chapter 1.3.6 – Reporting Use of Force**
- (e) Officers shall not clean, repair, load, or unload a firearm while on duty, except in agency-designated locations or under the directions of a supervisor or Education and Training Division Range Staff.
- (f) Shotguns or rifles removed from vehicles or equipment storage rooms shall be loaded and unloaded outdoors and pointed in a safe direction at all times.
- (g) Officers shall not place or store any firearm on Department premises, except where the place of storage is locked.
- (h) Officers shall not carry firearms into a jail or correctional facility.
- (i) When processing a prisoner, officers shall secure their firearms in a secure container or in a vehicle if in a locked holder or secure out-of-sight area.
- (j) Non-issued, Department-owned patrol rifles and shotguns will be stored in approved Department armory racks.
- (k) When off duty, all patrol rifles or shotguns should be secured in the officer's residence, temporary housing, or approved Department armory.
- (l) 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 required.
- (m) When secured in the officer's residence, the shotgun will be stored with the chamber and magazine empty, safety on, and the action closed. The use of a gun lock is required. Officers shall not use any automatic firearm, heavy caliber rifle, gas, or other type of chemical weapon (from the SOD Armory Unit), except with express approval of the Special Operations Division Commander, his/her designee, or when an emergency or exigency reasonably requires immediate use of the weapon and it has been authorized by a deputy superintendent or the Superintendent of Police. This authorization must be documented by both the officer and the approving authority, in writing, as soon as circumstances permit.
- (n) Any firearm authorized by the Department to be carried on-duty or off-duty and found to be malfunctioning or needing service **shall not** be carried and shall be promptly presented to the Education and Training Division Range Staff for inspection. Any firearm determined to be in need of service or repair during an inspection by the Education and Training Division Range Staff will be removed immediately from service. If the firearm is the officer's primary duty handgun, a replacement handgun will be issued to the officer until the duty handgun is rendered serviceable.

#### **MAINTENANCE AND REPAIR**

- 60. Firearms carried on-duty shall be maintained in a clean, serviceable condition and free from corrosion.
- 61. Any POST Certified Firearms Instructor, range safety officer or armorer assigned to the



Education and Training Division Staff or SOD has the authority to deem any firearm unfit for service. In all cases, any firearm deemed unfit for service shall be immediately reported to the Education and Training Division Range commander by Departmental e-mail by both the commissioned member and the member who has deemed the firearm unfit for service.

62. Any firearm that has been deemed unfit for service shall not be returned to service until inspected and approved for duty use by the Education and Training Division Range commander.
63. 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 that specific type of firearm.
64. For Department-issued handguns, the repair shall be documented on a Glock Pistol Inspection Form (GLK#129) or in a written Form 105 from the armorer or gunsmith who repaired the firearm to the Commander of the Education and Training Division. The Form 105 or inspection form will specifically identify the firearm repaired, the nature of the repair, and whether the damage or malfunction repaired was caused by negligence or mishandling of the firearm by the officer assigned.
65. All repairs of Department-issued firearms not performed by the Education and Training Division Range staff must be authorized in advance by the Education and Training Division Range commander and accomplished by a Department-approved gunsmith, who is certified to repair such firearm. Documentation by the authorized gunsmith shall specifically identify the firearm repaired, the nature of the repair and if the damage or malfunction repaired was caused by negligence or mishandling of the firearm by the officer assigned. Proof of the repairing gunsmith's certification or qualification to repair the firearm will also be provided.
66. All repairs of member-owned firearms must be accomplished by a Department-approved gunsmith, who is certified to repair such firearm. Documentation by the authorized gunsmith shall specifically identify the firearm repaired, the nature of the repair, and whether the damage or malfunction repaired was caused by negligence or mishandling of the firearm by the officer assigned. Proof of the repairing gunsmith's certification or qualification to repair the firearm will also be provided.
67. All maintenance and repair documentation is the responsibility of the Education and Training Division Range commander and will be kept on file for each firearm.

#### **MAINTENANCE OF PATROL RIFLES AND SHOTGUNS**

68. Primary responsibility for maintenance of Departmental patrol rifles and shotguns shall fall on the Special Operations Division (SOD) Armory Unit, which shall inspect each approved patrol rifle and shotgun on a semi-annual basis. Certified patrol rifle and shotgun instructors assigned to the Education and Training Division Range Unit may assist the SOD Armory Unit with the semi-annual inspections.
69. Each commissioned member shall be responsible for promptly reporting any damage or malfunction of an approved patrol rifle or shotgun to his/her immediate supervisor and the SOD Armory Unit. The rifle or shotgun shall be immediately taken out of service and for Department-issued rifles or shotguns brought to the SOD Armory Unit as soon as practical for repairs.
70. Any patrol rifle or shotgun found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
71. Each patrol rifle or shotgun shall be subject to inspection by a supervisor, the SOD Armory Unit, or the Education and Training Division Range Staff at any time.

72. No modification shall be made to any patrol rifle or shotgun without prior written authorization from the Commander of the SOD Armory Unit.

### **MODIFICATIONS OF DUTY FIREARMS**

73. 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 repairs shall be documented and all maintenance and repair history and documentation is the responsibility of the Education and Training Division Range commander and will be kept on file for each firearm.
74. Any modifications to an officer's personally owned duty handgun or approved off-duty handgun shall be done at his/her expense and must be approved and inspected by the Education and Training Division Range commander.

### **FLYING WHILE ARMED**

75. The Transportation Security Administration (TSA) has imposed rules governing flights on commercial aircraft by armed police officers. Commissioned members who intend to be armed while flying on a commercial air carrier or flights for which screening is conducted must meet all the requirements of (49 CFR § 1544.219) and the TSA.

### **CARRYING FIREARMS OUT OF STATE**

76. Qualified, full-duty commissioned members 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) 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.
  - (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
  - (d) The officer shall remain subject to this and all other Department policies (including qualifying and training).
77. 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, park, or other facilities. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.4.1

### TITLE: AUTHORIZED AMMUNITION

**EFFECTIVE: 8/23/15**

**REVISED: Replaces Policy 313**

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#### PURPOSE

The purpose of this policy is to establish standards for Department members in the use of authorized ammunition in all-duty, secondary, and off-duty firearms.

Employees shall recognize that safety is paramount when handling firearms.

#### DEFINITIONS:

**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 firearm and topping off the magazine would exceed the capacity number of rounds authorized while on duty.

#### POLICY STATEMENT

1. Officers shall carry and use only ammunition that is issued or authorized by the Department.
2. Officers shall be issued new duty ammunition in the specified quantity for all Department-issued firearms during the officer's scheduled requalification each year, or as required under this Chapter.
3. Officers carrying a personally owned Glock Model 22, 23, or 27 as their duty handgun shall be issued new duty ammunition during the officer's scheduled qualification each year.
4. Officers carrying personally owned and authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining new duty ammunition in accordance with this Chapter, at their own expense.
5. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Education and Training Division Range staff when needed, in accordance with established procedure.
6. Only the Superintendent of Police, or his/her designee, can authorize the issuance of ammunition from the Department's armory in addition to that authorized by this Chapter.

7. All officers' firearms shall be filled with the capacity number of rounds while on-duty.
8. When policy requires the wearing of a uniform duty belt, commissioned members shall carry at least one magazine in addition to the magazine loaded in the pistol. Regardless of the number of magazines carried while on duty, all magazines shall be filled to capacity.

#### **AUTHORIZED AMMUNITION**

9. Only the types and caliber ammunition listed in Appendix A to this Chapter is approved for use in Departmentally issued or authorized firearms.
10. **Appendix "A"** to this Chapter may be amended at any time without changing the main body of the Chapter. The **Appendix "A"** revision or effective date will be reflected at the conclusion of the Appendix.

#### **EDUCATION AND TRAINING DIVISION RESPONSIBILITIES**

11. The Commander of the Education and Training Division or his/her designated representative has the following responsibilities:
  - (a) Issuing approved ammunition to all commissioned employees for authorized on-duty firearms;
  - (b) Replacing ammunition used in the performance of a commissioned member's duties; and
  - (c) Assigning a firearms instructor or range safety officer to respond to discharge incidents.

#### **OFFICER'S RESPONSIBILITIES**

12. Officers are responsible for obtaining their own ammunition for their approved off-duty weapon which ammunition must comply with this Chapter.
13. 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 Range staff after presenting a copy of the related incident report to the Education and Training Division.

**APPENDIX "A" –**

**Only .38 Special ammunition for both the .38 Special and .357 magnum revolvers 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 revolvers)
- Precision Delta: Plus P, factory loaded, 125 grain, jacketed hollow point
- Speer: factory loaded, 125 grain, Gold Dot hollow point +P

**The below is authorized for 9MM semi-automatic pistols (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

**The below is authorized for semi-automatic .380 pistols, (.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

**The below is authorized for .40 caliber semi-automatic pistols:**

- 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

**The below is authorized for .32 caliber semi-automatic pistols:**

- 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

**The below is authorized for .32 caliber revolvers:**

- Federal: factory loaded, .32 Harrington and Richardson magnum, 85 grain, jacketed hollow point

**The below is authorized for .25 caliber semi-automatic pistols:**

- 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)

**The below 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

**The below is authorized for patrol rifles:**

- Federal: Premium Law Enforcement .223, 55 or 59 grain Boat Tail Hollow Point.
- Winchester: .223 55 or 69 grain Boat Tail Hollow Point
- Hornady: .223 55 or 69 grain TAP Urban
- Remington: .223 55 or 69 grain Boat Tail Hollow Point

**The below is authorized for shotguns:**

- Federal: Classic or Tactical, 12 ga., 2 ¾" or 3" inch magnum, 9-pellet, OO (Double Ought) Buck Shot (no low recoil)
- Winchester: Super-X, 12 ga., 2 ¾" or 3" inch magnum, 9-pellet, OO (Double Ought) Buck Shot (no low recoil)
- Remington: 12 ga., 2 ¾" or 3" inch magnum, 9-pellet, OO (Double Ought) Buck Shot (no low recoil)
- Federal: Tactical, 12 ga., 2 ¾" or 3" inch magnum, 1 oz. Rifled Slug (no low recoil)
- Winchester: Super-X, 12 ga., 2 ¾" or 3" inch magnum, 1 oz. Rifled Slug (no low recoil)
- Remington: 12 ga., 2 ¾" or 3" inch magnum, 1 oz. Rifled Slug (no low recoil)

**EFFECTIVE DATE FOR APPENDIX "A" IS:**  
**REVISED DATE FOR APPENDIX "A" IS:**

**01/01/2015**  
**None**



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.4.2

### TITLE: FIREARMS TRAINING QUALIFICATION AND REQUALIFICATION

**EFFECTIVE: 8/23/15**

**REVISED: 12/6/15**

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#### PURPOSE

The purpose of this Chapter is to promote proper firearm safety and establish a process for firearms training, qualification, and re-qualification by officers.

Employees shall recognize that safety is paramount when handling firearms.

#### POLICY STATEMENT

1. Only authorized personnel who have met all Louisiana State Peace Officer Standards and Training (POST) requirements, the requirements of this Chapter, and have been commissioned by the Superintendent of Police shall have the privilege to carry a firearm, as a police officer (peace officer) both on-duty and off-duty (see La. R.S. 40:2405).
2. Critical firearms discharges by officers on or off-duty shall be reported and investigated. **(Chapter 1.3.2 - Force Investigation Team)**. NOPD also will investigate all unintentional discharges and discharges in which an animal is struck, whether or not the discharge is critical.
3. Commissioned members in probationary status and commissioned members who return from unarmed status are required to successfully complete firearms training and qualify for duty handgun and other service firearms before they are permitted to carry and use firearms. All recruits shall complete and satisfactorily pass POST firearms training and qualification for duty firearms before they may receive a commission.
4. Firearms instructors shall critically observe students and provide corrective instruction regarding deficient firearms techniques and failure to utilize safe gun-handling procedures at all times.
5. **Range Limitations.** No firearms will be allowed on the Department Firearms Range other than Department-owned or approved duty, backup and off-duty weapons.
6. **Firearms Limitations:** No personally owned firearms (handguns, shotguns, patrol rifles, etc.) may be carried or used on duty or on authorized police secondary employment unless pre-approved, in writing, by the current Superintendent of Police.

7. An officer may seek the written approval of the current Superintendent of Police to use his/her personally owned rifle in place of a Department-issue rifle as his/her duty rifle and/or his/her personally owned shotgun in lieu of a Department-issue shotgun provided that:
  - a. any such personally owned rifle and/or shotgun is identical in manufacturer, model, and caliber to current Department-issued-and-approved models;
  - b. the personally owned firearms are not modified in any manner a Department-issued model could not be modified;
  - c. the officer qualifies on the use of the personally owned firearms as his/her patrol rifle and/or duty shotgun pursuant to this Chapter;
  - d. the Superintendent or his/her designee determines the officer's mission and assignment require the use of the requested rifle and/or shotgun; and
  - e. the officer's carrying and use of personally owned firearms comports with all requirements of this Chapter.
8. Officers must seek re-approval for any personally owned rifle or shotgun upon any transfer of duty station or assignment to a specialized unit.
9. **Weapons Exemptions:** Due to the special nature of the duties performed by the Special Operations Division / Special Weapons and Tactics (SWAT), the specialized weapons utilized by the Division are covered under **Chapter 46 – Unusual Occurrences and Special Operations** except for those weapons specifically covered in this Chapter.

#### DEFINITIONS:

Definitions relevant to this Policy include:

**Annually**—For purposes of this policy, “annually” means no more than a 12-month period from the end of the month of the officer's previous qualification, not the maximum time frame allowed by Louisiana POST for firearms qualification (e.g. 1/1/2015 to 1/31/2016 is still considered 12 months for purposes of this definition.)

**Duty handgun**—The primary authorized firearm carried while on duty by NOPD officers. Duty handgun is synonymous with duty firearm and duty sidearm.

**Duty shotgun**—An authorized weapon, designed to be fired from the shoulder, which chambers a 12-gauge cartridge.

**Failure to qualify**—The result of 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 POST standards.

**Night**—For purposes of this Chapter, “night” means after sunset and before sunrise for that day according to the National Weather Service. Any training that is required to be done at night must completely fall within this period of time.

**Off-duty handgun**— A firearm carried by an officer while off duty ***based on his/her authority as a police officer***. The firearm shall be required to meet the same guidelines as established for primary and secondary firearms or sidearms.

**Patrol rifle**—An authorized firearm, made available to properly trained and qualified officers as a supplemental resource to their duty handgun or duty shotgun.



**Rangemaster**—Any Louisiana Peace Officer Standards and Training Commission (POST) certified Firearms Instructor or Range Safety Officer designated by the Education and Training Division Range commander to serve as the officer in charge of the current activities on any firing range location. When present on the range, the Education and Training Division Range commander does not automatically assume this role, and he/she may delegate the duties to another qualified member.

**Secondary handgun**—An authorized firearm to be carried while on duty, under conditions set forth in this and related policies, in addition to the primary authorized firearm. A secondary handgun may be carried as an off-duty firearm.

**Training manager**—The Commander of the Education and Training Division or his/her designee, who coordinates and tracks all Departmental training.

**Unarmed status**—The period of time during which a commissioned member of the NOPD has had his/her authority to carry an authorized weapon as a police officer restricted or rescinded, for any reason, by the Superintendent or his/her designated representative.

#### **DUTY FIREARMS QUALIFICATION**

10. The Education and Training Division shall meet or exceed the requirements of POST for all firearms qualifications and re-qualifications of Law Enforcement Peace Officers.
11. All commissioned personnel are required to qualify annually with their duty firearm on an approved range course.
12. All commissioned personnel shall be required to qualify annually on the POST firearms qualification course demonstrating at least 80 percent proficiency. Scores shall be verified by a POST certified Firearms Instructor. Failure to meet the POST standards 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.
13. At least annually, all commissioned personnel shall receive training on the Department Use of Force Policy and must demonstrate their knowledge and understanding.
14. Annual in-service training shall include 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
15. Officers in probationary periods and officers who return from unarmed status shall complete and satisfactorily pass POST firearms training and qualification for duty firearms before they are permitted to carry and use the firearm. All recruits shall complete and satisfactorily pass POST firearms training and qualification for duty firearms before they may receive a commission.
16. An officer's failure to successfully qualify with his/her duty weapon shall **prohibit** the officer from carrying **any** firearm while on duty or off duty when based on their authority as a police officer and he/she will be placed on unarmed status.

17. After successfully qualifying with their duty firearms, officers may be allowed to show proficiency with approved secondary or off-duty firearms, subject to range time and instructor availability. Failure to show proficiency with a secondary or off-duty firearm, as determined by a POST certified firearms Instructor, shall prohibit an Officer from carrying the respective firearm as a secondary handgun, or off-duty firearm **based on their authority as a police officer**.
18. All record keeping related to firearms training, POST firearms qualification (**Form 342 – Firearms Qualification / Requalification**) and re-qualification courses, and specialized SOD training are under the supervision of the Commander of the Education and Training Division.
19. Each officer shall qualify annually with his/her authorized duty firearm by scheduling a qualification date with the Education and Training Division Range Commander or his/her designee during the officer's birth month.
20. The Education and Training Division Range Commander may authorize or require officers to requalify prior to their birth month when individual circumstances make it necessary to comply with POST regulations or other requirements and to prevent the officer from being placed on "unarmed status." However, the date on which the officer qualifies, if in a month earlier than his/her birth month, becomes his/her qualification month for future requalification. (e.g. An officer has elective surgery / medical rehabilitation planned during or immediately prior to their birth month.)

#### **NON-QUALIFICATION OF ANY APPROVED OR ASSIGNED FIREARM**

21. Officers who fail to qualify in accordance with POST requirements and within the required time frame (annually) on their first shooting attempt shall be provided remedial training subject to the following requirements:
  - (a) Additional range assignments may be required to attempt to attain and demonstrate consistent firearm proficiency.
  - (b) Officers shall be considered qualified after remedial training and a qualifying score is obtained in accordance with POST guidelines.
  - (c) Qualification **will not** be deemed for the following:
    1. Unauthorized range makeup; and
    2. Failure to qualify after remedial training.
  - (d) Officers who fail to qualify in accordance with POST requirements and within the required time frame in this Chapter shall immediately relinquish all Department-issued firearms on which they failed to qualify.
  - (e) Officers are **prohibited** from carrying on duty **any** weapon with which they fail to qualify.
  - (f) If an officer fails to qualify with his/her duty weapon and any approved weapon **required** (non-secondary or off-duty weapon is excluded) for his/her current duty assignment the officer will be **IMMEDIATELY** placed on unarmed status by the Rangemaster, Firearms Instructor, or commander of Firearms Training and removed from field duty.
  - (g) The notifying authority will document the member's unarmed status in writing on **Form 339 – Failure to Qualify / Duty Firearm** and notify the member's Commander, the Commander of Education and Training, all Bureau Chiefs and the Superintendent of Police by e-mail immediately.
  - (h) Those officers who still fail to qualify after remedial training after seven working days (excluding holidays) shall be subject to disciplinary action, up to and including termination of employment under Rule 9 of Civil Service Rules for Failure to Maintain Standards of Service.

- (i) Officers failing to qualify in accordance with POST requirements and within the required time frame shall report to the range within seven working days (excluding holidays) following the date the officer failed to qualify and was placed on unarmed status. An officer may attempt to qualify no more than five times a day. Ammunition will be provided for all POST qualification attempts.
22. If an officer is unable to attend his/her scheduled qualification date for any reason, including injury, illness, duty status, military leave or scheduling conflict, that officer shall submit an interoffice correspondence (Form 105) to his/her immediate supervisor detailing the reason prior to the end of the annual qualification period. The officer shall be placed on unarmed status by his/her Commander immediately upon failure to meet the POST qualification requirements or fail to requalify successfully within the required time frame (annually). The notifying authority will document the member's unarmed status in writing on **Form 339 – Failure to Qualify / Duty Firearm** and notify the Commander of Education and Training, all Bureau Chiefs and the Superintendent of Police by e-mail immediately.
23. It is the responsibility of the officer, his/her immediate supervisor and his/her Commander to ensure he/she qualifies in the time prescribed by this Chapter (annually). The Education and Training Division Range Commander or his/her designee shall assist supervisors with this requirement by providing, upon request, requalification dates of officers under their supervision.

#### **FAILURE TO QUALIFY – UNARMED STATUS**

24. Any officer failing to meet the requirements of this Chapter or POST firearms qualification standards will be subject to the following:
- (a) Placement on unarmed status;
  - (b) Decommissioning and notification of same in writing (**Form 339 – Failure to Qualify / Duty Firearm**);
  - (c) Prohibition from wearing the police uniform;
  - (d) Removal from field duty;
  - (e) Suspension from working police secondary employment; and
  - (f) Potential disciplinary action.
25. Notification shall be made by the Commander of the Education and Training Division or his/her designee to the Superintendent, all Deputy Superintendents, and the member's Commander via departmental e-mail.
26. The Commander of the Education and Training Division, or his/her designee, will submit a monthly Failed to Qualify list to each Bureau Chief listing the officers who failed to qualify as required by this Chapter, as well as those who have been placed on unarmed status.
27. An officer who is unable to attend an annual requalification session prior to the conclusion of his/her birth month due to an extended illness or military deployment / leave and does not meet the requirements of this Chapter shall be placed in "unarmed status" immediately by his/her Commander, the Education and Training Division Commander, the Range Commander or the commander of the Administrative Duties Division (ADD). The officer shall:
- (a) Notify his/her Commanding Officer and the Commander of the Education and Training Division via Form 105 of the date he/she will be able to participate in qualifying exercise

- (b) Indicate the date of his/her last qualification;
- (c) Immediately schedule a date for re-qualification with the Education and Training Division Range Commander or his/her designee upon return to regular duty;
- (d) If due to medical reasons, submit medical documentation from his/her physician containing the prognosis for recovery to the Administrative Duties Division;
- (e) Return all firearms and ammunition issued by the department to the Commander of A.D.D., or to the Education and Training Division Range commander immediately; and
- (f) Report to the Education and Training Division for the purpose of requalification prior to returning to his/her assignment.

### **PATROL RIFLE QUALIFICATION/TRAINING**

- 28. Officers shall not carry or utilize the patrol rifle unless they have successfully completed the required 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.
- 29. Officers shall be required to successfully complete annual training and patrol rifle proficiency qualification conducted by a certified patrol rifle instructor.
- 30. The initial training and all subsequent training and requalification will be documented by the certified instructor and forwarded to the Education and Training Division within five working days of the training or qualification. This documentation shall be retained by the Education and Training Division.
- 31. Any officer who fails to qualify or who fails to successfully complete a department-sanctioned training/qualification session annually, will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer user's course and qualification.
- 32. An officer who fails to requalify or successfully complete training will be notified promptly of this failure in writing (**Form 340 – Failure to Qualify – Duty Shotgun / Patrol Rifle**) and the officer shall immediately return the patrol rifle and associated equipment.
- 33. The qualifying Firearms Instructor shall document the member's failure to qualify or train with the patrol rifle in writing on **Form 340 – Failure to Qualify – Duty Shotgun / Patrol Rifle** and notify the officer's Commander, the Commander of Education and Training, all Bureau Chiefs and the Superintendent of Police by e-mail immediately.

### **DUTY SHOTGUNS**

- 34. Officers shall not carry or utilize their duty shotgun unless they have successfully completed the required Department training. This training shall consist of an initial eight-shotgun user's course and qualification score with a POST certified Firearms Instructor with a shotgun instructor certification.
- 35. Officers shall thereafter be required to successfully complete annual training and shotgun proficiency qualification.
- 36. The initial training and all subsequent training and requalification will be documented by the certified instructor and forwarded to the Education and Training Division within 5 working days of the training or qualification. This documentation will be retained by the Education and Training Division.

37. Any officer who fails to qualify or who fails to successfully complete a Department-sanctioned training/qualification session annually, will no longer be authorized to carry the shotgun without successfully retaking the initial shotgun user's course and qualification.
38. The officer who failed to requalify or successfully complete training will be notified promptly of this failure in writing on **Form 340 – Failure to Qualify – Duty Shotgun / Patrol Rifle** and the officer shall immediately return the shotgun and associated equipment.
39. The qualifying Firearms Instructor shall document the member's failure to qualify or train with the shotgun in writing on **Form 340 – Failure to Qualify – Duty Shotgun / Patrol Rifle** and notify the officer's Commander, the Commander of Education and Training, all Bureau Chiefs and the Superintendent of Police by e-mail immediately.

#### **RANGEMASTER DUTIES**

40. The range will be under the exclusive control of the designated rangemaster. All officers attending will follow the directions of the rangemaster. The rangemaster shall maintain a roster of all officers attending range training and will submit the roster to the Education and Training Division Range Commander or his/her designee after each range training date. Failure of any officer to sign in and out with the rangemaster may result in a failure to qualify or disciplinary action.

#### **RANGE COMMANDER DUTIES**

41. The Education and Training Division Range commander shall keep accurate records of qualifications, repairs, maintenance, training and other records as directed by the training manager.
42. In addition to regular qualification schedules, the Education and Training Division Range Staff shall be responsible for providing all officers with regular practical training designed to simulate field situations. This shall include 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.
43. The range shall remain operational and accessible to NOPD officers during hours established and published by the Education and Training Division Range commander.
44. The Education and Training Division Range commander has the responsibility for assigning qualified Range Staff members to inspect on-duty and off-duty firearms carried by officers prior to first usage, and annually on the officer's requalification attempt. The inspection shall be conducted by the Education and Training Division Range Staff and/or the S.O.D. Armory Unit in the case of patrol rifles and/or shotgun inspections.
45. These inspections shall be documented by the certified instructor and forwarded to the Education and Training Division within five working days of the training or qualification. This documentation will be retained by the Education and Training Division.

46. In all cases, any firearm deemed unfit for service shall be immediately reported to the Education and Training Division Range commander by Departmental e-mail by both the commissioned member and the member who has deemed the firearm unfit for service. Any firearm that has been deemed unfit for service shall not be returned to service until inspected and approved for duty use by the Education and Training Division Range commander. **(see Chapter 1.4 – Authorized Firearms)**
47. The Education and Training Division Range Commander has the responsibility to ensure each officer can demonstrate proficiency in the care and cleaning of the duty firearm on an annual basis.
48. The Education and Training Division Range Commander shall complete and submit to the Commander of Education and Training Division or their designee, documentation of the courses provided, including the qualifications of each instructor who provides training, a description of the training provided and a list of each officer who completes the training on **Form 343 – Range Training**.

#### **FIREARMS TRAINING – VOLUNTARY SHOOTING PROGRAM**

49. The proper use of, and accuracy with, firearms is a perishable skill. Officers are urged to practice with their Departmental approved firearms regularly. Within budgetary and staffing constraints, the Commander of the Education and Training Division should schedule available dates and times for officers to practice, under supervised, safe and controlled conditions as part of a Voluntary Shooting Program.
50. The Commander of the Education and Training Division shall establish, maintain, and supervise a voluntary shooting program for officers within these guidelines:
  - (a) Practice dates for the NOPD Range may be scheduled 60 days prior to requalification;
  - (b) Officers wishing to participate in the voluntary shooting program shall make individual appointments with the Education and Training Division Range Commander or his/her designee;
  - (c) Targets and related materials shall be provided by the Education and Training Division;
  - (d) Officers shall provide their own, Departmentally approved ammunition;
  - (e) The Education and Training Division may provide ammunition for practice with duty firearms, approved shotguns, or approved patrol rifles, if practice ammunition is available;
  - (f) Only Departmentally approved handguns will be used in the program; and
  - (g) Officers must be off duty to participate.
51. The Education and Training Division Range Staff shall keep accurate records of qualifications, repairs, maintenance, training and other records as directed by the training manager.
52. Each **Appendix** to this Chapter may be amended at any time without changing the main body of the Chapter. Each **Appendix** revision or effective date will be reflected at the conclusion of the respective Appendix.

## APPENDIX "A" –

**POST HANDGUN QUALIFICATION COURSE**

(Approved 09/24/2008 – Effective 01/01/2009)

The shooter will report to the shooting line with an unloaded weapon. On command, the shooter will face downrange, load his/her weapon with a magazine of required rounds, and engage the safety.

<b>Stage I</b>	25 yards	<p>Shooter starting with the handgun loaded and holstered. On command, the shooter will move forward to the barricade. The shooter will, from the standing position, draw his/her handgun, issue the verbal command and from the strong side barricade, strong-hand fire 6 rounds to the center mass of the target. The shooter will, from the standing position, draw his/her handgun, issue the verbal command and, from the off-side barricade, with his/her strong hand or off-hand fire 6 rounds to the center mass of the target. All 12 rounds must be fired within 60 seconds.</p>
<p><b>NOTE: Movement to the barricade is required. No more than 5 yards.</b> <b>The required verbal command is: "POLICE! Don't Move!"</b></p>		
<b>Stage II</b>	15 yards	<p>Shooter starting with the handgun loaded and holstered. On command, the shooter will move forward from the 25-yard line to the 15-yard line barricade and, from the right-side kneeling position, draw his/her handgun and fire 3 rounds to the center mass of the target. Reholster. The shooter will shift to the left-side kneeling position, draw his/her handgun and fire 3 rounds to the center mass of the target. Reholster. All 6 rounds must be fired within 30 seconds for indoor range and 35 seconds for outdoor range.</p>
<p><b>NOTE: Shooter will "simulate" the usage of a low barricade if no barricade is available.</b></p>		
<b>Stage III</b>	7 yards	<p>Shooter starting with the handgun loaded and holstered. On command, the shooter will: Phase I: Engage the center mass of the target and fire 6 rounds strong hand only from the holster. All 6 rounds will be fired to the center mass of the target in 10 seconds.</p> <hr/> <p>Shooter starting with the handgun loaded and in the gun-ready position. Phase II: Engage the center mass of the target and fire 6 rounds off-hand only from the gun ready position. All 6 rounds will be fired to the center mass of the target in 10 seconds.</p> <hr/> <p>Shooter starting with the handgun loaded and holstered. On command, the shooter will: Phase III: Engage the center mass of the target and fire 6 rounds standing. The shooter will shift to the kneeling position, reload while kneeling and engage the center mass of the target and fire 6 rounds kneeling. All 12 rounds will be fired to the center mass of the target in 25 seconds.</p>
<p><b>NOTE: Mandatory reloading for all weapons during Phase III.</b></p>		

<b>Stage IV</b>	4 yards	<p>Shooter starting with the handgun loaded and holstered. On command, the shooter will: Phase I: Engage the center mass of the target and fire 3 rounds with one or two hands in 3 seconds. (1 round <i>may</i> be a head shot) Instinct shooting technique with handgun drawn from holster. Shooter will take one step to the <b>right AFTER rounds are fired</b>. Shooter will assume the gun-ready position and return to the original position. Repeat and holster.</p>
		<p>Shooter starting with the handgun loaded and holstered. On command, the shooter will: Phase II: Engage the center mass of the target and fire 3 rounds with one or two hands in 3 seconds. (1 round <i>may</i> be a head shot) Instinct shooting technique with handgun drawn from holster. Shooter will take one step to the <b>left AFTER rounds are fired</b>. Shooter will assume the gun-ready position and return to the original position. Repeat and holster.</p>
<b>Stage V</b>	2 yards	<p>Shooter starting with the handgun loaded and holstered. On command, the shooter will take the close quarter shooting position, draw handgun from the holster and take one full step to the rear. Engage the center mass of the target and fire 2 rounds with one or two hands in 2 seconds. Repeat and holster.</p>

***NOTE: Upon completion of the course, the shooter will show, and the instructor will verify, a safe and empty handgun. The shooter will reholster the handgun.***

**Target:** LA P-1  
**Possible Points:** 120 points on a 60 round course of fire.  
**Qualification:** 96 (80% overall)  
**Scoring:** Inside the scoring ring = 2 points  
Outside the scoring ring but on the target = 1 point

***POST Course is fired using a “HOT LINE”!***



## APPENDIX "B" –

## NOPD PATROL RIFLE QUALIFICATION COURSE

The shooter will report to the 100-yard line (or 50-yard line, see note) with an unloaded weapon. On command, the shooter will face downrange, load his/her rifle with a magazine of 20 rounds and engage the safety. The shooter will load his/her handgun with two rounds; he/she will have another rifle magazine of 20 rounds on his/her person.

<p><b>Stage I</b></p>	<p>100 yards</p>	<p>Shooter starting from the Low Ready position. On command, the shooter will assume the prone position and fire 4 rounds to center mass of target in 60 seconds. Shooter will search, assess, engage safety and return back to standing position. Shooter then assumes Port Arms carry and wait for instructions to move to the 50-yard line.</p> <p><i>NOTE: This stage can be fired from the 50-yard line if a range does not have a 100-yard line – if fired from the 50 yard-line, reduce time limit from 60 to 30-seconds.</i></p>
<p><b>Stage II</b></p>	<p>50 yards</p>	<p>Shooter starting from the High Ready position. On command, the shooter will engage center mass of target. The shooter will fire: 5 rounds standing; 5 rounds kneeling; 5 rounds sitting; and 5 rounds prone. All 20 rounds will be fired to center mass of target in 2 minutes. Shooter will then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 25-yard line.</p> <p><i>NOTE: Shooter must engage safety prior to changing positions. This stage can be fired from the 25-yard line if a range does not have a 50-yard line – if fired from the 25-yard line, use a proportionately reduced size target.</i></p>
<p><b>Stage III</b></p>	<p>25 yards</p>	<p>Shooter starting from the High Ready position. On command, the shooter will engage the center mass of the target. Shooter will search, assess and return to standing position. The shooter will fire: 4 rounds standing; perform a Mandatory Combat Reload which MUST be done in the kneeling position; then fire 4 rounds kneeling. All 8 rounds will be fired to center mass of target in 25 seconds. Shooter will then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 15-yard line.</p>

<b>Stage IV</b>	15 yards	<p>Shooter starting from the High Ready position.  On command, the shooter will engage the center mass of the target.  Shooter will search, assess and return to standing position.  The shooter will fire: 2 rounds standing, and  2 rounds kneeling.  All 4 rounds will be fired to center mass of target in 10 seconds.  Shooter will then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 7-yard line.</p>
<b>Stage V</b>	7 yards	<p>Shooter starting from the High Ready position.  On command, the shooter will engage 2 rounds to the center mass of the target, 1 round to the head and move <u>right</u>.  Shooter will search, assess and on command, engage 2 rounds to the center mass of the target, 1 round to the head, move <u>left</u> search and assess.  The shooter will fire: 2 rounds to the body;  1 round to the head, step right, hold cover (3 seconds);  2 rounds to the body; and  1 round to the head, step left, hold cover (3 seconds) kneeling.  Shooter will then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 4-yard line.</p>
<b>Stage VI</b>	4 yards	<p>Shooter starting from the High Ready position.  On command, the shooter will engage 2 rounds to the center mass of the target 1 round to the head and move right.  Shooter will search, assess and the on command, 2 rounds to the center mass of the target, 1 round to the head and move left and hold cover.  PHASE I:  The shooter will fire: 2 rounds to the body;  1 round to the head, step right, hold cover (3 seconds);  2 rounds to the body; and  1 round to the head, step left, hold cover (3 seconds).  PHASE II:  With an empty rifle (magazine out, bolt forward), the shooter will attempt to fire 1 round, then <u>immediately</u> transition to his/her handgun.  The shooter will engage 2 rounds to the center mass of the target with the handgun. All 2 rounds will be fired to center mass of target in 5 seconds.</p>

***NOTE: Upon completion of the course, the shooter will show, and the instructor will verify, a safe and empty handgun. The shooter will reholster the handgun. The shooter will then engage the safety on the rifle. The shooter will show and the instructor will verify a safe and empty rifle.***

**Target:** LA P-1  
**Possible Points:** 100 points on a 50 round course of fire.  
**Qualification:** 80 (80% overall)  
**Scoring:** Inside the scoring ring = 2 points  
Outside the scoring ring but on the target = 1 point

## APPENDIX "C" –

## NOPD SHOTGUN QUALIFICATION COURSE

The shooter will report with an unloaded weapon. On command, the shooter will face downrange, load his/her shotgun as instructed and engage the safety. The use of 9-pellet "OO" buckshot is recommended for the non-slug phase of qualification but the course may be fired with any size buckshot.

<b>Slug Phase</b>	50 yards or 25 yards	<p>The shooter will assembly load 2 rifled slugs and take aim at the center mass of the target.</p> <p><b>Option I</b> at 50 yards: On command, the shooter will take cover and, with or without support, fire 1 round from the shoulder in the standing position, and 1 round from the shoulder in the kneeling position. Both rounds must be fired in 15 seconds.</p> <p><b>Option II</b> at 25 yards: On command, the shooter shall take cover and, with or without support, fire 1 round from the shoulder in the standing position, and 1 round from the shoulder in the kneeling position. Both rounds must be fired in 7 seconds. Shooter will then engage safety and wait for commands.</p>
<b>Buckshot Phase: Stage I</b>	25 yards	<p>On command, the shooter will assembly load 2 rounds of buckshot from the shoulder and assume the Gun Ready position. The shooter will have 3 additional rounds of buckshot on their person.</p> <p>On command, the shooter will, from the shoulder in the standing position, fire 2 rounds to the center mass of the target. Shooter will then combat load 3 rounds and fire those 3 rounds from the shoulder in a kneeling position. All 5 rounds must be fired in 35 seconds. Upon completion, shooter will engage safety and wait for commands.</p>
<b>Buckshot Phase: Stage II</b>	15 yards	<p>Shooter will start with 5 rounds of buckshot on his/her person and an empty shotgun.</p> <p>On command, the shooter will combat load 5 rounds and fire 2 rounds from the shoulder in a standing position. Both rounds must be fired in 25 seconds. The shooter will cover the target.</p> <p>On command, the shooter will fire 1 round from the shoulder, standing, in 2 seconds. The shooter will cover the target.</p> <p>On command, the shooter will fire 1 round from the shoulder, standing, in 2 seconds. The shooter will cover the target.</p> <p>On command, the shooter will fire 1 round from the shoulder, standing, in 2 seconds. Shooter will then engage safety and wait for commands.</p>

**Target:** B-27 or POST qualification (P-1) for buckshot pellets  
**Score:** B-27 Target (a Hit is a single pellet)  
 Hit inside #8 circle is 5 points  
 Hit inside #7 circle is 4 points  
 Hit inside BLACK is 3 points  
**Score:** POST (P-1) Target  
 Hit inside scoring ring is 5 points  
 Hit in Green scores 4 points

**Possible points:** 90 points on a 100 point course of fire for buckshot  
 (10 rounds with 9 pellets of "OO" per round)  
 10 points on a 100 point course of fire for slugs  
 (each slug is worth a maximum of 5 points)

**Qualification:** 75% overall with or without the Slug Phase.  
**(68 points minimum in no slugs fired)**

<b>Stage III</b>	15 yards	<p>Shooter starting from the High Ready position.  On command, the shooter will engage the center mass of the target.  Shooter will search, assess and return to standing position.  The shooter will fire: 2 rounds standing, and  2 rounds kneeling  All 4 rounds will be fired to center mass of target in 10 seconds.  Shooter will then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 7-yard line.</p>
<b>Stage IV</b>	7 yards	<p>Shooter starting from the High Ready position.  On command, the shooter will engage 2 rounds to the center mass of the target, 1 round to the head and move <u>right</u>.  Shooter will search, assess and on command, engage 2 rounds to the center mass of the target, 1 round to the head, move <u>left</u> search and assess.  The shooter will fire: 2 rounds to the body;  1 round to the head, step right, hold cover (3 seconds);  2 rounds to the body; and  1 round to the head, step left, hold cover (3 seconds) kneeling.  Shooter will then engage safety, return to standing position, assume Port Arms carry and wait for instructions to move to the 4-yard line.</p>
<b>Stage V</b>	4 yards	<p>Shooter starting from the High Ready position.  On command, the shooter will engage 2 rounds to the center mass of the target 1 round to the head and move right.  Shooter will search, assess and the on command, 2 rounds to the center mass of the target, 1 round to the head and move left and hold cover.  PHASE I:  The shooter will fire: 2 rounds to the body;  1 round to the head, step right, hold cover (3 seconds);  2 rounds to the body; and  1 round to the head, step left, hold cover (3 seconds).  PHASE II:  With an empty rifle (magazine out, bolt forward), the shooter will attempt to fire 1 round, then immediately transition to his/her handgun.  The shooter will engage 2 rounds to the center mass of the target with the handgun. All 2 rounds will be fired to center mass of target in 5 seconds.</p>

***NOTE: Upon completion of the course, the shooter will show, and the instructor will verify, a safe and empty handgun. The shooter will reholster the handgun. The shooter will then engage the safety on the shotgun. The shooter will show and the instructor will verify a safe and empty shotgun.***

**Target:** LA P-1  
**Possible Points:** 100 points on a 50 round course of fire.  
**Qualification:** 80 (80% overall)  
**Scoring:** Inside the scoring ring = 2 points  
Outside the scoring ring but on the target = 1 point



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.4.3

### TITLE: SCENARIO-BASED FIREARMS TRAINING

**EFFECTIVE: 07/30/2017**

**REVISED: Replaces Policy 211**

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#### PURPOSE

1. The purpose of this Chapter is to establish a set of safety guidelines for all scenario-based (force-on-force) firearms and related training where firearms are used.
2. Employees shall recognize that safety is paramount when handling firearms.

#### POLICY STATEMENT

3. It is the policy of this Department to help the officers receive the most realistic training available through scenario-based firearms training. By utilizing simulated encounters where the officer's interpersonal skills, training, and tactics are evaluated under sometimes stressful and fast-paced conditions, specialized firearms instructors are able to better judge the officer's performance, decision making, and firearms skills based on current regulations and approved tactics. The use of simulations/scenarios may also help to determine whether there is a need to change NOPD policy, tactics, or training.

#### DEFINITIONS:

Definitions relevant to this Policy include:

**Lead Instructor**—The principal training officer or person in command of a particularized type of training. This person usually possesses specific qualifications, certifications, training, and demonstrated skills in the area of instruction above that of a mere participant.

**Safety Officer**—This person possesses specific qualifications, certifications, training and demonstrated skills in the area of instruction above that of a mere participant and is responsible for ensuring that all safety protocols are adhered during the training scenario. They may stop the training scenario at any time and suggest changes to the lesson plan to promote safe practices.

**Simulated Training Ammunition**—A type of manufactured ammunition for use in a specialized firearm that is designed to mimic or simulate live ammunition in scenario-based firearms training without the lethal risk exposure of "live" ammunition. Most simulated training ammunition cartridge manufacturers require specialized training certification for the instructor, as well as the installation of a drop-in conversion kit that does not permanently alter the weapon to be used for training and can be easily removed. These conversion kits ensure that normal service

ammunition **cannot** be fired during training and allow the use of the simulated training ammunition that work with reduced-pressure/reduced-velocity. This allows for a greater level of “reality based” firearms simulation training.

**Training Manager**—The Commander of the Education and Training Division or his/her designee who coordinates and tracks all Departmental training.

#### **FIREARMS SIMULATION TRAINING AUTHORIZATION**

4. Only certified scenario-based firearms instructors from the Education and Training Division and the Special Operations Division are authorized to conduct scenario-based firearms training. The Training Manager shall:
  - (a) Pre-approve, in writing, all scenario-based firearms simulation training.
  - (b) Designate, in writing, the Lead Instructor and all other instructors and assistants who will conduct the scenario-based training.
  - (c) Provide a lesson plan or detailed outline of the training, training objectives, safety measures, duties and responsibilities of all instructors and participants, and methods to evaluate achievement.
  - (d) Designate a Safety Officer for each training session.
5. The safety protocol in this Chapter shall be followed in every case where firearms are used during scenario-based training. Additional safeguards as outlined in this Chapter shall apply when simulated training ammunitions are used in scenario-based training.
6. 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.
7. While participating in simulated ammunition training, designated instructor(s) for that training, regardless of rank, shall be under the command of the Lead Instructor. All directions given by the instructor(s) shall be immediately and precisely executed.
8. Safety is the first priority and is everyone's responsibility. Any participant, instructor, or observer, shall call a **cease fire** for any perceived safety concern.

#### **SCENARIO-BASED TRAINING**

9. The Lead Instructor shall give a safety briefing before each training session.
10. The Lead Instructor shall ensure the training area is clearly defined and all participants are informed as to the specific location and limits of the training area.
11. Prior to the beginning of training, the Lead Instructor shall ensure the training area is clear of live ammunition or loaded firearms.
12. Each person who enters the training area is responsible for securing all loaded firearms, magazines, and ammunition **outside** of the training area. No person entering the training area shall bring live ammunition or loaded firearms into the training area. Violations of this requirement will result in the immediate removal of the person from the training area and disciplinary action.
13. The Lead Instructor shall ensure everyone who enters or re-enters the training area is confronted, checked for firearms and live ammunition, and instructed to secure any firearms and ammunition outside of the training area. This includes checking all items or

containers which could hold a firearm or ammunition.

14. The Lead Instructor, in conjunction with the Safety Officer, shall ensure **all items** carried into the training area are checked and cleared of firearms and ammunition.
15. Prior to the start of any scenario-based firearms training, two designated firearms instructors or assistants (not a participant) shall independently check each firearm to be used in the training to ensure no weapons are present which are capable of firing live ammunition.
16. Prior to the start of scenario-based firearms training, all persons present shall participate in a line inspection as follows:
  - (a) All persons present shall appropriately secure all firearms and ammunition prior to entering the training area.
  - (b) Once inside of the training area, all persons except the instructors will form a single file line, standing shoulder to shoulder. Two instructors shall independently check each person in line for any ammunition or weapons not designed to be used in the training area. The check shall include a pat down of each person in line.
  - (c) Two instructors shall check each blue, simulated training ammunition only weapon to be used in the training. The first instructor shall check the weapon; the second instructor shall also check the firearm. All training firearms shall be conspicuously identified by a training instructor, participant, or observer. The usage of blue-framed Glock pistols designed for simulated training ammunition training will be sufficient as being conspicuously identifiable.
  - (d) Once instructors have checked all persons and firearms, they will join the line. Each person in line will check the person to the right, to the left, to the rear, and in front of them for live ammunition and unauthorized weapons.
  - (e) All participants must wear approved full-face helmets.
17. All instructors shall be identified by a vest clearly marked "**Instructor.**" This vest shall be worn as the outer most garment.
18. When returning to the training area after meal breaks, instructors shall check firearms, and perform a line inspection following the same procedures and steps outlined above.

#### **ADDITIONAL SAFETY PROTOCOL FOR TRAINING WITH SIMUNITIONS**

19. The Lead Instructor will designate one qualified firearms instructor as a Safety Officer. The Safety Officer shall be identified to all participants visually and wear distinctive outer wear indicating his/her function.
20. The Safety Officer shall:
  - (a) Be certified by the manufacturer of the firearms used in the training to conduct scenario-based training using the particular equipment being used. He/she must maintain his/her certification according to the manufacturer's guidelines.
  - (b) Supervises the loading and unloading of all firearms and magazines and
  - (c) Supervise the conversion of all firearms.
  - (d) Advise the Lead Instructor on whether all safety protocols have been met and provide the "all clear" signal for the training scenario to begin.
21. Two instructors shall independently check each training firearm for proper conversion by use of a conversion kit that modifies the weapon and allows it to **ONLY** fire training ammunition/cartridges and not live rounds.

22. While in the training area and awaiting training, all training weapons shall be holstered and secured with the magazines and any chambered training rounds or simulated training ammunition rounds removed from the firearm.
23. Two instructors shall participate in loading. One instructor shall load the firearm and the other instructor shall observe and confirm only simulated training ammunition training cartridges are loaded.
24. The Safety Officer shall brief all participants on the proper use and fit of the required safety equipment.
25. Prior to the start of each training scenario, the Safety Officer will check each participant's safety equipment.
26. **Body armor is mandatory.**
27. **Full face and neck protection is mandatory and provided.**
28. Athletic cups, long sleeve shirts, and long pants are recommended but not provided.
29. The Lead Instructor shall clearly signal the beginning and the end of each exercise by the use of audible and visual signals. The Lead Instructor shall end the scenario by a whistle or stating aloud, "**End Ex! End Ex!**" (short for End Exercise). They will confirm that each participant and instructor acknowledges the signals.
30. Anyone can freeze a scenario for safety reasons by shouting, "Cease Fire!" repeatedly until each participant and instructor acknowledges the signals.

#### **MANDATORY SAFETY BRIEFING FOR TRAINING WITH SIMULATED TRAINING AMMUNITIONS**

31. The mandatory safety briefing conducted for all instructors, assistants, participants, and observers for any scenario-based simulated-ammunition training shall be detailed in written form and must include, at a minimum:
  - (a) At all times, all training weapons or firearms shall be handled as if they were loaded.
  - (b) Control the training weapon's muzzle and your trigger finger. Keep your finger out of the trigger guard until you are ready to fire.
  - (c) One certified firearms instructor shall be designated and introduced as the Safety Officer.
  - (d) The Safety Officer shall direct the loading and unloading of all firearms, training weapons, magazines and inspect all safety equipment.
  - (e) Loading requires two instructors: one instructor loading and one instructor observing and confirming that only approved training cartridges are used and loaded.
  - (f) There will be instruction on the proper use and fit of safety equipment.
  - (g) **Body armor is mandatory.**
  - (h) **Full face and neck protection are mandatory** and provided. Athletic cups, long sleeve shirts, and long pants are recommended.
  - (i) Shots shall be aimed at center body mass or the front of the head and shall not be fired from closer than six (6) feet from the intended target.
  - (j) Shots shall not intentionally be aimed at the back of the head or at extremities.
  - (k) A minimum of six (6) feet is required for all shots taken in simulation training.
  - (l) Any participant, instructor, or observer, shall call a "**cease fire**" for any perceived safety concerns. Anyone can freeze a scenario for safety reasons by shouting,



- Cease Fire!** repeatedly until each participant and instructor acknowledges the signal. Examples of safety concerns which would require a cease fire include, but 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 received and acknowledged the command by holstering all weapons and raising both hands in the air so it can be verified that it is now safe. If no holster is available the weapons will be placed on the ground and both hands shall be raised in the air so it can be verified that it is now safe.
  - (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 by verbally stating, **Begin Scenario!** and **End Scenario** or **End Ex! End Ex!** (short for End Exercise.) They will confirm that each participant and instructor acknowledges the signals.
  - (p) The Lead Instructor shall entertain participants' questions and provide answers on all issues pertaining to the simulated training or safety briefing.
32. The safety briefing shall be provided to participants in written form, if requested at any time.
33. The Lead Instructor shall maintain a log sheet signed by each participant, instructor, assistant or observer acknowledging they received the required safety briefing on that date and time for each individual training session. The Lead Instructor shall submit the log sheet to the Commander of the Education and Training Division, whom shall retain the log with other training records.

#### **TRAINING DOCUMENTATION & RESPONSIBILITY**

34. Participants shall receive training certificates upon completion of training. The certificates shall be issued by the Lead Instructor on a form provided by the Commander of the Education and Training Division.
35. A record of all participants' attendance and completion, the dates of training, type of training, instructors performing training, course syllabus, and the level of completion of all participants, and corrective actions, if any, shall be sent to the Commander of the Education and Training Division weekly for record keeping after each training session.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.7.1

### TITLE: CONDUCTED ENERGY WEAPON (CEW)

**EFFECTIVE: 12/06/15**

**REVISED: 04/01/18, 08/11/19, 11/15/19, 12/06/20**

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#### PURPOSE

This policy, together with **Chapter 1.3 – Use of Force**, governs the issuance, carrying and use of conducted electrical weapons (CEW).

#### POLICY STATEMENT

1. CEWs are intended to control a violent individual while minimizing the risk of serious injury to the individual, officers or third-parties.
2. Officers shall use CEWs 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.
3. Mere flight from an officer is not sufficient cause for the use of a CEW. The use of a CEW on a fleeing subject when a possible risk to the safety of the officer, the subject, or others has not been established by articulable justification other than flight, is unreasonable.
4. CEWs are authorized for use when:
  - (a) A subject who may be lawfully detained or apprehended poses an imminent risk of harm to the officer(s), the subject, or others;
  - (b) Attempts to subdue the subject with less intrusive means have been or will likely be ineffective; AND
  - (c) There is an objectively reasonable expectation that it would be unsafe for officers to approach the suspect within contact range.

#### OR

- (d) Situation in which there is probable cause to arrest or reasonable articulable suspicion to detain a subject for an offense involving infliction or threatened infliction of bodily harm; AND
- (e) Attempts to subdue the subject with less intrusive means have been or will likely be ineffective or increase the likelihood of greater harm to the officer, the subject or another party.”

5. Officers should refrain from using their CEW against individuals who are being taken into protective civil custody unless those individuals meet the criteria as outlined herein. (paragraph 4 above). Individuals undergoing a crisis must pose an imminent risk to the officers, themselves, or others, less intrusive means would likely be ineffective, and it would be unsafe for officers to approach within contact range. Nothing in the policy prevents officers from taking reasonable steps to protect themselves or others when taking a person into protective civil custody, in accordance with Louisiana Revised Statute Title 28, Section 53(L)(3).
6. Officers who have been issued a CEW may use the device consistent with this Chapter and **Chapter 1.3 - Use of Force**.
7. Officers shall not carry a personally owned CEW.

## DEFINITIONS

**Active Resistance**—Resistance exhibited by a suspect that is between passive resistance and aggressive 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.

**AFID / AFID Tags**—Small identifying cards expelled from a CEW cartridge when probes are discharged. Each AFID tag contains a serial number unique to the specific cartridge used. AFID tags are sometimes referred to as Anti-Felon Identification (AFID) tags.

**Aggressive Resistance**—Is a subject's attempt to attack or an actual attack of an officer. Exhibiting 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 a knife or stick) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

**Application, Apply, or Applied**—The actual contact and delivery of electrical impulse to the subject via probe discharge or drive stun.

**Arcing**—Pulling the trigger to activate a CEW without discharging the probes. This is prohibited when done as a warning to the subject but allowed to test the CEW prior to deployment (also referred to as a spark test).

**Cartridge**—A replaceable vessel that generally contains compressed gas, probes, connecting wires, and AFID tags.

**Complete the Circuit or Complete the Incapacitation Circuit**—The ability of the CEW electrical pulse to travel between the probes. This can be accomplished when the spread between the probes attached to a target subject is sufficient to incapacitate the subject. When the spread between the probes is insufficient, a probe misses or is dislodged, the CEW may be used in drive-stun mode (three-point contact) to complete the circuit and incapacitate the subject.

**Conducted Energy Weapon (CEW)**—A weapon designed primarily to discharge electrical impulses to a subject causing involuntary muscle contractions and overriding the subject's voluntary motor responses.

**Crime of Violence**—a felony involving the infliction or threatened infliction of serious bodily injury or death.

**Cycle**—The period during which electrical impulses are emitted from the CEW following

activation. In most models, a standard cycle is 5 seconds per activation. The duration of a cycle may be shortened by turning the CEW off, and may be extended in certain models by continuing to pull the trigger.

**Discharge**—Pulling the trigger of the CEW resulting in probe release or the use of the CEW in drive-stun mode.

**Display**—Drawing and exhibiting the CEW as part of a warning tactic, typically accompanied by appropriate verbalization.

**Drive-Stun Mode**—Pulling the trigger and placing the CEW in direct contact with the subject, causing the electric energy to enter the subject directly. Drive-stun mode is possible whether or not the cartridge has been expended or removed from the CEW. CEWs 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 the officer(s) and the subject, so that officers can consider another force option. **CEWs shall not be used in drive-stun mode as a pain compliance technique.**

**Duration**—The aggregate time that the CEW is activated on an individual subject.

**Exigent Circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Firing**—Discharging CEW probes at an intended target.

**Laser Painting**—The act of unholstering and pointing a CEW at a subject and activating the CEW's laser to show the weapon is targeted on 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 physical injury than a conventional lethal weapon such as a firearm.

**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. Passive resistance, including verbal statements, bracing, or tensing alone does not constitute active resistance

**Positional or Compression Asphyxia**—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. Death may occur from positional asphyxia.

**Probe Discharge**—Pulling the trigger of the CEW causing the release of the probes from the cartridge and allowing them to make contact with the subject and achieve neuromuscular incapacitation.

**Probes**—Projectiles with wires contained in a CEW cartridge. When the CEW is discharged, probes are expelled from the CEW, penetrate the subject's skin and allow application of the electrical impulse.

**Sensitive Area**—An area of the subject's body that may cause serious injury to the subject if struck by a CEW 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.

**Signal Performance Power Magazine (SPPM)**—A transmission device that will send a signal to all BWC within a 30-foot range of the transmitter for 30 seconds. BWCs receiving this signal will be activated to “recording mode.” The officer must manually stop the BWC according to Chapter guidelines.

**Support Side**—The position on the officer’s gun belt opposite the primary duty firearm.

## GENERAL

8. A CEW is a conducted energy device. Taser products are currently in use by the NOPD. Axon Enterprises, Inc. manufactures the X2 or X26P handheld model CEWs that:
  - (a) Use 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.
  - (b) Can also be used in a drive-stun mode when brought into immediate contact with a person’s body.
9. All personnel carrying an X26P CEW shall check the CID (central information display) prior to each tour of duty to ensure that the power supply registers three bars or above on the X26P battery icon.
10. Taser cams must be recharged prior to dropping below 3 bars for the X26P. All personnel carrying an X2 or X26-P CEW shall check the CID prior to each tour of duty to ensure that the power supply registers at least three bars on the battery icon. Officers carrying a CEW shall check its power supply, perform a spark test, and check the proper function of the video camera prior to starting every shift.
11. CEWs, CEW cameras, holsters, power supply packs, cartridges and their replacement needs shall be handled by the Education and Training Division.
12. An inspection of the CEW, CEW camera, and CEW cartridge as well as a download of the use histories on each CEW will be conducted once a year. The Compliance Bureau - Performance Standards Section and the Education and Training Division shall perform this process, during scheduled annual recertification or on demand. A log shall be kept by the Education and Training Division staff of this inspection indicating:
  - (a) Each officer’s name;
  - (b) CEW serial number;
  - (c) CEW camera serial number; and
  - (d) CEW cartridge serial number inspected.
13. Anytime a CEW is confiscated as evidence or as part of an internal investigation, the investigator will notify the Commander of the Education and Training Division by Departmental e-mail with the device’s serial number(s).

## ISSUANCE AND CARRYING OF THE CONDUCTED ENERGY WEAPONS

14. Only officers who have successfully completed Department-approved training and are currently certified may be issued, carry and use a CEW (La. R.S. 40:2405.6)

15. Officers shall use only the CEW 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 pursuant to this Chapter.
16. Officers shall ensure that they replace the unused cartridges to the CEW by the expiration date listed on the cartridge.
17. Uniformed officers shall wear CEWs only in approved holsters on their support sides.
18. Officers shall ensure their CEWs are properly maintained, according to the manufacturer's instructions and Departmental training, clean and in good working order.
19. Officers **shall not** hold both a firearm and a CEW at the same time.
20. The Education and Training Division shall maintain, in a database accessible to the Education and Training Division, the Compliance Bureau and the Public Integrity Bureau, a record of all:
  - (a) CEW serial numbers on hand and issued;
  - (b) The cartridge serial numbers issued;
  - (c) The officer and district/division to which the CEW and cartridge(s) were issued; and
  - (d) The officers' certification dates.
21. Routine audits of the CEW database shall be conducted by authorized Education and Training Division, Public Integrity Bureau, and Compliance Bureau members. At a minimum, the audits/reviews shall compare the CEW Firing Log against the reported uses of force maintained by PIB. Appropriate action shall be taken to resolve any inconsistencies, including disciplinary action if required.
22. The Education and Training Division shall issue all CEW units and all new and replacement cartridges.
23. In the event that a CEW is returned for repairs or no longer remains the property of the New Orleans Police Department, the use history of that particular CEW will be downloaded by the Education and Training Division. The use history will be maintained for a period of three years from the time the CEW was taken out of service or until the completed adjudication of any known pending criminal or civil litigation related to use of that CEW.

### **SPARK TESTING**

24. Officers shall conduct spark testing prior to the officer beginning his/her tour of duty in the following manner, in a safe location, out of the view of the public:
  - (a) Remove the cartridge from the CEW;
  - (b) Point the CEW in a safe direction;
  - (c) Disengage the safety;
  - (d) Observe battery power percentage;
  - (e) Ensure the low intensity light (LIL) and laser beam are activated;
  - (f) Pull the trigger and release, allowing the CEW to discharge for a five-second cycle;
  - (g) Observe a visible spark between the electrodes during the cycle;
  - (h) Observe video camera indicator for functionality;  
Re-engage the safety on the CEW;

**Note:** The X26P uses the HD TASER CAM which displays the camera icon in the top left of the CID and the entire CID screen will flash yellow and black if the camera is blocked.

- (i) Re-insert the cartridge for field use; and
- (j) Holster the CEW.

## **MALFUNCTIONS**

25. If the CEW malfunctions during the Education and Training Division's normal business hours, the officer shall bring the CEW to the Education and Training Division and relinquish it to Education and Training Division personnel. A receipt for the CEW and any attachments will be issued to the officer.
26. If the device malfunctions when the Education and Training Division is closed, the officer shall remove the CEW and holster from his/her duty gun belt. The officer shall not carry a malfunctioning CEW while working.
27. The officer shall bring the CEW to the Education and Training Division as soon as possible after the malfunction is discovered. If the officer is on extended leave, prior to the next open day of the Education and Training Division, he/she shall make arrangements to have the CEW delivered to the Education and Training Division by his/her supervisor on the next business day the Education and Training Division is open. A receipt for the CEW and any attachments will be issued to the supervisor.

## **VERBAL AND VISUAL WARNINGS**

28. Unless prohibited by circumstances or officer safety concerns, a **VERBAL WARNING** of the intended use of a CEW should precede each CEW application. Where there is reason to believe that a subject may lack English proficiency, the officer, where practicable and if the officer is able, shall announce the warning in the language that the officer reasonably believes the subject speaks.
29. Where feasible the officer will defer CEW application for a reasonable time to allow the subject to comply with the warning. The warning should provide the individual with a reasonable opportunity to voluntarily comply before CEW application and warn other officers and individuals that CEW deployment is imminent. Any decision to apply multiple applications of a CEW must take into consideration whether a subject is capable of complying with the officer's commands, including consideration of apparent cognitive, intellectual, developmental, and physical disabilities.
30. The officer may display the laser of a CEW in an attempt to gain compliance prior to the application of the CEW. The officer shall:
  - (a) Never intentionally direct the laser into the eyes of a person as it may permanently impair vision, and
  - (b) Document all warnings, displays, or the lack thereof, as well as their underlying reasons in the related report. If compliance was gained by laser painting without discharge, it should also be specifically noted.

## **USE OF A CONDUCTED ENERGY WEAPON**

31. The CEW is considered to be a less-lethal weapon, and:
  - (a) If discharged, is a **Level 2** use of force for reporting purposes under **Chapter 1.3.6 – Reporting Use of Force**.
  - (b) If resulting in serious physical injury or hospitalization; if resulting in loss of consciousness; if applied more than twice, regardless of the mode or duration of

the application, and whether the applications are by the same or different officers, or if applied for 15 seconds or longer whether consecutive or continuous; or if applied against a handcuffed suspect, is a **Level 4** use of force for reporting purposes under **Chapter 1.3.6 – Reporting Use of Force**.

32. The decision to utilize a CEW must be made based on the use of force factors outlined in **Chapter 1.3 – Use of Force**, and on the totality of the circumstances known to the officer at the time.
33. CEWs shall be used only in accordance with NOPD training by a certified instructor and in accordance with NOPD regulations, local, state, and federal law.
34. The CEW is not intended to be used as a substitute weapon in deadly force situations. The CEW shall not be used without a firearm backup in those situations when a substantial threat towards the officer or others is present.
35. The CEW shall not be used in an indiscriminate manner in situations involving a large crowd (e.g. parade assignments, second lines or special events).
36. Each application of the CEW is unique. In each situation the officer's actions should be dictated by the circumstances and the training he/she has received prior to being authorized to carry and use the CEW. Officers must justify each application of a CEW. The officer's report(s) should:
  - (a) Describe why less intrusive levels of force were not or would not have been effective; and
  - (b) Describe the behavior of the subject that justified the use of the CEW in specific terms.
37. A CEW should be used only when its operator can safely approach the subject within the operational range of the CEW. Officers should be aware that a CEW may not achieve the intended results and be prepared with other tactical options.

#### **APPLICATION OF A CONDUCTED ENERGY WEAPON**

38. Close quarters deployment (a range of closer than seven (7) feet) may not provide adequate probe spread (the distance between probes) to allow the CEW to function to its full effectiveness.
39. The officer shall hold the CEW in such a manner as to ensure the CEW video camera lens is not obstructed (e.g. avoid a two-handed grip of the device and ensure the lens is not covered by fingers or hands).
40. The officer should attempt to utilize the CEW video camera to record as much of an incident as possible by keeping the CEW pointed at the target subject.
41. The CEW **shall not** be used to torment, elicit statements from, or to punish any individual.
42. Prior to deploying a CEW, an officer shall visually and physically confirm that it is, in fact, a CEW and not a firearm.
43. CEWs shall be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit if necessary, or as a countermeasure to gain separation (distance) between officers and the subject, so that officers can consider other force



options.

44. CEWs shall not be used in drive-stun mode as a pain-compliance technique.
45. Officers shall not intentionally activate more than one CEW at a time against a subject.

### **SPECIAL DEPLOYMENT CONSIDERATIONS**

46. Officers shall determine the reasonableness of CEW use based on all facts or circumstances known to the officer at the time, including the subject's age, size, physical condition, and the feasibility of lesser force options.
47. Except when lethal force would be permitted or when the officer has reasonable cause to believe that there is an imminent risk of serious physical injury, officers shall not use CEWs against:
  - (a) Visibly pregnant women;
  - (b) Elderly persons;
  - (c) Visibly frail persons;
  - (d) Young children;
  - (e) Individuals with obviously low body mass; and
  - (f) Individuals who are handcuffed or restrained, unless use is necessary to prevent them from causing serious physical injury to themselves or others, and lesser attempts at control have been ineffective.
48. Except when lethal force would be permitted, CEWs shall not be used when deployment may cause serious physical injury or death from situational hazards. This may include falling, drowning, losing control of a moving vehicle, or igniting a potentially explosive or flammable material or substance.
49. Personnel should be cognizant of the risk of positional asphyxia following a CEW application and avoid using a restraint technique or position that would impair a subject's respiration. Once controlled and while in police custody, the subject should be continually monitored for any signs of distress.

### **TARGETING CONSIDERATIONS**

50. The deploying officer shall adhere to the following guidelines when targeting a person with a CEW:
  - (a) The recommended target areas when firing the CEW are the lower chest/abdomen area if facing the front of the target subject or the center mass of the back if facing the back of the target subject, as clothing tends to be tighter on these parts of the body.
  - (b) An officer is permitted to target the central area of the chest if necessary and the increased risk of injury is legally justified.
  - (c) Where a target subject is wearing heavy or loose clothing on the upper body, the officer should consider targeting the legs.
51. CEWs may not be applied to a subject's head, neck, or genitalia, except when lethal force would be permitted, or when the officer has reasonable cause to believe there is an imminent risk of serious physical injury to the officer.
52. If circumstances do not permit the officer to limit the application of the CEW probes to recommended target areas, 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.

### **MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY WEAPON**

53. After one standard CEW cycle (5 seconds), the officer shall evaluate the situation to determine if subsequent cycles are necessary.
54. Multiple applications of the CEW and/or exposure to the CEW for 15 seconds or longer whether due to multiple applications or continuous cycling, against a single individual, may increase the risk of death or serious injury.
55. If the first application of the CEW appears to be ineffective, the officer should consider certain factors before additional applications, including:
  - (a) Whether the probes are making proper contact (e.g. loose or bulky clothing);
  - (b) Whether the individual has the ability, and has been given a reasonable opportunity, to comply with the officer's commands; and
  - (c) Whether verbal commands, other options or tactics may be more effective.
56. Officers shall independently justify each cycle used against a subject in their written Force Statements.

### **CEW USE ON A DANGEROUS ANIMAL**

57. A CEW may be deployed on a dangerous animal that is causing a continuing public nuisance and needs to be controlled for reasons of public peace and safety.
58. A CEW may also be deployed if: the animal poses an active threat to officers in their efforts to perform their duty; other conventional means to control the animal have been exhausted, may be unreasonable, or unavailable; and the officer reasonably believes that use of a CEW is necessary.
59. Officers should target the center mass of the animal and should not target the head or other sensitive areas on the animal if possible. Deployment against vicious animals may be very dynamic in nature and the probes may impact unintentional areas. Officers should exercise care when removing probes from the animal.
60. As long as the officer acted appropriately, the owner of the animal will be responsible for any medical attention needed by the animal.
61. The deployment of a CEW on an animal temporarily disables the animal. Officers should be prepared to act quickly with control devices or restraints, if available. Because of differences in their nervous systems, animals have shown the ability to recover quickly from CEW effects. If available, conventional means of controlling the animal (e.g., control sticks, collars, cages) should be on hand at the scene prior to the use of the CEW.
62. The CEW has proven to be an effective tool against dangerous animals and may reduce the need for greater, more injurious force against such animals. The use of a CEW on an animal is a safer, more humane, and less traumatic conclusion to the incident.
63. A CEW may be deployed against a potentially dangerous animal, such as a dog, when alternative methods are not reasonably available or likely to be effective and the animal:
  - (a) Appears to pose an imminent threat to the safety of a human, another animal, or
  - (b) Has attacked a human or another animal.

64. The deployment of a CEW on an animal requires the same reporting, downloading and documentation as similar actions on a person.

### **CEW CAMERA**

65. The CEW is equipped with an audio-video recording device integrated into the power supply. This device 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 CEW. The device's memory is limited. The video and audio data shall be downloaded after each reportable use and retained as required by the Department's records retention schedule (see **Chapter 82.1.3 – Records Retention Schedule**).

### **OFF-DUTY CONSIDERATIONS**

66. Officers are authorized to carry departmentally owned CEWs while engaged in approved police secondary employment but not authorized to carry Department-owned CEWs while off duty.
67. Officers shall ensure that all Department-owned CEWs are secured while they are off duty to keep them inaccessible to others.

### **DOCUMENTATION**

68. Notification of the use of a CEW by an officer shall be made to the officer's supervisor as soon as possible after use.
69. Officers who have an SPPM must tag the triggered video prior to reporting to the Education & Training Division with the CEW, expended cartridge and approved forms. The E&TD staff member assigned will then locate and view the BWC video on Evidence.com instead of downloading and viewing the CEW Cam video.
70. Other than routine testing or training, the following shall be documented in the related NOPD incident report and the CEW **Form 213**:
  - (a) All CEW discharges, intentional or accidental; and
  - (b) Laser activation/painting.
71. Officers do not need to document the pointing of a CEW at a person in a Form 213, without discharge or laser activation/painting. Officers do not need to report to the Education & Training Division after pointing a CEW at a person, without discharge or laser activation/painting. But officers must record the activate targeting, alone, on their EPR or other report for the incident.
72. The Commander of the Education & Training Division should analyze the CEW **Form 213** reports annually to identify trends, including deterrence and effectiveness. A summary of these findings should be sent to the Deputy Superintendent of PIB and the Compliance Bureau. The Compliance Bureau – Audit Section should also conduct random and directed audits, at least annually, of CEW data downloads and reconcile CEW report forms with recorded activations and compliance with Departmental regulations. These audits should compare the downloaded data to the officers' force statements.
73. CEW information and statistics, with identifying information removed, should be made available to the public by sending the information to the Deputy Superintendent of PIB

for inclusion in its annual report.

### **ACTIONS FOLLOWING DEPLOYMENT**

74. Following deployment, the deploying officer shall take immediate action to secure the subject, provide necessary medical care for any injuries sustained, and protect the scene.
75. Deploying officers, assisting officers and on-scene supervisors shall be responsible for monitoring any person who has received a CEW application while in NOPD custody.
76. Except in exigent circumstances, when an officer is forced to act alone in taking custody of an immediate threat, a CEW shall not be left unattended. Officers should holster the CEW when not in use.
77. A supervisor shall respond to the scene of a CEW use to investigate and complete a Use of Force Report whenever a CEW is discharged, whether a hit or a miss.
78. Medical personnel shall be summoned to the scene after a CEW application for injuries other than probe deployment. Medical care shall not be denied to anyone who requests it.
79. In the event of serious physical injury or death involving a subject who has been exposed to a CEW discharge, the on-scene supervisor shall notify PIB and request the Scientific Criminal Investigations Section (Crime Lab) for the processing and the collection of evidence. Supervisors shall ensure photographs shall be taken of any injuries to the subject, impact sites, location of fallen probes or wires and the area of AFID deployment. All CEW probes, AFID tags (also referred to as Anti-Felon Identification (AFID) tags), cartridges, wires, and photographs shall be placed into evidence. All attempts shall be made to keep cartridge wires intact for possible testing.
80. As soon as practicable, the officer shall notify a Communications Dispatcher of the CEW discharge and request that a supervisor respond to the scene. Supervisors should ensure that NOPD members or evidence technicians photograph any injury to the subject, location of fallen probes or wires, and area of AFID deployment.
81. The cartridge serial number should be noted and documented on **Form 213** and by all reporting persons. All probes should be treated as a biohazard if the probes penetrated the subject's skin, and probes, wires, AFID tags, or any other related evidence should be collected and processed by the Scientific Criminal Investigations Section (Crime Lab).
82. Supervisors should attempt to locate and identify witnesses to the incident.
83. Officers should refrain from discussing the incident until the arrival of a supervisor. Officers shall brief the supervisor of the circumstances surrounding the incident and what actions were taken.

### **MEDICAL TREATMENT**

84. 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 barb or the probe has been removed. In the event that a probe or barb has broken off and remains embedded in a subject's skin, the subject must be provided medical attention at a medical facility for the probe's or barb's removal.

85. The probes shall be placed point down into the expended cartridge bores and secured with tape before preservation as evidence. Officers shall not dispose of the plastic cartridge housing when disposing of probes. The officer is required to bring the plastic cartridge housing to the Education and Training Division to obtain a replacement cartridge.
86. Probes that are embedded in a subject's skin should be removed by only medical or authorized, specially trained NOPD personnel, except that probes that are embedded in a subject's head, throat, groin, or other sensitive area should be removed by medical personnel only. Probes should be treated as a bio-hazard. Officers shall not bring probes to the Education & Training Division.
87. Used CEW probes shall be considered a sharp biohazard, similar to a used hypodermic needle.
88. All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the CEW shall be transported to a hospital for medical evaluation or attention prior to booking.
89. Any individual who received CEW application shall be monitored while in police custody. The transporting officer shall inform any person providing medical care or subsequently receiving custody, that the individual has been subjected to the application of a CEW.

#### **SUPERVISOR RESPONSIBILITIES**

90. Supervisors should respond to calls when they believe there is a likelihood of the use of a CEW. A supervisor shall respond to all incidents in which a CEW was activated.
91. A supervisor shall review each CEW activation. Unless the CEW has been confiscated as part of an investigation, the discharging officer must bring the CEW to the Education and Training Division on Monday through Friday, between the hours of 7:30 a.m. and 3:30 p.m., and within 72 hours of the incident, exclusive of holidays. If the CEW does not have a SPPM, the onboard CEW memory shall be downloaded and stored by the designated Education and Training Division staff at that time. Probe impact sites shall be documented on **Form 213** and in all related reports.
92. An on-scene supervisor shall notify the Public Integrity Bureau and the District/Division Commander, and he/she shall request a crime lab response if any serious physical injury has resulted due to the use of force involving a CEW.

#### **EDUCATION AND TRAINING DIVISION**

93. Officers shall bring their CEWs to the Education and Training Division pursuant to Education and Training Division procedures, if malfunctions occur.

#### **TRAINING**

94. All officers shall be certified in the use of the CEW by the Education and Training Division.
95. All officers must successfully complete the NOPD's CEW certification program, to include written test and practical skills, prior to carrying or using a CEW. Officers shall timely maintain CEW recertification at all times when carrying or using a CEW.

96. Officers shall be trained in the increased risks that CEWs may present to vulnerable individuals (see **Chapter 1.7.1** under Special Deployment Considerations).
97. Officers shall be trained in, and adhere to, protocols on their responsibilities following CEW use, including:
  - (a) The appropriate removal of CEW probes;
  - (b) The risk of positional asphyxia, and the training of officers in the use of restraint techniques that do not impair the subject's respiration following an CEW application;
  - (c) The transportation to a hospital for treatment and evaluation of all subjects on whom a CEW has been used; and
  - (d) The monitoring of all subjects who have received CEW application while in police custody.
98. Officers shall receive annual CEW recertification which consists of:
  - (a) physical competency;
  - (b) weapon retention;
  - (c) NOPD policy, including any policy changes;
  - (d) technology changes; and
  - (e) scenario-based training by Education and Training Division instructors.
99. A reassessment of an officer's knowledge and/or practical skill may be required at any time deemed appropriate by the officer's supervisor or the Commander of the Education and Training Division. All training and proficiency for CEWs shall be documented in the officer's training file.
100. Command staff, supervisors and investigators shall receive CEW training as appropriate for the investigations they conduct and review.
101. Officers who do not carry a CEW shall receive training sufficient to familiarize them with the CEW and working with officers who use the CEW.
102. The Commander of Education and Training shall ensure that all officers who carry a CEW have received initial and annual proficiency training. Periodic audits shall be used for verification.
103. Application of a CEW during training is optional for certification. The Commander of Education and Training shall ensure that all training includes:
  - (a) A review of this policy;
  - (b) A review of the Use of Force policy in **Chapter 1.3**;
  - (c) Performing support side-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm;
  - (d) Target area considerations, including techniques or options reducing the intentional application of probes to the head, neck, chest and groin;
  - (e) Handcuffing a subject during the application of a CEW and transitioning to other force options;
  - (f) Restraint techniques that do not impair respiration following the application of a CEW; and
  - (g) De-escalation techniques.

## **CEW DISCHARGE REPORTING PROCEDURES**

## **OFFICER'S RESPONSIBILITIES**

**APPLICATION/DISCHARGE**

104. After a CEW is discharged for any reason other than spark testing or training (i.e., drive stun or probe deployment), the officer who deployed the CEW shall:
- (a) Complete a CEW Discharge/Use Report (Form #213);
  - (b) Request that the on-scene supervisor review and sign the CEW Discharge/Use Report; and
  - (c) Deliver the following to the Education and Training Division, Monday through Friday, between the hours of 7:30 a.m. and 3:30 p.m., and within 72 hours of the incident, exclusive of holidays:
    - i. The CEW;
    - ii. The spent cartridge; and
    - iii. A completed and supervisor approved CEW Discharge/Use Report.
105. Officers shall report all CEW discharges (except for spark testing and training discharges) and laser painting to their supervisors and communications as soon as possible.

**ACCIDENTAL DISCHARGE**

106. Accidental discharges involving a CEW shall require the officer to:
- (a) Complete a CEW Discharge/Use Report;
  - (b) Request that the on-scene supervisor review and sign the CEW Discharge/Use Report; and;
  - (c) Complete a **Form 105**, via his/her chain of command, to the Commander of the Education and Training Division describing the circumstances of the discharge; and
  - (d) Deliver the following to the Education and Training Division Monday through Friday, between the hours of 8:00 a.m. - 3:35 p.m.; within 72 hours of the incident, exclusive of holidays:
    - i. The CEW;
    - ii. The spent cartridge;
    - iii. A completed and supervisor approved CEW Discharge/Use Report; and
    - iv. A **Form 105** on the circumstances surrounding the accidental discharge.

**SUPERVISOR'S RESPONSIBILITIES**

107. In addition to Use of Force reporting requirements for CEW discharges the reporting supervisor shall:
- (a) Ensure proper care is given to the injured officers and/or citizens;
  - (b) Ensure proper notifications of the Department command staff (commanders and above) are made as soon as possible by notifying the Command Desk of the CEW deployment;
  - (c) Ensure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the subjects, photographing of injuries and AFID placement, and protection of the scene; and
  - (d) Deliver all CEW Discharge/Use Reports and all other written reports, CEWs and cartridges associated with the incident to the Education and Training Division by the officer as directed.

**EDUCATION AND TRAINING DIVISION RESPONSIBILITIES**

108. The Education and Training Division personnel shall review the CEW Discharge/Use Report (**Form 213**) and complete a CEW Discharge Interview Form (**Form 171**). The

Education and Training Division staff will then download the audio/video and issue another cartridge if needed. If the Education and Training Division is not open within the 72 hour period, the officer is responsible for bringing the above listed items to the Education and Training Division the morning of the first business day.

109. The Education and Training Division shall be responsible for identifying training issues and conduct any follow-up training. If an officer has more than three accidental discharges in one year, the officer must complete another CEW training class to be scheduled at the discretion of the Commander of the Education and Training Division.
110. The Education and Training Division is responsible for notifying the Public Integrity Bureau of all accidental CEW discharges.

## **CEW DISCHARGES OUTSIDE ORLEANS PARISH**

### **OFFICER'S RESPONSIBILITIES**

111. An officer involved in an accidental, non-contact CEW discharge that occurs outside of Orleans Parish shall:
  - (a) As soon as practical, notify his/her immediate supervisor or an on-duty supervisor from within his/her chain of command;
  - (b) Complete a CEW Discharge/Use Report;
  - (c) Complete a 105 to the Commander of the Education and Training Division describing the circumstances of the discharge; and
  - (d) Follow the "Accidental Discharge" procedure listed herein.
112. An officer involved in an accidental or intentional contact CEW discharge that occurs outside of Orleans Parish shall:
  - (a) Immediately notify the Police/Sheriff's Department within the jurisdiction where deployment occurred and have a local police report completed;
  - (b) Obtain the police report item number;
  - (c) Contact his/her immediate NOPD supervisor or an on-duty supervisor from within chain of command; and
  - (d) Follow appropriate reporting procedures listed herein.

### **SUPERVISOR'S RESPONSIBILITIES**

113. Upon notification of an accidental or intentional discharge outside Orleans Parish, the supervisor shall:
  - (a) Notify the Communication Services of CEW discharge;
  - (b) Ensure the officer completes an CEW Discharge/Use Report;
  - (c) Review and sign the report;
  - (d) Ensure the officer completes a Form 105 to the Commander of the Education and Training Division within 72 hours, or no later than close of business the first business day should the incident occur on a weekend or holiday.

### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

114. The Public Integrity Bureau shall respond to all CEW deployment scenes involving serious physical injury as defined by **Chapter 1.3 – Use of Force** and handle in accordance with Force Investigation Team protocols.
115. An officer of the Public Integrity Bureau will perform an administrative review of all CEW uses.



116. After the administrative review of a CEW use, PIB shall review the report and determine whether the report is complete and any violation of Department policy or procedure has occurred. The investigator shall determine whether an administrative or internal disciplinary investigation shall be initiated.
117. If the investigator from the Public Integrity Bureau secures a CEW 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 Education and Training Division listing the involved officer's name, the CEW serial number, the CEW Video Camera serial number and any CEW Cartridge serial numbers.
118. Once it is determined that the CEW is no longer needed for the investigation or will not be needed as evidence, it shall be returned to the Education and Training Division.
119. PIB shall ensure the number of CEW uses is included in IAPro for inclusion into the Early Warning System (EWS).
120. MSB shall maintain the number of CEW in operation for inclusion into the EWS.
121. Analysis of this data shall include a determination of whether CEWs result in an increase in the use of force and of whether officer and subject injuries are affected by the rate of CEW use.
122. The analysis shall include a breakdown of deployments involving the use of laser painting techniques to measure the prevention or deterrent effectiveness associated with the use of CEWs.
123. CEW data and analysis shall be included in PIB's Use of Force Annual Report.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.8

### TITLE: WEAPONS AND EQUIPMENT EVALUATION COMMITTEE

**EFFECTIVE: 01/14/2018**

**REVISED: 11/15/19**

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#### PURPOSE

The purpose of this Chapter 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.

#### COMMITTEE MEMBERS

1. The Weapons Evaluation Committee will consist of:
  - (a) Committee Chair (Deputy Chief of Investigations and Support Bureau or his/her representative of the rank of Captain)
  - (b) Superintendent's Staff representative
  - (c) Commander, Education and Training Division
  - (d) Range Instructor, Education and Training Division
  - (e) Firearms Examiner, Scientific Criminal Investigations Section (Crime Lab)
  - (f) Special Operations Division, Armory Unit representative
  - (g) Homicide Cold Case Squad representative (Police Officer)
  - (h) Management Services Bureau representative (Police Officer)
  - (i) Field Operations Bureau (three Police Officers from different Districts assigned to uniformed patrol)
  - (j) Compliance Bureau representative

#### SCHEDULED MEETINGS

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

#### RESPONSIBILITIES

3. 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 evaluation by the Weapons Evaluation Committee.

4. The Weapons Evaluation Committee shall not approve a specific weapon, ammunition, reloading device, holster, carrying mechanism, or other related item(s) that violates existing Chapters without also making a recommendation for the proposed change to the affected Chapter(s).
5. The Committee will schedule a meeting to consider the request within two weeks of receipt and notify the requesting member within 14 days after the scheduled meeting of its decision to conduct or not conduct an evaluation. If the evaluation is set aside, a brief explanation will be attached.
6. 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.
7. 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.
8. 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 his/her regular staff meetings.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.9

### TITLE: ARRESTS

**EFFECTIVE: 8/7/2016**

**REVISED: 10/25/20**

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#### PURPOSE

This policy outlines the process and procedures to be considered and followed by members when making an arrest.

#### POLICY

1. 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.
2. Officers shall respect the constitutional rights of arrestees at all times while the person is in custody.
3. Officers shall advise suspects of their **Miranda Rights** at the time of arrest, or prior to any custodial interrogation (see **Chapter 1.9.1 – Miranda Rights**).
4. Officers shall arrest a suspect only when the officer has probable cause to believe that an offense has occurred and that the suspect committed the offense.
5. In effectuating an arrest, officers shall not rely on information known to be materially false or incorrect.
6. Officers shall 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 of a specific suspect or suspects in any criminal investigation.

#### DEFINITIONS

**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/her. (La. C.Cr. P. Art. 201)

**Arrest report (gist)**—For purposes of this Chapter, an arrest report consists of the completed “face sheet” of an incident report and a “Gist” sheet detailing the probable cause and essential elements of the offense(s) charged and linking the offense(s) to the person charged. The “Gist”

sheet shall be reviewed for accuracy and sufficiency by a supervisor and signed by the reviewing supervisor prior to the person who is charged being booked at lockup. For the purposes of arrests only for violations of municipal code, the arresting officer's sworn affidavit shall serve as the arrest report.

**Exigent circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to himself/herself or others.

**Probable cause**—The facts and circumstances known to the officer at the time which would justify a reasonable person in believing that the suspect committed or was committing an offense.

**Patrol officer**—For purposes of this Chapter, patrol officers includes all commissioned members assigned or detailed to one of the eight Districts of the Field Operations Bureau, as well as any officer working a police secondary employment assignment when an incident occurs that requires a police report to be written.

**Protective sweep**—A cursory search that police are allowed to conduct when they arrest someone in order to ensure their own safety, and that of those on the scene, by searching in the vicinity of the arrest for individuals who may pose a threat. The scope of the protective sweep is limited by its purpose. Officers may look only in areas where a person could be hiding. Protective sweeps must be cursory. The sweep can last only as long as it takes to dispel the suspicion of danger and can last no longer than it takes to arrest the subject and leave the premises.

Officers may perform a cursory visual inspection of closets and other spaces immediately adjoining the location where an arrest takes place—places from which an attack by some concealed person could “immediately be launched”— regardless of whether they have probable cause or reasonable suspicion that an individual is actually present who poses a danger. *Maryland v. Buie*, 494 U.S. 325 (1990). Officers may extend the protective sweep to areas beyond those immediately adjoining the location of an arrest **only if** they have an objectively reasonable belief, based on specific and articulable facts, that the additional area harbors an individual posing a danger to those on the arrest scene. In other words, police must be able to point to facts that would lead a “reasonably prudent” officer to believe that the area to be swept actually harbors someone posing a threat. (*Maryland v. Buie, supra.*)

**Search incident to arrest (SITA)**—One of the exceptions to the general search warrant requirement of the 4<sup>th</sup> Amendment. The SITA exception is valid if it occurs at the same time or shortly after the legal arrest and is limited to a search of the person arrested and the immediate area within which that person might gain possession of a weapon or destroy or hide evidence at the time of the search.

**Supervisor Feedback Log (SFL)**—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to all supervisors, the Compliance Bureau, and the Public Integrity Bureau on NOPD Web Apps under Applications.

## **AUTHORITY TO ARREST**

7. Pursuant to La. Code Crim. P. art. 213, an officer may, without a warrant, arrest a person only when:
  - (a) The person to be arrested has committed a criminal offense (felony or misdemeanor) for which the officer has jurisdiction;

- (b) The offense must take place in the presence of the officer or the officer must have probable cause to believe that the person to be arrested has committed an offense, although not in the presence of the officer; or
  - (c) The officer has received positive and reliable information that another officer from this State holds an arrest warrant (felony or misdemeanor), or an officer of another state or the United States holds an arrest warrant for a felony offense.
8. An officer in close pursuit (hot pursuit) of a person to be arrested may enter another jurisdiction in this State and make the arrest. Officers shall abide by **Chapter 41.5 – Vehicle Pursuits** when considering a vehicle pursuit of a person to be arrested.

### OFFICERS' RESPONSIBILITIES

9. Officers shall immediately (as soon as safety permits) notify a supervisor when effectuating:
- (a) A felony arrest;
  - (b) An arrest in which the officer used a level of force reportable under **Chapter 1.3 – Use of Force**;
  - (c) An arrest for crossing or traversing a police cordon (Municipal Code § 54-442) or resisting an officer (Municipal Code § 54-441);
  - (d) A custodial arrest in which the most serious violation was:
    - 1. A vehicle infraction (under the Municipal Code § 154 or La. R.S. Title 32);
    - 2. Simple drug possession; or
    - 3. **Outside the 8<sup>th</sup> Police District**, any of the following city or state laws:
      - i. Disturbing the Peace (Municipal Code § 54-103; La. R.S. 14:103);
      - ii. Criminal Trespass (Municipal Code § 54 153; La. R.S. 14:63);
      - iii. Obstructing Public Passages (Municipal Code § 54-40; La. R.S. 14:100.1); or
      - iv. Begging/Vagrancy (Municipal Code § 54-411; La. R.S. 14:107).
10. Patrol officers shall complete and submit all arrest reports before the end of their shifts.
11. Patrol officers shall complete all Municipal affidavits and ensure they are signed by an approving supervisor as an “ex-officio notary” prior to booking.

### SUPERVISOR'S RESPONSIBILITIES

12. Upon notification of an arrest as outlined in this Chapter, the notifying officer's supervisor shall respond to the scene, **unless all of the following elements apply**:
- (a) The arrest only involves narcotics;
  - (b) The suspect will be relocated to the station to test the narcotics;
  - (c) The supervisor will be present at the station to review the arrest recommendation; and
  - (d) No injuries are involved.
13. Transporting a prisoner or suspect to a police facility (District Station) **shall** be approved by a supervisor prior to transport and **shall** follow the restrictions and guidelines of **Chapter 71.1 – Prisoner Transportation and Guarding**.
14. The responding supervisor shall approve or disapprove the officer's arrest recommendation based on the existence of probable cause and consistency with NOPD regulations.

15. Those arrests approved by a supervisor shall reflect the approval by the supervisor's signature on the Gist Sheet for State arrests and the supervisor's signature on the sworn affidavit for municipal arrests.
16. When a supervisor disapproves of an arrest, he/she shall take appropriate action to address violations or deficiencies in the officer's arrest recommendation, which shall include:
  - (a) Requiring additional investigation before the final determination to arrest or release is made;
  - (b) Releasing the subject (if additional investigation does not support lawful arrest);
  - (c) Taking non-disciplinary corrective action for the involved officer; and/or
  - (d) Referring the incident for administrative or criminal investigation
17. The supervisor shall document corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**) or by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**). For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken in the Supervisor Feedback Log to identify officers needing repeated corrective action. Supervisors shall initiate a formal disciplinary investigation as appropriate. Through these mechanisms, supervisors shall document corrective action for all arrests that:
  - (a) Are unsupported by probable cause;
  - (b) Violate NOPD policy, regulations; or
  - (c) Indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
18. Supervisors shall review each arrest report made by officers under their command and shall appropriately document their review within 12 hours of submission. The supervisor shall track each violation or deficiency and the corrective action taken in the Supervisor Feedback Log to identify officers needing repeated corrective action. Supervisors shall initiate a formal disciplinary investigation as appropriate.
19. Supervisors shall review arrest reports and forms for:
  - (a) Boilerplate or pat language;
  - (b) Inconsistent information; and
  - (c) Lack of probable cause, or other indications that the information in the reports or forms is not current, authentic, or correct.
20. Absent exceptional circumstances, supervisors shall:
  - (a) **Approve** arrest reports that meet all legal and departmental standards and do not require additional investigation or clarification, and
  - (b) **Disapprove** and, as appropriate, return for corrections and additions any arrest reports that are incomplete, do not meet all legal and department standards, and/or require additional investigation or clarification.
21. The supervisor shall ensure that each violation or deficiency is noted in the officer's annual performance evaluation(s).
22. The quality of these supervisory reviews shall be taken into account in the supervisor's own performance evaluations. Commanders shall take appropriate corrective or disciplinary action against supervisors who fail to conduct timely reviews of adequate and consistent quality.

**DISTRICT/DIVISION COMMANDER'S RESPONSIBILITIES**

23. A district/division Commander shall review, in writing, all supervisory reviews that relate to arrests that:
  - (a) Are unsupported by probable cause;
  - (b) Are in violation of NOPD policy; or
  - (c) Indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
24. The Commander's review shall be completed within seven (7) days of receiving the document reporting the event.
25. The district/division Commander shall evaluate the corrective action and recommendations in the supervisor's corrective action and ensure all appropriate corrective action is taken, including referring the incident to PIB for investigation, if appropriate.
26. NOPD shall track, centrally, and at the district/division level, the Orleans Parish District Attorney's Office's (DA) acceptance and refusal rates of arrests made by NOPD and the reasons for refusals, when made available by the DA, including those factors and information indicating that a failure to prosecute was due to:
  - (a) The quality of an officer's arrests, or
  - (b) Concerns regarding officer conduct in the investigation or subsequent prosecution of the case.
27. These statistics shall be included in the district/division MAX report.
28. Each district/division 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 reasons for refusal.

**ARRESTS WITHIN RESIDENCE/DOMICILE**

29. Arresting a person from inside his/her own residence/domicile without an arrest warrant is permissible only if one or more of the following exceptions is/are met:
  - (a) **Consent** to enter the residence is given by a person who shares access and control of the premises. The burden is on the officer to ascertain whether the person granting access has the right to give permission (see **Chapter 1.2.4 – Search and Seizure** and **Form 146 – Consent to Search**).
  - (b) **Exigent circumstances** (e.g., hot pursuit, spontaneous violence, prevention of a crime, or imminent escape to avoid apprehension).
30. An arrest warrant is required prior to arresting a person from within a residence not his/her own, absent hot pursuit, consent to enter, exigent circumstances, or a search warrant for that location naming the wanted person as the thing to be seized.
31. The arrest warrant(s) must name the person(s) wanted.
32. Officer(s) must reasonably believe the person(s) is within the residence at the time of entrance.
33. A search warrant or an arrest warrant is not required to arrest a person(s) in a public venue.



34. An officer may perform a limited **protective sweep** subsequent to an in-residence arrest in a private dwelling to determine whether there are individuals present who pose a danger to officers and others present at the scene of the arrest. The sweep may extend to only a cursory visual 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 (see *Maryland v. Buie*, 494 U.S. 325 (1990)). Officers may perform a cursory visual inspection of closets and other spaces immediately adjoining the location where an arrest takes place—places from which an attack by some concealed person could “immediately be launched”—regardless of whether they have probable cause or reasonable suspicion that an individual posing a danger is actually present. Protective sweeps shall not be carried out as a pretext to gather evidence that could otherwise be obtained only with a warrant. Officers may extend the sweep beyond those areas immediately adjoining the location of an arrest **only if** they possess an objectively reasonable belief, based on specific and articulable facts, that the additional area to be swept harbors an individual posing a danger to those on the arrest scene.

### SEARCH INCIDENT TO AN ARREST

35. A search incident to arrest (**SITA**) is permissible after a lawful custodial arrest. This warrantless search is an exception to the general 4<sup>th</sup> Amendment search warrant requirement. It does not matter what offense the person is being arrested for; as long as the arrest is legal, the search incident to arrest is allowed.
36. There are two valid purposes for conducting searches incident to arrest:
- To protect the officer and other persons in the vicinity from any dangerous items in the possession of the person arrested, or
  - To prevent the destruction of evidence within the reach of the person being arrested.
37. Officers **shall** conduct a search of any person or persons placed under a lawful custodial arrest.
38. The scope of the search incident to arrest extends to the immediate areas in which the arrestee might obtain a weapon or evidentiary items, including clothing, purses and wallets of the arrestee; the search may be for weapons, evidence, or a means of escape.
39. The United States Supreme Court, in *Arizona v. Gant*, 129 S. Ct. 1710 (2009), ruled that police may search the passenger compartment of a movable vehicle incident to a recent occupant’s arrest only if:
- The arrestee is within reaching distance of the passenger compartment at the time of the search; or
  - It is reasonable to believe the passenger compartment of the vehicle contains evidence of the offense of arrest.
40. Officers may conduct a limited search of the passenger compartment of a vehicle for weapons if the officer has reasonable suspicion that an individual, whether or not the arrestee, is dangerous and might access the vehicle to gain immediate control of weapons. The search must be limited to those areas in which a weapon may be placed or hidden.
41. Otherwise, officers may not search vehicles, even incident to arrest, unless the officer has obtained a warrant or can show that another exception to the warrant requirement applies.

42. All searches must comport with the requirements of **Chapter 1.2.4 – Search and Seizure**. Officers should realize that the search of a person is inherently demeaning, therefore officers shall make all efforts to conduct the search with dignity, courtesy, and in a professional manner that does not compromise the officer's safety.
43. Whenever practicable, an officer of the same gender as the person being searched should conduct the search. If an officer of the same gender is not reasonably available, a witnessing officer or supervisor shall be present during any search of a person not of the same gender as the searching officer.

#### **WANTED PERSONS - SUMMONS IN LIEU OF ARREST**

44. A summons may be issued in lieu of a custodial arrest pursuant to La. Code Crim. P. art. 211 (summons by officer instead of arrest and booking) and when authorized by Department policy (see **Chapter 48.1 – Affidavits and Summons**).
45. In situations where an officer has detained an individual and verified a warrant or attachment on that individual from a jurisdiction within the State of Louisiana other than Orleans Parish, the officer shall follow these guidelines:
  - (a) If the originating agency states that **it will pick up the individual**, the officer shall physically arrest, book, and process the individual in accordance with this Chapter and **Chapter 41.8 – Affidavits and Summons**. (See also: **Chapter 1.11 – Warrant Inquiries**).
  - (b) If the originating agency **does not confirm that it will pick up the individual**, the officer shall not book the individual and shall notify the individual the status of the outstanding warrant or attachment. (See also: **Chapter 1.11 – Warrant Inquiries**).

#### **ADULT ARRESTS - STATE FELONY AND/OR MISDEMEANOR**

46. The arresting officer shall check the arrested person's name and/or identification information in all available arrest record databases.
47. All state felony and misdemeanor arrestees shall be transported to Central Lockup for processing as soon as possible after arrest.
48. The arresting officer shall document all state felony and misdemeanor charges in an EPR.
49. 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 from the scene is necessary, the Incident Report face sheet may be completed at Central Lockup.
50. The face sheet of the incident report (EPR) shall be photocopied at Central Lockup and a copy left with the receiving deputy.
51. Any person arrested or detained in connection with an investigation or commission of any offense shall be advised fully of the officer's authority, and the reason for his/her arrest or detention. If he/she will be interrogated, the arrestee shall be given his/her Miranda warnings (see **Chapter 1.9.1 – Miranda Rights**).

**ADULT ARRESTS WITHOUT A WARRANT - STATE MISDEMEANOR AND FELONY**

52. 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 and shall complete an incident report (EPR) of the arrest on State charges within 72 hours of the incident.
53. A photocopy of the completed and signed gist or arrest warrant with a face is left with Central Lock-Up personnel at the time the prisoner is left in the custody of Central Lock-up.
54. The original gist is attached to and noted in the narrative section of the incident report.

**ARREST ORIGINATING WITHIN ORLEANS PARISH OF ADULT WANTED PERSONS**

55. 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 NCIC prior to arrest. (See **Chapter 1.9.2 – Arrest Warrant/Wanted Persons.**)
56. Personnel assigned to NCIC shall forward a copy of the arrest warrant (for State charges) or crime bulletin (for Municipal charges) to the arresting officer at Central Lockup.
57. When the arresting officer is not the original investigating officer, he/she shall forward a copy of the approved incident report / supplemental report detailing the arrest to the original investigating officer's unit and obtain a receipt for same.
58. If the original investigating officer has no on-duty platoon commander, desk officer, or A-Case officer, the arresting officer shall ensure the report is delivered to the unit and obtain a receipt when the platoon commander or desk officer is on duty.
59. 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. The officer shall complete all paperwork required including all necessary supervisor approvals and signatures.
  - (b) If the arresting officer is off duty, the next available officer at Central Lock Up shall re-charge the prisoner with the criminal violations detailed in the warrant. The officer shall complete all paperwork required including all necessary supervisor approvals and signatures.
60. The following procedure shall be followed when charging a prisoner with additional violations:
  - (a) Verify the individual to be charged is still in the custody of the Orleans Parish Criminal Sheriff;
  - (b) Complete a face sheet and gist for each individual item number under which the prisoner is being additionally charged;
  - (c) Hand deliver a copy of the face sheet and supervisor approved gist containing the information to Central Lock-up; and
  - (d) Prepare an original incident report or supplemental report(s) as required for each additional charge.

**MUNICIPAL ARREST WITHOUT A WARRANT - AUTHORITY**

61. The authority of a New Orleans police officer to arrest a suspect for a violation of a municipal ordinance derives from the **New Orleans Comprehensive Code of Local Ordinances (NOCCOLO) Section 4-501 (4) & (7)** describing the general authority of NOPD officers to arrest and the **Louisiana Code of Criminal Procedure (CCRP) Article 213 (3)** dealing with authority of a peace officer to arrest without a warrant based on probable cause to believe that the person to be arrested has committed an offense, although not in the presence of the officer.
62. The probable cause described in the previous paragraph is derived from the bulletin filed with NOPD-NCIC Unit by the officer who handled the original incident/offense.

**ADULT MUNICIPAL ARRESTS**

63. Affidavits/summons for arrests for violations of state misdemeanors and municipal ordinances are completed in accordance with **Chapter 41.8 – Affidavits and Summons** and **Chapter 1.9.2 – Arrest Warrant Wanted Persons**.

**MUNICIPAL/TRAFFIC COURT ATTACHMENT ARRESTS**

64. All attachments by Municipal or Traffic Courts follow the procedures set forth in **Chapter 61.3 – Issuing Traffic Citations** and **Chapter 41.9 – Failure to Appear**.

**CANCELLATION BULLETINS**

65. If the warrant(s) is local (Orleans Parish charges), the arresting officer shall send a cancellation bulletin for an arrest based upon a verified warrant/crime bulletin and affecting an arrest. 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 (**Chapter 1.9.2 - Arrest Warrants and Wanted Persons**).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.9.1

### TITLE: MIRANDA RIGHTS

**EFFECTIVE: 08/07/16**

**REVISED: 12/11/16; 01/31/21**

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#### PURPOSE

This Chapter requires an officer to advise suspects of their constitutional rights at the time of arrest or prior to any custodial interrogation.

#### POLICY STATEMENT

1. The U.S. Constitution and Article 1, section 13 of the Constitution of the State of Louisiana provide protections for the rights of a person accused or detained in connection with the investigation of a crime.
2. Officers shall advise suspects of their **Miranda Rights** at the time of arrest or prior to any custodial interrogation.
3. Suspects may waive their constitutional right to remain silent, but must do so knowingly, voluntarily, and intelligently after their constitutional rights have been read to them and they have indicated understanding.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Miranda Rights**—The privilege against self-incrimination is guaranteed by the Fifth Amendment to the U.S. Constitution. The Supreme Court, in *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966), held that the police must inform arrested persons or suspects prior to a custodial interrogation that they need not answer questions and that they may have an attorney present before and during questioning. These requirements are known as the **Miranda Warning**.

**Suspect**—An individual who is reasonably believed to have a connection to criminal activity.

**Testimonial Evidence**—An assertion offered as a proof of the truth of what is being stated. Participating in an identification procedure, giving handwriting or voice exemplars, fingerprints, DNA, hair samples and dental impressions are non-testimonial and therefore not within the **Miranda Rule**. Certain types of non-verbal conduct may be considered testimonial such as nodding up and down or right and left in response to a question and **Miranda** would apply.

**Waiver**—A criminal defendant may waive the right to remain silent and make a statement, but

law enforcement officials must demonstrate to the court that the waiver was the product of a free choice rather than a decision based on intimidation, coercion, or deception. They must also convince the court that the defendant was fully aware of the rights being abandoned and the consequences that would result from the abandonment of those rights. Based on the totality of these circumstances, a court may conclude that the defendant waived his or her **Miranda** rights.

### GENERAL INFORMATION ON MIRANDA RIGHTS

4. The **Miranda Rule** applies only to the use in a criminal proceeding of testimonial evidence that is the product of a police interrogation. For **Miranda** to apply, the following requirements must be met:
  - (a) Evidence must have been gathered.
  - (b) The evidence must be testimonial.
  - (c) The evidence must have been obtained while the suspect was in custody.
  - (d) The evidence must have been the product of interrogation.
  - (e) The interrogation must have been conducted by law enforcement or agents of law enforcement.
5. Silence after advising of **Miranda Rights** is not admissible evidence of guilt and cannot be used to impeach a defendant.
6. **Miranda's** purpose was to protect suspects from the compulsion inherent in a police dominated atmosphere attendant to arrest. Absent a formal statement such as "you are under arrest" the issue becomes whether a reasonable person in the suspect's position would have believed that he/she were free to leave.
7. **Miranda** does not apply to roadside questioning of a stopped motorist or a person briefly detained on the street under a **Terry stop**. Those persons may not be free to leave but the interference in their movement is not considered an actual arrest or its functional equivalent for purposes of **Miranda**.
8. A person who voluntarily comes to a police station or facility for the purpose of questioning is not in custody and therefore not entitled to **Miranda Warnings**. This is true when a suspect is advised by officers that he/she is not under arrest and is free to leave.
9. Interrogation is an express questioning and any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect. This can include confronting a suspect with incriminating evidence.
10. The interrogation must be by a known law enforcement officer. An undercover officer does not violate **Miranda** because there is no coercion, no police dominated atmosphere, and the suspect does not know he or she is being questioned by the police.
11. **Miranda** applies to aliens, legal immigrants, and undocumented immigrants as well as U.S. citizens.

### MIRANDA WARNING / ADVISEMENT OF RIGHTS

12. The approved advisement of rights for the New Orleans Police Department is as follows:
  - (a) You have been arrested or detained in connection with the investigation or commission of a crime, more specifically – (state the crime for which the person is

- under investigation).
- (b) You have the right to remain silent.
  - (c) Anything you say can be used against you in a court of law.
  - (d) You have the right to an attorney.
  - (e) If you cannot afford an attorney, one will be appointed for you, prior to and during any questioning, if you wish.
  - (f) You can decide, at any time, to exercise these rights and not answer any questions or make any statements.
13. After a suspect has been advised of his/her **Miranda Rights**, the following additional questions or advisements must be made before questioning may begin pursuant to a valid waiver of rights:
- (a) Do you understand each of these rights I have explained to you?
  - (b) Having these rights in mind, do you wish to talk to me/us now?

### SECURING A WAIVER OF MIRANDA RIGHTS

14. If the suspect does not fully understand his/her rights as outlined, he/she **cannot be questioned**. If at any time during the questioning the suspect expressly invokes a right, asks not to be questioned further, or indicates in any manner that he/she does not wish to be questioned, then the questioning **must cease**. For a waiver to be valid the prosecution must prove that the suspect had a basic understanding of his/her rights. The focus of the analysis is directly on the personal characteristics of the suspect. If the suspect was under the influence of alcohol or other drugs, or suffered from an emotional or mental condition that substantially impaired the suspect's capacity to make rational decisions, the courts may well decide that the suspect did not understand his/her rights.
15. An invocation of rights must be clear and unequivocal. Any ambiguity or equivocation will be ineffective. If the suspect's assertion is ambiguous, the interrogating officers are permitted to ask questions to clarify the suspect's intentions, although they are not required to.
16. The use of **NOPD Form 153 – Rights of an Arrestee or Suspect** and the audio/video recording of the interview or interrogation is the preferred documentation for showing the arrestee or suspect was advised of his/her rights and granted a valid waiver of rights.
17. If the arrestee chooses to waive his/her rights and make an oral or written statement, the investigating officer should complete an **NOPD Form 153 – Rights of an Arrestee or Suspect** and allow the arrestee to sign it. If the suspect has been advised of his/her rights and indicated he/she wishes to make a statement or answer questions but declined or refused to sign the form after indicating he/she has understood the rights, he/she may still be questioned. The form shall be attached to the Incident Report.

### ADDITIONAL WARNING TO A JUVENILE

18. If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense and can also be used against you in an adult court criminal prosecution if you are to be tried as an adult.
19. The juvenile suspect who is being interviewed or interrogated must be allowed to engage in a meaningful consultation with an attorney or an informed parent, guardian, or other adult interested in his or her welfare before the juvenile can legally waive the right to counsel and the privilege against self-incrimination.

20. A juvenile who is being questioned as a witness or as a suspect must have a parent, legal guardian or child advocate present to witness the interview or interrogation. They need not be present in the room during the interview or interrogation but they must be able to witness (see and hear) the entire session. The entire interview or interrogation, including the **Miranda Rights** admonition, must be video and audio recorded in an approved NOPD interview / interrogation room. The name of the parent, legal guardian or child advocate shall be stated on the recording and included in the investigative report.

#### **ADDITIONAL WARNING FOR THE DEAF**

21. If you are deaf or profoundly hard of hearing, the New Orleans Police Department has the obligation to offer you an interpreter without cost and will defer interrogation pending the appearance of that interpreter.
22. Once the suspect who has been identified as deaf or profoundly hard of hearing has been identified, the **NOPD Form 153 – Rights of an Arrestee or Suspect** shall be provided to the suspect to read. Further communications AND the advisement of **Miranda Warnings** shall be given using an interpreter. The fact the person is deaf or profoundly hard of hearing, the interpreter's name and an affirmative statement that the **Miranda Warning** was provided by the interpreter shall be noted on **Form 153** and in the police report.

#### **ADDITIONAL REQUIREMENTS FOR LIMITED ENGLISH PROFICIENCY (see Chapter 55.4 – Limited English Proficiency)**

23. 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 as having **Limited English Proficiency (LEP)**. LEP individuals may be competent in certain types of communication (e.g. - speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
24. Similarly, a person's **Primary Language** is an individual's native tongue or the language in which an individual most effectively communicates. NOPD personnel should avoid assumptions about an individual's primary language. Members of the Department should make every effort to ascertain an individual's primary language to ensure effective communication.
25. Once the LEP person's primary language has been ascertained, further communications AND the advisement of **Miranda Warnings** shall be given using an interpreter. The language identified, the interpreter's name and an affirmative statement that the **Miranda Warning** was provided in that language shall be noted on **Form 153** and in the police report.
26. A failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. NOPD members must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for any interrogation or taking of a formal statement when the suspect's or witness's legal rights could be adversely impacted.

#### **NON-CUSTODIAL QUESTIONING**

27. Officers may question persons during general on-the-scene investigations as to acts surrounding a crime.



**VOLUNTEERED OR SPONTANEOUS STATEMENTS (RES GESTAE)**

27. Volunteered and spontaneous statements are not barred from use in an investigation or subsequent criminal prosecution and no **Miranda Warnings** need be given preceding them. However, any questioning initiated by the police officer thereafter, in clarification or amplification of the volunteered or spontaneous statement must be preceded by a **Miranda Warning**.

**INTERROGATION AFTER THE SUSPECT HAS REQUESTED A LAWYER OR INVOKES RIGHT TO REMAIN SILENT**

28. When a suspect invokes his/her right to silence, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless:
- (a) The officers wait a significant amount of time to re-approach the suspect; and
  - (b) Miranda Rights are re-administered and a waiver obtained before any questioning may take place. Officers shall also document the significant amount of time that lapsed between the initial invocation of right to silence and the subsequent re-administration of Miranda Rights and waiver.
29. When a suspect invokes his/her right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless:
- (a) The suspect has requested an attorney and the attorney is present at the questioning; or
  - (a) The suspect initiates new contact with the police. In this latter case, Miranda Rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.
30. Unless the suspect personally initiates further communications, exchanges, or conversations with an officer and clearly indicates that he/she wishes to voluntarily provide a statement and/or answer questions, the officer(s) shall re-advise the suspect of his/her **Miranda Rights**, clearly and concisely indicate on any audio or video recording that the suspect initiated the action and has done so voluntarily after again being advised of all applicable rights as outlined in this Chapter. The **Miranda Rights** advisement, the waiver of rights and a statement by the suspect that he/she initiated the communication shall be clearly stated, in its entirety, on the video / audio recording as the subsequent statement and/or answers to questioning.

**EXCEPTIONS TO MIRANDA RULE**

31. There is a public safety exception to the **MIRANDA RULE**. It applies when circumstances present a clear and present danger to the public's safety and the officers have reason to believe that the suspect has information that can end the emergency.
32. Investigators should be aware of the **Massiah Doctrine**. This doctrine prohibits the admission of a confession obtained in violation of the defendant's Sixth Amendment right to counsel. Specifically, the **Massiah Doctrine** or rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant **after formal charges have been filed**. Although similar in effect to **Miranda**, the **Massiah Doctrine** has different requirements. The events that trigger the Sixth Amendment safeguards under **Massiah** are:

- (a) The commencement of adversarial criminal proceedings, and
  - (b) Deliberate elicitation of information from the defendant by governmental agents.
33. Investigators shall not conduct interrogations in violation of the **Massiah Doctrine**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.9.2

### TITLE: ARREST WARRANT / WANTED PERSONS

**EFFECTIVE: 10/07/2018**

**REVISED: Replaces Policy 423**

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#### PURPOSE

The purpose of this Chapter is to establish a uniform process for maintaining warrants and wanted person files. This Chapter will establish criteria for entering wanted persons and warrants into local and state files to ensure that the policies established by the FBI for entering warrants into the FBI files and receiving information from other jurisdictions are adhered to.

#### DEFINITIONS

**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/her. (La. C.Cr. P. Art. 201)

**Arrest report (gist)**—For purposes of this Chapter, an arrest report consists of the completed “face sheet” of an incident report and a “Gist” sheet detailing the probable cause and essential elements of the offense(s) charged and linking the offense(s) to the person charged. The “Gist” sheet shall be reviewed for accuracy and sufficiency by a supervisor and signed by the reviewing supervisor prior to the person who is charged being booked at lockup. For the purposes of arrests only for violations of municipal code, the arresting officer’s sworn affidavit shall serve as the arrest report.

**Probable cause**—The facts and circumstances known to the officer at the time which would justify a reasonable person in believing that the suspect committed or was committing an offense.

**Supervisor Feedback Log (SFL)**—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to all supervisors, the Compliance Bureau, and the Public Integrity Bureau on NOPD Web Apps under Applications.

#### GENERAL INFORMATION ON ARREST WARRANTS

1. A warrant of arrest may be issued by any magistrate with jurisdiction over the offense and, except where a summons is issued under La. C.Cr.P. Art. 209, shall be issued when all of the following occur:
  - (a) The person (or officer) making the complaint executes an affidavit specifying, to

the best of his/her 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 applicable; and

- (b) The magistrate has probable cause to believe that the described offense was committed and that the person against whom the complaint was made committed it.
2. The New Orleans Police Department utilizes electronic versions of the warrant forms. The forms are found on the website <https://cloudgavel.com/>. Members shall utilize their City email address and password to log in. The most current paper forms to be utilized in the event the CloudGavel site is down or Departmental computers are off-line are found on **NOPD Web Applications, Nopd.org, FORMS (Form 206 - Application for Arrest Warrant and Form 205 - Arrest Warrant)**. These forms comply with the requirements of La.C.Cr.P. Art. 203.
3. 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).
4. Arrest warrants remain in effect until executed (La.C.Cr.P. 205).

#### **OFFICER'S RESPONSIBILITIES**

5. Once received, an arrest warrant shall be executed without delay, unless delay is required by the circumstances of the case.
6. No arrest shall be made at a time or in a manner contrary to any express limitations upon the scope or language of the warrant.
7. In addition, no arrest shall be made in a manner or at a time or place prohibited by any of the following:
  - (a) Departmental regulation;
  - (b) State or Municipal law; or
  - (c) Applicable court decisions.
8. If an arrest warrant is not executed immediately, the officer initiating the warrant shall attach a copy of the warrant to the report or, if in a specialized or investigative unit, keep a copy of the warrant in the case file at his/her unit of assignment.
9. The original arrest warrant and application for the arrest warrant shall be maintained in the NOPD - NCIC Unit. Arrest warrants and applications for arrest warrants, without a bulletin attached, will not be accepted by NCIC. The following information for each arrest warrant or attachment received by NCIC shall be provided on the bulletin form by the officer filing the warrant with NCIC and recorded by NCIC:
  - (a) Date and time received;
  - (b) Nature of the document (arrest warrant or attachment);
  - (c) Source of the document;
  - (d) Name of the wanted person; and
  - (e) Court docket number (if applicable).
10. Officers shall not hold a warrant. All warrants shall be forwarded to NCIC immediately upon the warrant being signed by the judge.
11. The bulletin on the warrant shall be sent as a crime bulletin via the message entry

system (TTY) and as an email to [NOPDAI@nola.gov](mailto:NOPDAI@nola.gov). The following information shall be included in the crime bulletin message by the officer filing the warrant:

**Crime Bulletin Message Header:**

- (a) Subject shall read: Address Update/Wanted Subject

**Crime Bulletin Message:**

- (b) Item Number  
 (c) Officer(s) Names and employee identification number  
 (d) Original Offense Type and Location  
 (e) Date and Time of Original Offense  
 (f) Wanted Subject's Name, DOB, Race, and Gender and as much descriptive information as is available.  
 (g) Address Section: Type "See Narrative/Comments Section"

**Crime Bulletin Comments:**

- (h) 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.  
 (i) Justification for any address update/correction shall be listed in this section.

12. When a crime bulletin is sent, a notation shall be made by the officer filing the bulletin, 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 shall then be made part of the incident report.
13. Whenever an arrest warrant is executed or an attempt is made to execute an arrest warrant, the following information shall be documented by the officer making the attempt at service of the warrant either on a daily activity sheet for district patrol officers or the case file for the District Investigative Unit or the Investigative Support Division:
- (a) The date and time the service was executed/attempted;  
 (b) The name(s) of officer(s) executing/attempting service;  
 (c) The name of the wanted person;  
 (d) Method of service/reason for non-service; and  
 (e) The address of service/attempt.
14. NOPD officers shall complete all arrest reports before the end of the shift. (See also: **Chapter 1.9 – Arrests**).

**MUNICIPAL WANTED PERSONS**

15. 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 (EPR).
16. A Crime Bulletin (TTY) and department email ([NOPDAI@nola.gov](mailto:NOPDAI@nola.gov)) shall be sent before the end of their tour of duty informing other department members that the person is wanted for the offense. The investigating officer shall contact NCIC to verify receipt of the Crime Bulletin and note the verification in the offense report.
17. 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 **Chapter 1.9 - Arrests**, particularly the sections pertaining to arrest without a warrant.

**WANTED BULLETIN/ARREST WARRANTS**

18. 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. The warrant and a copy of the bulletin shall be delivered to NCIC prior to the officer ending his/her tour of duty.

19. 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 the NOPD - NCIC Unit.
20. The officer sending the bulletin should complete the Crime Bulletin mask to the best of his/her knowledge.
21. When a crime bulletin is sent, a notation shall be made by the issuing/investigating officer on the face sheet and in the narrative section of the report indicating the bulletin number, the date and time the bulletin was sent, and who in the NOPD – NCIC Unit sent the bulletin. The wanted bulletin should then be made part of the incident report.

### **ASSISTING BAIL BONDSMEN AND/OR BOUNTY HUNTERS**

22. 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.
23. The New Orleans Police Department acknowledges the legal authority of bail bondsmen and/or bounty hunters, but members of the police department shall not extend any special privileges or treatment to bail bondsmen or bounty hunters other than what would be extended to any other person.
24. Members shall verify the credentials or identification of persons representing a bail bonds company or acting as bounty hunters. In the event an arrest by a bounty hunter or bail bond agent is made and NOPD members are on the scene, the identity of the bondsman or bounty hunter shall be made part of any required police report.
25. Civilians, bounty hunters, bail bondsmen, etc. are prohibited from accompanying officers or taking part in the arrest of any wanted individual. Only individuals possessing law enforcement credentials are allowed to accompany NOPD members in the execution of a warrant, and subject to the approval of an NOPD supervisor.
26. NOPD officers shall not arrest individuals on a warrant unless the warrant can be verified through the NOPD - NCIC Unit. The mere possession of a warrant by a non-law enforcement officer, signed by the appropriate authority of another jurisdiction, shall not be sufficient grounds for NOPD officers to take an individual into custody.
27. All individuals arrested as a result of a verified warrant shall be transported to Central Lockup and booked accordingly. Commissioned members shall not deliver any arrested individual into the custody of a bounty hunter, bail bondsman, etc.

28. 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:
  - (a) Verification of the warrant on the individual in custody;
  - (b) Only if verified, transportation of the wanted individual to the Central Lock-Up; and
  - (c) Summoning emergency medical assistance, if required.
29. 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.

### **SUPERVISOR'S RESPONSIBILITIES**

30. A supervisor shall review each request for an 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 this Chapter.
31. The reviewing 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, lack of probable cause or articulation of a legal basis for the warrant and question the affiant/officer to verify the officer has not omitted material information either establishing or vitiating probable cause and document this occurrence.
32. 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."
33. As part of the supervisory review, the supervisor shall document in a Departmentally provided, auditable format those warrant applications that are:
  - (a) Unsupported by probable cause;
  - (b) In violation of NOPD policy; or
  - (c) Indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
34. The supervisor shall document corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**) or by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**). For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken in the Supervisor Feedback Log to identify officers needing repeated corrective action. Supervisors shall initiate a formal disciplinary investigation as appropriate
35. A district/division Commander shall review, in writing, all supervisory reviews that:
  - (a) Relate to arrests that are unsupported by probable cause,
  - (b) Are in violation of NOPD policy, or
  - (c) Indicate a need for corrective action or review of agency policy, strategy, tactics, or training. (See also: **Chapter 1.9 – Arrests**).
36. The quality and accuracy of arrest warrants and supportive affidavits or declarations will be taken into account in officer and supervisor performance evaluations.

37. Supervisors from units other than those in the District where they are 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.
38. The executing unit supervisor shall be responsible for determining the threat level involved in the execution of the warrant and, **except for “High Risk Warrants”** which are executed by the Special Operations Division - SWAT, take the appropriate measures to ensure the safety of the officers executing the warrant, as well as the individual to be arrested. Appropriate measures may include, but are not limited to the following:
  - (a) EMS on standby;
  - (b) SWAT notification or involvement;
  - (c) Supervisory presence at the location of arrest; and
  - (d) The deployment or utilization of specialized equipment
39. Supervisors shall review each arrest report made by officers under their command, within 12 hours of submission. (See also: **Chapter 1.9 – Arrests**).





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.11

### TITLE: WARRANT INQUIRIES

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 425**

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#### PURPOSE

The purpose of this Chapter is to establish a process for dealing with suspects arrested as fugitives and for person(s) wanted by a jurisdiction in the State of Louisiana other than Orleans Parish and their subsequent release in lieu of physical arrest and booking.

#### POLICY STATEMENT

1. If an officer is informed or learns that a person in his/her presence has an outstanding criminal warrant, he/she shall detain the individual pending verification of the criminal warrant or wanted bulletin through the NOPD - National Crime Information Center (NCIC) Unit.
2. A person detained and found through the NOPD - NCIC Unit inquiry to have an Orleans Parish Municipal and/or Traffic Court attachment shall be processed in accordance with **Chapter 74.3.1 - Failure to Appear**.
3. A person detained and found through the NOPD - NCIC Unit inquiry to have a verified criminal 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 Chapter and **Chapter 1.9 – Arrests** and **Chapter 41.8- Affidavit/Summons**.
4. Members are **PROHIBITED** from bringing a warrant directly to an outside agency for execution. The warrant **MUST** be filed with NOPD – NCIC Unit prior to any attempt at execution outside of the City of New Orleans.
5. Members are **PROHIBITED** from contacting an outside agency directly to verify a warrant. All warrant verification **MUST** be processed thru the NOPD – NCIC Unit.

#### PERSONS WANTED BY JURISDICTIONS OUTSIDE THE STATE OF LOUISIANA

6. Upon verification of a criminal warrant through the NOPD - NCIC Unit that does not contain limitations, a person 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 **Chapter 1.9 -**

**Arrests.**

7. A person detained and wanted by another jurisdiction, with no local charge(s), shall not be transported to Central Lock Up until verification of the criminal warrant/wanted bulletin is obtained through the NOPD - NCIC Unit (see: **Chapter 1.9 - Arrests**).
8. NCIC will inform the officer if limitation(s) were placed on the warrant/wanted entry. Any limitation placed on a warrant or wanted bulletin renders the warrant unenforceable outside of the limitations placed on the warrant.
9. Limitations on a warrant may include entries stating the jurisdiction entering the warrant:
  - (a) Will not extradite, or
  - (b) Will extradite from certain states only, etc.
10. An officer detaining a person with no additional local charges and the limitation imposed in the warrant/wanted entry does not give him/her probable cause to make an arrest on that warrant shall:
  - (a) Not place the individual under arrest for the warrant/wanted entry.
  - (b) Prepare a complete FIC which includes noting the circumstances of the stop, the warrant and the limitations that caused the release.
  - (c) Include all information relative to the individual's residence, telephone number, place of employment, vehicle information, description, driver's license number, etc. in the FIC.
  - (d) Send an email referencing the item number and the warrant check and release to the SOD - Violent Offenders Warrant Squad.

**DELAY IN WARRANT VERIFICATION**

11. NOPD – NCIC Unit sends all warrant verification requests by teletype (TTY) to the agency that placed the warrant in the system immediately upon the receipt of request by the detaining officer.
12. Per the Criminal Justice Information Services (CJIS) policy, the agency that placed the warrant in the system has 10 minutes to respond to the verification TTY request or send a TTY requesting additional time.
13. If the NOPD – NCIC Unit does not verify the warrant within the time frame provided by the NOPD – NCIC Unit member, the detaining officer shall contact his/her immediate supervisor and advise him/her that a verification of the warrant/wanted is pending, the time that has lapsed and any known reasons for the delay in verification.
14. If NCIC cannot verify the warrant and the supervisor authorizes the release of the detained individual, the supervisor shall instruct the detaining officer to prepare an FIC on the stop and reasons for the release. The investigating officer shall:
  - (a) Not place the individual under arrest for the warrant/wanted entry.
  - (b) Prepare a complete FIC which includes noting the circumstances of the stop, the warrant and the limitations that caused the release.
  - (c) Include all information relative to the individual's residence, telephone number, place of employment, vehicle information, description, driver's license number, etc. in the FIC.
  - (d) Send an email referencing the item number and the warrant check and release to the SOD - Violent Offenders Warrant Squad.

**REQUIRED REPORTING INFORMATION**

15. Specific information is required in offense reports to assist the magistrate judge in setting a bond. An officer who makes an arrest based on a state warrant shall include the below information in offense/arrest reports:
  - (a) La. R.S.: 14-000 - used in the "Charge Section" only if the warrant was issued in another state and the individual is under arrest.
  - (b) The entire "Offender Section" shall be completed.
  
16. In the "Charges Section" of the offender section, the arresting officer will list the charge as follows for out of state warrants:
  - (a) 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)."
  
17. The arresting officer will include the following required information in the "Narrative Section" of the report.
  - (a) Example:
 

"On (date) at (time) police officer (officer's name) stopped (arrested subjects name, race, sex, and DOB) in the (location of stop). His/her name was processed through the NOPD – NCIC Unit. 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). NOPD –NCIC Unit Operator (name of NCIC operator) verified the 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."

**TRANSPORTING FUGITIVES**

18. After the warrant is verified by the NOPD – NCIC Unit, the detaining or arresting officer shall transport the suspect to Central Lock-Up and processed as a "fugitive."

**RECEIVING FUGITIVE ARRESTS FROM CONTIGUOUS PARISHES**

19. A person wanted by the New Orleans Police Department, and in the custody of Jefferson, St. Bernard, 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 NOPD - NCIC Unit.
  
20. Communications Services will dispatch fugitive transport requests from law enforcement agencies in contiguous parishes as follows:
  - (a) Second District unit will be dispatched to transport a prisoner held in Harahan, Louisiana.
  - (b) Third District unit will be dispatched to transport a prisoner held at the Jefferson Parish east bank Lock-Up.
  - (c) 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.
  - (d) 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.
  - (e) Fifth District unit will be dispatched to transport a prisoner held in St. Bernard Parish.
  
21. If a unit is not available in the above listed districts, and a unit will not become available within one hour of the conclusion of the working shift, the on-duty Police Liaison in

Communications Services shall assign the transportation to a district unit as geographically close as possible to the prisoner's place of confinement.

22. An officer(s) assigned to the SOD – VOWS –Extradition and Fugitive Unit shall be assigned to transport a prisoner from any parish that is not contiguous to Orleans Parish. The on-duty operator in the NOPD – NCIC Unit who verified the warrant shall contact the SOD – VOWS –Extradition and Fugitive Unit and arrange for transportation of the prisoner to Orleans Parish during the next working shift.

### **JUVENILE FUGITIVE TRANSPORTS**

23. The responsibility for the transportation of juvenile offenders arrested as fugitives from Orleans Parish and held in a facility outside of Orleans Parish is handled in the same manner as adult fugitive transports.

### **FUGITIVE ARREST REPORTING REQUIREMENTS**

24. A supplemental report shall be completed and a cancellation bulletin sent by officer(s) assigned to transport a prisoner from a parish outside of Orleans Parish. Therefore, no cancellation bulletins shall be sent for any fugitive arrest (17F), court capias (21), municipal or traffic attachments (17M/T), or probation violations.
25. An incident report shall be completed on a capias arrest if the warrant was issued by an Orleans Parish Criminal District Court or Civil District Court Judge.
26. 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: **Chapter 74.3.1 – Failure to Appear – Summons in Lieu of Physical Arrest**).
27. 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.
  - (a) 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).

### **NCIC PERSONNEL**

28. When a member of the New Orleans Police Department NCIC 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 operator shall send a teletype message to the agency that entered the person into the system as wanted, stating that the person is being released. The NCIC operator will also forward any updated information obtained by the officer.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.12

### TITLE: DIPLOMATIC AGENTS & CONSUL OFFICERS

**EFFECTIVE: 01/07/2018**

**REVISED: (Conversion replaces Policy 422)**

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#### **PURPOSE:**

This Chapter outlines the process and procedure to be followed by members in addition to the guidelines of **Chapter 1.9 – Arrests** and shall be utilized for the arrest or detainment of a foreign national with diplomatic immunity.

#### **POLICY**

It is the policy of this Department to adhere to the guidance provided by the U.S. Department of State concerning immunities for foreign nationals, based on international treaty obligations. Adherence to these international treaty obligations is required by law and also helps protect American diplomatic officers and consular officials stationed abroad.

#### **DEFINITIONS:**

**Diplomatic Mission Administrative and Technical Staff**—The administrative and technical staff are members of a diplomatic mission who perform tasks critical to the inner operation of the embassy. They enjoy many of the same privileges as diplomatic agents, including personal inviolability, immunity from criminal jurisdiction, and immunity from the obligation to provide evidence as a witness. With regard to civil jurisdiction, however, they enjoy only official acts immunity. As with diplomatic agents, recognized household members of the administrative and technical staff enjoy the same immunity from criminal jurisdiction as do recognized household members of diplomatic agents.

**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/her.

**Consular Officer**—An official appointed by a sovereign state to protect its commercial interest and aid its citizens in a foreign city.

**Consulate Employees**—Employees 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.

**Detainee**—For the purposes of this Chapter, a detainee is a foreign national who is arrested or placed in custody pending investigation or judicial appearance, or both. Brief stops of such persons for motor vehicle violations, traffic crash investigations or investigatory stops are not considered detentions for purposes of this policy.

**Diplomatic Agents**—Diplomatic agents are 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 handcuffed (except in extraordinary circumstances), arrested, detained, or prosecuted, or subpoenaed as a witness. Residences or property, including vehicles, may not be entered or searched. Recognized household members enjoy precisely the same privileges and immunities as do the sponsored diplomatic agents.

**Diplomatic Immunity**—A principle of international law exempting designated foreign government officials from the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

**Honorary consul / honorary consular officer**—American citizens or permanent resident aliens who perform consular services on a part-time basis. Honorary consuls, unlike career consuls, are permitted to carry on another business. These persons have “official acts” immunity only and immunity from the obligation to provide evidence as witnesses only in respect of official acts. They do not enjoy personal inviolability and may be arrested pending trial if circumstances should otherwise warrant. Recognized household members of honorary consuls enjoy no immunity or personal inviolability. Honorary consuls are issued official identification cards by the U.S. Department of State.

**Personal Inviolability**—A principle embodied in international law that generally precludes law enforcement officials from handcuffing, arresting, or detaining certain foreign diplomatic and consular officials in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Where public safety is in imminent danger or it is apparent that a felony or crime of violence may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.

**Personnel of International Organizations**—Employees of international organizations, such as the United Nations and the World Bank. 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**—Employees of national missions to international organizations, such as a foreign government’s mission to the United Nations. Pursuant to international law, the most senior representatives in national missions to the international organizations have the personal inviolability and immunity equivalent to that afforded diplomatic agents. The remainder of the staff are granted only official acts immunity.

**Diplomatic Mission Service Staff**—Members of the service staff who perform tasks such as driving, cleaning, or grounds maintenance for the mission. They are accorded much less in the way of privileges and immunities than diplomatic agents or members of administrative and technical staff. Service staff members generally have only official acts immunity. Families of the service staff enjoy no diplomatic privileges or immunities.

**Official Acts Immunity**—Official acts immunity is not a prima facie bar to the exercise of jurisdiction by U.S. courts. Rather, it is an affirmative defense to be raised before the U.S. court

with subject matter jurisdiction over the alleged crime. 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 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.

**Recognized Household Members**—Spouses, children until the age of 21 (until the age of 23 if they are full-time students at an institution of higher learning), and such other persons expressly agreed to by the US Department of State in extraordinary circumstances.

**TECRO / TECO**—An acronym for the Taipei Economic and Cultural Representative Office in the United States (TECRO) and its subsidiary offices, the Taipei Economic and Cultural Offices (TECO). They facilitate the commercial, cultural, and other relations between the people of the United States and the people on Taiwan. The term “TECRO designated employees” means persons duly notified to and accepted by the American Institute in Taiwan (AIT) as designated employees of TECRO at its primary office or one of its subsidiary offices (TECO). TECRO / TECOs in the United States enjoy many diplomatic privileges such as extraterritoriality, providing consular protection and their staff have diplomatic immunity.

## GENERAL

1. If an incident involves someone who may have diplomatic immunity, the investigating officer(s) shall conduct a complete investigation of the incident. It is the United States Department of State’s policy to encourage law enforcement authorities to: pursue criminal investigations vigorously; prepare cases carefully and completely; and document properly each incident so that charges may be pursued as far as possible in the U.S. judicial system. The U.S. Department of State will request a waiver of diplomatic immunity in every case in which the prosecutor advises that he or she would prosecute but for immunity. If the charge is a felony or a crime of violence and the sending country does not waive immunity, the U.S. Department of State will require that person to depart the U.S. and will request that law enforcement issue a warrant for that person’s arrest so that the name will be entered in NCIC.
2. If a person claims diplomatic immunity or personal inviolability, it is imperative that the investigating officer promptly and accurately confirm the status of the person, as outlined below.
3. Investigating officers may contact the Communications Section to seek assistance from the Department of State (see **NOPD.org / Resources / Diplomatic and Consular Immunity - Guidance for Law Enforcement** for contact information).
4. If the individual is entitled to the full inviolability and immunity of a diplomatic agent, he or she may not be arrested, handcuffed, and/or detained, **except** where public safety is in imminent danger or it is apparent that a felony or crime of violence may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.
5. In circumstances when there is imminent danger to public safety or it is apparent a serious crime may otherwise be committed (felony or crime of violence), police officers may intervene to the extent necessary to halt such activity, regardless of personal inviolability.
6. Police officers are permitted to defend themselves from personal injury in conformity with **Chapter 1.3 – Use of Force**.

7. When responding to or investigating an apparent violation of the law involving a person claiming diplomatic immunity, the investigator shall request the official identity card issued by the Department of State (or the U.S. Mission to the United Nations in the case of persons accredited to the UN, or the American Institute in Taiwan for the employees of TECRO or TECO) and verify the immunity status by contacting the State Department or card-issuing agency.
8. 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 the Department of State, the U.S. Mission to the United Nations, or the American Institute in Taiwan. Until an individual's status of inviolability has been confirmed in situations that warrant criminal arrest, the individual shall only handcuffed if the person claiming personal inviolability poses an immediate threat to [public] safety or it is apparent that a serious crime may otherwise be committed. (See: **Chapter 1.3.1.1 – Handcuffing and Restraint Devices.**)
9. Once proper identification is available or obtained and the individual's status of immunity and/or inviolability has been confirmed, he or she shall be released immediately; the investigating officer shall honor the individual's immunity granted by law. (See: **NOPD.org / Resources / Diplomatic and Consular Immunity - Guidance for Law Enforcement**)
10. In all instances involving individuals claiming diplomatic immunity the investigating officer(s) shall:
  - (a) Identify and verify the diplomatic status of the detainee by calling the State Department. Identity cards are issued by the U.S. Department of State, Office of Protocol, and the U.S. Mission to the United Nations and by the American Institute in Taiwan to be used as identification for diplomats and consular officials. The front of the card displays the Department of State or United Nations Seal and foreign official's photograph. A statement of the bearer's immunity is printed on the back with his/her signature. The identification cards are color coded according to the following:
    - **Blue Border** - Diplomatic officers (including UN diplomatic officers) and their recognized family members.
    - **Green Border** - Embassy administrative and technical staff employees and their families, embassy service staff, UN Permanent Mission support staff, and TECRO employees and their recognized family members.
    - **Red Border** – Career consular officers, employees, or their recognized family members, honorary consular officers, and TECO head and deputy head, and TECO employees and their recognized family members.
  - (b) Contact the State Department if the person claiming diplomatic status cannot produce a valid identity card or other official identification.
  - (c) Request a supervisor meet him/her at the scene;
  - (d) Document all pertinent information from the identity card in the police incident report (EPR);
  - (e) Fully document the incident on the NOPD incident report form (EPR), including traffic offenses;
  - (f) Submit the report for approval (see **Chapter 82.1**); and
  - (g) Forward a copy of the approved police incident report and all related documentation to the Department of State or the US Mission to the UN(see **NOPD.org / Resources / Diplomatic and Consular Immunity - Guidance for Law Enforcement** for contact information)



**TRAFFIC OFFENSES BY DIPLOMATS AND CONSULS**

11. Stopping a diplomatic or consulate officer and issuing a traffic citation is permitted. **A signature on the citation by the individual cited is not required.**
12. License plates issued by the U.S. Department of State are coded to reflect the degree of immunity which the registered owner of the vehicle enjoys:
  - Plates with a “**D**” prefix or suffix are issued to diplomatic missions and those members who hold diplomatic rank.
  - Plates with a “**C**” prefix are issued to consular missions and career consular officers.
  - Plates with an “**S**” prefix are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.
  - Plates with an “**A**” prefix or suffix are issued to official vehicles of the Secretariats of the United Nations and the Organization of American States and the personally owned vehicles of those staff members who have diplomatic status.
13. These license plates are designed to assist officers identifying vehicles that belong to persons who may enjoy some degree of immunity, however, **in no circumstance should the license plate be used alone to verify the status of an individual claiming immunity.**
14. Vehicle registration cards are issued by the Department of State to accompany diplomatic license plates. The card provides the vehicle description, name and address of the registered owner, and the license plate number assigned to the vehicle. Verification of the registered owner, vehicle, or license plate can be made through standard access of NLETS.
15. Officers shall follow normal procedures to intervene in a traffic violation he/she has observed, even if immunity ultimately bars any further action at the scene, and report the incident in accordance with this Chapter if the violator claims immunity.
16. Officers shall fax a copy of the citation along with any other pertinent documentation to the U.S. Department of State as soon as possible (202-895-3613 / see **NOPD.org / Resources / Diplomatic and Consular Immunity - Guidance for Law Enforcement** for contact information).
17. Serious traffic violations such as driving while intoxicated and/or an accident with personal injury require:
  - (a) Telephonic notification to the U.S. Department of State (see **Appendix 3** for contact information);
  - (b) Scene response by the investigating officer’s supervisor; and
  - (c) A standard field sobriety test shall be offered, but may not be compelled. If a test is agreed to, the results shall be documented. If the investigating officer believes the individual too impaired to drive safely, the officer shall not permit the individual to drive. The options available are:
    - Take the individual to the district station, or other suitable location, where the individual may recover sufficiently to drive;
    - Allow the individual to summon a friend or relative to drive;
    - Call a taxi for the individual at his/her cost; or
    - Suggest an alternative form of transportation.
18. A copy of an approved, completed report shall be sent to the Department of State (see

**NOPD.org / Resources / Diplomatic and Consular Immunity - Guidance for Law Enforcement** for contact information). It is the Department of State's policy to suspend the operator's license of foreign mission personnel not considered responsible drivers, and this policy may only be effectively enforced if all driving related infractions are fully reported to the Department of State.

#### **DIPLOMATIC AND/OR CONSULATE VEHICLES AND PROPERTY**

19. The property of a person enjoying full immunity, including his/her vehicle, **may not be searched or seized**. Such vehicles may not be impounded or "booted" but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.
20. If a vehicle owned by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit police verification of the vehicle's status through standard access to the **National Law Enforcement Telecommunications System (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.
21. Vehicles registered to consular officials, including those with full criminal immunity, and consulates are not inviolable and may be towed, impounded or booted in accordance with local procedures.
22. The Commander of Education and Training shall create a lesson plan detailing Diplomatic and consulate immunity privileges for recruit and in-service training.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.14

### TITLE: ARREST OF POSTAL EMPLOYEES

**EFFECTIVE: 05/14/2017**

**REVISED:**

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#### PURPOSE

This Chapter outlines the process and procedure to be followed by members in addition to the guidelines of **Chapter 1.9 – Arrests** when arresting a United States Postal Service (USPS) employee on duty for the Post Office. This does not include members of the **United States Postal Inspection Service (USPIS)**, who are commissioned law enforcement officers or agents and covered under **Chapter 1.18 – Arrest of a Law Enforcement Officer from Another Jurisdiction**.

#### POLICY

1. Mail carriers of the United States Postal Service (USPS) on duty for the Post Office are not physically placed under arrest and booked unless the provision of the law makes arrest and booking mandatory. If the arrest and booking is not mandatory and if relevant law allows, the officer shall issue a municipal summons or traffic citation in accordance with **Chapter 41.8 – Affidavit & Summons** and **Chapter 61.3 – Traffic Citations** for the violation and the mail carrier shall be released as soon as possible.
2. Officers shall not, if it is possible, obstruct delivery of the United States Mail.

#### ARRESTING OFFICER'S RESPONSIBILITIES

3. If the criminal violation requires an arrest and booking or the mail carrier's action may cause injury or material property damage, the officer shall contact his/her supervisor. U.S. Postal equipment and Mail shall not be left unsecured.
4. The arresting officer shall prepare an incident report (EPR). Specific notation shall be made in the report of all persons contacted at the USPS, the USPS supervisor(s) who come to the scene and USPS employee who took custody and control of the mail.

#### SUPERVISOR'S RESPONSIBILITIES

5. Once notified of an arrest covered by this Chapter, the supervisor shall proceed to the scene and confirm the circumstances of the arrest, the existence of probable cause, and the status of the arrested subject's employment.

6. The supervisor will contact the mail carrier's supervisor through the Communications Services and request a postal supervisor take immediate custody of any mail in possession of the arrested employee. U.S. Postal equipment and Mail shall not be left unsecured.
7. The supervisor shall review any recordings surrounding the incident and sign all required reports (EPR) and paperwork prior to the end of the arresting officer's shift.
8. The supervisor shall complete a brief Interoffice Correspondence (105) with a synopsis of the incident review and forward it, along with a copy of the EPR, to the Public Affairs Office and the Commander of PIB prior to the end of the supervisor's shift.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

9. The Commander of the Public Integrity Bureau shall be responsible for reviewing the report (EPR), all attached paperwork, the supervisor's incident review 105 and all recordings surrounding the incident and reporting his/her findings to the Deputy Chief of PIB.
10. The Deputy Chief of PIB shall notify the Superintendent of Police of the incident and report the findings of the review within 72 hours of the incident.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.15

### TITLE: FELONY WANTED VEHICLE ENTRY AND REMOVAL IN N.C.I.C.

**EFFECTIVE: 04/08/2018**

**REVISED: (Replaces Policy 439)**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for entering information on vehicles involved in felony offenses into the National Crime Information Center (N.C.I.C.) system.

#### GENERAL INFORMATION

1. A description of a vehicle used in the commission of a felony offense may be entered into N.C.I.C., provided that the investigating officer has:
  - (a) An accurate description of the vehicle, and
  - (b) Probable cause to believe the vehicle sought was used in the commission of a felony.
2. The vehicle information will be automatically purged from the N.C.I.C. computer system files after 90 days.
3. The investigating officer must submit an interoffice communication (Form 105) request to N.C.I.C. for the vehicle description to remain in N.C.I.C. for any additional period of time. The request for additional time must include a reasonable explanation and be approved by the investigating officer's supervisor.
4. A description of a vehicle registered to a wanted subject cannot be entered, unless the vehicle was used in the commission of the felony.

#### INSTRUCTIONS

5. NOPD - N.C.I.C. Unit members will verify the suspected vehicle information through available motor vehicle registry information databases prior to entering the information into the N.C.I.C. computer system files.
6. Prior to requesting an entry into N.C.I.C., a **Felony Wanted Vehicle Bulletin Form** (Form 290) must:
  - (a) Be completed in its entirety, and
  - (b) Reviewed and signed by the investigating officer's supervisor.
7. A **Felony Wanted Vehicle Bulletin Form** must be submitted and an NCIC assess

number obtained. This access number shall be noted in the related police report.

8. Officers locating a vehicle listed with N.C.I.C. as being involved in the commission of a felony shall:
  - (a) Complete a supplemental report listing the N.C.I.C. officer's name,
  - (b) Contact NOPD-NCIC by phone and obtain a recovery access number so the vehicle is removed from the N.C.I.C. Felony Vehicle file, and
  - (c) Send a copy of the report with the recovery access number noted to the investigating officer or his/her unit/section/division/bureau.
  
9. A recovered vehicle shall be processed as evidence in accordance with department regulations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.17

### TITLE: ARREST OF A SPECIAL OFFICER, RESERVE POLICE OFFICER, RESERVE SHERIFF'S DEPUTY OR ANY HONORARY OFFICER OR HONORARY DEPUTY

**EFFECTIVE: 05/14/2017**

**REVISED:**

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#### PURPOSE

This Chapter outlines the process and procedure to be followed by members in addition to the guidelines of **Chapter 1.9 – Arrests** when arresting a special officer, reserve police officer (except for an on-duty reserve NOPD officer), reserve sheriff's deputy or honorary officer or honorary deputy who is found to be in violation of a city ordinance, or state law, and is taken into custody or issued a summons to appear in court.

Reserve NOPD officers who are on-duty at the time of the arrest or summons are investigated and processed in the same manner as full-time employees of NOPD and investigated by PIB. (see: **Chapter 52.1.1 – Complaint Investigation**).

#### DEFINITIONS

Definitions related to this Chapter include:

**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/her.

**Reserve**—When used in the context of a law enforcement officer denotes an individual that has been commissioned to carry a firearm and make arrests within the scope and limitation of the authority of the law enforcement agency head who authorized and signed the commission. They are not employees of the agency and donate their time to the agency. They are however, trained and must meet the minimum standards of the agency.

**Honorary**—When used in context of a law enforcement officer denotes an individual who has been recognized by the agency issuing the credentials for their support and assistance to the agency. Honorary identifications and badges do not confer any law enforcement authority on the individual and are merely awards or honors.

**Special Officers**—Denotes a class of individuals who, because of their job duties, must carry a weapon and/or have limited powers of arrests or detention (i.e. security guards). They are classed as "permits" and denote the rights and limitations on the credentials.

**ARRESTING OFFICER'S RESPONSIBILITIES**

1. The arresting officer shall follow the guidelines of **Chapter 1.9 – Arrests** as well as the specific guidelines outlined in this Chapter.
2. The arresting officer shall confiscate the commission ID card of a special officer, reserve police officer, reserve sheriff's deputy or honorary officer or honorary deputy from any jurisdiction at the time of his/her arrest.
3. The arresting officer shall immediately notify his/her supervisor and apprise him/her of the arrest and circumstances.
4. The arresting officer shall prepare an incident report (EPR) and include a copy of the commission identification card. The arresting officer shall bring the original commission to the Central Evidence and Property Division (CE&P) and enter it as the property of the issuing agency, not as the property of the person being charged. .

**SUPERVISOR'S RESPONSIBILITIES**

5. Once notified of an arrest covered by this Chapter, the supervisor shall proceed to the scene and confirm:
  - (a) The circumstances of the arrest;
  - (b) The existence of probable cause; and
  - (c) The status of the arrested subject's affiliation with a law enforcement agency.
6. The supervisor shall notify PIB of the arrest after arriving on the scene.
7. The supervisor shall make every effort to contact the supervisor/chief/sheriff of the arrested person at the time of the arrest.
8. The supervisor shall forward a copy of the incident report (EPR) to the Chief/Sheriff of the issuing agency.
9. The supervisor shall review any recordings of the incident and sign all required reports (EPR) and paperwork prior to the end of the arresting officer's shift.
10. The supervisor shall immediately notify the Commander of the Reserve Division and the Public Integrity Bureau of the arrest or summons of an NOPD Reserve Officer.
11. The supervisor shall immediately notify the Commander of the Public Integrity Bureau of the arrest or summons of a person holding any honorary credentials or badge issued by the NOPD.

**CENTRAL EVIDENCE AND PROPERTY COMMANDER'S RESPONSIBILITIES**

12. For non-NOPD identifications, the Commander of CE&P shall forward the commission card to the Chief/Sheriff of the agency issuing the commission within seventy-two (72) hours of the identification being entered into CE&P noting the appropriate catalog disposition.



**PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

13. The Public Integrity Bureau shall be responsible for conducting a formal disciplinary investigation in the case of an arrest or summons of an NOPD Reserve Officer, or a follow-up investigation (EPR) or interoffice correspondence (105) of a person holding an honorary NOPD credentials or badge. In either case, the investigative report or interoffice correspondence will be processed through the chain-of-command to the Superintendent of Police.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.18

### TITLE: ARREST OF A LAW ENFORCEMENT OFFICER FROM ANOTHER JURISDICTION

**EFFECTIVE: 05/14/2017**

**REVISED:**

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#### PURPOSE

This Chapter outlines the process and procedure to be followed by members in addition to the guidelines of **Chapter 1.9 – Arrests** when arresting a full-time peace officer from any agency other than NOPD who is found to be in violation of a city ordinance, or state law, and is taken into custody or issued a summons to appear in court.

#### DEFINITIONS

Definitions related to this Chapter include:

**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/her.

**Peace officer**—Any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state. The term shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, park wardens, livestock brand inspectors, forestry officers, full-time military police officers within the Military Department of the State of Louisiana, full-time security personnel employed by the Supreme Court of the State of Louisiana, and probation and parole officers.

#### ARRESTING OFFICER'S RESPONSIBILITIES

1. The arresting officer shall follow the guidelines of **Chapter 1.9 – Arrests** as well as the specific guidelines outlined in this Chapter.
2. The arresting officer shall confiscate the commission ID card of a law enforcement officer from any agency other than NOPD at the time of his/her arrest.
3. The arresting officer shall immediately notify his/her supervisor and apprise him/her of the arrest and circumstances.

4. The arresting officer shall prepare an incident report (EPR) and include a copy of the commission identification card. The arresting officer shall bring the original commission to the Central Evidence and Property Division (CE&P) and enter it as the property of the issuing agency, not as the property of the person being charged.

#### **SUPERVISOR'S RESPONSIBILITIES**

5. Once notified of an arrest covered by this Chapter, the supervisor shall proceed to the scene and confirm: the circumstances of the arrest, the existence of probable cause, and the status of the arrested subject's affiliation with a law enforcement agency.
6. The supervisor will notify the law enforcement agency that employs the arrested subject as soon as possible after the arrest and inform that agency of the circumstances of the subject's arrest. The notified individual shall be supplied with the item number of the incident and the details surrounding the incident. The supervisor making the notification shall obtain the name and assignment of the individual notified at the subject's agency. The notification, including the name and assignment of the person notified and the date and time of notification, will be included in the EPR.
7. The supervisor shall review any recordings of the incident and sign all required reports (EPR) and paperwork prior to the end of the arresting officer's shift.
8. A copy of the EPR and a brief Interoffice Correspondence (105) with a synopsis of the incident review shall be prepared by the notified supervisor and forwarded to the Commander of PIB prior to the end of the supervisor's shift.

#### **CENTRAL EVIDENCE AND PROPERTY COMMANDER'S RESPONSIBILITIES**

9. 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 of the identification being entered into CE&P noting the appropriate catalog disposition.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

10. The Commander of the Public Integrity Bureau shall be responsible for reviewing the report (EPR), all attached paperwork, the supervisor's incident review 105 and all recordings of the incident and reporting his/her findings to the Deputy Chief of PIB.
  11. The Deputy Chief of PIB shall report the findings of the review to the Superintendent of Police within 24 hours of the incident.
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# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.20

### TITLE: SCHOOL INCIDENTS, SCHOOL RESOURCE OFFICERS

**EFFECTIVE: 08/26/2018**

**REVISED: Replaces Policy 473**

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#### PURPOSE

This Chapter establishes guidelines for school resource officers and other NOPD officers in handling incidents occurring on school property and incidents involving truant students. When handling school incidents, officers will be mindful of the school administrator's responsibility for student discipline separate and apart from the responsibility of officers for the investigation of crime and law enforcement.

For incidents involving children outside of school, please refer to **Chapter 44.2 – Juveniles**, **Chapter 44.3 – Juvenile Warning Notice** and **Chapter 44.1.4 – Temporary Custody of Juveniles**.

#### DEFINITIONS

**Caretaker**—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 (Louisiana Children's Code Art. 603).

**Child**—A person under eighteen years of age who, prior to juvenile proceedings, has not been judicially emancipated.

**School Resource Officer (SRO)**—SROs are sworn law enforcement officers, specifically assigned by the Department, to providing security, educational training, and relationship building services in assigned schools.

#### POLICY STATEMENT

1. The SRO is expected to be a law enforcer, educator, and informal counselor.
2. The SRO should strive to employ non-punitive techniques when interacting with students.
3. Custodial arrests of students should be used only as a last resort (see **Chapter 44.3 – Juvenile Warning Notice**).

4. During normal school hours, the SRO will investigate all calls for service at the school where he/she is assigned.
5. The SRO will complete an electronic police report, if required by the incident, and notify the principal or assistant principal about the incident.
6. If an SRO is unavailable, a District unit shall be assigned to respond to the call for service and if required by the incident, investigate and complete an electronic police report. The responding officer shall forward the police report or item number to the SRO.
7. No call for service shall be “held” waiting for an SRO to respond if it is a Code 2 or higher. The next available District unit shall be assigned to respond rather than waiting for an available SRO.
8. No officer shall respond to minor misbehavior that can be appropriately addressed administratively through the school’s disciplinary process. Police officers are not the enforcement arm of the school administration. Minor misbehavior includes:
  - (a) Disobedience to school authorities,
  - (b) Disruption of class,
  - (c) Disorderly language,
  - (d) In-school fighting which would be a simple assault or simple battery (when no weapon is used or serious injury occurs),
  - (e) Dress code violations<sup>1</sup>,
  - (f) Cell phone violations, and
  - (g) Tardiness.

#### **SCHOOL RESOURCE OFFICER GENERAL RESPONSIBILITIES**

9. The SRO, as an informal counselor, should build relationships with students, their families, and staff and reinforce positive behavior.
10. When possible, the SRO will assist with school/student problems such as drug abuse, child abuse, and will assist students in finding school and community resources for their families.
11. The SRO will be available to confer with students, parents, and staff regarding law enforcement related issues or problems.
12. The SRO must reflect a positive role model for students and parents.
13. The SRO shall be involved in the implementation of Department-sponsored and -approved programs that help to build trusting relationships with the students and the Department.
14. The SRO will assist with emergency preparedness, lock down drills, and safety awareness education.
15. School administration is responsible for day-to-day student discipline, and SROs shall not be utilized in such a manner unless there is an imminent safety issue or a crime is thought to be involved.
16. There will be times when it is appropriate and necessary for the SRO to take a student into custody from the school setting. Arrest procedures involving students shall be in accordance with appropriate state law and Department policy. See **Chapter 44.2 – Juveniles**, **Chapter 44.3 – Juvenile Warning Notice** and **Chapter 44.1.4 – Temporary Custody of Juveniles**.

17. The SRO will document his/her daily activity on the police radio with Communication Services or by MDC for Daily Activity Reports, including when the SRO:
- (a) Provides counselling to a student;
  - (b) Conducts a structured youth engagement activity session;
  - (c) Participates in any structured school activity that builds trust and relationships with the school staff and students;
  - (d) Refers a student to a school counsellor;
  - (e) Conducts or participates in a parent-teacher conference;
  - (f) Transports a student:
    - i. To school if truant, or
    - ii. Juvenile Intake Unit, or
    - iii. Truancy center;
  - (g) Collaborates with school staff, students, parents, etc. to solve a problem;
  - (h) Conducts an arrest;
  - (i) Distributes any departmentally approved materials to the school or students; or completes a Juvenile Warning Notice consistent with **Chapter 44.3 – Juvenile Warning Notice**.

#### **RESPONDING OFFICER'S RESPONSIBILITIES**

18. An officer responding to a complaint or call for service (CFS) on school property shall:
- (a) Enter the school grounds via normal access points and conduct his/her self in a professional manner.
  - (b) Avoid unnecessary disruption of the normal school routine.
  - (c) Notify the school's principal or assistant principal of his/her presence, and the nature of the call for service.
  - (d) Seek the school official's cooperation.
  - (e) Notify the on duty SRO if working.
19. The responding officer shall:
- (a) Request his/her supervisor to respond to the scene.
  - (b) Notify the appropriate school official.
  - (c) Inform the school official, alleged victim, and alleged perpetrator that a copy of the incident report will be available through the NOPD Records Section and provide each with the report item number, responding officer's name, and where to obtain the incident report.
  - (d) Take appropriate law enforcement action.

#### **OFFICER'S RESPONSIBILITIES RELATIVE TO USE OF FORCE BY A SCHOOL EMPLOYEE OR CHILD**

20. An officer investigating a complaint by a student alleging improper use of force by a school employee shall contact Communications Services to 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).
21. 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.
22. The responding officer shall document a complaint (CFS) by a school faculty member alleging improper use of force by a school employee or use of force by a student on a faculty member in an incident report (EPR).

**RESPONDING OFFICER'S RESPONSIBILITIES RELATIVE TO STUDENT INTERVIEWS**

23. An officer who interviews a student must comply with the requirements for interviews set forth in **Chapter 44.2 – Juveniles**. Officers should be mindful that formal interviews should be conducted pursuant to **Chapter 42.10 – Interviews** while protecting the rights of the juvenile being interviewed. If the officer considers the juvenile a suspect, the officer must proceed in accordance with **Chapter 44.2 – Juveniles** and **Chapter 42.11 – Custodial Interrogations**.
24. Absent exigent circumstances, if an interview with a student by an officer is to be conducted at a school, the officer must notify school officials and caretaker prior to the interview.
25. The interviewing officer will notify the school official that the officer needs to interview a student pursuant to an official police investigation, identify the student, and request the school official to produce the student for the interview.
26. The investigating officer shall request that school officials notify the parent/guardian of a student to be interviewed by a police officer if the student is a juvenile. The officer shall not interview a juvenile student prior to contacting and receiving the consent of a parent or guardian. If the parent or guardian cannot be contacted, the officer may proceed with the interview if the school official grants permission (in loco parentis), unless the officer is aware of limitations on the school administrator's authority to act in such a capacity.
27. If the student is an adult, the school officials may notify the student's parents if the school policy requires it but this does not require the officer wait for parental permission prior to interviewing the adult student if the student consents to speak with the officer.
28. If the parent/guardian of the juvenile student has been contacted by school officials and objects to the interview, the investigating officer will not begin the interview if it has not started, or, if the interview has started with the school official's permission, the officer will discontinue any interview with the juvenile student and the officer will attempt to speak directly with the parent/guardian to request permission prior to beginning or continuing any interview. An adult-age student may choose to speak with the investigating officer or not.
29. School officials and caretakers may be notified after initial contact has been made with a student if the exigency, emergency, time or circumstances do not allow for prior notification. Such circumstances may include, but are not limited to, situations involving an imminent threat of serious bodily injury, death, or violence.
30. If a school official asks to sit in on an interview with the student, this will be denied if the incident involves the school administration and/or a faculty/staff member, puts the student at risk, or could otherwise hinder the investigation.
31. In case of a conflict over the request, the officer will notify his/her supervisor. The supervisor will attempt to resolve the conflict through appropriate contact with a school administrator.

**SUPERVISORY RESPONSIBILITIES**

32. Supervisors shall:
  - (a) Ensure all necessary information relating to this Chapter is contained in reports.
  - (b) Ensure that officers are using body worn cameras during school incidents.
  - (c) Respond to the scene on school property when requested by SROs or

- investigating officers.
- (d) If supervising an SRO, randomly review Daily Activity Logs to assess SRO interaction with students.

### **SCHOOL RESOURCE OFFICER ADMINISTRATION AND ORGANIZATION**

33. The School Resource Officer Program is administered by the police District in which the school is located.
34. Officers regularly performing duties as SROs shall be assigned to the District in which the school is located and are under the direction of the District Commander or his/her designee.
35. Each District shall designate at least one officer as an SRO.

### **SELECTION AND TRAINING OF SRO**

36. NOPD shall select officers to serve as SROs based on the following criteria:
- (a) The SRO should have particular experience or expertise relevant to positive interactions with youth; enjoy working with children; have a demeanor appropriate for interacting with children (e.g., is calm, even-tempered); and is able to work with both children and caretakers cooperatively and respectfully.
  - (b) A SRO shall be a sworn POST certified police officer. SRO personnel shall be a Police Officer with permanent status and at least two years of experience after completion of the Field Training Program.
  - (c) The SRO should be capable of conducting in-depth criminal investigations, and be proficient in written and oral communication skills.
  - (d) The SRO should possess the ability to function effectively in public forums, possess positive interpersonal skills, and demonstrate a high degree of moral conduct in order to portray a positive role model for students and parents.
37. Each SRO shall successfully complete the appropriate training curriculum designed by the NOPD Education and Training Division for the School Resource Officer Program prior to assignment as an SRO. An emphasis in SRO training shall be placed on relationship-based policing, conflict resolution, and laws affecting children. SRO training shall include childhood development, interacting and communicating with children, bias-free policing and cultural competency, mentorship and counseling, best practices for school-based officers, and how to apply juvenile statutes and laws in schools.
38. SROs shall be certified, and maintain certification in, crisis intervention techniques and shall be a member of NOPD's Crisis Intervention Team.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.22

### TITLE: ARREST OF A CITY OF NEW ORLEANS EMPLOYEE

**EFFECTIVE: 05/14/2017**

**REVISED:**

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#### PURPOSE

This Chapter outlines the process and procedure to be followed by members in addition to the guidelines of **Chapter 1.9 – Arrests** when arresting an employee of the City of New Orleans, other than a member of NOPD, who is found to be in violation of a city ordinance, or state law, and is taken into custody or issued a summons to appear in court.

#### ARRESTING OFFICER'S RESPONSIBILITIES

1. When an arresting officer becomes aware that an arrested subject is a City of New Orleans employee, the arresting officer shall follow the guidelines of **Chapter 1.9 – Arrests** as well as the specific guidelines outlined in this Chapter.
2. The arresting officer shall immediately notify his/her supervisor and apprise them of the arrest and circumstances.
3. The arresting officer shall prepare an incident report (EPR).

#### SUPERVISOR'S RESPONSIBILITIES

4. Once notified of an arrest covered by this Chapter, the supervisor shall proceed to the scene and confirm the circumstances of the arrest, the existence of probable cause, and the status of the arrested subject's employment with the City of New Orleans.
5. The supervisor will obtain the cell phone number of the Department head for the arrested subject.
6. The supervisor will notify the Department head where the arrested subject is employed as soon as possible after the arrest and inform them of the circumstances of his/her employee's arrest. The notification, including the name of the person notified and the date and time of notification, will be included in the EPR.
7. The notified individual shall be supplied with:
  - (a) The arrested person's name,
  - (b) The date, time and location of arrest,
  - (c) The item number of the incident and the particulars surrounding the incident, and

- (d) The charges filed against the city employee.
8. The supervisor shall review any recordings surrounding the incident and sign all required reports (EPR) and paperwork prior to the end of the arresting officer's shift.
  9. A copy of the EPR and a brief Interoffice Correspondence (105) with a synopsis of the incident review will be forwarded to the arrested person's Director or Department head, the Inspector General's Office, the Public Affairs Office and the Commander of PIB prior to the end of the supervisor's shift.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

10. The Commander of the Public Integrity Bureau shall be responsible for reviewing the report (EPR), all attached paperwork, the supervisor's incident review 105 and all recordings surrounding the incident and reporting his/her findings to the Deputy Chief of PIB.
11. The Deputy Chief of PIB shall report the findings of the review to the Superintendent of Police and notify the Inspector General's Office of the incident and report the findings of the review within 72-hours of the incident.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.24

### TITLE: IN-CUSTODY DEATHS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 311**

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#### PURPOSE

The following Chapter shall establish guidelines to be followed in the event a suspect dies while in police custody.

#### MEMBER'S RESPONSINILITIES

1. If an member believes a suspect in his/her custody is seriously injured, dying or has died, he/she shall immediately:
  - (a) Notify the Communications Services,
  - (b) Request an E.M.S. unit be dispatched to the scene,
  - (c) Render first aid within the training and skill of the member,
  - (d) Notify his/her immediate supervisor, and
  - (e) Preserve the scene.

#### SUPERVISOR'S RESPONSIBILITIES

2. Once a supervisor becomes aware that a suspect in custody is seriously injured, dying or has died, he/she shall immediately;
  - (a) Proceed to the scene,
  - (b) Notify the Communications Services,
  - (c) Request an E.M.S. unit be dispatched to the scene if not already dispatched or enroute,
  - (d) Render first aid within the training and skill of the supervisor,
  - (e) Identify and isolate any witnesses, including officers, and
  - (f) Preserve the scene until PIB - FIT arrives and assumes the investigation.

#### COMMUNICATION SERVICES RESPONSIBILITIES

3. Communication Services shall make notifications as specified in **Chapter 1.3.6 – Reporting Use of Force** and **Chapter 1.3.2 – Force Investigation Team**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.25

### TITLE: CONCEALED HANDGUN PERMIT

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces 218**

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#### PURPOSE

This Chapter identifies the Department's responsibilities involving concealed handgun permits.

#### STATE ISSUED CONCEALED HANDGUN PERMIT

1. 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.
2. Commissioned law enforcement officers are exempt from the requirements involving a concealed handgun permit (La R.S. 40:1379.3(Q)).

#### APPLICATION PROCESS

3. The 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.
4. Notifications from DPSC regarding concealed handgun permits shall be forwarded to the Records and Identification Section of the Management Services Bureau. The Records and Identification Section 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)).

#### PERMIT ISSUED IN ANOTHER STATE

5. 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.

**TEMPORARY DISARMING, SEIZING OR REVOKING PERMITS AND HANDGUNS**

6. The permit holder of a concealed carry permit, valid in this state, is required to notify an officer who approaches him/her in an official manner (i.e., Terry Stop, traffic stop, etc.) that he/she has a weapon on his/her person, submit to a pat-down, and allow the officer to temporarily disarm him/her.
7. An officer may seize the handgun of any person physically arrested or issued a summons for negligently carrying a concealed handgun or behaving in a criminally negligent manner. 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**) pending the adjudication of the charges.
8. 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)).
9. When an officer is made aware that an individual is carrying a concealed handgun and the officer has reasonable suspicion to believe that the individual is under the influence of either alcohol or a controlled dangerous substance, the officer may take temporary possession of the handgun and request submission of the individual to a department certified chemical test for determination of the chemical status of the individual. (**La R.S. 40:1379.3(I) (2)**).
10. The Superintendent of Police may revoke any concealed handgun permit. (La R.S. 40:1379.1(I)).

**CARRYING CONCEALED FIREARMS RESTRICTIONS**

11. 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).
12. 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) Those areas identified under La R.S. 40:1379.3 and La R.S. 40:1379.3(N):
    - i. A law enforcement office, station, or building.
    - ii. A detention facility, prison, or jail.
    - iii. A courthouse or courtroom provided that a judge may carry such a weapon in his own courtroom.
    - iv. A polling place.
    - v. A meeting place of the governing authority of a political subdivision.

- vi. The state capitol building.
- vii. 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.
- viii. 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.
- ix. A parade or demonstration for which a permit is issued by a governmental entity.
- x. 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.
- xi. 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 exempted from this restriction (Concealed Handgun Permit Unit web booklet on Louisiana Concealed Handgun Permit Laws and Administrative Rules., page 35).

## RECORDS

- 13. 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)).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 2.1

### TITLE: EMERGENCY / SPECIAL EVENT MUTUAL AID & OUTSIDE AGENCY ASSISTANCE

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy/Procedure 352**

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#### PURPOSE

The purpose of this policy is to provide guidance to members 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).

#### POLICY STATEMENT

1. It is the policy of this department to provide assistance to requesting agencies whenever reasonably possible.
2. 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.
3. Members providing assistance under this Chapter are required to comply with all applicable NOPD policies, rules and regulation when working with other agencies. Where the policies of the agency NOPD is assisting conflict with NOPD policy, **NOPD policies prevail**. If such a conflict creates operational problems, the conflict should be directed to the Superintendent or his designee
4. While providing short term mutual aid that is not pursuant to an existing agreement between the agencies, members of the NOPD shall work under the direct supervision of NOPD supervisors but not under the direct supervision of the requesting agency. If requested, NOPD members shall have the same law enforcement authority as the personnel of the requesting agency (See: R.S. 33:2337).
5. 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 and clearly stated that NOPD members are required to abide by NOPD regulations at all times.

**DEFINITIONS:**

Definitions relevant to this Chapter include:

**Emergency**—Means an actual or potential condition that poses an immediate threat to life or property and exceeds the capability of the requesting agency to counteract successfully.

**Law Enforcement Agency**—Any sheriff, constable, or police force as defined by law and the Department of Public Safety and Corrections. (See: RS 46:1842).

**Mutual aid**—In emergency services, **mutual aid** is an agreement among emergency responders to lend assistance across jurisdictional boundaries. This may occur due to an emergency response that exceeds local resources, such as a disaster or a multiple-alarm fire.

**Peace officer, police officer or law enforcement officer**—A commissioned member of a law enforcement agency with the legal authority within his/her jurisdiction, to enforce the laws of the State of Louisiana, his/her municipality, or parish (See La. R.S. 40:2402).

**Special event**—Means an actual or potential situation that poses or may pose a threat to life or property because of the number of people involved and exceeds the capability of the requesting agency to counteract successfully.

**ASSISTING OUTSIDE AGENCIES**

6. Requests for any type of assistance from other agencies are generally received via radio transmission or from Communication Services and are routed to the Platoon Commander or an on-duty supervisor of the District for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law, an established mutual aid plan or specific Departmental regulations (i.e. **Chapter 41.5 - Vehicle Pursuit**).
7. When a peace officer of an outside agency requests the assistance of this department in taking a person into custody, available District 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 in advance of taking action if possible. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency.
8. When such assistance is rendered, the responding NOPD member will request an item number and complete an incident report (EPR) to report all action taken by NOPD members.
9. The member's supervisor, if working, or a District supervisor shall make the scene where NOPD members have rendered assistance to an outside agency involving an arrest. All Departmental use of force reporting guidelines apply.

**REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

10. If assistance for NOPD members is needed from another agency, the member requesting assistance shall first notify his supervisor of his/her intentions. The NOPD officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.



11. All requests for assistance by NOPD from an outside agency will be made through Communications Services. Except in exigent circumstances, the request shall be noted and approved by a district supervisor, preferably the Platoon Commander of the District of occurrence.
12. The requesting officer should request a common radio frequency for use by all involved agencies so that communication can be coordinated as needed.

### **EMERGENCY INCIDENT MANAGEMENT MUTUAL AID**

13. State, regional or parish/county agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes, major accidents and hazardous or chemical spills.
14. The Incident Commander is charged with making an immediate appraisal of the situation and its potential.
15. The first responding officers should keep in mind the main **Public Safety Goals** in an incident response:
  - (a) Save lives and protect first responders,
  - (b) Stabilize the incident, and
  - (c) Protect property and the environment.
16. The first responding officers should:
  - (a) Establish scene management utilizing the structure of NIMS and Incident Command, (See **Appendix A – First Responder and Incident Commander Initial Tasks**).
  - (b) Detect/determine the presence of dangerous conditions or hazardous materials,
  - (c) Begin identification of dangerous conditions or hazardous materials (may use the Emergency Response Guidebook [ERG 2012](#) by the U.S. Department of Transportation),
  - (d) Isolate the incident and identify zones of activity,
  - (e) Contain the incident without risking unnecessary exposure,
  - (f) Perform rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan and Police Department Emergency Operations Plan,
  - (g) Begin evacuation or direct in-place sheltering if needed,
  - (h) Consider personal protection/decontamination,
  - (i) 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.)



### **REQUESTING ASSISTANCE (NATIONAL GUARD OR FEDERAL)**

17. 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.

18. 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/city 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.**
19. The Louisiana Emergency Assistance and Disaster Act of 1993 S 728 authorizes the establishment of individual Parish homeland security and emergency preparedness agencies. The New Orleans Office of Homeland Security & Emergency Preparedness (NOHSEP) is authorized to assist local officials in preparing local emergency action plans and coordinating federal, state and local disaster or emergency operations.
20. Any request for assistance shall be made by the New Orleans Police Department to the State of Louisiana ONLY by the Superintendent of Police or his/her designee via the New Orleans Office of Homeland Security & Emergency Preparedness (NOHSEP).

**Appendix A - First Responder and Incident Commander Initial Tasks**

### First Responder and Incident Commander Initial Tasks

	<p><u>Public Safety Goals</u></p> <ol style="list-style-type: none"> <li>1. Save Lives and Protect First Responders</li> <li>2. Stabilize the Incident</li> <li>3. Protect Property and the Environment</li> </ol>	
<b>Check List of Things To Do:</b>		
Park Command Vehicle upwind/up hill. Don't get too close to scene.		
Setup the command post away from direct involvement with casualties.		
Provide detailed report on type of incident. (see back for checklist)		
Request Additional Resources:		
Secure the area and control access.		
Establish <b>Initial Objectives</b> : Measurable and contribute towards immediate <b>Public Safety Goals</b> listed above.		
<b>THINK ICS</b> : Establish Command Post, support sections, divisions/groups, task forces or strike teams, and Safety Officer.		
Have all immediate response personnel donned SCBA and turnout gear if required?		
Develop strategies and tactics with IC Staff to help accomplish <b>initial objectives</b> .		
<ul style="list-style-type: none"> <li>- Are you faced with Mass Casualty event where victim rescue is time sensitive?</li> <li>- Are you planning a "grab and drag" technique for HAZMAT environment – use buddy system and establish stay times for first responders.</li> </ul>		
Establish pre-decontamination areas to manage victims.		
Establish gross and technical decontamination corridors.		
Consider requesting activation of Emergency Operating Center (EOC).		
Consider Populations at Risk.		
Consider Public Notifications and how this will be done.		
Notify Hospitals: potential for self evacuators and possible chemical or agent victims have been exposed to at scene.		
Consider need for remote staging areas.		
Prepare for and provide direction for employment of outside response agencies (local, regional, state, and federal).		

Use Established Call-Down Lists	
Additional Alarms	SCBA Refill Support
EMS Support	HazMat Teams
Bomb Squad	DECON Teams/Support
Communication Support	Monitoring Support



### Detailed Report Information



Number of Casualties	
Signs and Symptoms of Victims (HazMat or WMD)	
Possible # of Critically Injured	
# of Response Personnel needed for immediate lifesaving efforts	
WX Conditions (Wind Direction, Speed, etc)	
Utility Concerns (Gas, Electric, or Water)	
Hazardous Materials:	
ID #?	
Other ID Information?	
Type and Quantity of Material Involved?	
HazMat spreading to Waterways, Drains?	
Characteristics of Material (Color, Smell), <i>only if readily detectable</i>	
Direction, height, color, odor of any plume/cloud.	
Other Hazardous Materials Nearby?	
Local Terrain Conditions (elevations, urban build-up)?	



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 2.2

### TITLE: REPORTING LAW ENFORCEMENT ACTIVITY BY OFFICERS OUTSIDE OF THE JURISDICTION

EFFECTIVE: 12/3/2017

REVISED: 11/15/19

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#### PURPOSE

This Chapter provides specific guidelines for reporting law enforcement activity requested or taken by NOPD officers, while on- or off-duty, that occurs outside the jurisdiction of the New Orleans Police Department.

#### LAW ENFORCEMENT ASSISTANCE TO AGENCIES OUTSIDE THE CITY

1. When a New Orleans Police Officer is on-duty and is requested by an outside law enforcement agency to participate in law enforcement activity in another jurisdiction, the request:
  - (a) Will be made by a law enforcement supervisor of the requesting agency,
  - (b) The request will be made through Communications Services to the requested officer's supervisor or commander of the Division or District.
  - (c) The requested officer(s) and or supervisor or commander shall immediately respond to the request as outlined in **Chapter 2.1 - Mutual Aid, Federal, National Guard and Outside Agency Assistance.**
2. Any on-duty New Orleans Police officer who engages in law enforcement activities, of any type, outside the jurisdiction of the New Orleans Police Department that are not part of a mutual aid request shall notify Communications Services as soon as practicable.
3. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify Communications Services as soon as reasonably practicable.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 10.0

### TITLE: COMMUNITY POLICING AND ENGAGEMENT

**EFFECTIVE: 11/11/18**

**Revised: 10/10/21**

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#### PURPOSE

The purpose of this Chapter is to outline the community policing and engagement program of the New Orleans Police Department.

#### POLICY STATEMENT

1. The New Orleans Police Department (NOPD) shall promote and strengthen community partnerships, work constructively with the community, ensure collaborative problem solving, ensure ethical and bias-free policing, and work to increase community confidence in the Department.
2. The New Orleans Police Department will effectively engage the community in collaborative problem solving. NOPD will partner with residents and stakeholders to identify and solve problems that contribute to crime, fear of crime, and quality of life problems in communities. The Department is committed to proactively solving problems as well as reacting to their harmful consequences.
3. The mission of the New Orleans Police Department is to provide professional police services to the public to prevent crime, maintain order and protect life and property. NOPD is committed to the philosophy and practice of community problem-oriented policing to inform organizational decisions, shape policies, identify training needs, and prioritize crime fighting by engaging each neighborhood and community organization in collaborative problem-solving partnerships. Community problem-oriented policing, and community policing and engagement are critical methods toward achieving NOPD's mission.
4. The New Orleans Police Department will collaborate with community stakeholders and partners on policing and engagement efforts. The Department encourages its members to develop problem solving partnerships with community residents.
5. NOPD recognizes that it serves many diverse communities. Communities arise not only from shared geography but also social ties, common perspectives, and shared circumstances (for example, the LGBTQ+ or LEP community). NOPD shall seek to engage all communities in its community policing and engagement efforts.

6. NOPD's recruitment efforts shall focus on hiring officers who can build relationships and work collaboratively with all communities.
7. This Chapter operates in tandem with many programs and policies focused on properly serving and collaborating with a variety of communities, including but not limited to **Chapter 41.13 – Bias-Free Policing, Chapter 41.13.1 – Interactions with LGBTQ Persons**, and **Chapter 55.4 – Limited-English Proficiency Services**.
8. The Department sets forth its community policing vision in its **Community Policing and Engagement Manual**. The Department shall review the Manual annually and update the manual as necessary.

## DEFINITIONS

**Community Engagement**—Activities that foster positive interactions between citizens and officers, employ community policing ideals, create opportunities for constructive exchanges, and foster substantive collaboration with the community, while enhancing trust and legitimacy.

**Community Liaison Officer (CLO)**—A member of the NOPD who is responsible for facilitating communication between the community and their assigned police district. A CLO's primary function is to focus on problem orientated policing and resolution in the communities they serve, specifically to address community quality of life issues and build trusting relationships between the NOPD, District, officers and the residents and stakeholders in each police district.

**Community Policing**—A philosophy and operational strategy that promotes organizational practices that support the systematic use of partnerships and problem-solving techniques to work with the community to address the immediate conditions that give rise to public-safety issues such as crime, social disorder, and fear of crime.

**Community Policing Forms (CPF)**—The document used by the NOPD to record and track Community Policing and Engagement activities, such as events, meetings, quality of life concerns, problem-solving initiatives and actions, and updates to District Community Policing Plans. Forms are completed by the officers engaged or responsible for the resolution of the issues.

**Community Policing Plan**—A district-specific blueprint of collaborative partnerships with the community. The Community Policing Plan will address the unique needs of the communities serviced in each District. Each district's Captain is responsible for plan development.

**Community Policing Signals**—Community policing signals allow the Department to document specific tasks for proactive and community policing. The signals are Area Check, Business Check, Directed Patrol, Residence Check, Quality of Life, and Walking Beats. When dispatched on community policing signals, officers will employ procedural justice techniques.

**Area Check**—Officers will utilize the area check signal when patrolling an area within the District that has been pre-determined as an important area either by the community or the Department.

**Business Check**—Officers will utilize the business check signal to engage occupants at a business within the District.

**Directed Patrol**—Officers will utilize the directed patrol signal to execute a focused collaborative problem-solving, departmental problem-solving, or community policing and engagement in the targeted area.

**Residence Check**—Officers will utilize the residence check signal when the officers physically exit the patrol car and engage occupants at a specific residence absent a call-for-service.

**Quality of Life**—Officers will utilize the quality-of-life signal when responding to any type of quality-of-life problem.

**Walking Beat**—Officers will utilize the walking beat signal while executing a defined and assigned walking beat.

**New Orleans Neighborhood Police Anti-Crime Council (NONPACC)**—NONPACC is a partnership amongst the community, district captains, and officers to create conversations, identify problems, and devise solutions. Members of the public voice their concerns directly to the District Captain during face-to-face meetings.

**Police Community Advisory Board (PCAB)**—A board consisting of five to seven citizen volunteers from their respective police districts. PCAB members serve a two-year term and meet quarterly to address community issues. The City's Office of Neighborhood Engagement coordinates the application and selection process for PCAB volunteers. The Superintendent has final approval on the selection of members to serve on PCABs.

**Problem**—A situation that concerns, causes, or carries the potential to cause harm to citizens, not just the police. A problem generally involves a situation of substantial community concern, or repeated incidents occurring in a community with related characteristics (time, place, behavior, victim(s), offender(s)) that concern the community.

**Problem-Oriented Policing**—A proactive problem-solving approach that uses the SARA model to focus on proactive solutions, specific crime problems and achieving crime and fear reduction results. The problems should be those that the community recognizes as important.

**Procedural Justice**—Procedural justice refers to the idea of fairness in the processes that resolve disputes and allocate resources and specifically how the characteristics of police-community interactions shape the public's trust of the police. Procedural justice speaks to four principles, often referred to as the four pillars:

- (a) Fairness in the processes
- (b) Transparency in actions
- (c) Opportunities for voice
- (d) Impartiality in decision making

**Scanning, Analysis, Response, Assessment (SARA) Model**—An approach wherein the community and the department work together to scan for problems, analyze information, respond through implemented strategies, and assess the effectiveness of implemented strategies.

## **COMMUNITY POLICING AND ENGAGEMENT PROGRAM**

9. NOPD shall solicit community input regarding public safety and quality of life priorities to tailor policies and operations to addressing those priorities. NOPD shall continually seek methods of collaborating with the public to improve operations and ensure Constitutional, community-oriented policing.



10. Officers shall participate, when applicable, in the community policing and engagement programs and initiatives outlined in this Chapter. Community policing is the responsibility of the entire Department and not just officers specifically assigned to roles that frequently interact with the public. The NOPD community policing and engagement program includes but is not limited to the activities listed in **Appendix A – Community Policing and Engagement Programs**.
11. Members of the New Orleans Police Department should initiate partnerships and programs with the community while utilizing problem-oriented policing, procedural justice, and collaborative approaches.
12. Members are encouraged to engage with communities who may be distrustful of NOPD to build relationships and enhance community problem solving.

### **COMMUNITY POLICING PLANS**

13. Each District shall create a new Community Policing Plan biennially by doing the following:
  - (a) Each District shall gather feedback from the community through surveys and meetings to identify community priorities and quality of life issues.
  - (b) Each District shall then create a plan for addressing the priorities and establish methods of documenting the response to the priorities through community policing signals and/or other methods; and
  - (c) The District shall include the identified priorities, planned response, and documentation methods in the updated Community Policing Plan and input this information into MAX with the assistance of the Analytics Unit.
14. Implementation of Community Policing Plans shall focus on prevention and not solely on enforcement whenever possible. Districts shall utilize available resources and coordinate with City agencies to address current problems and attempt to prevent future problems from arising.
15. In implementing the Community Policing Plans, Districts may deploy officers and detectives in specific geographical areas where a problem is occurring. The assigned officers will work with Community Liaison Officers (CLO), residents, and stakeholders, where possible, to seek solutions and create a safe environment.
16. District Captains and CLOs shall continually evaluate the effectiveness of their Community Policing Plans and assess whether the identified priorities are still relevant based on crime and quality of life trends provided by the Analytics Unit and MAX system and input from community partners and stakeholders relevant to the identified priority.

### **PROACTIVE PROBLEM-SOLVING**

17. In addition to implementing the Community Policing Plan, each District Captain, working with officers and community partners, will be responsible for identifying problems in the district and working proactively to solve them.
18. Problem-solving projects will be prioritized by the Captain and assigned to CLOs and officers within the District.

19. Problem-solving projects will be implemented by CLOs by doing the following:
  - (a) CLOs will partner with City agencies to address nuisance and quality of life issues such as neighborhood blighted property, trash removal, illegal dumping, etc. Calls of that nature will also be entered into the City's 311 system, for proper follow-up by the responsible agencies;
  - (b) CLOs will work with the community to identify and solve problems that contribute to crime and disorder, as well as those issues that adversely affect quality of life;
  - (c) CLOs will work with their respective district's personnel to identify and solve problems that contribute to crime and disorder, as well as those issues that adversely affect quality of life; and
  - (d) CLOs will monitor the progress on their districts' Community Policing Plan and are responsible for updating and creating new plans when required.
  
20. Officers should proactively look for problems in the communities they serve. When an officer becomes aware of a problem, he/she should notify his/her supervisor of the problem, who will consider whether to elevate the problem to the District command staff and Community Liaison Officer. The District command staff may decide to allocate time for problem-solving apart from responding to calls for service and/or handling regularly assigned duties.
  
21. Problem-solving shall include identifying community members who are critical of the NOPD, listening to and working to understand their concerns, and working collaboratively to resolve issues identified.

## REPORTING

22. When an officer makes contact with a stakeholder in the assigned area, or conducts any community policing activity, he/she shall utilize the relevant community policing signal and/or the Community Policing Form as appropriate to document the stakeholder contact. Members shall document interactions weekly. Members shall **not** use the Community Policing Form to document everyday interactions with the public (see: **Chapter 41.12 – Field Interview Card**).
  
23. Members shall document problem solving using the Community Policing Form in accordance with this Chapter and the guidance provided in the Community Policing Manual. Members shall document the "Scanning," Analysis, and "Response" elements of the SARA model when completing a Community Policing Form. For additional guidance on using the Community Policing Form to document problem solving and other community policing activities, refer to the Community Policing Manual in the Resource folder on NOPD.org.
  
24. Members shall document all participation in community meetings and events using the Community Policing Form within 7 days. If multiple members attend a meeting or event, the designated member shall document participation.

25. Supervisors shall assess form entries within 30 days of submission to determine whether trending-unsolved problems require a supervisory form entry that will document a community policing strategy as a response to trending-unsolved problems.
26. Supervisors are also responsible for approving CPF entries within 30 days or flagging the form for further action.
27. District Captains are responsible for ensuring that data concerning the following is documented in the MAX system on a District basis:
  - (a) Implementation of Community Policing Plans.
  - (b) Community policing activities documented through community policing signals;  
and
  - (c) Collaborative problem-solving efforts.
28. The PSAB Innovation Manager, Community Engagement Section Manager, or the Audit and Review Unit shall conduct quarterly reviews of the community policing and engagement activities using the NOPD's Community Engagement Review Procedures.

## **ASSESSMENTS**

29. Surveys may be utilized as an outcome measure to determine the effectiveness of Community Policing Plans and other programs. NOPD may also utilize surveys to assess procedural justice within police-community contacts.
30. Community policing and engagement activities shall be incorporated into each District Captain's annual performance evaluations.
31. Community policing and engagement activities shall be incorporated into each officers' annual performance evaluations as appropriate to his/her assignment.
32. Supervisors shall review recordings regularly in accordance with **Chapter 41.3.10 - Body Worn Camera** and to evaluate whether officers are working actively to engage the community and increase public trust and safety. Supervisors shall evaluate how officers perform in accordance with the principles of procedural justice. Supervisors shall incorporate the knowledge gained from the reviews into the ongoing evaluation and supervision of officers.
33. The Audit and Review Unit shall conduct compliance assessments in accordance with the Department's **Community Engagement Review Procedure**.

## **TRAINING**

34. Every commissioned member of the New Orleans Police Department will receive at least eight hours of training annually on community policing, community engagement, relationship building, procedural justice, and problem-solving techniques involving the SARA model.

**APPENDIX A - COMMUNITY POLICING AND ENGAGEMENT PROGRAMS**

NOPD's community policing and engagement programs include but are not limited to:

1. **Community Policing Plan**—A district-specific blueprint of collaborative partnerships with the community. The Community Policing Plan will address the unique needs of the communities serviced in each District.
2. **Community Policing and Engagement Manual**—A long term, aspirational document that will enhance the NOPD's community engagement and community problem-oriented policing activities. The Manual will guide officers on how to reach out to the community and productively engage citizens to create opportunities for substantive community problem solving.
3. **Community Meetings**—The Department seeks opportunities to positively interact with the community in circumstances that are not related to an investigation or enforcement. Community meetings and events provide non-enforcement opportunities to proactively engage and build trusting relationships with the community.
4. **Community Engagement Section Manager**—An internal position, presently within PSAB, that serves as a resource for community engagement and policing coordination, literature, training, and tools, with the goal of making Department community engagement and policing efforts a success. The Community Engagement Section Manager is also responsible for initiating and maintaining partnerships with other departments within City government, outside agencies and community groups.
5. **Community Liaison Officers** —The New Orleans Police Department Community Liaison Officer (CLO) is a community engagement officer, specifically assigned to address community quality of life issues, identify and respond to problems, and build trusting relationships with the residents and stakeholders in each district.

**NOTE:** A full list of duties and responsibilities of the Community Liaison Officers can be found in the Community Policing Manual on {[nola.gov/policies](http://nola.gov/policies) or [NOPDWebApps](#)}

6. **Beat Profile**—Beat specific information gathered by officers, in collaboration with the community, to serve as a guide to officers and community members engaged in problem solving. Among the information included in the profile is information on organizations and services available within the beat, including entity contact information. The guide should be updated at least annually and be readily available to all who may engage in problem solving.
7. **Body Worn Camera Program**—Promotes transparency and trust building between NOPD and the community by accomplishing the following objectives:
  - (a) To enhance transparency and public trust by preserving factual representations of officer-citizen interactions in the form of audio/video recordings;
  - (b) To promote officer safety;
  - (c) To document statements and events during an incident;
  - (d) 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;

- (e) To preserve audio/video information for use in current and future investigations; and
  - (f) To provide an impartial measurement for self-critique and field evaluation during officer training.
8. **Citizen's Police Academy**—An eight-week program, which is an interactive learning experience for New Orleans residents. Participants receive a closer look at the NOPD and the New Orleans criminal justice system in an informal setting. During their time in the program, participants receive a comprehensive overview of the Department's work, including patrol duties and specialized training programs.
9. **Community-Police Mediation Program (CPMP)**—The CPMP, administered and led by the Independent Police Monitor, aims to build understanding, and improve relationships between NOPD and the community. The program provides opportunities for officers and community members to have a face-to-face conversation, facilitated by neutral community mediators, to share their perspectives, be heard and understood, and come to mutually-agreeable solutions. The program is an alternative to the traditional complaint investigation process and is available for eligible complaints. Eligibility criteria are described in detail in **Chapter 24.2 - Community-Police Mediation**.
10. **Police-Community Advisory Board (PCAB)**—The PCAB serves an advisory role and is an authorized space for establishing community buy-in, consensus and priorities on public safety issues/concerns for recommendation to NOPD. Each District's PCAB consists of a minimum of five volunteer community members and holds a public meeting at least four times per year.
- NOPD works collaboratively with PCABs to develop and implement public safety strategies that reflect each community's public safety priorities and concerns about police tactics. To the extent specified below, NOPD agrees to seek PCAB's assistance, counsel, and input to build community consensus on potential recommendations in areas including the following:
- (a) Community policing strategies;
  - (b) Accountability for professional/ethical behavior by individual police officers;
  - (c) Special task forces that meet high priority community need;
  - (d) Central policy changes, where applicable, that improve quality of life;
  - (e) Resource allocations to meet high priority, difficult issues;
  - (f) Strategies for a qualified and diverse workforce;
  - (g) Providing information to the community and conveying feedback from the community to NOPD; and
  - (h) Ways to provide data and information.
11. **New Orleans Neighborhood-Police Anti-Crime Council (NONPACC)**—These meetings provide community members with an opportunity to voice their concerns directly to the District Captain. These meetings occur monthly and are attended by the District Captain and other district personnel. Progress on implementation of the Community Policing Plans will be discussed at monthly NONPACC meetings.
12. **Neighborhood Watch**—A program that enlists the active participation of residents, in cooperation with law enforcement, to reduce crime in communities throughout the city.
13. **School Resource Officer (SRO) Program**—SROs are assigned to provide police services to area public high schools and to serve as resources to teachers and staff. The SRO helps school officials cope with school violence and assists in creating a safe and conducive learning environment in public schools. SROs are responsible for conducting youth police

dialogues. Specific SRO responsibilities are set out in **Chapter 1.20 – School Incidents, School Resource Officers**.

14. **Victim-Witness Program**—Provides many resources and services, including referrals to outside social services agencies and contacts community members involved in serious crimes, providing information about the various services available to the community. The Victim/Witness Assistance Program, handled thru the Victim Witness Unit, provides the following assistance to citizens:
  - (a) Safety planning;
  - (b) Victim advocacy;
  - (c) Crisis intervention;
  - (d) Crime victim reparations;
  - (e) Counseling referrals;
  - (f) Community resource;
  - (g) Referrals;
  - (h) Case update information; and
  - (i) Information on the criminal justice process.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 10.1

### TITLE: PUBLIC SAFETY RIDES

**EFFECTIVE:** 7/10/2022

**REVISED:**

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#### PURPOSE

The New Orleans Police Department is committed to protecting and serving the community. The Department and its members recognize that there are times when it is in the best interests of the individual, the community and the Department that officers provide voluntary transportation to a person or persons for public safety reasons when alternatives (such as a ride share or calling a friend or family member) are not reasonably available.

#### POLICY STATEMENT

1. The investigating officer of the primary unit on the scene or the officer that is providing the Public Safety Ride shall document the ride in a Departmental FIC if not already documented as part of an FIC in an incident or investigation that was just concluded.
2. Public Safety rides are not a substitute for crisis intervention. Individuals in crisis should be handled according to **Chapter 41.25 – Crisis Intervention**.
3. In the event a situation presents an imminent risk of harm to an individual or their safety, presenting an immediate need to flee the scene (e.g. open gunfire, presence of hazardous materials), officers may disregard the procedures outlined herein to affect the immediate removal of the individuals from harm. Notification of actions to supervisors and required documentation shall still take place as soon as the immediate need for action has been accommodated.
4. If an individual is believed to be armed, or is armed, officers should use their judgement when determining if offering a public safety ride is appropriate.

#### DEFINITIONS

**Public Safety Ride** – the voluntary transport of a person or persons from one location to another as a public service, for example, when giving a stranded tourist a ride or when

transporting someone who has been involved in an investigative stop or Call For Service which has already been concluded for their safety. Public Safety rides are not part of a detention and may be refused for any reason.

**Field Interview Cards (FICs)**—The method the NOPD utilizes to document stops and other discretionary interactions between a member of the NOPD and individual members of the community.

## **PUBLIC SAFETY RIDES**

5. Public Safety rides should be offered only where appropriate to protect the safety of an individual and only where the individual does not have reasonable access to transport (such as a family member, friend, or for-hire private transportation).
6. Prior to offering a person or persons a public safety ride, the officer shall communicate the circumstances surrounding the offer to his/her supervisor and shall seek approval from his/her supervisor. The supervisor shall document his/her approval on the primary dispatch channel for the District in which the officer requesting is working.
7. Because public safety rides are not a form of detention or arrest, officers are not authorized to search the individual(s) accepting an offer for a public safety ride except when conducting a consent search as provided by **Chapter 1.2.4 – Search and Seizure**.
8. Unless there is reasonable suspicion supporting a stop, and reasonable suspicion that an individual is armed and dangerous, officers shall not conduct a pat down of an individual prior to providing a public safety ride. Stops and pat downs shall only be conducted in accordance with **Chapter 1.2.4 – Search and Seizure**.
9. If the officer providing a public safety ride knows the individual is armed, they may request that the person consent to provide their weapon to the officer for safekeeping during the duration of the public safety ride. The person is free to refuse to provide a weapon, unless that weapon is legally carried pursuant to a permit for a concealed handgun in accordance with Louisiana Revised Statute 40:1379.3. However, the public safety ride and any request to provide a weapon or consent to search **shall not** be used as a pretext to a search without probable cause and/or a warrant. No other searches are permitted unless conducted in accordance with **Chapter 1.2.4 – Search and Seizure**.
10. If an individual is armed with a firearm, officers shall not offer a public safety ride unless that individual consents to provide their weapon to the officer for safekeeping during the duration of the ride.
11. The person being given/offered a public safety ride is NOT a suspect, NOT in custody and is free to go when and where they wish. An individual that declines the offer of a Public Safety Ride, declines to allow a consent search or provide a weapon is within their rights to do so and the refusal cannot be considered, in any way, suspicious or indicative of criminal behavior. The individual is free of any obligation to remain on



scene, interact with the officers and may leave or remain as they choose.

12. Individuals seeking assistance to voluntarily commit themselves shall be transported in accordance with **Chapter 41.25 – Crisis Intervention**.
13. If an individual refuses a ride, the officer shall confer with this or her supervisor concerning what measures, if any, the officer should take to reasonably safeguard the individual's safety.
14. If the officer performed any search, the officer shall document the search and the legal basis for the search in the FIC. (see: **Chapter 1.2.4 – Search and Seizure** and **Chapter 41.12 – Field Interview Card**.)
15. If any items are removed from the individual and secured in the police vehicle during the ride, the FIC shall document that fact and the return of all items to the person shall be documented in the FIC and on BWC.
16. Unless exigent circumstances exist, Public safety rides shall only be provided in marked NOPD units with ICC (rear seat recorded). The entire ride shall be recorded.
17. Officers conducting public safety rides shall note, on air, on the primary dispatch channel for the District in which the officer is working, that they are providing a public safety ride, the destination and odometer mileage at the beginning and immediately upon conclusion of the transport.
18. Any baggage, purses, or other containers in the custody of the persons being transported as a public safety ride shall be secured separately from the persons (i.e. placed in truck of unit or in front seat of unit) and shall not be searched. The person shall be permitted to keep personal effects such as their phone or wallet with them in the vehicle.
19. All public safety rides shall be documented on the officer's daily activity sheet with specific note of the BWC and ICC use, as well as in an FIC. This includes all offers that are refused.

#### **SUPERVISORS SHALL APPROVE ALL FIC DOCUMENTATION**

20. The approving supervisor will ensure the documentation for a Public Safety Ride has been completed when reviewing the officer's activity sheet. The Supervisor should review all BWC videos documenting Public Safety rides as part of her/his required monthly video reviews.
21. If the actions reviewed appear inconsistent with this Chapter, federal and state law, the supervisor, in consultation with the shift commander (if present), shall document and establish a strategy to remediate the situation. The supervisor shall document any corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**), by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**), or, as appropriate, shall recommend a review of agency policy, strategy, tactics, or training.

**REVIEW**

22. All FICs indicating Public Safety rides shall be subject to review / audit by PSAB for compliance with this Chapter on a monthly basis.
23. Any allegations of misconduct arising from a Public Safety ride will be addressed in accordance with NOPD Policy.
24. NOPD shall assess the data collected during public safety rides on a quarterly basis to ensure that they are not being deployed in a manner that discriminates on the basis of protected categories, such as race (see **Chapter 41.13 – Bias Free Policing**). If NOPD discovers that public safety rides are being offered in a disparate manner, NOPD shall assess whether additional training or policy changes are needed.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 11.0

### TITLE: ORGANIZATIONAL COMMAND RESPONSIBILITY

**EFFECTIVE: 01/14/2018**

**REVISED: 04/15/2019, 11/15/19**

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#### PURPOSE

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

#### COMMAND PROTOCOL

1. The Superintendent exercises command over all personnel in the Department. During planned absences the Superintendent will designate the Chief Deputy Superintendent or a Deputy Superintendent to serve as the acting Superintendent.
2. 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 Chief Deputy Superintendent
  - (b) Investigation and Support Bureau Deputy Superintendent
  - (c) Management Services Bureau Deputy Superintendent
  - (d) Public Integrity Bureau Deputy Superintendent
  - (e) Professional Standards & Accountability Bureau Deputy Superintendent

#### OFFICE OF THE SUPERINTENDENT

3. 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.
4. 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 Chief Deputy Superintendent and Deputy Superintendents to oversee the management of designated Bureaus within the department.
5. The Superintendent is responsible for administering and managing the New Orleans Police Department. There are five bureaus in the Police Department:
  - (a) Field Operations Bureau
  - (b) Investigation and Support Bureau
  - (c) Public Integrity Bureau

- (d) Management Services Bureau
- (e) Professional Standards & Accountability Bureau

6. The Superintendent's staff shall consist of the following:
- (a) Superintendent of Police
  - (b) Chief Deputy Superintendent
  - (c) Deputy Superintendents
  - (d) Any other member designated or assigned by the Superintendent of Police

### **HIERARCHY OF AUTHORITY**

7. The Chief Deputy Superintendent and Deputy Superintendents function at a lesser degree of authority than the Superintendent and have responsibility for all performance factors associated with Bureau-level operations.
8. All other supervisors carry the authority and responsibility for the effective operation of department functions and are subordinate to the Superintendent, Chief Deputy Superintendent, and Deputy Superintendents. The hierarchy of authority for other supervisors is:
- (a) Major
  - (b) Captain
  - (c) Lieutenant
  - (d) Sergeant
9. Certain circumstances (e.g., disaster operations and special events) may require the assignment of other persons, including those from outside the Department, to perform functions within the hierarchy of authority of the NOPD. Such assignment will be established by directive or other departmental order, which will include the identity of the person, his/her authority and the duration, event and scope of such authority.

### **UNITY OF COMMAND**

10. 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.
11. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT, Homicide, PIB-FIT, etc.), a supervisor on the scene of an incident may assume command and temporarily direct any subordinate member if an operational necessity exists.

### **ORDERS**

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

### **UNLAWFUL AND CONFLICTING ORDERS**

13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. The supervisor countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 11.0.1

### TITLE: DUTIES AND RESPONSIBILITIES OF DISTRICT COMMANDERS, SUPERVISORY MEMBERS AND OFFICERS

**EFFECTIVE: 11/26/2017**

**REVISED: 11/15/19**

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#### PURPOSE

The purpose of this Chapter is to set general duties and responsibilities for all commissioned members assigned to and responsible for the supervision of District patrol functions. Through this standard a uniform 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.

#### POLICY STATEMENT

1. Nothing contained in this Chapter shall limit the authority of the Superintendent of Police, the Deputy Chief of the Field Operations Bureau, or his/her designated representative to assign FOB units to handle a particular incident.

#### DEFINITIONS

Definitions related to this Chapter include:

**District Commander**—A commissioned police officer, holding the rank/class of Captain or above, charged with the duties and responsibilities of providing for uniformed police coverage, answering of calls for service and managing case investigations within a specific geographical area of the City of New Orleans.

**Acting District Commander**—A commissioned police officer, holding the rank/class of Lieutenant or above, who will perform the duties and accept the responsibilities of the District Commander in his/her absence.

**Supervisors**—Commissioned police officers, holding the rank/class of Sergeant or above, whose primary responsibility is the supervision of subordinate members assigned to their platoon or unit.

**District Patrol Officers**—Commissioned police officers, holding the rank/class 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/class of Sergeant and ending with the District Commander, within a member's immediate assignment.

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

Major crimes include:

- (a) All deaths (homicides, suicides and unclassified) except for "natural" causes.
- (b) Aggravated battery (with serious injury, possibly fatal and/or multiple victims)
- (c) Level 4 uses of force investigated by PIB-FIT (see: Chapter 1.3 – Use of Force)
- (d) Sexual assaults handled by ISB-SVU (see: Chapter 42.2 – Sexual Assault)
- (e) Aggravated Kidnapping
- (f) Arson (with serious injury, possibly fatal)

**Unity of Command**—The principle that no subordinate in an organization should report to more than one boss. An employee/member is responsible to only one supervisor, who in turn is responsible to only one supervisor, and so on up the organizational hierarchy. This is true even if the top of the organization is led by a group of people.

## GENERAL INFORMATION

2. District officers, sergeants, and lieutenants shall answer directly to their District Commander or the Acting District Commander.
3. District Commanders or Acting District Commanders shall answer directly to the Deputy Chief of the Field Operations Bureau.
4. All employees of the New Orleans Police Department shall be answerable to only one supervisor at a time (**Unity of Command**).
5. If multiple supervisors are working or on the scene of an incident, the member highest in rank or, if of the same rank, the member with the longest time in grade is senior and in charge.

## DISTRICT COMMANDER DUTIES AND RESPONSIBILITIES

6. The District Commander's responsibilities shall include but not be limited to:
  - (a) Providing police service within their district;
  - (b) Supervision and discipline of members;
  - (c) Deployment of staffing according to workload;
  - (d) Response to requests for information or assistance from individuals or groups; and
  - (e) Compliance with administrative procedures and instructions.
7. District Commanders shall be held accountable for all matters requiring or involving law enforcement action within their district unless that matter is specifically delegated to another unit or person by higher authority or regulation.
8. District Commanders shall advise the Deputy Chief of the Field Operations Bureau, as soon as possible, 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.
9. District Commanders have custodial responsibility for all equipment, supplies, and facilities assigned to or used by their command.
  10. When a District Commander is unavailable or unable to perform his/her duties for an extended period of time, he/she shall, with the approval of the Deputy Chief of the Field Operations Bureau, designate a lieutenant of his/her command to assume the duties and responsibilities as Acting District Commander.
  11. District Commanders shall advise their platoon commanders and supervisory members within their span of control of any necessary new information, including recent court decisions and administrative changes which affect the operation of the Department.
  12. District Commanders may delegate specific administrative and supervisory responsibilities to subordinate members. However, the District Commander shall not be relieved of responsibility for monitoring the performance of the subordinates and is ultimately responsible for the completion of the assigned duties.
  13. District Commanders shall ensure consistent supervision of officers under his/her command. District Commanders shall reassign officers to a new supervisor when the currently assigned supervisor has been or is expected to be unavailable or unable to perform his/her duties for a period of over six weeks.
  14. District Commanders shall be responsible for the close and effective supervision of officers under their command. All District Commanders shall ensure that all subordinates under their direct command comply with NOPD regulations, municipal, state and federal law.
  15. District Commanders 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.

#### **DISTRICT SUPERVISORS' DUTIES AND RESPONSIBILITIES**

16. Supervisors shall:
  - (a) Perform any duties specifically delegated to them by the District Commander or his/her designee.
  - (b) Advise the District Commander, or his/her 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 members.
  - (c) Ensure that all subordinate members abide by the rules, policies and procedures of the Department and any written directives of the Bureau or District.
  - (d) Supervise and control all work tasks assigned to or initiated by District members under their supervision. Supervisors are ultimately responsible for the completion of work tasks performed by subordinate members under their supervision.
  - (e) Ensure the continued training and evaluation of District members under their supervision.
  - (f) Ensure all payroll information is accurately and timely recorded and all required administrative and criminal reports are completed in an approved form and timely submitted.



- (g) Ensure all disciplinary investigations of members under their supervision are conducted as per department policy and procedure if he/she has been assigned by PIB to investigate the complaint.
  - (h) Familiarize themselves with the Officer Assistance Program (see: **Chapter 22.2.6 – Officer Assistance Program Member mental Health Services, Chapter 22.2.7 – Officer Assistance Program Traumatic Incident Stress, and Chapter 22.2.8 – New Orleans Police Peer Assistance**). Officers who show unusual signs of stress or inappropriate behavior should be brought to the attention of the District Commander.
  - (i) Abide by those regulations issued by the Deputy Chief of the Field Operations Bureau relative to the completion of Daily Activity Sheets.
  - (j) Respond to all major crime scenes handled by subordinate members.
  - (k) Respond to the scene of arrests handled by subordinate members as required by regulations.
  - (l) Review each arrest report handled by subordinate members.
  - (m) Respond to the scene of Level 2-4 uses of force involving subordinate members.
  - (n) Investigate each use of force involving subordinate members (except those investigated by the PIB - Force Investigation Team).
  - (o) Review the accuracy and completeness of subordinate members' Daily Activity Reports.
  - (p) Respond to each complaint of misconduct by a subordinate received during the course of the subordinate's work.
  - (q) Ensure that subordinate members are working actively to engage the community and increase public trust and safety.
  - (r) Provide counseling, redirection, and support to subordinate members as needed.
  - (s) Review INSIGHT reports for their subordinates on a regular basis pursuant to policy (See: **Chapter 35.1.9 – INSIGHT**).
17. Supervisors shall be held accountable for performing each of his/her assigned duties.
18. Supervisors may delegate appropriate duties and responsibilities to subordinate members; however, they shall be personally responsible for monitoring the performance of their subordinates and are ultimately responsible for the completion of the assigned duties.
19. All Field Operations Bureau District officers (including Patrol, Task Force, District investigative Unit, Narcotics Units, etc.) shall be assigned to a single, consistent and clearly-defined supervisor (**Unity of Command**).
20. When the regularly assigned supervisor is not working, for any reason, an alternate supervisor shall be assigned, who is working, to provide all required supervisory functions and support. This assigned supervisor shall be specifically noted on all lineups.
21. All Field Operations Bureau District supervisors (including Patrol, Task Force, Narcotics Units, etc.) shall work the same days and hours as the officers they are assigned to supervise absent unusual circumstances or when the supervisor is on vacation, in training, or ill.
22. District Investigative Unit supervisors shall generally work the same days and hours as the officers they are assigned to supervise, taking into account that shift differences will generally not permit complete supervisory overlap.
23. 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.

24. District Platoon Patrol supervisors shall be regularly assigned to supervise no more than eight officers. On duty patrol supervisors shall be available throughout his/her shift to respond to the field to provide direct supervision to officers under his/her command and, as needed, to provide supervisory assistance to other units/members.
25. District supervisors shall be responsible for the close and effective supervision of officers under their command. All District supervisors shall ensure that all subordinates under their direct command comply with NOPD regulations, municipal, state and federal law.
26. District supervisors will be held directly accountable for the quality and effectiveness of their supervision, including whether 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.

#### **DISTRICT PATROL OFFICERS – REPORT**

27. 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 a 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 Communications Services 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.
  - (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.
28. 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 his/her immediate supervisor for instructions and assistance. The supervisor shall coordinate this investigation through contact with supervisors and DIU in the district of occurrence.
29. District Patrol Officers shall inform Communications Services of the correct location of occurrence for all incidents to which they are assigned if different from the location where dispatched.
30. The actual assignment 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 district's DIU is notified and the follow-up investigation is handled to its conclusion.

31. 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 of taking the report.
32. 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. Follow-up investigations and warrants shall be handled by the District DIU.
33. The Desk Officer shall complete a Daily Activity Report, noting all activity complete during his/her tour of duty.

#### **DISTRICT PATROL OFFICERS – GENERAL**

34. 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 by advising Communication Services by police radio or by use of the MDC. Officers shall ensure that the member's Daily Activity Sheet correctly reflects:
  - (a) All calls for service,
  - (b) Business checks,
  - (c) Pedestrian checks,
  - (d) Vehicle checks,
  - (e) Lunch breaks,
  - (f) Coffee breaks,
  - (g) Use of restroom facilities, and
  - (h) All other activity the officer performs during his/her tour of duty.
35. Police Officers assigned to administrative duties and DIU members may be exempt from completing Daily Activity Sheets with permission of the District Commander if they do not perform direct services to the public.
36. District Patrol Officers' duties shall also include duties and assignments issued them by their immediate supervisors and instructions given to them by individuals in command of on scene investigations to which the officer has been assigned or involved.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 11.1

### TITLE: ORGANIZATIONAL STRUCTURE

**EFFECTIVE: 10/22/2017**

**REVISED: 02/01/18, 07/29/18, 09/14/18, 04/15/19, 05/12/19, 11/15/19, 01/31/21, 7/30/2023**

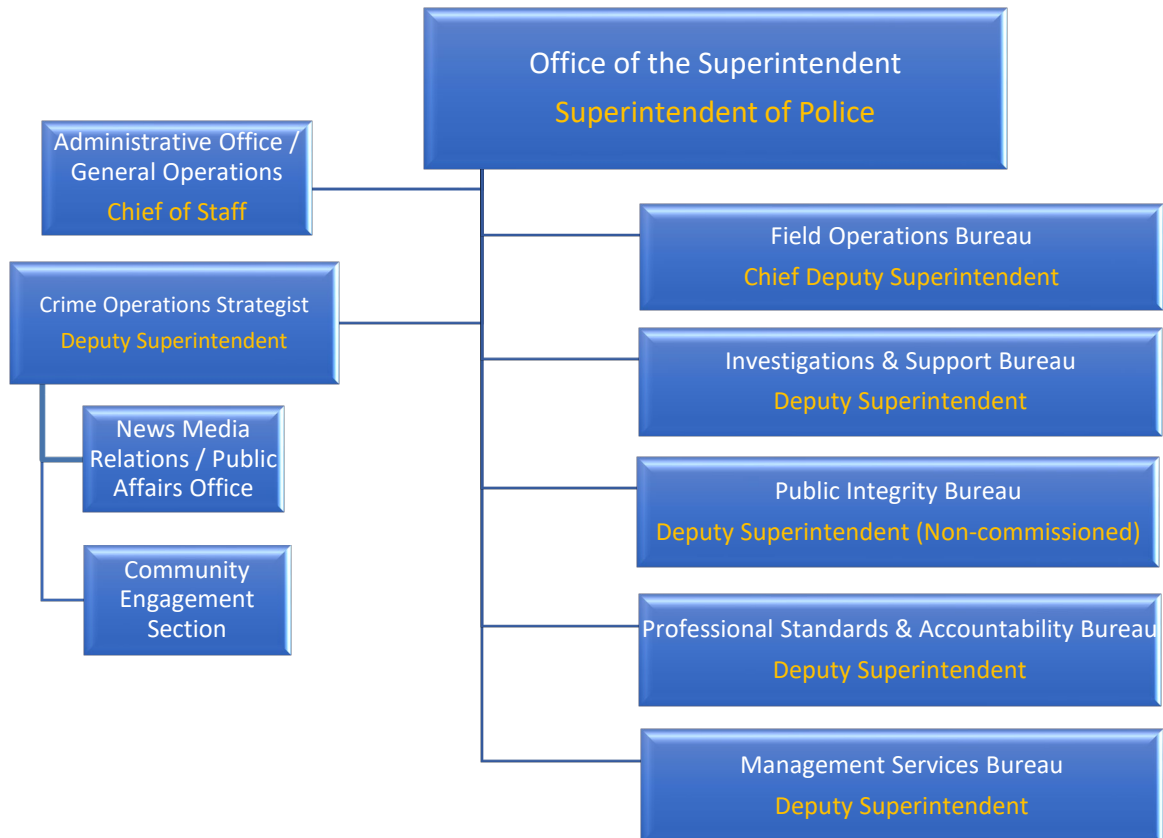
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SEE ORGANIZATIONAL STRUCTURE BELOW

# New Orleans Police Department

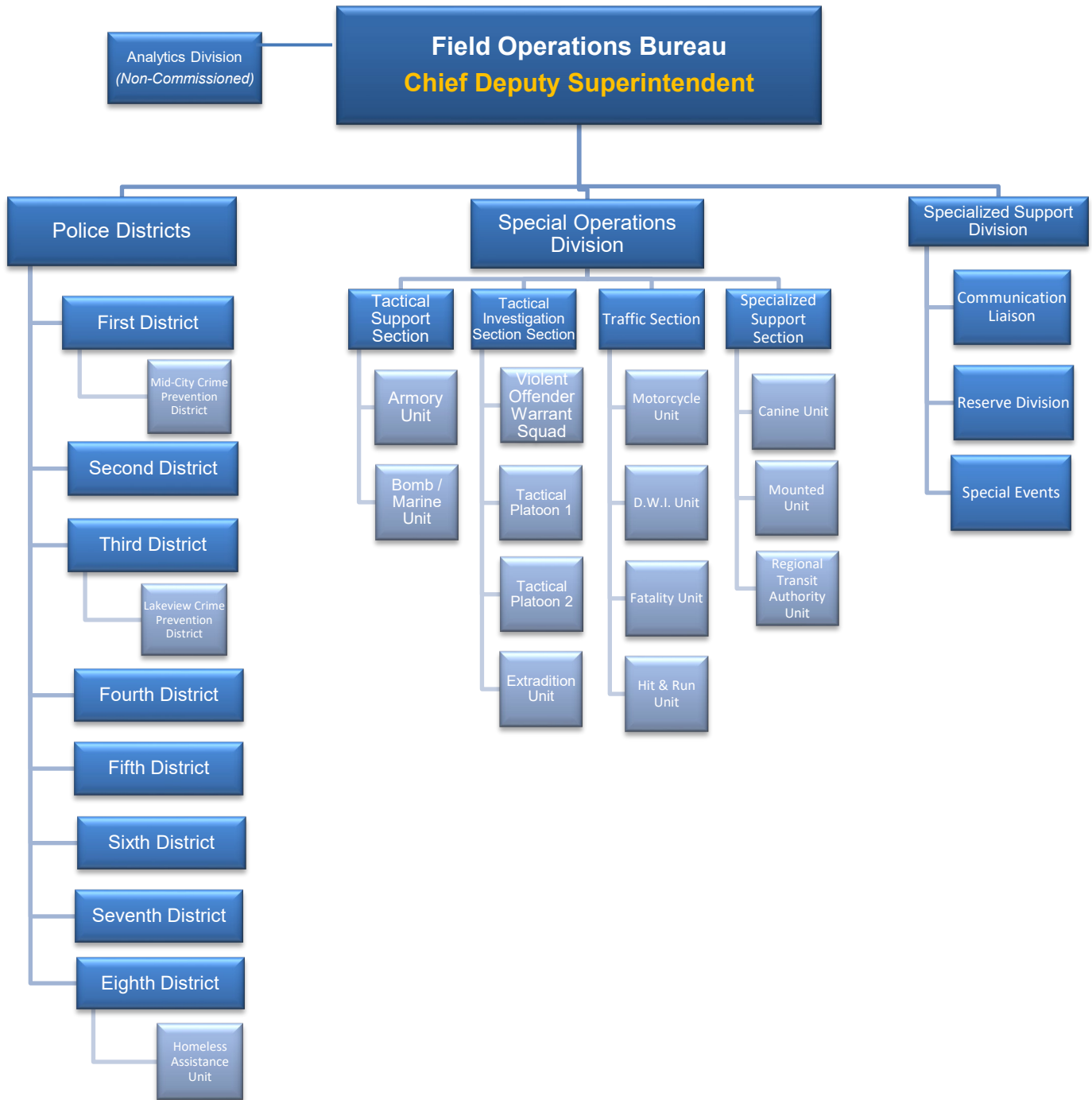
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# New Orleans Police Department

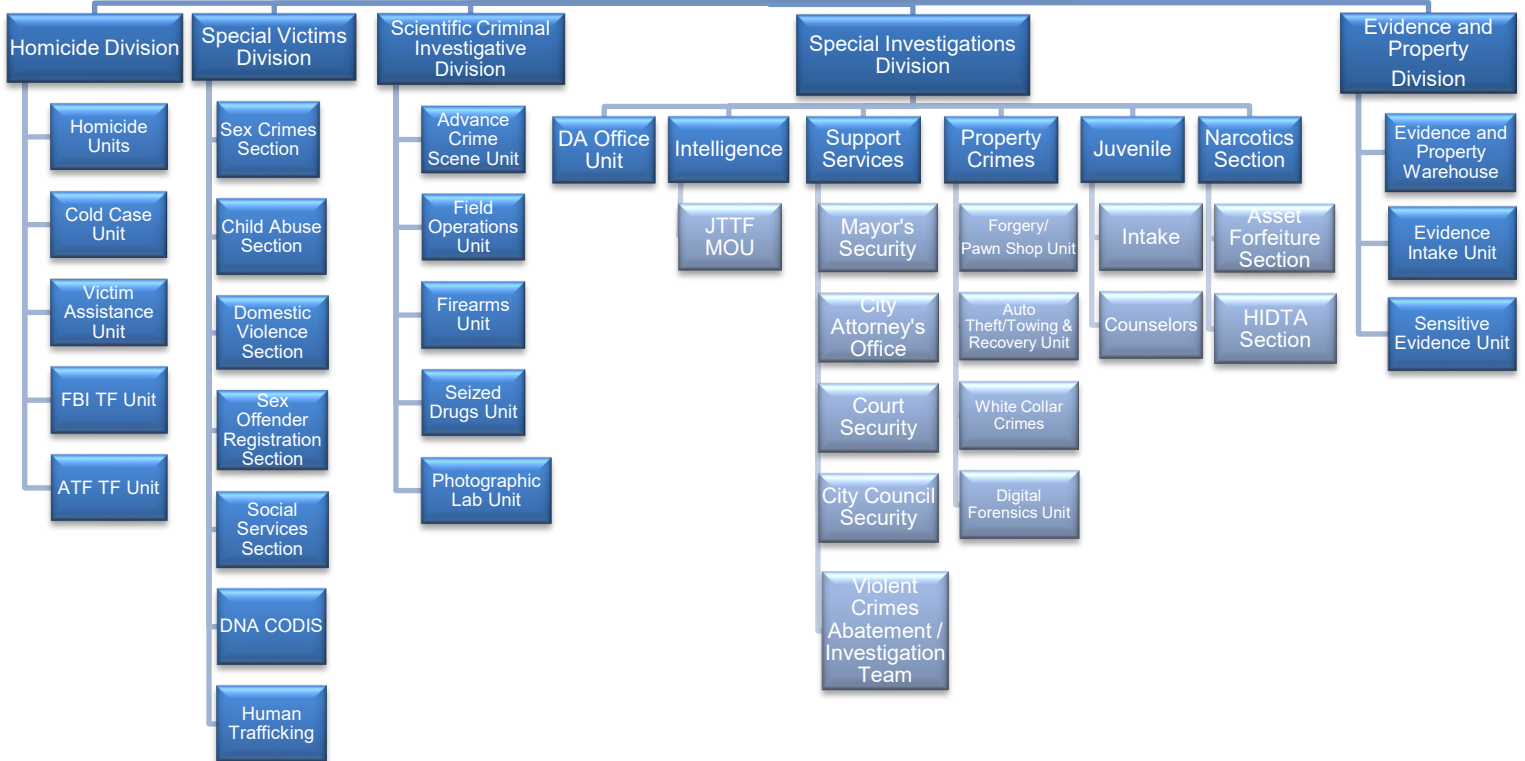
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# New Orleans Police Department

## Investigation and Support Bureau

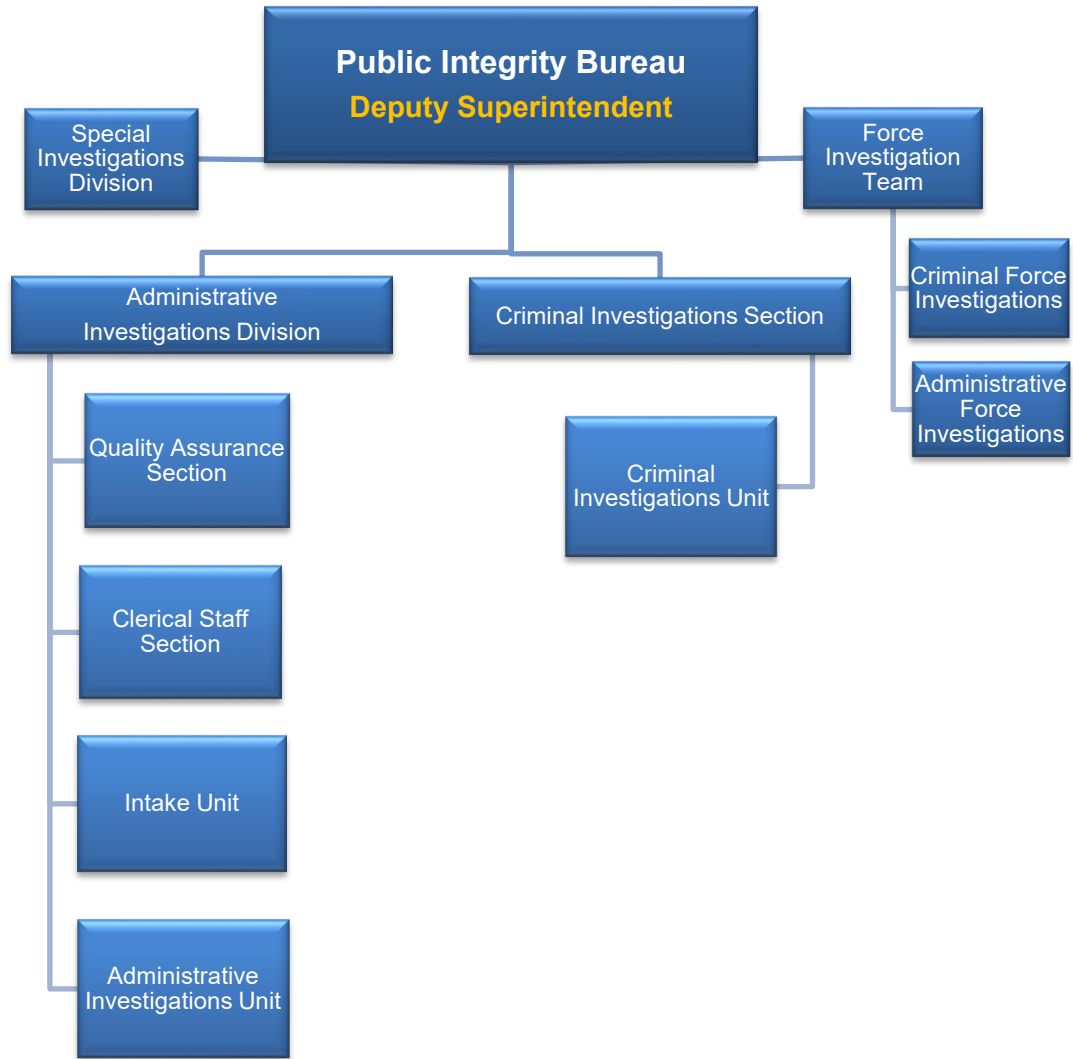
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# New Orleans Police Department

## Public Integrity Bureau

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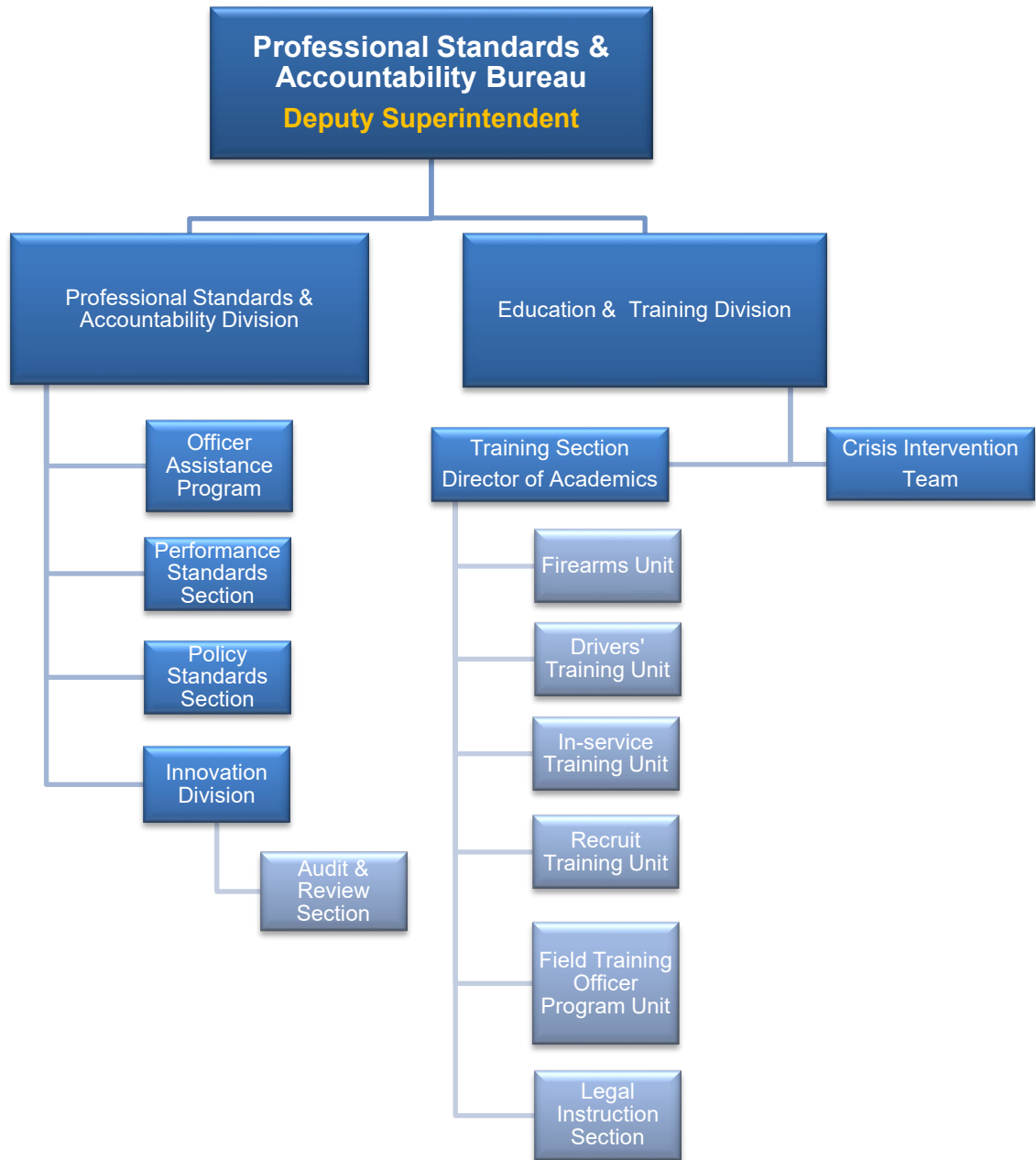




# New Orleans Police Department

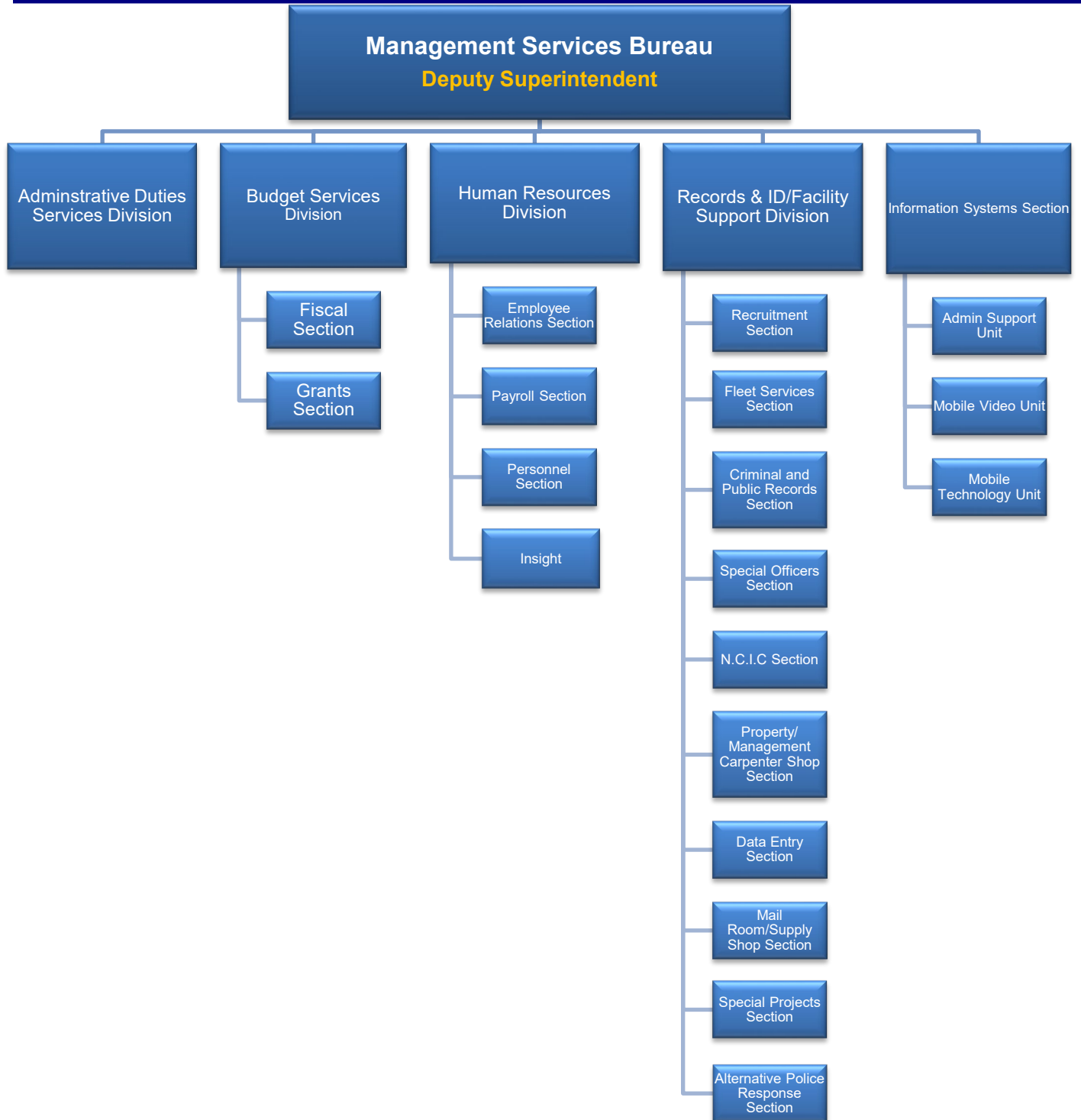
## Professional Standards & Accountability Bureau

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# New Orleans Police Department

## Management Services Bureau





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 11.4.1

### TITLE: AUDITS AND REVIEWS

**EFFECTIVE: 7/10/16**

**REVISED:**

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#### PURPOSE

This Chapter governs the criteria for internal performance audits and reviews conducted by the New Orleans Police Department's Audit and Review Unit. These audits and reviews provide essential accountability and transparency to the Department and provide management with objective information to inform decision-making and to help improve the Department.

#### POLICY STATEMENT

1. The New Orleans Police Department (NOPD) is fully committed to the use of performance audits and reviews to determine Department adherence to regulations, Chapters, policies, and procedures. Internal audits and reviews of an individual bureau, district, division, section, or unit may also be conducted.
2. The Audit and Review Unit will conduct audits in accordance with Generally Accepted Government Auditing Standards (also known as the Yellow Book).
3. The Audit and Review Unit is responsible for conducting internal audits and reviews of NOPD unless another agency or unit is specifically assigned to do so by the Superintendent of Police.
4. A performance audit or internal review can be used to demonstrate compliance with the Federal Consent Decree.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Generally Accepted Government Auditing Standards (also known as GAGAS or the Yellow Book)**—The standards produced by the United States Government Accountability Office that apply to financial and performance audits of government agencies.

**Internal Review**—An informal assessment of a specific function or aspect of the Department to provide management with a better understanding of the Department's performance in lieu of a formal audit. An internal review does not require that all aspects of GAGAS or the Audit and Review Standard Operating Guidelines be followed.

**Performance Audit**—An objective and reliable assessment of an organization or a function of

that organization conducted in order to enhance transparency, improve public accountability, and facilitate decision-making in accordance with GAGAS.

#### **AUDIT AND REVIEW UNIT**

5. The Audit and Review Unit is part of the Compliance Bureau and shall report directly to the Deputy Superintendent of the Compliance Bureau.
6. The Audit and Review Unit should create an annual audit schedule by December 1<sup>st</sup> of each year that details audit priorities over the course of the following year. The annual audit schedule should include the necessary flexibility to initiate additional audits as needed.
7. The Audit and Review Unit shall have no direct responsibility or authority over the activities or operations that are subject to review.
8. The Audit and Review Unit shall not develop or implement procedures, prepare records, or engage in activities that the Unit would then audit or review.
9. The Audit and Review Unit shall maintain information gathered as part of its audit/review process as confidential within the Compliance Bureau, unless otherwise instructed by the Superintendent. The Audit and Review Unit shall share information gathered in the course of its duties only with Compliance Bureau members unless otherwise approved by Deputy Superintendent of the Compliance Bureau. After all evidence and documentation for a particular audit has been collected by the Audit and Review Unit, the unit may share information gathered in the course of its duties for the audit in question with relevant auditees who need the information to perform their duties as Department employees.
10. The Audit and Review Unit shall handle all confidential information in the same manner as the custodian of such information.
11. All finalized audits/reviews shall remain confidential within the Compliance Bureau until released by the Superintendent.
12. Upon preliminary completion, all audits/reviews shall be assessed or appraised internally by the Audit and Review Unit and the Compliance Bureau. Subsequently, all audits/reviews will be assessed or appraised by the relevant commander, or subjects of the audit/review and other relevant members as determined by the Superintendent of Police or his/her designated representative. These assessments or appraisals allow for a management response through which relevant members may confirm findings and respond to recommendations.
13. After the assessment or appraisal review process, the Audit and Review Unit shall present the audit for approval to the Superintendent of Police. Once approved by the Superintendent of Police, the audit is considered final.
14. The Audit and Review Unit shall maintain all work papers or records necessary to ensure the replicability of the audit findings. The referenced documents need not be in original form and may be maintained electronically.
15. The Audit and Review Unit shall be exempt from the supervisory requirement of the reporting and taking of disciplinary action on any discovered/uncovered violations of Department regulations.

16. Members of the Audit and Review Unit are prohibited from initiating disciplinary action against a member of the Department as a result of any audit findings. Disciplinary action remains the sole purview of command.
17. Audit and Review Unit members shall immediately report any possible violations of law to the Deputy Superintendent of the Compliance Bureau.
18. All audits shall adhere to the internal **Audit and Review Unit Standard Operating Guidelines**.



## Audit and Review Unit Standard Operating Guidelines

### **PURPOSE AND SCOPE**

The enclosed guidelines shall serve as the Standard Operating Guidelines for the Audit and Review Unit of the New Orleans Police Department's (NOPD) Compliance Bureau. The Unit guidelines establish the procedures required to conduct thorough performance audits and internal reviews of compliance with Department policy and the federal Consent Decree.

In order to maintain independence and objectivity, the Audit and Review Unit has no direct responsibility or any authority over the activities or operations that are subject to review, nor should Audit and Review develop and implement procedures, prepare records, or engage in activities that would normally be subject to its review.

### **MISSION STATEMENT**

The mission of the Audit and Review Unit is to provide independent, objective, and replicable audits and reviews of the performance and operational functions of the New Orleans Police Department (NOPD).

### **DEFINITIONS**

**Auditor**—Trained auditing professional who conducts performance audits according to the Generally Accepted Government Auditing Standards (GAGAS).

**Auditee**—The organization, bureau, district, division, unit, or group (or members thereof) being audited or reviewed.

**Performance audit**—An objective and reliable assessment of an organization or a function of that organization conducted in order to enhance transparency, improve public accountability, and facilitate decision-making. Performance audits are conducted in accordance with GAGAS.

**Generally Accepted Government Auditing Standards (also known as GAGAS or the Yellow Book)**—The standards produced by the United States Government Accountability Office that apply to both financial and performance audits of government agencies.

**Internal Review**—An informal assessment of a specific function or aspect of the Department to provide management with a better understanding of the Department's performance in lieu of a formal audit. An internal review does not require adherence to all aspects of GAGAS or the Audit and Review Standard Operating Guidelines.

**Work papers**—Any document with information relevant to the findings or processes of a review or audit. Audit and Review will maintain and organize Work papers.

**Condition**—The current state of an NOPD function.

**Criteria**—The required state of an NOPD function as specified by Departmental policy or the Consent Decree.

## **AUDIT SCHEDULE**

The Audit and Review Unit, the Compliance Bureau managers, the Commander of Compliance, and the Deputy Superintendent of Compliance are responsible for developing an audit schedule for the following year by December 1. The annual audit schedule documents priority audits based on continual efforts to assess compliance with the goals of the NOPD and the Consent Decree. The annual audit/review schedule shall include the necessary flexibility to initiate additional audits/reviews as needed.

## **AUDIT PROCESS**

1. Preparation
  - The Unit in consultation with the Commander of the Compliance Bureau shall select a manager for the upcoming audit.
  - The Unit shall conduct preliminary research on the audit topic.
2. Notification
  - Auditors shall notify the respective auditee of the upcoming audit.
3. Draft Audit Work Plan
  - The audit work plan shall contain the following elements:
    - a) Brief summary of background research/reference materials;
    - b) Scope, population, and sample selection;
    - c) Audit objectives;
    - d) Methodology; and
    - e) Timeline.
4. Entrance Interview
  - Auditors shall meet with respective auditee supervisor to discuss audit scope and review areas. The entrance interview shall also establish a time frame for the audit.
5. Finalize Audit Work Plan
  - The audit manager shall draft a final audit work plan in consultation with other members of the Unit and submit the draft to the Commander of Compliance for approval.
6. Fieldwork
  - Review policy, procedure, and Consent Decree mandates
  - Conduct interviews with relevant auditees
  - Test for Compliance:
    - a) Test for a 95% rate of compliance with relevant policy,
    - b) Test the entire population or a random sample, and
    - c) Use testing instruments to measure compliance.

- Store work papers obtained through the audit for reference in accordance with the **Work Papers** section of these guidelines.
7. Exit Interview
    - During the exit interview, auditors will relay audit findings to the auditee and allow the auditee to accept and/or rebut the findings.
  8. Final Audit Report
    - A final audit report shall consist of the following items:
      - d) Table of Contents
      - e) Purpose
      - f) Background
        - Historical information on policy changes and issues to be resolved
        - Prior audit findings
      - g) Methodology
        - Population size
        - Sample size
        - Documentation to be reviewed
        - Testing instrument
      - h) Results
        - Table/chart of data
        - Brief descriptions of the results and explanations of the data
      - i) Recommendations (if necessary)
        - How policy and practice can change to get the condition closer to criteria
      - j) Response from the Commander or his/her designee of the audited program to recommendations and findings
  9. Report Publication As Necessary
    - Publish audits on NOPD web site in compliance with Consent Decree

## **INTERNAL REVIEW**

The Audit and Review Unit is responsible for conducting internal reviews. The Audit and Review Unit shall conduct internal reviews of auditees to provide management with a better understanding of the Department's performance. The review process is as follows:

1. Notification
  - Auditors shall notify the respective auditee of the upcoming review.
2. Data Collection
  - Auditors shall collect the relevant information.
3. Data Assessment
  - Auditors shall review data to assess compliance with Department policy and the Consent Decree.
4. Data Findings



- Auditors shall record data findings and store the findings electronically or in paper form.
5. Submission to relevant parties
    - Auditors shall submit the findings to the respective Compliance Bureau personnel.

## **WORK PAPERS**

The work papers contain the records of preliminary planning, the audit program, audit testing, and the results of the procedures that were performed. Work papers are prepared from the beginning of the first audit assignment and are added to and altered throughout the course of each subsequent audit. The work papers represent the documentation of audit activity and must be continuously maintained.

The work papers include, but are not limited to:

1. Final report;
2. Draft reports;
3. Notes for follow-up audits;
4. Requests for documentation;
5. Internal control questionnaire;
6. Audit program;
7. Testing documents;
8. Communications relating to audit;
9. Timeline (documentation of when the Unit performed a specific function); and
10. Record of interviews and observations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 12.1

### TITLE: DEPARTMENT OPERATIONS MANUAL

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 106**

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#### PURPOSE

The Operations Manual of the New Orleans Police Department is hereby established and shall be referred to as the "**New Orleans Police Department Operations Manual.**" The Operations Manual is a statement of the current regulations, Chapters, policies, procedures, rules and guidelines of this department.

#### POLICY STATEMENT

1. All members are to conform to the provisions of this manual.
2. 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.
3. Members of the Department who observe or become aware of a violation of the department regulations by a member shall report the violation to a supervisor or directly to the Public Integrity Bureau (PIB).
4. Supervisors shall be held accountable for identifying and responding to violations by member under their command. Members of the Department shall be held accountable for regulation violations.
5. Except where otherwise expressly stated, the provisions of this manual 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.
6. It is the intent of this manual for its guidelines to be viewed from a reasonable, objective standard, taking into consideration the exercise of sound discretion entrusted to members of this Department under the circumstances reasonably known or available at the time of any incident.

**DEFINITIONS**

Definitions, abbreviations and word conventions relevant to this Chapter include:

**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 member 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 members (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

**LAC** - Louisiana Administrative Code

**LACCH**—Louisiana Computerized Criminal History system

**LSP**—Louisiana State Police

**Manual**—The New Orleans Police Department Operations Manual

**May**—Indicates a permissive, discretionary or conditional action.

**Member**—An individual who is employed, either full-time, part-time, under contract or who volunteers for the NOPD. This includes civilian volunteers and Reserve Officers while “on-duty” and performing functions under the auspices of the NOPD.

**OMV**—Louisiana Office of Motor Vehicles

**Off-Duty**—When a member of the New Orleans Police Department is not working a Departmental assigned shift, approved overtime or approved police secondary employment.

**On-duty**—When a member of the New Orleans Police Department is working a Departmental assigned shift, approved overtime or approved police secondary employment.

**Order**—A written or verbal instruction issued by a supervisor who is in the member's chain of command or who is exercising general supervisory authority on a scene or incident.

**Police Officer / Officer**—A Commissioned Law Enforcement or Peace Officer with the power to effect arrests. This includes Reserve Officers. This term is gender neutral.

**POST**—Louisiana Peace Officer Standards and Training Council

**Rank**—The title of the civil service classification held by an officer.

**R.S.** —Louisiana Revised Statutes

**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 member at the rank of sergeant or above (or anyone acting in those capacities) and a non-sworn NOPD member with oversight responsibility for other members.

**USC**—United States Code

## **RESPONSIBILITIES**

7. The ultimate responsibility for the content of this manual rests with the Superintendent of Police. Since it is not practicable for the Superintendent of Police to prepare and maintain the manual, delegations have been made as indicated in this Chapter.

## **SUPERINTENDENT OF POLICE**

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

## **SUPERINTENDENT'S STAFF**

11. The Superintendent's staff shall review all recommendations regarding proposed changes to the Operations Manual as applicable to their areas of responsibility or as directed by the Superintendent.

## **DEPARTMENT MEMBERS**

12. Department members suggesting revision of the contents of the Operations Manual shall forward their written suggestions to their Division Commander, who will review the

recommendation and forward it, via the chain of command, to the Superintendent of Police for consideration. A copy shall be forwarded to the Compliance Bureau - Policy Standards Section.

### **CHAPTER FORMATTING CONVENTIONS**

13. All written regulations will have a header at the top of the page with the subject of the regulation and the Chapter number. Each Chapter will begin with a purpose statement, a policy statement (when appropriate), and will conclude with the directive information on that subject. The published and revision dates of the Chapter will be printed in the header section of each policy.

### **DISTRIBUTION**

14. An electronic version of the Operations Manual is available to all members on the department's internal web site (<http://cno-eprweb01.cityofno.com> under **NOPD.org**, then **Rules & Regulations**). The electronic version will be limited to the viewing and printing of specific sections.
15. No changes shall be made to the electronic version without authorization of the Commander of the Policy Standards Section.

### **MANUAL ACCEPTANCE / ACKNOWLEDGEMENT**

16. All members are required to read and obtain necessary clarification of this Department's regulations as they are issued.
17. All members shall give affirmation on the department's designated web application to reflect their receipt, review and knowledge of each new or revised Chapter or Rule.

### **REVISIONS TO CHAPTERS**

18. All members are responsible for keeping abreast of all Operations Manual revisions. All changes to the Operations Manual will be posted on **NOPD.org**.
19. The Policy Standards Section will forward notice of all revisions to the Operations Manual as directed by General Order to all members via electronic mail.
20. Each supervisor (civilian and commissioned) will ensure that members under his/her command are aware of all Operations Manual revisions as they become effective.

### **PERIODIC REVIEW**

21. The Policy Standards Section shall review each Chapter annually after it is implemented to ensure that the Chapter provides effective direction to NOPD members, remains consistent with best practices and changes in laws.
22. The Policy Standards Section shall review and revise Chapters as necessary or upon notice of a significant Chapter deficiency during an audit or review.

### **SUPERVISORY MEMBERS**

23. Supervisory member 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 or a higher ranking supervisor in the member's chain of command.

### **POLICY STANDARDS SECTION**

24. The Policy Standards Section shall coordinate and serve as a central clearing unit for the creation, preparation, evaluation, review, revision, indexing, and distribution of the Department's Rules and Chapters. New Chapters and Rules shall be distributed by the Policy Standards Section through the Department's web site (<http://cno-epweb01.cityofno.com> under **NOPD.org**, then **Rules & Regulations**).
25. The Policy Standards Section shall be responsible for the storage (both electronic and in written form) of all Operations Manuals.
26. Members of the New Orleans Police Department may contact the Policy Standards Section to obtain copies of Chapters already placed in effect that may not be available via **NOPD.org**.
27. Requests for copies of a voluminous nature may necessitate the requesting individual to supply both materials and labor for completion of the task.

### **RECOMMENDATIONS FOR NEW POLICIES**

28. Upon receipt of a recommendation, the Policy Standards Section shall:
  - (a) Research and evaluate the recommendation; and
  - (b) Prepare a written recommendation for the approval or disapproval of the recommendation(s) to the Deputy Chiefs of the Compliance Bureau and Public Integrity Bureau.
29. Upon approval by the Deputy Chief of the Compliance Bureau, all new Chapters shall be forwarded to the Superintendent of Police for final approval.
30. The Policy Standards Section shall notify the requesting member, in writing, of the Deputy Chief of the Compliance Bureau or Superintendent's decision within thirty (30) working days regarding their recommendation.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 12.2

### TITLE: DEPARTMENTAL ORDERS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 204**

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#### PURPOSE

Departmental orders establish intradepartmental communication that is used by the Superintendent of Police to make immediate changes to Rules, Chapters and other written directives.

#### GENERAL ORDER PROTOCOL

1. General Orders shall be in the form of a written correspondence (Form 105), approved by the Superintendent of Police.
2. General Orders may be incorporated into the regulations manual, as required, upon staff approval.
3. General Orders may modify existing Rules, Chapters or written directives or may create a new Rule, Chapter or written directive as appropriate and shall be rescinded upon incorporation into the regulations manual.
4. Any 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 regulation manual, shall be tracked and acknowledged in the same manner as Rule, Chapter or written directive revisions.

#### SPECIAL ORDERS PROTOCOL

5. Special Orders establish a temporary policy or procedure on a given subject for a specific length of time (one year, unless otherwise specified).
6. Special Orders may be issued to the Department as a whole, to a specific Bureau, Division, Section, Unit or individual.
7. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.
8. Special Orders shall be issued for, but shall not be limited to:
  - (a) Special events; and

- (b) Directives concerning specific problems or activities, which may clarify, define or amplify already existing regulations.
- 9. 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., 1-2017, 2-2017, 3-2017, etc.).
- 10. The sequence of Special Order numbers shall be maintained in the Human Resource Division during regular office hours and transferred to the NCIC Unit during hours when the Personnel Division is closed.
- 11. Special Orders shall be disseminated throughout the Department by E-mail (NOPDall) and by written correspondence (Form 105) when a particular order requires such distribution.
- 12. Special Orders shall be:
  - (a) Filed permanently in the Policy Standards Section, 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 member to the Policy Standards Section for inclusion in the master file of Special Orders within three days; and
  - (d) Effective for one year unless otherwise stated within the order.

#### **PERSONNEL ORDERS**

- 13. Personnel Orders are those orders which directly affect Department members and assignments.
- 14. 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 members;
  - (e) promotions;
  - (f) special leaves for Department business;
  - (g) designations of Commanders/Directors; and
  - (h) authorized travel.
- 15. 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., 1-2017, 2-2017, 3-2017, etc.).
- 16. The sequence of Personnel Order numbers shall be maintained in the Human Resource Division during regular office hours and transferred to the NCIC Unit during hours when the Human Resource Division is closed.
- 17. Personnel Orders shall be disseminated throughout the Department by E-mail (NOPDall) and by written correspondence (Form 105) when a particular order requires such distribution.
- 18. Personnel Orders shall be filed permanently in the Human Resource Division.



**OPERATIONS ORDERS**

19. Operations Orders are orders which direct the activities of the Department in major events and coordinate the activity of Bureaus, Divisions, Sections and Units.
20. Operations Orders shall remain in effect only for the life of the designated event.
21. 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) Super bowl;
  - (g) Final Four; and
  - (h) All other major events or conferences.
22. Operations Orders shall be issued by the Superintendent of Police or his designee.
23. Operations Orders which direct the activity of more than one Bureau shall only be issued by the Special Events Section.
24. Operations Orders which direct the activity of only one Bureau shall be issued by that Bureau's Chief.
25. 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.
26. The Special Events Section shall be notified of every meeting for an activity which may require an Operations Order where a liaison from the Police Department is requested to be present.
27. The Police Department's liaison shall notify the Special Events Section , in writing, of the time, date, and location of the meeting seventy-two (72) hours prior to the scheduled meeting or immediately upon notification if less than seventy-two (72) hours scheduled notice.
28. Operations Orders shall be captioned with the title of the event and the appropriate event date(s). They shall be distributed according to the requirements of the special event.
29. Operations Orders shall be filed permanently in the Special Events Section.
30. 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.
31. To facilitate planning, the Commander of the Special Events Section will determine when a designated member of the Section will attend scheduled meetings of activities which may require an Operations Order.

**POLICY STANDARDS SECTION**

32. The Policy Standards Section shall review and prepare for approval, revisions of the NOPD Operations Manual, which will incorporate any changes originally made by a Departmental Order.

33. The Policy Standards Section shall maintain control of General Order numbers.
34. Implemented General Orders shall be maintained, both electronically and in writing, in the Policy Standards Section.
35. 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.
36. General Orders which affect prior issued General Orders will be canceled if a new order is issued.
37. No General Order shall 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.
38. General Orders will be published on the department's intranet system located at [www.NOPD.org](http://www.NOPD.org).
39. General Orders will be reviewed and evaluated by the Policy Standards Section 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.
40. General Orders which affect a previously issued department regulation will require the affected regulation to be revised and reissued within sixty days of the implementation of the General Order.
41. Department members shall be notified of the issuance of a General Order via departmental email (mail.nola.gov).
42. Department members are responsible for checking their departmental e-mail account and reading his/her emails at least once daily during their tour of duty.

#### **SUPERINTENDENT OF POLICE**

43. The Superintendent of Police or his/her authorized designee shall issue all Departmental Orders.

#### **SUPERVISORS**

44. Supervisors shall ensure all subordinates are made aware of all department orders in a timely manner after issuance.
45. Supervisors shall review and discuss the contents of the orders with subordinates to promote a clear understanding of the contents.
46. Supervisors 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 a higher authority in the member's chain of command or the Superintendent of Police.

#### **ACCEPTANCE OF DEPARTMENTAL ORDERS**

47. All members are required to read and, if necessary, obtain clarification of all Departmental Orders.

48. Members shall utilize the electronic cognizance card indicating receipt of any new General Order.
49. To access the cognizance card, members shall go to the NOPD Web Applications page and click on the "**Cognizance Card**" link found under the "**NOPD Training**" section.
50. Members can access the General Order by clicking the "**Click here to read the lesson plan**" link.
51. Members shall sign in using their username and password for their city email. Once inside the cognizance card link the member will be presented with a statement of receipt; members shall select the "**Yes**" option and submit which will serve as the member's electronic signature acknowledging receipt of the above.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.1

### TITLE: ADMINISTRATIVE REASSIGNMENT

**EFFECTIVE: 08/05/2018**

**REVISED: Replaces Policy/Procedure 1055**

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#### PURPOSE

The purpose of this Chapter is to provide for continued employment status of an employee in lieu of normal duties when it becomes necessary to immediately relieve an employee from duty for an alleged infraction of department rules, Chapters, or violation of the law or for administrative reasons.

This Chapter also provides for the reassignment of employees in response to psychological referrals and during the administrative investigation of on-duty incidents where death or serious physical injury has occurred.

#### DEFINITIONS

**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. (See **Chapter 1.3 – Use of Force**).

#### POLICY STATEMENT

1. 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 (including summons) or contempt of court resulting in detention.
2. Only the Superintendent of Police or his/her designee may place an employee on administrative reassignment.

#### ADMINISTRATIVE REASSIGNMENT PROCESS

3. When an employee is placed on administrative reassignment status, the supervisor issuing the order shall:
  - (a) Ensure the employee's Commander is informed of the reassignment, and
  - (b) The employee is advised of the date, time, and location where to report.

4. The employee shall be relieved from law enforcement duties and assigned to the Administrative Duties Division, 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 to PIB. The employee's place of reassignment will be responsible for maintaining the employee's payroll. PIB shall notify OPSE of members placed on administrative reassignment.
  - (b) The employee shall not work police secondary employment while he/she is reassigned without the expressed written approval of the Superintendent of Police. A request to work secondary employment shall be made through the employee's regular chain of command. (See: **Chapter 22.08 – Police Secondary Employment.**)
  - (c) Should the reassignment continue into the employee's next tour of duty, the employee shall be directed to report for duty in plain clothes.
5. The Superintendent of Police may limit the commission of any employee placed on administrative reassignment status to those working hours when the employee is physically at his/her place of assignment.
6. The supervisor who receives approval for an administrative reassignment shall document same on an **Administrative Reassignment** (AR-1 form). Distribution shall be made as indicated on the Administrative Reassignment Form.

#### **REVIEW OF ADMINISTRATIVE REASSIGNMENT**

7. The facts and circumstances surrounding the employee's reassignment shall be reviewed by the Deputy Chief of the Public Integrity Bureau and the employee's Bureau Chief within 24 hours.
8. The Superintendent shall be notified of the results of the review and may hold a hearing on the merits of the administrative reassignment.
9. 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.
10. The employee's reassignment status shall be reviewed by the Deputy Chief of the Public Integrity Bureau at least once each week until completion of the case investigation, or until the employee is returned to his/her regular assignment.
11. Only the Superintendent of Police may terminate the administrative reassignment of an employee.
12. The Deputy Chief of the Public Integrity Bureau shall notify the employee when he/she is removed from administrative reassignment duties.

#### **PAYROLL RECORD KEEPING**

13. If an employee is reassigned to a unit other than his/her permanent place of assignment, he/she shall be carried "DETAILED" by his/her normal place of assignment.
14. 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 payroll

record, the notation "**administrative reassignment**" shall be inserted.

15. During a declared emergency, the Superintendent of Police may return administratively reassigned employees to active duty.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.2

### **TITLE: DEPARTMENT FORMS: DEVELOPMENT AND IMPLEMENTATION**

**EFFECTIVE: 04/22/2018**

**REVISED: Replaces Policy/Procedure 234**

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#### **PURPOSE**

The purpose of this Chapter 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 Chapter.

#### **DEFINITIONS**

**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.

#### **POLICY STATEMENT**

1. All forms used by the New Orleans Police Department shall be housed and made available on the City's intranet site located at NOPD.org. Each form shall bear a unique number supplied by the Policy Standards Section of the Compliance Bureau.
2. All forms, new or revised, must be approved by the Compliance Bureau Deputy Superintendent before they are put into effect.
3. Forms may be photocopied by units to ensure sufficient on-site quantities.

#### **INSTRUCTIONS**

4. The revision to or implementation of forms shall be forwarded to the Policy Standards Section of the Compliance Bureau for approval prior to use. This does not apply to forms used within individual units for unit administrative purposes (examples: long distance telephone log books, sign in/out sheets).

#### **REVISIONS AND/OR MODIFICATIONS TO EXISTING FORMS**

5. Revisions and/or modifications to existing forms shall be conducted as follows:
  - (a) An interoffice correspondence (Form 105), from the unit wishing to revise a form, shall be forwarded to the Policy Standards Section of the Compliance Bureau

outlining why the form should be changed. This correspondence shall reference:

- i. Any forms currently in use which are associated with the form to be revised.
  - ii. All Chapters where the form is referenced in the Operations Manual.
  - iii. The form to be revised, along with all associated forms, shall be attached.
  - iv. 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 relevant form(s) shall be forwarded to [policyandplanning@nola.gov](mailto:policyandplanning@nola.gov). If an electronic version is not available, modifications shall be made to the current form indicating the changes.

### **IMPLEMENTATION OF NEW FORMS**

6. 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 Policy Standards Section of the Compliance Bureau outlining the need for the form and including:
    - i. Reference shall be made to any form currently in use where the information desired is captured either in part or in whole, if applicable.
    - ii. A location list within the Operations Manual where associated forms covered in the above paragraph will be used.
    - iii. The attachment of a handwritten or electronic copy of the proposed form.
    - iv. Forwarding instructions at the bottom of the proposed form.

### **POLICY STANDARDS SECTION - RESPONSIBILITIES**

7. The Policy Standards Section of the Compliance Bureau shall review requests for new form implementation and present form revision to determine the suitability of requests.
8. Requests deemed inappropriate or in need of extensive correction or further modification shall be returned to the requesting unit, through the chain of command. The reasons for disapproval or an indication where the corrections are to be made shall be outlined. The Policy Standards Section of the Compliance Bureau shall, upon request, assist any unit in the revision and/or preparation of forms to be used Department wide.
9. Prior to the implementation of new or revised forms, the Policy Standards Section of the Compliance Bureau shall ensure any conflict arising out of the use of the form with existing Chapters in effect are corrected.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.3

### TITLE: PERSONNEL FILES

**EFFECTIVE: 04/08/2018**

**REVISED: Replaces Policy (1026)**

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#### PURPOSE

This Chapter governs maintenance, retention and access to NOPD personnel files (sometimes referred to as personnel jackets).

#### POLICY STATEMENT

1. 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).
2. Long-term volunteer records such as for Reserve Police Officers shall be handled in the same manner as employee records.
3. The personnel jacket is part of the INSIGHT Early Intervention System and may contain Personally Identifiable Information (PII) and Health Insurance Portability and Accountability Act (HIPPA) protected data as well as each member's name, badge number, shift assignment, supervisor, race/ethnicity and gender. (See: **Chapter 35.1.9 – INSIGHT**).
4. The use of information contained in INSIGHT shall be in compliance with all applicable laws and Department regulations and shall be regarded as **confidential**. Each member shall be allowed to view his/her own information as well as the information contained on any subordinate under his/her command.
5. Personnel records are kept in both paper version and files and electronic version and files. The personnel jacket does not replace the paper file system.

#### DEFINITIONS

**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.

## CONFIDENTIALITY OF ALL PERSONNEL FILES

6. 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 the City Attorney's Office for review and a determination regarding the action to be taken by the Department in meeting the request.

## PERSONNEL SECTION

7. Each member of the Department shall have a personnel jacket created by the Personnel Section at the time an employee is appointed to the Department. The electronic version of the personnel jacket will be available to the member and the member's immediate supervisor(s) for viewing at any time on the City intranet. A member's electronic personnel jacket can be found on the NOPD Web Application page under Applications / Insight.
8. The Personnel Section shall maintain a personnel jacket on all members throughout their employment or service with the New Orleans Police Department. The member's personnel jacket shall be maintained in accordance with the Department's records retention policy maintained by the MSB – Records Section.
9. 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 suitably redacted copy of the employee's personnel jacket to the director of that city agency upon their request.

## HUMAN RESOURCE SERVICES

10. The paper version or hard copy of the personnel jacket maintained in the MSB – Human Resource Services – Personnel Section shall contain, but not be limited to, the following:
  - (a) The member'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 member 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 member's current telephone number and all previous telephone numbers.

## MEDICAL RECORDS

11. All information pertaining to an employee's medical records shall be kept in a separate paper and electronic file (part of the INSIGHT Early Intervention System) located in the Personnel Section of the New Orleans Police Department. No information pertaining to an employee's medical history shall be kept at the unit or division level. (See **Chapter 35.1.9 – INSIGHT**).

## DECLARATION OF DOMICILE

12. 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.

13. Supervisors shall forward all completed Form Bs to the Personnel Section within three working days of their receipt.
14. Personnel Section shall upload the document to the member's personnel jacket within five working days of receipt.

#### **EMPLOYEE HOME / CELL / DEPARTMENT PHONE NUMBER**

15. Employees are responsible for notifying their supervisor via the **INSIGHT Data Correction Form** immediately upon obtaining a new home/cell or department telephone number. (See **Chapter 35.1.9 – INSIGHT**).
16. The Early Intervention Unit shall forward a copy of the **INSIGHT Data Correction Form** indicating the correction made to the Personnel Division for correction and notation in the member's paper or hard copy personnel file.

#### **RESIDENCE BOOK**

17. Each Bureau/Division/District/Section/Unit within the New Orleans Police Department shall maintain a residence book on all employees assigned to the unit. The residence book is a hard copy of the following records, maintained and kept current for each member assigned to the Bureau/Division/District/Section/Unit. It shall contain the member's:
  - (a) Name;
  - (b) Domicile;
  - (c) Home telephone number;
  - (d) Personal cell number (if the member carries while on-duty); and
  - (e) Department cell phone number (if assigned).
18. Supervisors are responsible for ensuring his/her subordinates maintain updated records in the member's personnel jacket and for updating the residence book as the information changes.
19. The residence book should be available to all Bureau/Division/District/ Section/Unit supervisors 24 hours a day, but the information contained in the residence book is **Personally Identifiable Information (PII)** and shall be restricted to **authorized Departmental use ONLY**. (See **Chapter 35.1.9 – INSIGHT**).
20. Departmental employees are **PROHIBITED** from releasing personal telephone numbers to **anyone** unless authorized by the Director of Personnel or the Superintendent of Police. (See **R.S. 40:2532**).

#### **EXEMPTION FOR PIB - INTERNAL INVESTIGATION FILES**

21. The internal investigation file is not part of a member's personnel jacket and 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 Deputy Chief of the Public Integrity Bureau.

#### **RELEASE OF INFORMATION**

22. No member of this department may disclose private or confidential data without the written consent of the affected member or written authorization of the Superintendent or Police or his/her 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)**).

## PURGING OF FILES

23. An officer may make a written request to purge from their file any record as specified in La. R.S. 40:2533(C) or found to be inaccurate by use of the **INSIGHT Data Correction Form**. (See: **Chapter 35.1.9 – INSIGHT**).

## BRADY MATERIAL IN PERSONNEL FILES

24. The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as Brady material, which may be contained within Department personnel jackets.

## RELEASE OF PERSONNEL FILES TO THE PROSECUTOR

25. Generally, the only time the prosecuting attorney (District Attorney, Attorney General or a 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.
26. 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.
27. 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**).
28. 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 prosecutor 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 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.5

### TITLE: GOALS AND OBJECTIVES

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy/Procedure 221**

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#### PURPOSE

Long term planning and the ability to foresee problems affecting policing within the police department are important factors in law enforcement efforts. Resource allocation, fund appropriation, enforcement techniques, and changes in scientific detection procedures oftentimes require extended periods of time to effectively implement. Sound management principles necessitate ongoing, long term planning, to address anticipated needs in policing and related support requirements.

#### POLICY STATEMENT

1. Each Division/District, Section and Unit within the New Orleans Police Department shall submit a written report, in the form of an interoffice correspondence, 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.

#### REQUIRED REPORTING AND DISTRIBUTION

2. The submitted correspondence should include the anticipated needs in areas of staffing, supervision, training, equipment, and capital improvements, along with the approximated cost of the unbudgeted but anticipated needs.
3. Bureau Chiefs shall review and consolidate the various correspondence from the Division/District, Section and Units under his/her command and prepare a summary report to the Superintendent of Police outlining the goals and objectives of the Bureau for the upcoming year by September 15<sup>th</sup>.
4. 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. The Superintendent and the Bureau Chiefs shall review each stated goal and objective and consolidate the ones selected to form the basis of the Departmental goals and objectives. This summary shall be prepared by the Office of the Superintendent prior to the end of October.
5. Copies of the final, approved goals and objectives for the Department, each Bureau, Division/District, Section and Unit for the upcoming year shall be forwarded to the Compliance Bureau – Policy Standards Section by the Office of the Superintendent prior to the end of November.

6. Approved goals and objectives not requiring additional expenditures, which can be accomplished within each Bureau's approved fiscal budget, shall be implemented as directed by the affected Bureau Chief.
7. Goals and objectives requiring the acquisition of additional funding, allocation of additional staffing, capital improvements, the purchase of additional equipment, etc. shall only be approved and implemented by direction of the Superintendent of Police.
8. Bureau Chiefs shall submit to the Superintendent of Police written updates as to the progress being made toward the accomplishment of all Bureau, Division/District, Section and Unit goals and objectives under their command. Reports shall be made quarterly, with a copy being forwarded to the Compliance Bureau – Policy Standards Section.
9. The Compliance Bureau – Policy Standards Section shall review the approved goals and objectives submitted to assess if revising or issuing any current regulations may be required to effectively implement the goals and objectives.

#### **RECORDS**

10. The Compliance Bureau – Policy Standards Section shall maintain files on all Bureau, Division/District, Section and Unit goals and objectives, including the periodic revisions or updates and the quarterly reports on progress submitted by the Bureau Chiefs.

#### **INDIVIDUAL MEMBER GOALS FOR PERFORMANCE APPRAISAL**

11. Supervisors at the lowest organizational structure level, the Unit, shall use the Unit Goals and Objectives, once approved, as the template for developing the individual Unit members' goals and objectives for the upcoming evaluation cycle.
12. The individual members' goals and objectives shall be conveyed to the member by the supervisor before the evaluation cycle begins and specifically state, at a minimum:
  - a. The individual member's goals and objective for the year.
  - b. How the member will demonstrate compliance or attainment of each goal or objective.
  - c. How the member's goals and objectives help the Unit meet its goals and objectives.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.8

### TITLE: ADMINISTRATIVE COMMUNICATIONS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 214**

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#### PURPOSE

Administrative communication is vital in ensuring the smooth and efficient operation of the New Orleans Police Department. Effective and timely communication within the Department ensures all members are informed of significant and routine events and allows the Superintendent to stay abreast of the Department's operations.

#### CORRESPONDENCE

1. To ensure that the official letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead and must be approved for use by a supervisor.
2. All department letterhead shall bear the signature element of the Superintendent of Police.
3. 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.
4. 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.

#### SURVEYS

5. All surveys made in the name of the Department or a unit within the Department shall be authorized by the Superintendent of Police or his/her authorized designee.

#### OTHER COMMUNICATIONS

6. Departmental Orders (see: **Chapter 12.2 – Departmental Orders**) necessary to ensure the effective operation of the Department shall be issued by the Superintendent of Police or his/her authorized designee.



## INFORMATION BULLETINS

7. All Information Bulletins shall be issued in the name of the Superintendent of Police only and shall be approved by the Superintendent of Police or his/her authorized designee prior to issuance.
8. **Information Bulletins are non-directive in nature.** They are not considered "instructions" or "orders."

## OFFICIAL CORRESPONDENCE

9. NOPD letterhead stationary shall be used only for official department correspondence which is directed outside of the City of New Orleans or its agencies, boards or commissions. Employees shall not provide blank NOPD letterhead stationary 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 NOPD 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) Underneath the typed name and title of the employee who wrote the letter, add the signature line followed by the date of the signature. The sender shall sign and date the correspondence.
  - (h) At the left hand margin, type the Superintendent's initials, a slash, the initials of the employee who wrote the letter, a slash, and the initials of the typist. Use no more than three (3) sets of initials.
  - (i) If applicable, the enclosure and attachment section follows the initials section. Give the number of each enclosure or attachment.
  - (j) 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.
  - (k) Use plain, bond paper for second and subsequent pages.
  - (l) 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.
  - (m) The sender will forward a copy of all outgoing correspondence to the Superintendent's Office (Central Files), omitting the attachments or enclosures.
10. 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).**

## INTEROFFICE CORRESPONDENCE

11. Interoffice correspondence directed to superiors shall be directed through the chain of command with a signature line and date line for each intervening supervisor in the

chain of command. All signatories to the correspondence will include the date their signature was entered.

12. When properly directed through the chain of command, reviewing Commanders / Directors shall forward the interoffice correspondence.
13. Interoffice correspondence shall be distributed to the employees of the Bureau, District/Division, Section, or Unit to whom it applies. Bureaus, District/Divisions, Sections and Units shall maintain files of their own interoffice correspondence in accordance with the Department's record retention policy.
14. The correspondence shall be as brief as possible. Content shall be concise and narrowly directed toward the subject matter.
15. Nothing in this Chapter shall prohibit a member from directing an Interoffice Correspondence directly to a Bureau Deputy Chief or to the Superintendent for the purpose of documenting misconduct of any employee of the Department, relaying confidential information, or citing grievances.

#### **INFORMATION BULLETINS**

16. Information Bulletins shall be distributed by Motion Teletype Network (TTY) and Departmental email at [NOPDAI@nola.gov](mailto:NOPDAI@nola.gov) and shall be maintained at the Unit Level for a period of one (1) month after being sent.
17. The employee sending an Information Bulletin shall send a copy of the original document to the Policy Standards Section of the Compliance Bureau for inclusion in the permanent master file of Information Bulletins.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.14

### TITLE: VEHICLE FUELING AND FUEL SERVICES

**EFFECTIVE: 04/15/2018**

**REVISED: (Replaces Policy 706)**

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#### PURPOSE

The purpose of this Chapter is to outline the responsibilities of the New Orleans Police Department and the Fleet Administrator with regard to the Department's fuel system allocation and reporting process.

#### POLICY STATEMENT

1. This Chapter follows the provisions of CAO Policy Memorandum 5(R) and attachments found at [https://employee.nola.gov/documents/forms/policies-law/policies/no-5-\(r\)-vehicle-and-equipment-policy/](https://employee.nola.gov/documents/forms/policies-law/policies/no-5-(r)-vehicle-and-equipment-policy/).
2. This Chapter identifies the responsibilities of:
  - (a) Members who dispense fuel;
  - (b) The fuel facilities to be used by all department vehicles under normal operating conditions;
  - (c) The facilities available and procedures required for emergency fuel services; and
  - (d) The procedures for authorized exemption from this procedure.

#### FUEL SYSTEM ADMINISTRATION

3. 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 notification of emergency provisions for alternate fuel sites and equipment.
  - (c) Processing of requests for vehicle fuel cards (see: CAO Policy #5(R), Attachment L).
  - (d) Processing of requests for deactivation of vehicle fuel cards (see: CAO Policy #5(R), Attachment K).
  - (e) Review of Departmental weekly fuel service reports.
  - (f) Distribution of weekly fuel use reports within NOPD.
4. The Risk Management Section - Fleet Administrator is responsible for initiating and/or conducting investigations for any discrepancy, inconsistency, or impropriety suspected and taking the appropriate action as warranted by the situation in regards to the department's fuel system allocation (See: CAO Policy #5(R), XI. J).

**EMPLOYEE RESPONSIBILITIES**

5. Each member is responsible for the use and security of his/her assigned PIN.
  - (a) Employees should memorize their PIN and shall not loan out their PIN. The member's 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.
  - (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.
6. 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.

**FUEL ACCESS CARDS**

7. Every vehicle in the Department's fleet with a vehicle identification number (VIN) shall have a fuel access card for use at all authorized fueling sites.
8. Each fuel access card shall have, embossed on the card:
  - (a) An identification number,
  - (b) A vehicle account number,
  - (c) The initials **NOPD**,
  - (d) A brief description of the vehicle to which the card is assigned, and
  - (e) The card's expiration date.
9. The fuel access card shall be retained in the vehicle to which it is assigned.
10. The fuel access card assigned for the vehicle shall be used whenever fuel is dispensed to that particular vehicle.
11. Dispensing city fuel without the fuel access card is prohibited.
12. The security and access of fuel access 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.
13. Fuel access card 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.

**DISPENSING FUEL WITHOUT THE CORRECT VEHICLE FUEL ACCESS CARD**

14. Members who must dispense fuel for a City vehicle without the correct vehicle fuel access card for that vehicle must complete the **City of New Orleans Fuel Dispensing Exception Report** (CAO Policy #5(R), Attachment E) found on the City website at: [https://employee.nola.gov/chief-administrative-office/policies/policies/no-5-\(r\)-vehicle-and-equipment-policy/attachment-e-fuel-dispensing-exception-report/](https://employee.nola.gov/chief-administrative-office/policies/policies/no-5-(r)-vehicle-and-equipment-policy/attachment-e-fuel-dispensing-exception-report/).
15. All fuel dispensing exception report forms (CAO Policy #5(R), Attachment E) shall be turned in to the Risk Management Section - Fleet Administrator no later than the next business day after the fuel was dispensed.

**REPLACEMENT FUEL ACCESS CARDS**

16. Lost or stolen fuel access cards shall be documented in a police report (EPR) as soon as the loss or theft is discovered. The discovering and reporting member shall immediately notify his/her supervisor. The item number of the report shall be provided to the Risk Management Section - Fleet Administrator before a replacement card can be ordered.
17. Damaged fuel access cards shall be returned to the Risk Management Section - Fleet Administrator Office and a replacement card ordered without a report.

**FUEL FACILITIES**

18. All department vehicles and equipment shall use the fuel sites listed in this Chapter for all normal operations.
19. Exceptions to the use of restricted fuel sites may be made for:
  - (a) Declared / announced emergencies,
  - (b) At the instruction of Communications Services, or
  - (c) By text message or email from the Risk Management Section - Fleet Administrator.
20. The following are the normal operations fuel sites:
  - (a) **Broad Street Pumps** (City operated - 24 hours per day 7 days per week) at 506 N. Broad St.
  - (b) **Algiers Pumps** (City operated - 24 hours per day 7 days per week) at 2341 Wall Blvd.
  - (c) **East New Orleans Pumps** (City operated - 24 hours per day 7 days per week) at 10200 Old Gentilly Rd.

**EXTENDED - OUT OF AREA VEHICLE USAGE (FUEL ACCESS CARDS)**

21. On those occasions where city owned vehicles are used for approved out of town business, a fuel access card will be issued to, and signed for, by the department member.
22. Records of the assignment, return and use of the out-of-town fuel access cards shall be maintained by the Risk Management Section - Fleet Administrator Office.
23. The use of the out-of-town fuel access cards is for the purchase of fuel for the assigned vehicle only.
24. The out-of-town fuel access card and all receipts for fuel shall be returned to the Risk Management Section, Fleet Administrator Office, during normal working hours (Monday – Friday from 8 am to 4 pm), for all out-of-town fuel purchases within two business days of the member's returning to the City.
25. Failure to comply with the provisions of this Chapter or failure to provide required documentation may result in personal responsibility for the expense of any charges made during the period the fuel access card was signed out to the member, as well as disciplinary action for violations of this Chapter.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.15

### TITLE: OVERTIME PAYMENT REQUESTS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 1038**

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#### PURPOSE

This Chapter establishes guidelines for the compensation of overtime within the department.

#### POLICY STATEMENT

1. It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime.
2. All overtime hours worked by employees of NOPD shall be documented in the ADP payroll system.
3. Employees of NOPD may be permitted to work paid overtime outside their permanent assignment.
4. Employees working over their normal scheduled hours in a pay cycle may be permitted to utilize flex time. If the flex time hours are not used within the same pay cycle, it will automatically revert to overtime pay.
5. 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.
6. No employee, including Reserve officers, shall work more than 16 hours and 35 minutes within a 24-hour period (the 24-hour period begins the first time the employee reports for either regular duty or secondary employment). These hours are cumulative and include normal scheduled work hours, overtime, off-duty secondary employment, and outside employment. If an employee works over the 16 hour and 35 minute 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 limit.
7. Scheduled off-duty approved police secondary employment opportunities or outside employment that could have been adjusted shall not be considered as a valid reason to exceed the 16 hour and 35 minute work limitation. Exceptions to the 16 hour and 35

minute 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.

8. An employee's work hours are limited as follows:
  - (a) Employees shall not work more than 16 hours and 35 minutes in a 24 hour period.
  - (b) Employees shall not work more than 24 hours of overtime per week, Sunday through Saturday. Up to 32 hours of overtime may be worked per week with the permission of the employee's Deputy Chief.

#### **REQUEST FOR OVERTIME FORMS**

9. 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 supervisor in their permanent assignment, and their Commanding Officer.
10. Approval shall be obtained on each separate occasion the employee desires to work overtime outside their assignment except when employees are engaged in the following activities and the conditions and duration of the assignment are listed on the Form 90:
  - (a) Task Force operations, or
  - (b) Regularly scheduled overtime (code 25, directed enforcement grant, etc.)

#### **EMPLOYEE RESPONSIBILITY**

11. Employees shall complete and submit all payroll and overtime request forms promptly.

#### **ACCOUNTING FOR OVERTIME WORKED**

12. Employees are to record the actual time worked in an overtime status.

#### **ACCOUNTING FOR PORTIONS OF AN HOUR**

13. When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour by the ADP payroll system.

#### **J AND T TIME (FLEX TIME)**

14. 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 ADP system under status code J, along with charge code 02 and the appropriate shift code.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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 shall be carried J time for those two hours. This same employee shall take two 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 two hours of unscheduled overtime on his/her last regularly schedule work day of the two-week payroll cycle shall be carried W-02.

#### **VARIATION IN TIME REPORTED**

20. 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 approving supervisor may require each employee to include the reason for the variation on the entry.

#### **OVERTIME DURING EMERGENCY EVENT**

21. All grant 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





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.19

### TITLE: EXCUSAL FROM THE NIGHT WATCH FOR COURT APPEARANCE

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 1037**

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#### PURPOSE

The purpose of this Chapter 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 mandatory court attendance.

#### POLICY STATEMENT

1. Members 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.

#### DEFINITIONS

**Court attendance**—The mandatory appearance in any court or administrative hearing where the member has been summoned to give testimony and the testimony arises out of the member's scope and performance of duty.

#### EXCUSAL APPROVAL PROCESS

2. Members 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.**
3. Unit commanders, or on duty platoon supervisors, contacted by members assigned to the night watch and wishing to be excused from duty shall first check that day's night watch lineup for staffing allocation or check with the night watch platoon commander **before granting approval.** The unit commander or on duty supervisor granting approval shall notify the member's platoon commander, in writing, that the member has been excused from duty.
4. If approval is granted for excusal from duty, the member shall deliver his/her subpoena to his/her unit desk officer prior to his/her reporting time.

#### PAYROLL ENTRIES FOR APPROVED EXCUSAL

5. The member's ADP payroll shall be entered as follows based on the times noted from the ADP system for court appearance or the times noted on the subpoena (See: **Chapter 74.3 – Court Appearance and Subpoenas**):
  - (a) The member shall be entered as a **Work Rule Transfer – “Court Time (Police)”** from the ADP Transfer drop down menu.
  - (b) The total time entered must equal a full shift (the actual “in” and “out” time noted for the court appearance and the remainder to complete the member’s full shift. For commissioned members, eight hours and thirty-five minutes).
  - (c) The excused member shall not be assigned a unit number. That area of the payroll mask shall be left blank.
  - (d) In the remarks section, a notation will be entered indicating the court type, court section and case number (Example: *CDC Section-A, Case #123456*) and the words “**Court Excusal.**” Notifications need not be sent when a member is excused from duty.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.21

### TITLE: ALCOHOL AND DRUG USE/TESTING

**EFFECTIVE: 01/13/2019**

**REVISED: Replaces Policy/Procedure 1012**

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#### PURPOSE

To establish a Department policy concerning the inappropriate use of drugs, alcohol and controlled substances by employees, volunteers, or applicants, and to explain the Department's drug testing procedures.

The **Rules of the Civil Service Commission – City of New Orleans, Rule V Section 9** and **Chief Administrative Office (CAO) Policy Memorandum #89 (Revised)** establish a testing program and requirements for all City employees. These guidelines apply to all Classified and Unclassified Service employees, inclusive of regular full-time, part-time, commissioned, probationary, temporary, or contract employees, and to applicants for employment with the City. The New Orleans Police Department has extended the regulations outlined in this Chapter to all commissioned members of the Department, including Reserve Officers.

#### POLICY STATEMENT

1. The protection of the public, as well as its members, is of prime concern to the New Orleans Police Department (NOPD). The Department recognizes that substance abuse can have an adverse impact on the general public, City government, and the Department's operations and adversely affect the image, general health, welfare, and safety of Departmental members.
2. To maintain the public's confidence and trust in the Department and its members, as well as to protect the safety of the public and Departmental members, **all members must remain free from any physical and/or mental impairment** related to the unauthorized use of any drug or controlled substance. The unauthorized use of any alcohol, drug or controlled substance is prohibited and may result in denial of employment, termination, or other disciplinary action. The Department shall have the right and authority to require members to submit to testing pursuant to Civil Service Rules.
3. The consumption of alcohol or other drugs while on duty is prohibited unless prescribed by and taken in accordance with directions of a licensed medical practitioner and reported as required by this Chapter.
4. The consumption of alcohol may be necessary in the performance of an official special assignment but only after approval by a supervisor of the rank of Deputy Chief or higher. Personnel who consume alcohol as part of a special assignment shall not do so to the

extent of noticeably impairing on-duty performance. Personnel who consume alcohol as part of a special assignment shall not operate a vehicle after his/her consumption for a minimum of eight hours.

5. Members who have consumed alcohol or taken any drugs, even legally prescribed drugs that could adversely affect their normal sensory and/or motor body functions are prohibited from reporting for duty or remaining on duty. The potentially affected member shall notify his/her shift supervisor or unit commander as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor. For purposes of this Chapter, a blood alcohol concentration (BAC) of .02 or greater is presumptive proof of a violation of this Chapter.

## DEFINITIONS

**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 (see **Civil Service Rule V, Sec. 9.12** for criteria.)

**Controlled Substance**—Any substance which is illegal to consume, possess, manufacture or distribute or any psychoactive substance, drug or medication that requires the prescription of a licensed medical practitioner or is covered under 21 CFR 1308.11-15 and/or R.S. 40:964.

**Drug**—Any substance, including alcohol, which is restricted or prohibited by this Chapter. This includes illegal drugs, drugs unlawfully obtained, designer and synthetic drugs, and unauthorized or prohibited drugs as defined in CAO Policy #89 (R). Can also include legally prescribed pharmaceuticals used by the person prescribed, in the manner prescribed.

**Substance abuse (drug abuse)**—Consumption of drugs or substances in amounts or with methods that causes harm to the individual or others, including addiction or dependence, serious physiological injury (such as damage to kidneys, liver, or heart), physical and mental functional impairment (such as altering judgment, perception, attention, memory, coordination, reflexes, and vision) and/or death.

**Drug Test (Test)**—The compulsory production and submission of urine, blood, or saliva, or submission to a breathalyzer, or other test, in accordance with departmental procedures, to detect the presence of substances regulated by this Chapter.

**Probationary employee**—For the purposes of this Chapter only, a probationary employee shall be considered to be a member who has been appointed to, and who is conditionally employed (has not completed the working test period as defined by Civil Service) with the department.

**Sensitive employment positions**—(Category II - Safety sensitive position) Non-sworn employees working in positions that allow access to restricted or confidential information and who are designated as such by collective bargaining agreement, state law or the Superintendent.

**Random Selection**—A method of selection in which each member in a selected employee classification has an equal chance to be selected for drug testing each time a selection is conducted.

**PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY**

6. Department members 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 Chapter.

**MEMBER RESTRICTIONS AND REQUIREMENTS**

7. Members shall:
  - (a) Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.
  - (b) Not be under the influence of alcohol or drugs off-duty that would violate **Rule 3, paragraph 9 – Use of Alcohol / Off-Duty**.
  - (c) Not report for duty in violation of **Rule 3, paragraph 8 – Use of Alcohol / On-Duty**.
  - (d) Ensure that their ability to perform their job duties is not negatively affected due to the use of drugs or alcohol when scheduled to report to work or when on "on call" status.
  - (e) Submit immediately to a drug or alcohol test when requested by their supervisor.
8. No member shall illegally possess any controlled substance.
9. No member shall ingest any controlled substance unless prescribed for them by and taken in accordance with directions of a licensed medical practitioner.
10. Members who are medically required to take any prescription medication which they have been informed or are otherwise aware has side effects with the potential to impair job performance or which might impair their ability to fully and safely perform all requirements of their position shall report the need for such medication to their supervisor in writing prior to reporting for duty. The member shall advise the supervisor of the known side effects of such medication and the prescribed period of use. The employee may be temporarily reassigned to other duties where appropriate. Refer to **Chapter 13.1 – Administrative Reassignment**.
11. No member shall be permitted to work on or drive a vehicle owned or leased by the Department while taking potentially impairing medication without a written notation from his/her treating physician indicating that the medication will not impede the member's ability to perform the functions safely and properly. A specific notation of such on a Departmental Form 50 is sufficient to meet this requirement.
12. Members shall advise their supervisor if they are unable to perform their job duties or should they be requested to report to work for a safety sensitive job earlier than their normal or previously assigned time, if they have consumed alcohol within the last four hours prior to reporting for duty. If the member had received prior notice that he or she is on call, the member may be subject to disciplinary action regarding his/her inability to report for duty as determined by his or her chain of command.
13. Any member who unintentionally ingests, or is made to ingest, a drug or controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.
14. Any member having a reasonable basis to believe that another member is illegally using or is in illegal possession of any controlled substance or drug shall immediately report the facts and circumstances to his/her supervisor.

15. No member shall consume alcohol or drugs, other than prescription drugs as approved using the procedure outlined above, while on duty, on call or on city/police premises unless authorized by a supervisor of the rank of Deputy Chief or higher in the course of his/her employment.

### **SUPERVISOR'S RESPONSIBILITIES**

16. When notified by a member that he/she is taking prescribed medication which may affect job performance, the supervisor shall:
  - (a) Document this information through the use of an internal memorandum (Interoffice 105) to his/her Commander. This memo shall be maintained in a secured file.
  - (b) The member may be temporarily reassigned to other duties, where appropriate. (See: **AR-1 Form - Administrative Reassignment Notification**).
17. If a supervisor reasonably believes, based upon objective facts, that a member'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 member whether he/she has consumed any alcohol or other drugs and, if so:
    - i. The amount and types of alcohol, or other drugs consumed and the time of consumption.
    - ii. 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 member from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department and to a place of safety or treatment.
  - (c) The supervisor shall immediately notify the Public Integrity Bureau (PIB).

### **EMPLOYEE ASSISTANCE PROGRAM**

18. 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 Officer Assistance Program Director for additional information (see: **Chapter 22.2.6 – Officer Assistance Program Member Mental Health Service**).
19. 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.
20. The Department recognizes the confidentiality and privacy rights of its members. Disclosure of any information relating to substance abuse treatment, except on a need to know basis as determined by the Superintendent of Police or his/her designee, shall only be with the express written consent of the member involved or pursuant to lawful process.
21. CAO Policy #89 (R) Section XII governs the relationship between the City's Substance Abuse Policy, this Chapter and employee assistance programs offered by the City and the NOPD. Proactive, voluntary use of self-help programs prior to testing and/or disciplinary action may affect the final disposition of disciplinary actions.

## LEGAL STANDARDS FOR TESTING

22. The Department may request a member to submit to a testing (R.S. 49:1015 – Public Employee Drug Testing) if:
- (a) It is reasonable to believe, based upon objective facts that the member is under the influence of alcohol or drugs which are impairing his/her ability to perform duties safely and efficiently.
  - (b) The member is involved in a motor vehicle crash or accident with injury or complaint of injury 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 member is informed of the test in writing, with the following details:
    - i. Whether the test will be for alcohol or drugs, or both.
    - ii. That the result of the test is not admissible in any criminal proceeding against him/her.
    - iii. That he/she may refuse the test, but that his/her refusal may result in disciplinary action up to and including termination.

## DEPARTMENT MANDATORY TESTING

23. Testing shall be conducted in accordance with the following:
- (a) **Yearly testing (random)**—In compliance with the Rules of the Civil Service Commission – City of New Orleans, all members whose positions are identified as Category I or II, or Reserve members, shall be tested at least once during each calendar year. Each day, the members being tested shall be randomly selected from a pool of all eligible members, including members who have already been tested that year. A computer program shall be used to generate a randomized list of those members to be tested. Members may be tested multiple times if their names are randomly selected more than once.
  - (b) **Promotional and probationary period**—All members, with the exception of Reserve members, shall be required to participate in testing when promoted and during all probationary periods. The Education and Training Division shall be responsible for scheduling testing for all probationary police recruits. The Compliance Bureau shall be responsible for scheduling testing for all other promotions and probationary positions.
  - (c) **Reserve Academy**—All Reserve members shall participate in testing during the Reserve Academy training process. The Commander of the Reserve Section shall be responsible for scheduling testing for all reserve members while in the Reserve Academy.
  - (d) **Reasonable suspicion**—All members shall be tested when there is reasonable suspicion to believe that there is illegal use or abuse of any substance that is impairing their ability to perform duties safely and efficiently. (This is NOT to be confused with reasonable suspicion for the commission of a crime.)
  - (e) **Crash Accident/injury**—All members shall be tested when there is reasonable suspicion to believe that substance abuse may be present and the member is involved in a motor vehicle crash or causes or sustains an injury during the performance of duties, including 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) **Non-Crash Accident/injury**—All members shall be tested when there is reasonable suspicion to believe that substance abuse may be present and the member causes or sustains an injury that requires medical treatment away from the scene of the accident if it occurred during the performance of duties or caused substantial damage to property.

- (g) **Members entering sensitive positions (Category II)**—All members shall be tested when assigned to a sensitive position, assignment or task. Members entering **Category II** (sensitive positions) shall be tested regardless of whether they enter the position by original entrance, promotion, demotion, lateral transfer, or reinstatement.
- (h) **Fitness for duty (Category III)**—Any member shall be tested as determined and directed by the Superintendent of Police or Bureau Deputy Chiefs.
- (i) **Return to Duty**—All members, with the exception of Reserve members, shall be required to participate in testing when returning to duty after an absence, for any reason, of more than 30 days. The returning member shall contact the Compliance Bureau Performance Standards Section immediately upon return to duty and will be tested within 24 hours of return to duty.
- (j) **Firearm Discharge**—Off-duty hunting discharges and off-duty range and training firings when no person is struck are exempted from mandatory testing. The Department shall drug test a member after a firearm discharge, including discharges when no person or animal is struck, in any of the following instances:
  - i. **On duty**, excluding range and training firings and the humane destruction of animals. Members who are exercising their police powers when discharging the weapon are counted as “on duty” for purposes of this provision, even if they are not “on the clock.” For example, if an officer who is driving a take-home unit sees a traffic violation that is particularly dangerous and pulls the violator’s vehicle over to issue a warning or citation, which subsequently leads to the officer discharging their firearm, that officer would need to submit to drug testing.);
  - ii. **Authorized police secondary employment** (paid detail);
  - iii. **Departmental overtime** (includes enforcement grants); and
  - iv. **Discharge of a departmentally issued firearm**, whether the member was on or off duty.

24. This testing will be conducted at a facility designated by the City of New Orleans under Rule V, Sec. 9.7. Members who have been notified to report for testing and fail to appear within the allotted time may be subject to disciplinary action including termination.

### TESTING REFUSAL

25. A member is subject to disciplinary action if he/she:
- (a) Fails or refuses to submit to a test as directed.
  - (b) After taking a 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. The proof of prescription or legitimate use shall be submitted to the Medical Review Officer for the City of New Orleans.

### CONFIDENTIALITY

26. The written results of any test may be provided to the member but will remain confidential and separate from the member's other personnel files.

### YEARLY TESTING (RANDOM)

27. Supervisors of the member selected from the random generated list of members shall be advised of the member's selection by the Compliance Bureau. The supervisor shall instruct the member to report to the testing location within 60 minutes of notification for the purpose of submitting a urine sample for testing. Reserve members, who are in the



metropolitan area and not engaged in their normal job duties which might preclude their availability, shall report within 12 hours of notification. A representative from the Compliance Bureau shall meet that member at the designated testing facility for the completion of the required administrative documents. Departmental transportation shall be provided if the selected member does not have access to Departmental transportation.

28. Members failing to appear within the allotted time may be subject to disciplinary action.

### **PROBATIONARY AND PROMOTIONAL TESTING**

29. Members advised of a probationary or promotional 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 Compliance Bureau shall meet that member at the designated testing facility for the completion of the required administrative documents.
30. Members failing to appear within the allotted time may be subject to disciplinary action.

### **REASONABLE SUSPICION TESTING**

31. If a supervisor has reasonable suspicion to believe that a member is using drugs and/or alcohol while on duty (Category III), he/she shall immediately take that member out of service and notify the Public Integrity Bureau (PIB) of his/her suspicions. The supervisor will document the circumstances and his/her suspicions in an interoffice communication (105) thru his/her chain of command to the Commander of the Public Integrity Bureau before the end of his/her shift. PIB shall be responsible for all Category III testing. (See Civil Service Rule V, Sec. 9.12 for reasonable suspicion criteria at [https://www.nola.gov/getattachment/Civil-Service/Resources/Rules/Rules-6-20-2017-\(BMG-Revisions\).pdf/](https://www.nola.gov/getattachment/Civil-Service/Resources/Rules/Rules-6-20-2017-(BMG-Revisions).pdf/))

### **ACCIDENT/INJURY SUBSTANCE TESTING**

32. Members of the department are responsible for reporting any motor vehicle crash involving a city vehicle occurring on or off-duty and any other injury, not necessarily related to a vehicle crash, occurring on-duty to his/her immediate supervisor as soon as possible after occurrence.
33. All NOPD members shall receive medical attention when needed or requested before submitting to a substance abuse test. The requirements for testing will apply once the member has been released from medical care or the treating facility for injury sustained during the crash.
34. When injuries dictate that an NOPD member be taken to a hospital the supervisor shall inquire at the hospital if blood and urine will be collected for testing. If the hospital refuses to collect blood and urine for testing, the supervisor shall transport the member to the testing facility for testing after the required medical treatment is received.
35. Supervisors are responsible for ensuring the member is tested for 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 member'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 testing and required reports.

36. It shall be the responsibility of the supervisor to initiate NOPD Form SAT 4 when notified of a motor vehicle crash or injury. Members shall print their name, employee ID number, and sign the form at the bottom left side. The form shall be completely filled out.
37. The supervisor shall not allow the member to drive a motor vehicle to the testing facility. Supervisors shall drive the member to the testing facility where NOPD Form SAT 4 shall be presented to a drug testing company representative.
38. The supervisor shall remain with the member at all times until the testing process is completed once notified of the motor vehicle crash, accident, or injury requiring testing.
39. The representative shall make a copy of the form and return the original to the supervisor.
40. The supervisor shall ensure all paper work required by the testing site is completed by the member and that the member complies with all the testing procedures.
41. The member shall be required to submit to a breathalyzer and/or saliva test, which tests for alcohol. If this test shows the presence of alcohol, the member shall be required to submit a blood sample for blood alcohol testing.
42. If the breath test is negative, a blood test is not required.
43. The member shall also be required to submit a urine sample for drug testing. Supervisors shall remain on site until testing is complete.
44. Upon completion, the supervisor shall deliver the original SAT4 form to the Compliance Bureau within 24 hours.

#### **CRASHES OUTSIDE ORLEANS PARISH**

45. If a motor vehicle crash involving the operation of a city vehicle occurs outside Orleans Parish, while on or off duty, reporting supervisors shall include a copy of the completed SAT4 form and their inspection of the vehicle in their administrative report of the incident.
46. In instances where supervisory personnel do not make the scene of a motor vehicle crash occurring outside Orleans Parish, members are responsible for submitting to a testing immediately upon completion of the investigation by the responding / investigating agency.
  - (a) Members shall report to the nearest NOPD police district, informing a supervisor that they were involved in a motor vehicle crash.
  - (b) Supervisory personnel from that district shall accompany the member to the appropriate testing facility for the purpose of administering the SAT 4 test. The SAT 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 member's place of assignment shall be responsible for any additional administrative report requirements.
47. All NOPD members shall receive medical attention when needed or requested before submitting to a test. The requirements for testing will apply once the member has been released from medical care or the treating facility for injury sustained during the crash.
48. When injuries dictate that an NOPD member be taken to a hospital the supervisor shall inquire at the hospital if blood and urine will be collected for testing. If the hospital

refuses to collect blood and urine for testing, the supervisor shall transport the member to the testing facility for testing after the required medical treatment is received.

#### **MEMBERS INVOLVED IN A DWI IN A POLICE CONVEYANCE**

49. Supervisors are responsible for observing any member who was the operator of a police conveyance (automobile, motorcycle, bicycle, horse, boat, etc.) and involved in a motor vehicle crash for indications of alcohol or drug use. If alcohol use is suspected, through admission, smell, actions, speech, Field Sobriety Test, etc., of the suspect member, NOPD Form SAT4 SHALL NOT 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.

#### **PUBLIC INTEGRITY BUREAU INVESTIGATORS**

50. The Public Integrity Bureau shall have the responsibility of overseeing the investigation of suspected criminal offenses by members. If the member, after being arrested and advised of his/her 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.
51. If the member refuses to submit to any testing, including breath, saliva, 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 an administrative investigation. This Investigator will then order the member to submit to testing for administrative purposes as part of the administrative investigation.
52. The responsibility to prepare the motor vehicle crash report shall remain with the assigned investigator (Traffic Section investigator, or district supervisor).

#### **MEMBERS INVOLVED IN DWI OUTSIDE ORLEANS PARISH OR INVESTIGATED BY ANOTHER LAW ENFORCEMENT AGENCY FOR DWI**

53. If the suspect member is under investigation by another law enforcement agency within Orleans Parish or within another jurisdiction for a DWI involving a departmental vehicle, that agency shall complete its responsibilities before any further N.O.P.D. supervisory action. The notified NOPD supervisor shall not interfere with the official investigation, but may offer assistance until its conclusion. The conclusion of the agency's investigation or the release of a suspect member by another jurisdiction does not preclude the completion of the administrative testing procedures by NOPD.
54. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.22

### TITLE: CRASH REVIEW BOARD

**EFFECTIVE: 04/08/2018**

**REVISED: 09/02/2018**

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#### PURPOSE

The purpose of the Crash 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 Operation Manual Chapters.

The vast majority of auto crashes can be prevented if the operator of one or both of the vehicles involved obeys traffic laws, properly maintain the vehicle, drive cautiously, and focus their attention on operating the vehicle

#### POLICY STATEMENT

1. It is the policy of the Department to review each crash of an NOPD vehicle and determine preventability.

#### DEFINITIONS

**Crash**—Refers to a motor vehicle crash as defined by the State of Louisiana and NOPD regulations. More commonly, “the unintended collision of one motor vehicle with another, a stationary object, or person resulting in injuries, death and/or loss of property.”

#### CRASH REVIEW BOARD

2. The Superintendent of Police, in accordance with the Chief Administrator's Office, has created and established the Crash Review Board (CRB) for the New Orleans Police Department.

#### CRASH SCREENING COMMITTEE

3. The Crash Screening Committee (CSC) is composed of the Deputy Chief of MSB or his/her designee as chairperson, the MSB Bureau Commander and the Department Risk Manager.
4. The CSC will review each departmental Crash report and available documentation or evidence to determine causative factors and preventability. If the CSC preliminary review determines a high likelihood of departmental member responsibility for the Crash, the CSC can elect, based on defined CRB guidelines, to offer the member a Negotiated Settlement Agreement prior to the formal CRB hearing.

5. All requirements of **Chapter 52.2 – Negotiated Settlement Agreements** shall be followed.
6. If the member elects to use the NSA, the case will not go before the CRB for a hearing.
7. All documentation relating to the NSA will be maintained by PIB and a notation of the use of an NSA for the crash will be entered into the CRB records at the next scheduled meeting.

#### **CRASH REVIEW BOARD MEMBERS**

8. The Crash Review Board shall consist of the following:
  - (a) The Deputy Chief of the Management Services Bureau shall serve as the Chair of the CRB. In the absence of the Deputy Chief of the Management Services Bureau, any other Deputy Chief may be appointed to chair the Review Board by the Superintendent of Police.
  - (b) One District Commander designated by the Deputy Chief of Field Operations Bureau (all District Commanders are required to serve on a rotating basis).
  - (c) Commander of the SOD - Traffic Section (or Acting Commander).
  - (d) Commander of the Education & Training Division (or Acting Commander).
9. All of the above board members shall be present to constitute a quorum.

#### **TECHNICAL ADVISORS AND SUPPORT FOR CRB**

10. The following positions shall be filled at each meeting of the Crash Review Board:
  - (a) One member of the Fatality Unit of the Traffic Section.
  - (b) One member of the Risk Management Section.
  - (c) One member of the Education & Training Division, who shall record information relating to training analysis and recommendations of the CRB.
  - (d) One member of the Public Integrity Bureau, who shall record the meetings and process any disciplinary forms initiated by the Deputy Chief of the Management Services Bureau as a result of a Board decision.
  - (e) Representative of the City's Claims Adjuster (contractor).

#### **RESPONSIBILITIES OF CRB**

11. The Crash Review Board shall evaluate each crash involving a departmental vehicle or a crash involving an on-duty member of the department.
12. The Crash Review Board members shall conduct and record the Crash Review Board's hearing during which they shall be responsible for reviewing all crash or damage reports, testimony, and video involving department vehicles. The Crash Review Board, when possible, should convene at least six times per year.

#### **DOCUMENTS / EVIDENCE**

13. Data used for reviewing reports shall consist of, but not be limited to:
  - (a) Copies of all related traffic crash or incident reports.
  - (b) Copies of all related supervisory reports.
  - (c) Damage estimates from City adjuster.
  - (d) Testimony of involved employees/witnesses.
  - (e) Any other pertinent information, (e.g., scene photographs, brake inspection, repairs).

- (f) Vehicle Pursuit Reports.
- (g) In-Car Video and related BWC video.

### **REVIEW COMPLETION**

14. After completing the review of each crash, the Board members shall, by a majority vote of all members:
  - (a) Classify all crash or damage incidents in accordance with the guidelines of Classification of Crashes.
  - (b) Make recommendations to the Superintendent of Police regarding the determination of Classification of Crashes and the appropriate disciplinary recommendation.
15. In the event of a tie vote, the Chairman shall make the final determination. Any member of the CRB may submit a written "dissenting opinion" on the determination which will accompany the CRB decision to the Superintendent of Police.

### **RISK MANAGEMENT SECTION**

16. The MSB - Risk Manager shall be responsible for:
  - (a) Assigning the necessary clerical staff to the Crash Review Board.
  - (b) The safekeeping of all Crash Review Board records.
  - (c) Delivery of all reports to committee members and the Superintendent.

### **AUTHORITY TO SECURE NEEDED REPORTS, DATA OR WITNESSES**

17. The Crash Review Board shall have the authority to call to testify before the Board, at a specified time and date, any member of this Department regarding:
  - (a) A crash; or
  - (b) An incident which resulted in damage to a departmental vehicle.
18. Failure of any member summoned by the Crash Review Board to appear shall result in disciplinary action.
19. The Crash Review Board Chairman is responsible for securing the appropriate data needed to conduct a comprehensive review of all crashes and incidents before the Board. The Board Chairman shall ensure that the following procedures are carried out in accordance with this Chapter:
  - (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 Management Services Bureau. The Risk Manager shall forward all reports to the Crash Review Board. In the event of special reports, such as brake inspection reports, the Risk Manager shall ensure that this 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 the departmental driving training record of any employee of the Department involved in a traffic crash will be obtained from the Education & Training Division.
  - (d) 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 Crash Review Board by the Director of Personnel.
  - (e) Copies of all video from ICC or BWC that relates to the crash or incident under review and/or the related call for service shall be obtained.

## CLASSIFICATION OF CRASHES

20. All crashes or incidents of damage to departmental vehicles shall be classified in accordance with the existing Classification of Crashes set by the Superintendent of Police. The classification of crashes is as follows:
- (a) **Category A - Non-Preventable:**
    - i. **A1 - Non-Preventable** - Crashes in this category are described as being beyond the operator's control while practicing good driving methods.
    - ii. **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.
    - iii. **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:**
    - i. **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 a department Chapter governing motor vehicles.
    - ii. **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 a department Chapter governing motor vehicles.

## DISCIPLINARY ACTION RELATING TO CRASHES

21. The City of New Orleans through the Chief Administrative 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. Severity of the incident is determined by the totality of the circumstances including but not limited to the damage cost and injuries sustained.
- (a) **Chart I** - Preventable incident, but the severity of the incident is considered by the Board to be minor in nature.
  - (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.
22. 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 training, 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 the determination of a disciplinary recommendation. Additional penalties may include suspension of an employee's driving privileges and loss of take home vehicle authorization.
23. The Crash Review Board shall postpone a review of an employee who is currently under investigation for violations directly related to a vehicle pursuit which involved a crash. The Risk Manager shall check with the Public Integrity Bureau prior to the convening of

a Crash Review Board to verify the disciplinary case status under these circumstances.

24. If, during the course of a crash review, evidence of a vehicle pursuit is discovered that was not reported, the Risk Manager shall notify the Commander of MSB who will review the incident record and initiate a disciplinary investigation if confirmed. If the evidence is discovered during a review of the incident by the CRB, the review will be postponed and CRB Chairman shall initiate a disciplinary investigation.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.24

### TITLE: FIRE PLAN FOR POLICE HEADQUARTERS

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 245**

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#### PURPOSE

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 throughout the building thus notifying all Headquarters personnel and visitors.

#### ALARM SYSTEM ACTIVATION

1. Personnel who witness or strongly suspect a fire shall pull the nearest manual pull station.
2. The building additionally has sensors throughout to detect smoke, fire, or fumes and will automatically activate the fire alarm system.
3. The fire alarm system contains an auto call feature which will automatically place a call to the. Off-site fire alarm monitoring company.
4. If any personnel confirm the presence of a fire, a call should be made to the Communication Services "911 Call Center" at **911**. Commissioned personnel shall also utilize their police department radio to contact Communication Services to notify them of a fire.

#### STAIRWAYS

1. 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.
2. Stairwells are protected by a 1.5 hour B labeled fire door indicating each floor level. **These doors shall never be blocked or wedged open.** The stairwells are within a two hour fire rated enclosure.

#### FIRE FIGHTING EQUIPMENT

3. 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.
4. 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.
  5. Portable fire extinguishers are available throughout the building in various locations. These extinguishers shall be used on small fires only.
  6. 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 troughs 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.
  7. In the event of a fire, before any person(s) attempt to extinguish, you must ensure that 911 Call Center or NOPD Command Desk is notified.

#### **FIRST FLOOR POLICE SECURITY DESK**

8. 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 Communication Services "911 Call Center" at **911**. The fire department can also be contacted directly at 671-3939. Command Desk can be contacted directly at 671-3650.
9. If possible and safe to do so, 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.
10. After normal business hours and on holidays, it shall be the responsibility of the commissioned personnel of the NCIC Unit to provide whatever assistance is needed by fire department personnel.

#### **EVACUATION OF POLICE HEADQUARTERS**

11. Upon receiving instructions to evacuate the building, or receiving notification by the audible/visual fire alarm system, all members 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.
12. Employees shall not use the elevators during a fire emergency.
13. 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.
14. 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 (do not break or open window unless directed to by fire officials or conditions within room become untenable.
  - (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
15. Employees shall not attempt to remove any personal property from the building during an evacuation. Vehicles shall not be removed from the parking garage.
  16. 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.
  17. 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.
  18. Supervisory personnel who have hearing impaired subordinates shall ensure these employees are notified of fire alarms, and the need to evacuate.
  19. 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.
  20. 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. **All** occupants shall participate in evacuation drills. Written records of each drill shall be maintained and available upon request from fire officials (see: **Fire Prevention Code of the City of New Orleans**).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.25

### TITLE: LOST OR MISPLACED DRIVER'S LICENSE

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy 223**

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#### PURPOSE

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 duties.

#### PROCEDURE

1. 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.
2. Lost Louisiana driver's license:
  - (a) The member shall complete an interoffice correspondence (form 105) containing the below information:
    - i. The name, date of birth, sex, address, city, state and zip code of the individual whose license was lost;
    - ii. The driver's license number; and
    - iii. A brief explanation of how the license was lost or misplaced.
  - (b) The correspondence shall be signed by the member responsible for the loss and submitted to his/her unit commander for approval.
  - (c) The member shall complete a **Lost Driver's License Form # 178** and obtain the required signatures.
  - (d) The completed forms shall be distributed as follows:
    - i. Copies of both forms will be maintained in the member's unit file.
    - ii. 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 SOD Traffic Citation Processing Office.
    - iii. 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.

- iv. A copy of the certified receipt indicating the signature of the person to whom delivered shall be attached and maintained with the correspondence and Form #178.
3. Lost driver's license from a state other than Louisiana:
  - (a) The member responsible for the loss shall complete the **Lost Driver's License - Out of State (Form #177)** as follows:
    - i. The form shall be completed (typed) by the member responsible for the loss.
    - ii. Every portion of the form shall be completed, except the Citation Number section if it is inapplicable.
    - iii. The member responsible for the loss shall place his/her first and last name in the Reference Section of the form.
    - iv. The member will then submit the completed form to his/her Unit Commander for processing.
4. The Unit Commander, or his/her designee, shall sign the form, ensuring a copy is given to the individual whose license was lost.
  - (a) 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.
  - (b) A copy of the certified receipt indicating the signature of the person to whom delivered shall be attached and maintained with the correspondence and Form #177.
  - (c) 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.27

### TITLE: PROFESSIONAL PERFORMANCE ENHANCEMENT PROGRAM

**EFFECTIVE: 04/08/2018**

**REVISED: Replaces Policy (1056)**

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#### PURPOSE

This Chapter provides for the administration of the Professional Performance Enhancement Program (PPEP). The program provides for a systematic review of member behavior with regard to job performance and interpersonal contacts with both the community and other NOPD members in order to detect tendencies that may require intervention.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to hire, educate, train and develop the most highly skilled and professional member possible.
2. Police service requires sound judgement, sensitivity and self-discipline on the part of the officers and department members providing such service, often under tense, emotional and trying circumstances. To meet this obligation, training in community awareness and sensitivity is directly related to officer / member performance.
3. The PPEP, along with INSIGHT, shall compile and analyze data from a variety of sources for use in monitoring the behavior of NOPD members. The program's goal is to identify potential problem behavior, intercede as appropriate and initiate non-disciplinary corrective interventions, when needed, to enhance the member's public relations skills, improve the member's interactive skills with the community, and prevent escalation of potential inappropriate behaviors.
4. The data gathered under PPEP will be used to continually evaluate and improve the training techniques utilized by the Education & Training Division.
5. The Programs Section of the Public Integrity Bureau administers the PPEP.
6. The criteria selected for use in determining the data used in the review of department members are designed to bring to the Department's attention as many potential problematic members as possible without inhibiting energetic, well-intentioned members.

#### EDUCATION & TRAINING RESPONSIBILITIES

7. The Education and Training Division, working with the PIB—Programs Section, shall be

responsible for the preparation and implementation of the educational components for any training deemed necessary under PPEP.

### COMMANDERS / SUPERVISORS RESPONSIBILITIES

8. Commanders or supervisors who feel that a member would benefit from inclusion in PPEP shall submit a Department Form 105 through their chain of command to the Deputy Chief of the Public Integrity Bureau, articulating specific observed or known behaviors to justify their request.
9. Supervisors shall make a record in INSIGHT of PPEP remedies and outcomes.

### PIB - PROGRAMS SECTION RESPONSIBILITIES

10. Members referred to the PIB—Programs Section for PPEP by commanders or supervisors shall have their entire complaint history reviewed by the Programs Section. The member's complaint history will be evaluated along with the behaviors documented by the commander / supervisor to determine if the member should be included in PPEP retraining.
11. The Programs Section of the Public Integrity Bureau shall be responsible for gathering, maintaining, and evaluating PPEP data. The data will be gathered from the following sources:
  - (a) Complaints (sustained, not sustained, withdrawn, and pending cases);
  - (b) Use of force reporting forms;
  - (c) Notifications of serious uses of force (See: **Chapter 1.3.2—Force Investigation Team**);
  - (d) Resisting arrest type charges including, but not limited to:
    - i. LA. R.S. 14:108 resisting an officer
    - ii. LA. R.S. 14:108.1 - flight from an officer
    - iii. LA. R.S. 14:34.2 battery on an officer
    - iv. 18854 MCS 54-441 resisting an officer
  - (e) Orleans parish Sheriff's Office Intake and Processing Center arrest registers noting injuries of arrested subjects and/or indicating force used by officers in making arrests;
  - (f) Off-duty incidents; and
  - (g) Commander/Supervisor referrals.

### RECOMMENDATIONS

12. At the completion of the review process by PIB – Programs Section, a recommendation shall be made and distributed for reviewed by the member's Division Commander and Bureau Chief, who may assign additional comments via Department Form 105. The recommendation and comments shall be returned to the Programs Section of the Public Integrity Bureau for review and determination by the Superintendent or his/her designee. Recommendations may include the following:
  - (a) **NO SPECIFIC MONITORING**—If there is sufficient reason to believe the member's noteworthy activities have ceased and his/her supervisor and Commander have provided convincing reason to believe that the member is not problematic, or the review process has determined that the identifying criteria are not sufficient to warrant intervention.
  - (b) **MONITORING**—The member's Commander shall monitor and document the behavior of the member on a formal basis for a period of 24 weeks as follows:
    - i. The member's Commander shall submit a bi-weekly written report via **PPEP Monitoring Form #209** through the chain of command to the Public

- Integrity Bureau. The report shall contain an account of the member's observed behaviors relating to the inappropriate behavior cited in the initial PPEP report and list any complaints (formal or informal) received on the member, and the action/remedy taken.
- ii. Each bi-weekly time period shall be comprised of two seven day weeks, (Sunday through Saturday).
  - iii. The report shall be due in the Public Integrity Bureau – Programs Section office no later than 4:00 pm the following Thursday after each two week period.
- (c) **RETRAINING**—The curriculum developed by the Education and Training Division to address the potential problem area(s) shall be geared to improving a member's skills in the areas identified by the initial PPEP report and may include: citizen interaction, sensitivity training, conflict resolution, complaint avoidance, use of force, communications skills, and community relations.
- i. The Education and Training Division shall schedule the appropriate PPEP curriculum in keeping with the Superintendent's final recommendations.
  - ii. Members attending retraining shall be carried as “detailed” from his/her regular assignment to the Education and Training Division. The Education and Training Division shall enter the member's hours in the ADP payroll system.
  - iii. Attendance at all designated training and the satisfactory completion of the retraining program shall be mandatory for all members referred for retraining through PPEP.
  - iv. At the completion of PPEP retraining, the member's Commander shall monitor the behavior of the member on **PPEP Monitoring Form #209**, for a period of 24 weeks in accordance with this Chapter.
- (d) **PSYCHOLOGICAL COUNSELING**—May include psychological evaluation.
- (e) **REASSIGNMENT**—Administrative reassignment to a different unit may occur.

### PIB STAFF PROGRAM SECTION

13. The PIB Programs Section shall also be responsible for a continuous monitoring of incoming complaints and shall forward notice through the member's chain of command when the number of complaints received on a member shows an abnormal increase over a short period of time. This notice shall serve to inform the member's commander that he/she may be developing inappropriate patterns of behavior.
14. Once notified by PIB, the member's Commander shall evaluate the member's behavior and determine if a remedy is necessary and/or applicable. Any action(s) taken shall be documented on **PPEP Monitoring Form #209** and communicated to PIB – Programs Section.

### ANALYSIS

15. The Public Integrity Bureau—Programs Section shall conduct an annual analysis of all members who have participated in PPEP for the calendar year and shall submit a report concerning the analysis of PPEP, the members who participated, the reasons for participation, the remedial actions and training recommended and provided, and the results (if available) or effectiveness of the program on reducing or eliminating the reoccurrence of the identified behaviors. This report shall be made to the Superintendent of Police no later than March 31 for the preceding year.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.27.1

### TITLE: JOB PERFORMANCE IMPROVEMENT PLAN

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy 1057**

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#### PURPOSE

To establish instructions and guidelines for the use of the employee Job Performance Improvement Plan (JPIP).

#### POLICY STATEMENT

1. One goal of the Department is to give every employee the opportunity to be successful in his/her chosen career. The JPIP is one method which can be used to provide a clear and documented exchange between a supervisor and an employee regarding the employee's performance and the supervisor's expectations to assist the employee in improving his/her job performance.
2. JPIP is not exclusively for sub-par or unacceptable performance. It is a tool along with mentoring, redirection, non-disciplinary counseling and remedial training to help clearly define a process to improve an employee's performance, even if it is currently acceptable. (See also: **Chapter 35.1.9 – INSIGHT**).
3. Supervisors, managers, and/or administrators must decide when it's appropriate to move from the verbal and less structured forms of performance improvement mechanisms to the structured, written level to becoming more effective in assessing member performance and in making management decisions to improve an employee's performance.
4. Once supervisory personnel determine a **Job Performance Improvement Plan (JPIP)** is necessary or desirable, the JPIP form shall be initiated.
5. An employee may be compelled to participate in a JPIP in addition to any sanctions resulting from disciplinary action.
6. Failure of an employee to successfully complete the terms and conditions of a JPIP is grounds for disciplinary action with sanctions up to and including termination.

#### DEFINITIONS:

**Behavior**—Refers to the way in which employees respond to specific circumstances or situations in the workplace.

**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.

## **GUIDELINES**

7. A Job Performance Improvement Plan (JPIP) should:
  - (a) Identify the standard(s) the employee wishes to improve or the supervisor believes the employee does not meet, specific to the employee's job classification.
  - (b) Clearly state the performance objectives to be met by the plan.
    - i. Ideally, the employee will set the objective(s) and the supervisor will advise if the objective(s) is attainable.
    - ii. The objectives should be measurable, realistic, reasonable and attainable for the employee to have positive changes in behavior and/or performance.
  - (c) Foster a discussion about each area where improvement is desired or needed.
  - (d) Promote a mutual agreement on the nature and severity of the substandard performance, if any.
  - (e) Promote a mutual agreement on the course of action that will increase performance to a desired or acceptable level.
  - (f) Outline the methods to be used in meeting the objective(s) set.
  - (g) Explain the supervisor's role in assisting the employee to achieve desired / satisfactory levels of performance. If structured training is applicable (i.e., E&TD, 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 should also be available.
  - (h) Establish controls to measure and document progress and communicate them, in writing, to the employee. The controls should be outlined and the employee informed of the control(s) in the JPIP written plan.
  - (i) Be signed and dated by both the employee and the supervisor.
  - (j) Be approved through the employee and supervisor's chain of command to their respective Bureau Chief.
  
8. While collaboration and agreement between the supervisor and employee is the preferred course of action, if the JPIP is being utilized to improve sub-par or unacceptable performance, in the absence of agreement a supervisor shall set the acceptable standard to meet the objective(s) by the employee throughout the JPIP.

## **SUPERVISOR'S GUIDELINES**

9. A JPIP may be used at any time to improve an employee's job performance.
10. Any conversations and/or actions related to an employee's job performance shall be documented by the supervisor.
11. The following are pertinent in determining if it is appropriate to complete a Job Performance Improvement Plan form:
  - (a) Is the identifiable substandard performance recent?
  - (b) The severity of the problem.
  - (c) Has the identifiable substandard performance been previously discussed verbally?
  - (d) Were there one or more previous verbal discussions about a performance problem(s)?

- (e) Have any actions been taken? List the actions taken to date (ex: Verbal discussion, written agreement, and training).
- (f) What was documented in writing and when?
- (g) Was training provided? When?
- (h) Was the training related to the same sub-standard performance?
- (i) Was the training recent?
- (j) Did the employee receive previous direction(s) or expectation(s) from the supervisor? Did the employee initial the written direction(s) expectation(s)?
- (k) 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.)?

## **CONDUCTING A JOB PERFORMANCE IMPROVEMENT PLAN MEETING**

### **BEFORE MEETING WITH THE EMPLOYEE**

- 12. Before meeting with an employee on a JPIP, 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 PIB investigation has not been initiated or 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 for the meeting.
  - (e) Complete the Job Performance Improvement Plan form (Form #183).

### **DURING THE MEETING WITH THE EMPLOYEE**

- 13. During the JPIP meeting, supervisors shall:
  - (a) Review completely the Job Performance Improvement Plan form with the employee.
  - (b) Focus on the performance expectations, not the employee.
  - (c) If any deficiencies, clearly state them along with examples of unacceptable 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).
  - (d) Remain calm, professional and maintain a positive, respectful, and helpful demeanor.
  - (e) Listen to any explanations or statements of the employee relative to the issues under discussion and review.
  - (f) Consider having a second supervisor present.
  - (g) Identify any contributing factors outside the employee's control (e.g., training not provided, unclear instructions provided, etc.).
  - (h) Work toward a joint solution.
  - (i) Set clearly defined objectives for improved performance.
  - (j) Set a time frame for periodic evaluation of progress.
  - (k) Take notes and summarize the discussions.
  - (l) Advise the employee of consequences, if progress is not attained.
  - (m) Keep the employee focused on the issues under discussion and review and help him/her take ownership (e.g., don't allow the employee to rationalize or minimize poor performance or its negative impact).
  - (n) Express confidence the employee will improve.

### **AFTER THE MEETING**

14. After the JPIP meeting, supervisors shall:
  - (a) Follow up on progress using the Job Performance Improvement Plan form.
  - (b) Document all meetings during the JPIP process in writing on NOPD Form 183, Job Performance Improvement Plan.
  - (c) Ensure supervisors in the employee's chain of command are notified and follow-up on the Job Performance Plan (JPIP).
  - (d) Document progress in writing.
  - (e) Meet regularly with the employee.
  - (f) Document performance behavior, discussions, etc.
  - (g) Ensure time frames are met.
  - (h) Identify and recommend officer assistance if required
  - (i) Approve a contingency plan if the employee does not reach expectations.

### **COMPLETING THE JOB PERFORMANCE IMPROVEMENT PLAN FORM**

15. Only supervisory employees can complete a Job Performance Improvement Plan form.
16. Supervisors shall complete all sections of the Job Performance Improvement Plan form.
17. Filling out the Job Performance Improvement Plan form:
  - (a) Indicate if the report is 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) Describe in detail the facts and/or circumstances justifying the employee participating in a JPIP.
    - i. Identify/define the problem. (Be specific with dates, times, names, and/or other details.)
    - ii. Summarize the history and actions taken to date.
    - iii. Outline the significance of the performance deficiency.
    - iv. Explain the impact of the unacceptable performance/behavior/conduct.
  - (d) If additional space is needed for any section of the form, the reporting supervisor shall attach an interoffice memo with the additional information and clearly indicate what the additional information references.
18. Indicate which, if any, documents are attached to the form. 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.
19. The original signed copy of the JPIP and all supporting documentation shall become part of the employee's electronic and hard copy personnel file in the personnel jacket.
20. 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.
21. 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.

**FAILURE TO MEET PERFORMANCE EXPECTATIONS**

22. If the JPIP was initiated for an employee's unsatisfactory job performance and the 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.
23. Failure of an employee to successfully complete the terms and conditions of a JPIP is grounds for disciplinary action with penalties up to and including termination (Civil Service - Rule 9).
24. Supervisors may consult with their Commanders, the Personnel Director, or a representative of the Public Integrity Bureau (PIB) for assistance.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.28

### TITLE: PERSONAL APPEARANCE STANDARDS

**EFFECTIVE: 08/07/2022**

**REVISED: Replaces Policy 1044, 09/09/2018, 07/02/2019**

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#### PURPOSE

To project and promote a disciplined, identifiable, and impartial police force by maintaining the uniform as a symbol of neutral government authority, free from expressions of personal bent or bias toward the public and other members of the Department, members shall maintain their personal hygiene and appearance to ensure a professional image appropriate for this department and for their assignment.

#### POLICY STATEMENT

1. All members, civilian and commissioned, shall maintain a neat, clean, and professional appearance at all times while on duty or representing the Department. Unless otherwise provided for by this Chapter or in the Operations Manual, or should deviations from these standards present a concern for officer safety, the standards outlined in this Chapter shall apply to all members of the Department.

#### DEFINITIONS

**Tattoo**—The act or practice of marking the skin with indelible or semi-permanent designs, forms, figures, art, etc. by making punctures in the skin and inserting pigment or applying substances to the skin.

**Scarification**—The act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.

**Branding**—The act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

**Piercings**—The act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or ornamentation.

#### HAIR – GENERAL GUIDELINES

2. Members shall maintain their hair in a neat, clean and well-groomed manner to reflect a professional and businesslike appearance.
3. 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 radical hairstyles.

4. 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.
5. Members 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.
6. **Commissioned male members** - 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.
7. **Commissioned female members** - 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.
8. **Non-commissioned members** - Hair shall be maintained as to present a neat appearance consistent with the type of duty performed.

#### **HAIR ORNAMENTATION**

9. Commissioned members of the department shall not wear hair ornamentation.
10. 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 of protective head and/or face gear. Hair control devices shall in no way detract from a member's professional appearance.

#### **HAIRPIECES AND WIGS**

11. Hairpieces and/or wigs may be worn. Hairpieces, wigs, and the member's overall appearance must conform to the department's general hair standards.

#### **MUSTACHES**

12. A short and neatly trimmed mustache may be worn. Mustaches shall not extend downward past the corner of the lower lip and laterally, more than one-half inch beyond the corner of the mouth.

#### **SIDEBURNS**

13. 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.

#### **FACIAL HAIR (BEARDS)**

14. For commissioned members, facial hair length shall be kept trimmed and neat, not to exceed  $\frac{1}{4}$ " in length. The shaving, waxing, plucking or otherwise removal of superfluous hair from the beard for the purpose of aesthetic grooming (shaping, pencil thin trimming, designer beard, "chin strap" beard, etc.) or other cosmetic effect is prohibited.

15. Facial hair shall not have any designs. Facial hair shall not be dyed any other color except the members natural hair color.

### FINGERNAILS

16. Fingernails (natural or artificial) shall be neat and clean and shall not display decals or ornamentation. They shall not interfere with the member's duty performance such as safe drawing of weapons, or usage of safety or duty equipment.
17. **Female Members**—When on duty in uniform and when attired in authorized clothing other than the uniform, female members may wear fingernail polish.
18. **Male Members**—May only wear clear fingernail polish.

### EYELASHES

19. **Female members**- Uniformed female members may wear eyelash extensions on duty of a natural hair color and which shall not extend more than 10 millimeters in length from the eyelid. When on duty in uniform and when attired in authorized clothing other than the uniform, female members may only wear eye makeup and color that is professional and businesslike in color.

### JEWELRY AND ACCESSORIES

20. No jewelry or personal ornaments shall be worn by members or attached on any part of the uniform or equipment, except those authorized within this Chapter. 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.
21. The use of gold or other metallic caps worn only as dental jewelry is prohibited while a member is on duty. Orthodontia, or dental caps which are applied for proper dental hygiene, are allowed. If requested, a member must provide certification from his/her dentist concerning medical/dental necessity of orthodontic appliances.
22. Ear gauges are prohibited.
23. **Male Members**—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 rings, nose studs, tongue rings/studs, eyebrow or lip rings, and other personal adornments are prohibited.
24. **Female Members**—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.

### TATTOOS / BODY ART / BODY PAINTING

25. The following tattoos, body art, or body painting are **PROHIBITED**:
  - a. Those representing bias against any actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar



identifiable group . This includes swastikas and images associated with oppressive organizations such as the Ku Klux Klan, SS, etc.

- b. Those representing a criminal organization or gang alliance or allegiance. (See **Chapter 43.6 – Gang Violence Reduction Strategy**).
- c. Those that are offensive and/or inappropriate and are visible to the community. This includes:
  - i. Depictions of nudity or violence;
  - ii. Vulgar, lewd or sexually explicit images;
  - iii. Visual or written profanity or expletives;
  - iv. Political activity prohibited by Civil Service Rules;
  - v. Symbols that are likely to incite a strong reaction in the workplace or public (i.e. pentagrams, etc.); or
- c. Those visible on the face, head, hand, mouth, and neck.

26. Visible tattoos, body art or body painting that are not explicitly prohibited but could reasonably or sensibly be construed as demeaning, political activity prohibited by Civil Service Rules, sexually explicit, or offensive in nature shall be covered at all times while on duty or representing the department. For commissioned members this can be done by wearing a department approved uniform or approved uniform part, the wearing of which is consistent with the overall uniform guidelines.
27. The covering of the tattoos, body art, or body painting through the use of band aids or other such devices shall not be allowed as a means of conforming to this regulation.
28. Should there be doubt as to whether a member's tattoo, body art or body painting is in violation of this Chapter, it shall be the responsibility of a supervisor in the member's chain of command to request an opinion, in writing, and a remedy from the Superintendent of Police. This does not preclude the use of the disciplinary process for clear violations of the Chapter.
29. The Superintendent of Police shall be the final authority in determining if a tattoo, body art or body painting is demeaning, political activity prohibited by Civil Service Rules, sexually explicit, or offensive in nature.
30. Officers working in an **undercover assignment only** are exempt from the requirements under this section while performing their official duties in that capacity. Non-uniformed or plainclothes assignments are not the same as undercover.

#### **MEMBERS WORKING OFF-HOURS ENGAGED IN DEPARTMENTAL BUSINESS**

31. Members (uniform or plainclothes) working other than his/her normal tour of duty schedule (e.g., court appearance, attendance at an administrative hearing, business meetings or secondary employment assignments) are bound by personal appearance requirements outlined under this Chapter.

#### **BODY PIERCING OR ALTERATION**

32. 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 not medically required is **PROHIBITED**.
33. Such body alteration includes, but is not limited to, the following:
  - d. Tongue splitting or piercing;
  - e. Nose rings/studs;
  - f. Eyebrow or lip rings;
  - g. Abnormal shaping of the ears, eyes, nose or teeth; or
  - h. Branding or scarification.

**MAKE-UP**

34. **Female Members**—May wear make-up while on duty and shall be worn in moderation and shall be consistent with a professional and businesslike appearance.
35. **Male Members**—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.

**UNDERSHIRTS/CAMISOLES**

36. Undergarments worn by uniformed members shall not be visible under the uniform shirt. Carriers or garments which are specifically designed to be worn with body armor are exempt from this regulation but shall be of a neutral color that does not detract from the overall appearance of the uniform.

**SUPERVISORY REQUIREMENTS**

37. Supervisors are to ensure that this Chapter is complied with by all members. To ensure compliance, supervisors shall conduct daily inspections of their subordinates during roll call and/or in their routine contact with subordinates.
38. Deviations from this Chapter shall be documented and disciplinary action should be taken for violations.
39. **Supervisors shall not allow officers who are in violation of this Chapter to commence a tour of duty until the violations are corrected.**

**EXCEPTIONS**

40. Exceptions to these standards include members whose appearance is deemed as appropriate by the Superintendent of Police in writing.
41. Specific requests for exceptions relating to a religious accommodation that impacts the personal appearance of members shall be made in writing and directed to the Superintendent of Police.
42. Members may be granted a one-time exemption, by the Superintendent of Police, for violations of this Chapter that cannot be concealed that occurred PRIOR to the effective date.
43. Members requesting an exemption must submit his/her request:
  - i. In writing.
  - j. Through his/her chain of command.
  - k. With color photographs documenting the tattoos, scarifications or brands for which he/she is seeking an exemption.
  - l. With a detailed, specific mention of the location on the member's body where the tattoos, scarifications or brands for which he/she is seeking an exemption is located.
  - m. Within one week of the effective date of this Chapter.
44. The member requesting exemption shall receive notification granting or denying the exemption within 30 days of receipt of the request by the Superintendent of Police.

All exemption requests, the accompanying documentation and the final

determination of the requests shall be forwarded to the Personnel Division for inclusion in the member's personnel jacket (both electronic and hard copy).

45. The Superintendent of Police is the final authority for deciding on the appropriateness of any tattoo, brand, scarification, piercing or jewelry covered by this Chapter. The Superintendent of Police also has the sole authority and discretion to grant or deny exceptions to this Chapter as outlined herein.
46. Individuals with tattoos receiving an exception shall cover all visible tattoos that otherwise would violate this policy in a department approved uniform or approved uniform part, the wearing of which is consistent with the overall uniform guidelines, absent a written authorization from the Superintendent of Police.

50. The Superintendent of Police is the final authority for deciding on the appropriateness of any tattoo, brand, scarification, piercing or jewelry covered by this Chapter. The Superintendent of Police also has the sole authority and discretion to grant or deny exceptions to this Chapter as outlined herein.
  
51. Individuals with tattoos receiving an exception shall cover all visible tattoos that otherwise would violate this policy in a department approved uniform or approved uniform part, the wearing of which is consistent with the overall uniform guidelines, absent a written authorization from the Superintendent of Police.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.29

### TITLE: SELF-IDENTIFICATION/BUILDING SECURITY

**EFFECTIVE: 02/05/2017**

**REVISED: Replaces Policy/Procedure 227**

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#### PURPOSE

The purpose of this Chapter is to establish procedures for self-identification by New Orleans Police Department members using their credentials, including when members must identify themselves to the public.

#### POLICY STATEMENT

1. All NOPD members, regardless of civil service classification, whether in uniform or not, and whether on duty or off duty, shall maintain proper New Orleans Police Department credentials and display them or provide them when appropriate in accordance with this Chapter.
2. All members of the Department are responsible for maintaining situational awareness of the facility in which they work and, within their individual capabilities, reporting, questioning or intervening in possible security breaches. Safety and security of facilities is every member's responsibility.

#### INSTRUCTIONS

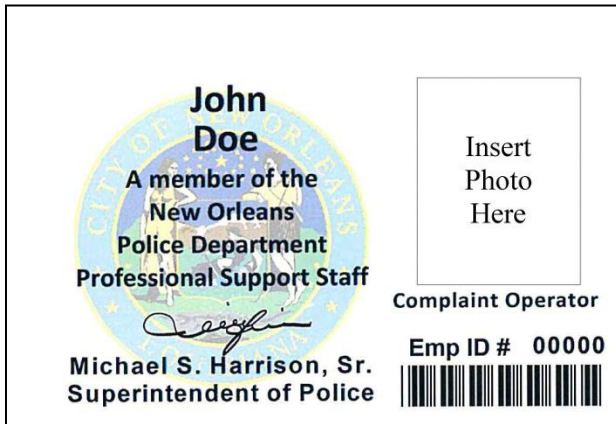
3. All members, when not in uniform, shall display their NOPD-issued credentials before acting in an official capacity unless the urgency of the situation prevents such identification.
4. Commissioned members, when not in uniform, shall wear their badge(s) in a clearly visible area when on a crime scene, when responding to radio dispatch calls, or when exercising their authority as a police officer.
5. All members, when acting in their official capacity, shall courteously and professionally display their credentials, providing the individuals with whom they are engaging a reasonable opportunity to examine those credentials.
6. All members, when acting in their official capacity, shall courteously provide their name, rank, badge number, or civil service classification to any person who reasonably requests this information.

7. All members entering police headquarters, when not in Class A or B uniform (see **Chapter 41.10 – Uniform Regulations**) shall have their badge or official credentials displayed. While in police headquarters, the identification credentials or badge shall remain displayed at all times.
8. Responsibility for the security and access control of police headquarters lies with the Deputy Chief of Management Services Bureau unless otherwise directed by the Superintendent.
9. The Deputy Chief of MSB shall ensure that the front desk security post in the main lobby of police headquarters is staffed during public access business hours.
10. NOPD Headquarters is open to the public on Monday through Friday (except holidays) from 7 a.m. to 5 p.m. Guests, visitors, or anyone who is not an NOPD member or being escorted by an NOPD member, when entering police headquarters, must enter through the main doors at the front of the building and check in with the front desk security personnel.
11. The following process / procedure is to be followed for non-NOPD members who conduct business above the main floor:
  - (a) Visitors must state the reason for their visit and the unit or person they wish to see.
  - (b) Visitors must present picture identification and answer routine identity questions.
  - (c) No weapons are allowed in police facilities except those carried by credentialed law enforcement officers (NOT security officers or concealed carry permit holders).
  - (d) No backpacks or baggage. Purses and briefcases are allowed but can be subject to security checks.
  - (e) A computer check is made of all visitors requesting access.
  - (f) The unit / member will be contacted to announce the visitor.
  - (g) A Visitors Pass (see **Appendix – HQ Building Security Pass**) with a photo of the person will be issued for the floor level only. Any access other than indicated on the pass will subject the person to ejection and possible criminal charges.
  - (h) A security watermark indicating “**VOID**” will automatically appear after 3 hours in the lower right-hand corner white dot of the Visitor Pass. The pass must be renewed on or before that time if the visitor’s business is not concluded.
12. Credentialed news media representatives are allowed past the front desk security post after announcement and verification and do not require a Visitor’s Pass.
13. Visitors will be given the appropriate visitor floor pass upon verification of their identity and after the unit or member they need to see has/have been contacted. These visitor floor passes are to be visible at all times and restrict visitors to those areas indicated on the passes. Individuals observed within the police headquarters building without a pass, in an area not authorized by the pass, or without displayed credentials should be stopped and questioned as to their identity and destination within the building.
14. All security violations shall be brought to the attention of the front desk security post during public business hours. Outside of public business hours, security violations shall be reported to the member’s supervisor and handled as a criminal matter.
15. Anyone not a member of the NOPD entering a police facility other than police headquarters shall be escorted by a member of the Department at all times.

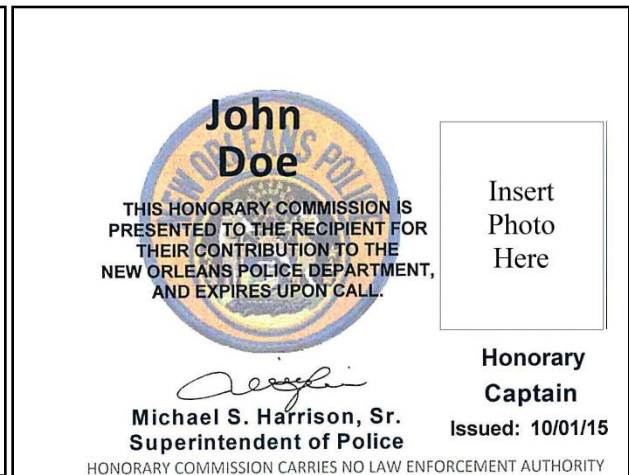
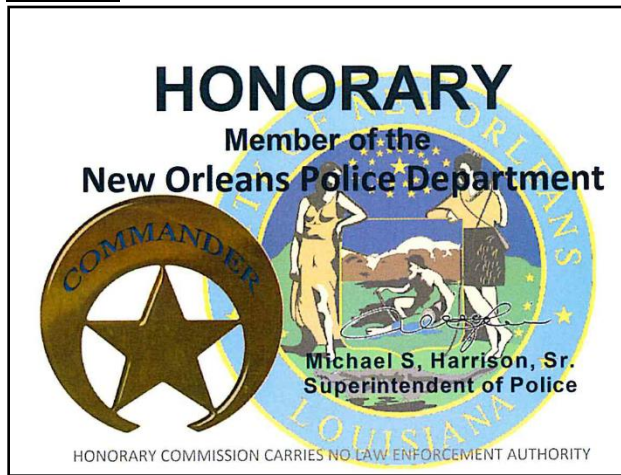
16. Responsibility for the security and access control of police facilities, other than police headquarters, lies with the senior ranking member of the unit assigned to that facility AND the senior ranking member on-duty at the time unless otherwise directed by the Superintendent.
17. Police facilities, other than headquarters, shall have signs posted on doors that may be accessible to the public indicating the areas that have limited access and shall ensure that these areas remain secure from casual access.
18. For safety reasons, no minors, except those who may be in custody or involved in an investigation, are allowed past the public access areas of any police facility and must be under the direct supervision of a commissioned member at all times.
19. All NOPD credentials (civilian, full-time commissioned, reserve commissioned and retired commissioned) are the property of the New Orleans Police Department and not the person to whom issued. Credentials remain valid until recalled except for honorary credentials which expire with the term of the Superintendent that issued them.
20. Examples of official NOPD member credentials and examples of HQ Building Security passes are included in the appendix attached to this Chapter. The appendix may be changed to reflect changes in the credentials without changing the Chapter. All changes to the Appendix shall be noted by an "Effective Date" on the appendix.

APPENDIX A - CREDENTIALS

**Civilian Employee**



**Honorary credential** given by Superintendent – **NO law enforcement or weapon-carrying authority.**





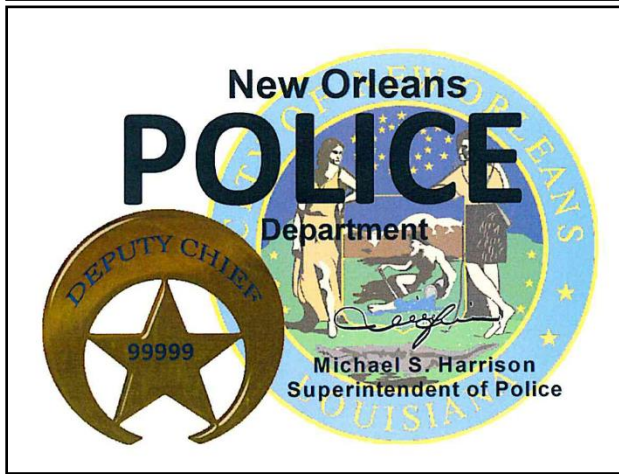
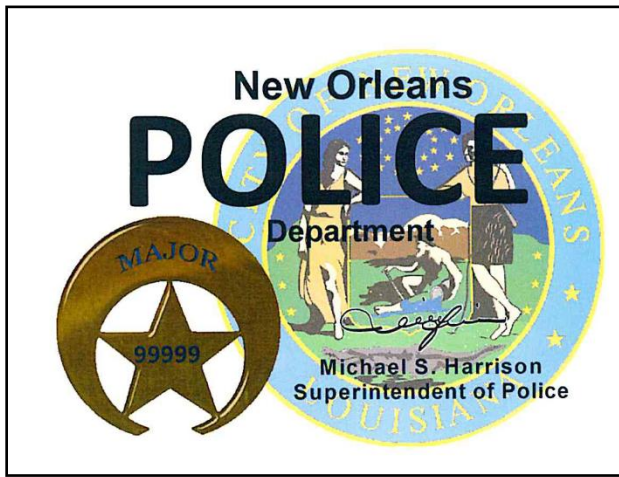
**Retired, commissioned member credentials.** Rank at retirement is noted on credential. The member's rank is listed below the photo. Silver badge indicates an officer; gold indicates a ranking officer. The rank will be inscribed on the badge.



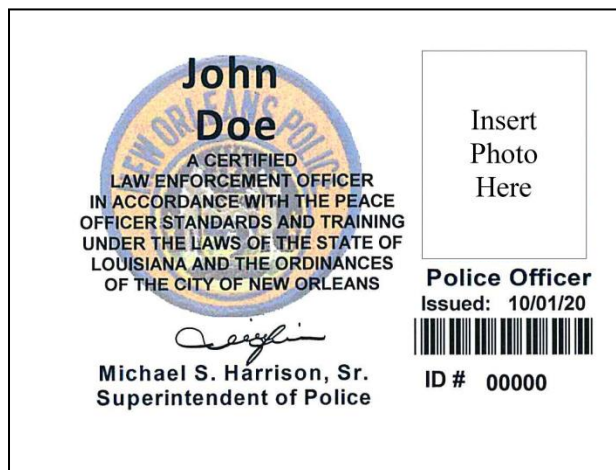
**Full-time, commissioned employee credential.** The phrase “Full-Time Certified Law Enforcement Officer” indicates the individual is a paid member of the Department. The member’s rank is listed below the photo. Silver badge indicates an officer; gold indicates a ranking officer. The rank is inscribed on the badge.

 <p>New Orleans <b>POLICE</b> Department Michael S. Harrison Superintendent of Police</p>	<p><b>John Doe</b></p> <p>A FULL-TIME CERTIFIED LAW ENFORCEMENT OFFICER IN ACCORDANCE WITH THE PEACE OFFICER STANDARDS AND TRAINING UNDER THE LAWS OF THE STATE OF LOUISIANA AND THE ORDINANCES OF THE CITY OF NEW ORLEANS</p> <p><i>Michael S. Harrison</i> Michael S. Harrison Superintendent of Police</p> <p>Insert Photo Here</p> <p><b>Police Officer</b> Issued: 10/1/2015</p>  <p>Emp ID # 00000</p>
 <p>New Orleans <b>POLICE</b> Department Michael S. Harrison Superintendent of Police</p>	<p><b>John Doe</b></p> <p>A FULL-TIME CERTIFIED LAW ENFORCEMENT OFFICER IN ACCORDANCE WITH THE PEACE OFFICER STANDARDS AND TRAINING UNDER THE LAWS OF THE STATE OF LOUISIANA AND THE ORDINANCES OF THE CITY OF NEW ORLEANS</p> <p><i>Michael S. Harrison</i> Michael S. Harrison Superintendent of Police</p> <p>Insert Photo Here</p> <p><b>Sergeant</b> Issued: 10/1/2015</p>  <p>Emp ID # 00000</p>
 <p>New Orleans <b>POLICE</b> Department Michael S. Harrison Superintendent of Police</p>	 <p>New Orleans <b>POLICE</b> Department Michael S. Harrison Superintendent of Police</p>

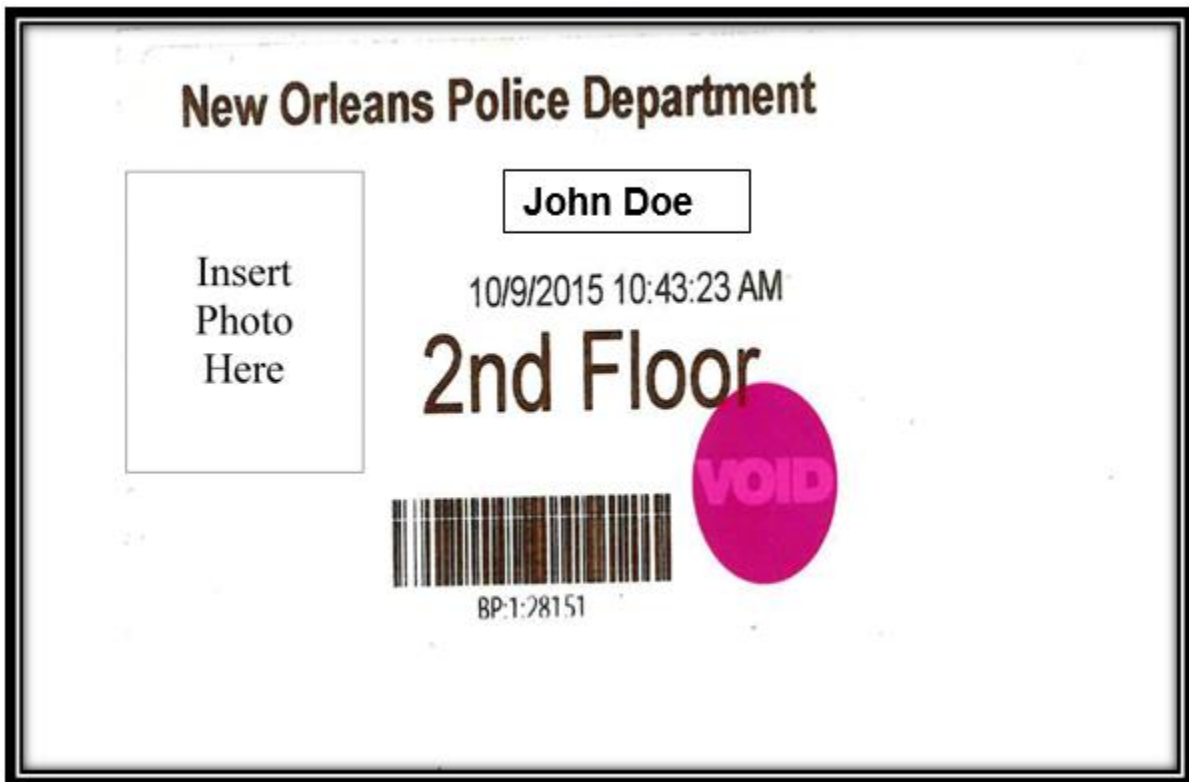
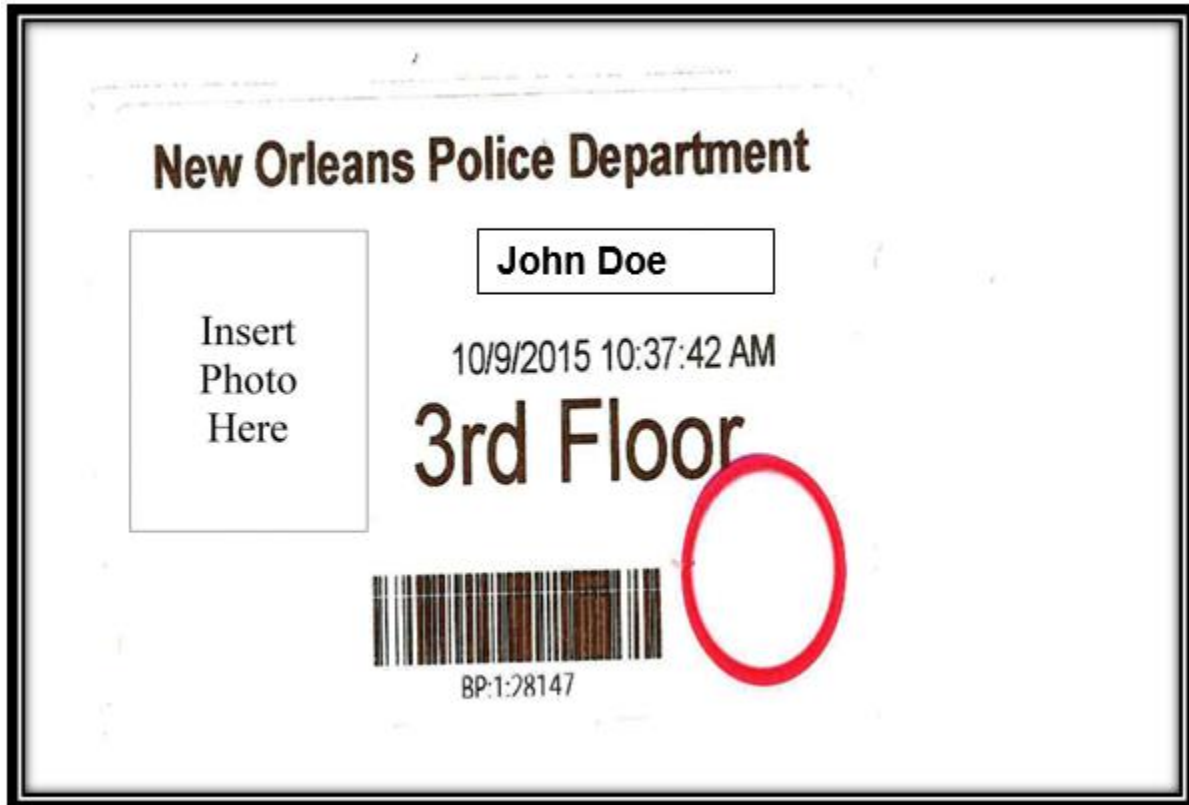




**Commissioned reserve credentials.** The member's rank is listed below the photo. Silver badge indicates an officer; gold indicates a ranking officer. The rank is inscribed on the badge. Commissioned reserve members credentials are the same as a full-time, commissioned member for all ranks EXCEPT the wording is "A CERTIFIED LAW ENFORCEMENT OFFICER" and leaves out the words FULL-TIME."



APPENDIX B - BUILDING PASS





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.34

### TITLE: EVALUATION OF EMPLOYEES

**EFFECTIVE: 10/01/2017**

**REVISED: 05/23/21**

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#### PURPOSE

The purpose of this Chapter is to set forth a process for completing member performance evaluations. This Chapter covers probationary and permanent employees, as well as commissioned and non-commissioned members. Supervision, evaluation, and rating of members shall be the responsibility of the member's designated evaluating supervisor. This evaluation process does not apply to those evaluations conducted by Field Training Officers (FTO) under the FTO Program (see **Chapter 33.4.3 – Field Training Program**).

#### POLICY

1. 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 supervisory positions. For all evaluations required by the City of New Orleans, the training shall be conducted by the Department of City Civil Service and organized by the Education & Training Division. NOPD-specific performance evaluation training shall be conducted by the Education & Training Division.
2. For all evaluations required by the City of New Orleans, performance evaluations shall be completed as per the directions found in the Civil Service Performance Evaluation Handout, which is compiled and maintained by the Department of City Civil Service. The Handout contains guidelines for conducting a performance evaluation session and for the use of performance evaluation forms. This Handout shall be provided to supervisory employees at the time they are trained in conducting performance evaluations. Performance is measured on three (3) possible evaluation categories:
  - a) "Does Not Meet Expectations,"
  - b) "Meets Expectations," and
  - c) "Exceeds Expectations."
3. NOPD has established a formalized system documenting performance evaluations in an "NOPD Specific Annual Evaluation" for each employee by the employee's evaluating (direct / immediate) supervisor that include assessments 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 police secondary employment.
- (g) Safety (e.g., POST officer safety standards and vehicle operations).
- (h) Training.
- (i) Report writing.
- (j) Decision-making skills.
- (k) When completing annual performance evaluations on supervisory personnel, a supervisor's direct supervisor shall evaluate the quality of his or her rating of other employees. (Note: An Evaluating Supervisor who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a merit increase for that year.)

## DEFINITIONS

**Acknowledge** - an employee was provided with an opportunity to review the evaluation. The term "acknowledge" shall not necessarily indicate that the employee agrees with the content of the evaluation.

**Evaluating Supervisor** - the person who, in the appointing authority's judgment, is in the best position to observe and document the employee's performance. The appointing authority shall designate an Evaluating Supervisor for each employee. For the NOPD, the employee's current, immediate supervisor at the time of the evaluation shall be the evaluating supervisor unless designated otherwise, in writing, by the employee's Captain or above.

**Second Level Evaluator** - the Evaluating Supervisor's supervisor. The Second Level Evaluator must approve the evaluated employee's performance plan and the performance evaluation prepared by the Evaluating Supervisor after they are discussed with and given to the employee for acknowledgement and/or signature.

**Probationary Employee** - an employee who has been appointed to a position from an employment list, but who has not completed the working test period. The terms "probation period" and "probationary employee" shall be considered identical with "working test period" and "working test employee". When a working test period, for employees who are probationary with no other permanent status, is interrupted for more than twelve weeks due to the employee's inability to perform the essential function(s) of a position as a result of a medical condition, injury, or light duty assignment shall be completed upon the employee's return to duty. The employee's inability to perform the essential functions of a position must be certified by a physician. In the case of an employee who was placed on military leave while serving a working test period, such an employee, upon returning to his position, shall be required to serve the remaining portion of the working test period before gaining permanent status in the class of positions.

## PROBATIONARY EMPLOYEES

4. When a probationary Police Officer (P/O) is released from the supervision of his/her FTO upon successful completion of the FTO Program, it shall be incumbent upon the P/O's immediate supervisor (not the FTO) to continue the evaluation of the officer on a bi-monthly basis, using **Probationary Evaluation Form (Form 18)** until the probationary period is completed and the employee has attained permanent status.
5. Supervisors shall complete **Form 18** on all probationary employees in the classified service, under their supervision at the end of the third, sixth and ninth months of the employee's probationary period (working test period).
6. Employees shall be evaluated in all applicable categories, including recommendations for continued employment, evaluation/counseling, or dismissal. Any employee whose official overall evaluation is "**Does Not Meet Expectations**" shall be ineligible for: a merit increase, a

promotion, or a permanent status. If an employee has requested review of the rating, the performance improvement plan shall be held in abeyance pending the outcome of the review.

7. When a supervisor's rating of an employee as "Does Not Meet Expectations" does not become final, the supervisor shall initiate a meeting with the Captain and shall establish a **Performance Improvement Plan** within 30 calendar days of submission of the review for the employee and shall monitor the employee's work performance for a period of 90 calendar days. The Plan and intervention shall be recorded in Insight so that the Captain may provide performance counseling (see **Chapter 35.1.9 – INSIGHT**).
8. At the conclusion of the 90-calendar-day period, the Evaluating Supervisor must state in writing to the employee and the Superintendent, thru the chain-of-command, whether the employee's work performance has improved. If, upon review, the work performance has not improved, the Superintendent shall discipline the employee in accordance with the provisions of Rule IX, dismissal or demotion.
9. Employees may be recommended for counseling/evaluation or a **Performance Improvement Plan** without being rated "Does Not Meet Expectations" in any category. In those cases, a written explanation shall be provided in the remarks section of the Probationary Evaluation Form. Captains shall utilize the procedures outlined in **Chapter 35.1.9 – INSIGHT** to document any recommended and conducted counseling.
10. All performance evaluations shall contain a detailed written explanation of the employee's performance, including any areas in which the employee's performance needs to improve, and areas of growth and achievement during the rating period.
11. In specialized units where there is a designated training officer or "mentor", it shall be the responsibility of the probationary employee's immediate supervisor, if not the "mentor", to confer with the training officer or "mentor" prior to completing **Form 18**. Observations or comments by the training officer or "mentor" shall be noted as such in the evaluation report where appropriate.
12. 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 upcoming reporting period; and
  - (c) Career counseling relative to advancement, specialization, or training appropriate for the employee's position.
13. The probationary employee is required to sign the Probationary Evaluation Forms. The probationary employee shall be given the opportunity to make written comments to supplement the completed probationary evaluation. The evaluating supervisor shall supply the probationary employee with a copy (or access if electronic) of the completed, commented and signed probationary evaluation form.
14. Probationary employees who wish to contest a probationary evaluation shall forward an interoffice correspondence (form 105) to their Captain through their chain of command within 3 days of receiving the evaluation they are contesting.
15. The completed **Form 18** shall be forwarded to the evaluating supervisor's Captain within five (5) days of the end of the appropriate evaluation period. The Captain shall review and sign the form indicating acknowledgement. The Captain shall forward the approved and signed form to the Human Resource Management Division within five (5) days of receipt of the form.

16. After completion of the ninth month Probationary Evaluation Form, the supervisor shall review the cumulative performance of the probationary employee and complete the required recommendation prior to the conclusion of the 10<sup>th</sup> month.
17. Final recommendations (10<sup>th</sup> Month) shall be forwarded to the probationary employee's Captain immediately upon completion and signature/acknowledgement by the probationary employee and evaluating supervisor, but no later than the conclusion of the 10<sup>th</sup> month.
18. All recommendations, especially for Rule IX (demotion or dismissal) shall be supported by supplemental correspondence from the employee's Captain, through the chain of command, to the Human Resource Management Division (Personnel Director). Such correspondence shall be submitted no later than 45 days prior to the completion of the employee's probationary period and must be received by Human Resources 30 days prior to the completion of the employee's probationary period.
19. The employee's Captain shall submit a copy of the 10<sup>th</sup> Month Probationary Form to the Human Resource Management Division no later than 45 days prior to the completion of the probationary period.
20. Probationary evaluation forms which are not received by the Human Resource Management Division within the allotted time period (4, 7, and 10 months) 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.
21. The immediate responsibility for identifying, documenting, and reporting unsatisfactory performance on the part of any probationary employee exists with his/her immediate supervisor, and, where appropriate, his/her designated unit training officer or "mentor".
22. Captains may recommend, under Rule IX, dismissal or, if appropriate, demotion at any time during the probationary period after the first 2 months by submitting a review of the employee's performance on a supplemental correspondence to the Human Resource Management Division.
23. Employees who have completed their probationary periods with no "*Does Not Meet Expectations*" ratings or recommendations shall automatically be certified in a permanent status by the Human Resource Management Division and the Department of City Civil Service upon the conclusion of their probationary period.
24. Copies of the employee's probationary reports shall be maintained in the employee's personnel jacket file in the Human Resource Management Division. These documents shall be accessible to the employee through INSIGHT.
25. **DEPARTMENTAL INSIGHT QUARTERLY REVIEWS**  
Departmental INSIGHT Quarterly Reviews are not completed for employees in probationary status. Those employees are evaluated as "Probationary Employees" outlined above.
26. There are four (4) NOPD Quarterly Insight Reviews (QPIR) each year. Each QPIR shall be completed within one month of the end of each of the quarters. (The Annual Performance Evaluation Form is done after the end of the 4<sup>th</sup> quarter.) The QPIR shall be conducted within Insight
27. The quarterly review periods are:
  - (a) January 1 – March 31 Due: April 30
  - (b) April 1 – June 30 Due: July 31
  - (c) July 1 – September 30 Due: October 31
  - (d) October 1 – December 31 Due: January 31



28. Quarterly Reviews shall be completed by the employee's evaluating supervisor for the Quarter under review. If the employee has changed supervisors during the review period, the current supervisor of the employee shall complete evaluation.
29. Employees Quarterly Reviews shall be in all applicable categories as directed by current evaluation procedure and as is appropriate to the employee's current assignment.
30. Written notification of unsatisfactory performance ("Does Not Meet Expectations") shall be provided to the employee by the evaluating supervisor. The Quarterly Review is available to the member in their Personnel Jacket once it is approved by the supervisor. The supervisor shall initiate a Performance Improvement Plan via INSIGHT or a Job Performance Improvement Plan (see **Chapter 35.1.9 – INSIGHT** or **Chapter 32.27.1 – Job Performance Improvement Plan (JPIP)**).
31. All Quarterly Reviews are time stamped indicating who generated and verified that the attached reports were reviewed and when. Routing by who and when is recorded in the routing section of the review to show the process (review/approval/possible rejection).
32. All employees shall be informed of the results of their reviews by the evaluating supervisor. The employee shall be counseled during the rating period by his/her evaluating supervisor in, at least, the following areas:
  - (a) Results of the performance review just completed.
  - (b) The level of performance expected, rating criteria or goals for the upcoming reporting period; and
  - (c) Career counseling relative to advancement, specialization, or training appropriate for the employee's position.
33. Department INSIGHT Quarterly Reviews are a management tool used to measure individual performance, develop employees, provide employees with direction and to assist in completion of the Annual Evaluation.
34. Quarterly Reviews shall be accessible to the employee through INSIGHT and shall be retained the Department until one year following the Annual Evaluation for the quarters covered

#### **CITY OF NEW ORLEANS CIVIL SERVICE & NOPD SPECIFIC ANNUAL EVALUATIONS**

35. The Performance Evaluation Process Phases shall consist of at least the following components:
  - a. The Performance Planning Period (September – December of year previous to the year being evaluated). **All links below are active.**  
(See: <https://www.nola.gov/getattachment/Civil-Service/Resources/Performance-Management-Training/Performance-Planning-Handout.pdf/> )
  - b. The Performance Period (January – December of the year being evaluated).  
(See: <https://www.nola.gov/getattachment/Civil-Service/Resources/Performance-Management-Training/Continuous-Monitoring-Feedback-Form.pdf/> )
  - c. The Performance Evaluation Period (January – April of the year following the year being evaluated).  
(See: [https://www.nola.gov/getattachment/Civil-Service/Resources/Performance-Management-Training/Performance-Evaluation-Handout-\(1\).pdf/](https://www.nola.gov/getattachment/Civil-Service/Resources/Performance-Management-Training/Performance-Evaluation-Handout-(1).pdf/) )
36. Each employee shall be evaluated on the employee's overall performance based on goals, work tasks, and competencies determined by the evaluating supervisor to be requirements of the employee's job. Additionally, each supervisory employee shall be evaluated on the supervisory employee's administration of the performance evaluation system as required by these Rules. All

supervisory employees shall have “successful administration of the performance evaluation system” as one of the performance goals.

37. A performance planning session may be conducted when:
  - a) The employee is assigned a new Evaluating Supervisor.
  - b) Performance expectations change.
  - c) The Evaluating Supervisor deems a performance planning session is appropriate.
38. Planning sessions for the upcoming year shall be conducted during the annual Performance Planning Period (September 1 to December 31 of the previous year). During this period, an evaluating supervisor shall prepare a Performance Plan for the upcoming year in cooperation with the employee, or the team of employees if the work is performed in teams. The performance plan shall list goals, related work tasks, and competencies on which the employee’s overall performance should be evaluated. The plan may also provide for professional development for each employee, appropriate performance measures, and work strategies or assignments for which results can be measured through objective performance data. The goals, work tasks, and competencies shall be recorded on the Planning and Evaluation Form. **Failing to establish a performance plan will result in the employee receiving a “Not Evaluated” designation.**
39. During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance goals, work tasks, and competencies on which the employee will be evaluated and the performance that will be expected during the coming performance year.
40. The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given access to a copy of the form. Should the employee decline to acknowledge the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to acknowledge the form.
41. If an employee disagrees with the work tasks, goals, and behavior standards as stated on the performance planning and evaluation form, the employee may use the appointing authority’s grievance process to challenge the form during the annual planning period (September 1 to December 31).
42. Before obtaining the Second Level Evaluator’s signature approval of the performance plan, the Evaluating Supervisor will have conducted a performance planning session with the employee. The Evaluating Supervisor shall obtain the Second Level Evaluator’s approval of the performance plan after presenting it to the employee for his or her acknowledgment. **Failing to establish a performance plan for one’s employee(s) will result in the supervisor(s) receiving an overall “Does Not Meet Expectations” designation.**
43. At the end of the performance period, the Evaluating Supervisor shall assign one of the three evaluation categories listed below to the employee’s overall performance based upon the established performance plan, goals, work tasks, and competencies:
  - a) **Exceeds Expectations:** Employee’s performance consistently exceeded the performance criteria.
  - b) **Meets Expectations:** Employee’s performance met the performance criteria.
  - c) **Does Not Meet Expectations:** Employee’s performance did not meet the performance criteria.

44. An Evaluating Supervisor shall assign the overall evaluation category (i.e. Does Not Meet Expectations, Meets Expectations, and Exceeds Expectations) based on seven predefined criteria of performance:
  - a) Performance Goal
  - b) Work Task/Behavior Expectations
  - c) Competencies
  - d) Quality and Completeness of Work
  - e) Supervision and Guidance Requirements
  - f) Person-Role Fit
  - g) Overall Placement
45. A new employee with less than one year of continuous service **in the position** (probationary) as of December 31 of the performance year shall be evaluated based on his or her progress toward predefined criteria established via their probationary period assessment. However, this employee shall receive an overall designation of "Not Evaluated" for that specific performance year. Official performance evaluations are required for all classified employees who have at least 12 months of continuous service as of December 31 of the performance year.
46. All evaluating supervisors shall distribute employee self-assessment evaluation forms to direct reports 30 days prior to the Annual Evaluation posting date. Employees shall submit the self-assessment to immediate supervisor two (2) weeks prior to the posting date. Supervisors shall review and verify the information submitted by direct reports within one (1) week of receipt to review and assist with completion of the Annual Evaluations. In addition to Insight's: Employee Summary Reports, Employee Activity Report, self-assessment evaluation forms any documentation shall be attached to all evaluations submitted in NEOGOV.
47. City of New Orleans annual performance evaluations shall be completed annually, as per Rule XI Section 1.7 (c) "Official evaluations shall be made after the performance year has ended and must be rendered between January 1 and April 1 of the following year. Evaluations become official on the date they are rendered. Evaluations rendered after April 1 will not be accepted. And, the concerned employee(s) will receive an overall "Not Evaluated" designation. The Civil Service performance evaluation time guidelines shall be followed for NOPD-Specific Annual Evaluations.
47. A supervisor that does not complete the annual performance evaluation by the due date shall be subject to corrective action and progressive discipline. Failing to establish a performance plan for one's employee(s) will result in the supervisor(s) receiving an overall "Does Not Meet Expectations" designation.
48. To render an official evaluation, the Evaluating Supervisor shall:
  - a) Complete a performance evaluation form after January 1 of the following year.
  - b) Provide documentation to support the overall evaluation.
  - c) Provide the employee access to a copy of the evaluation form with the employee's official overall evaluation noted along with the supporting documentation.
  - d) Discuss the evaluation with the employee and present the evaluation form to the employee to be acknowledged and dated.
  - e) Obtain the Second Level Evaluator's approval of the evaluation form after the discussion with the employee.
49. A checklist shall be provided to supervisors along with the two-week advance notification prior to the posting date for the NOPD-Specific Annual Performance Evaluation Form (NEOGO) to assist in the supervisor in covering all expected areas of the evaluation. The NOPD-Specific Annual Performance Evaluation Form (NEOGO) shall be completed by the employee's evaluating (immediate) supervisor.

50. All performance evaluations shall contain a detailed written explanation of the officer's performance, including any areas in which the officer's performance needs to improve, and areas of growth and achievement during the rating period.
51. Employees shall be evaluated in all applicable categories as directed by current Civil Service procedure and as is appropriate to the employee's current assignment.
52. When an employee is not available for a performance evaluation session, the provisions of Civil Service Rules and this Chapter shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before April 1, as evidenced by official proof of mailing. The Superintendent, thru his/her designee must maintain documentation that the employee was notified on or before April 1. If an appointing authority fails to notify an employee, the employee shall receive a designation of "Not Evaluated".
53. Written notification of unsatisfactory performance (Does Not Meet Expectations) shall be provided to the employee as per Civil Service Rule XI, Service Ratings. An evaluation of "Does Not Meet Expectations" **is not a disciplinary action**.
54. Regular employees (permanent status) shall have a right to request a review in accordance with the provisions of Sections 1.12 and 1.13 of Civil Service Rules.
  - a. The Performance Improvement Plan shall be held in abeyance pending the outcome of the review.
  - b. If the designation of "Does Not Meet Expectations" does not become final, the appointing authority shall establish a performance improvement plan within 30 calendar days of submission.
  - c. The Evaluating Supervisor must establish a performance improvement plan for the employee and shall monitor the employee's work performance for a period of 90 calendar days.
  - d. At the conclusion of the 90 calendar day period, the Evaluating Supervisor must state in writing to the employee and the Superintendent or his/her designee whether or not the employee's work performance has improved.
  - e. If, upon review, the work performance has not improved, the appointing authority shall discipline the employee in accordance with the provisions of Rule IX (dismissal or demotion).
55. All performance evaluations shall be signed by the evaluating supervisor (rater) in the appropriate space. Each rater's Second Level Evaluator shall initial or sign 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.
56. 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 or goals for the upcoming reporting period; and
  - (c) Career counseling relative to advancement, specialization, or training appropriate for the employee's position.
57. The employee is required to acknowledge the evaluation form. The employee shall be given the opportunity to make written comments to supplement the completed evaluation. The evaluating supervisor shall supply the employee with a copy of the completed, commented and signed / dated evaluation upon request.

58. Appeals of contested evaluations shall be processed as per Civil Service Rule XI, Service Ratings. A regular employee who receives an overall performance evaluation of "Does Not Meet Expectations" may request an official review of that evaluation by a Review Panel. The guidelines of Civil Service Rule XI 1.10 thru 1.12 apply to Review Panels and subsequent processes of appeal.
59. Copies of the Civil Service Performance Evaluation Form shall be maintained in the employee's personnel jacket file in the Human Resource Management Division. These documents shall be accessible to the employee through INSIGHT.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.35

### TITLE: COMMENDATIONS AND AWARDS

**EFFECTIVE: 11/13/2016**

**REVISED: 11/15/19; 01/24/21**

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#### **PURPOSE:**

The Department has established a system to recognize members of the NOPD, members of other law enforcement agencies working with the NOPD and members of the public who exceed the level of performance expected of responsible members of the Department and the community.

#### **POLICY:**

1. Members of the NOPD and commissioned members of other law enforcement agencies working with the NOPD will be recognized for their awards and achievements in public ceremonies.
2. Members of the public who are being recognized for their assistance to the NOPD and who have gone above and beyond the level expected of responsible members of the community will be recognized in public ceremonies.
3. Recognition of achievements and awards for members of law enforcement and non-law enforcement members of the community is vital to the overall mission of the NOPD and serves as a critical component to good police-community relations.

#### **DEFINITIONS**

Definitions related to this Chapter include:

**Member**—An individual who is employed, either full-time, part-time, under contract or who volunteers for the NOPD. This includes civilian volunteers and Reserve Officers while “on-duty” and performing functions under the auspices of the NOPD.

**Nomination**—The written recommendation or acknowledgement by any person of action(s) by a member of the Department, a commissioned member of another law enforcement agency working with the NOPD or a member of the public that merits recognition and a Departmental award.

**Person**—A natural or born individual as opposed to a “legal” entity.

**AWARDS NOMINATION**

4. Any member of the Department, another law enforcement agency or the community may recommend any member of the Department, a member of another law enforcement agency working with the NOPD or a member of the public for a departmental award.
5. The INSIGHT System Awards and Commendation Application shall be used to nominate department members or other individuals for a department award and shall contain:
  - (a) The person/member's name, bureau and assignment at the date and time of the commendation.
  - (b) A brief account of the commendable action with a copy of the police report number(s), as appropriate.
  - (c) When applicable, a copy of any related police report(s).
  - (d) Any other supporting documentation.
  - (e) The signature of the nominating supervisor indicating he/she is in agreement with the facts as stated, and an indication that he/she concurs with the approved investigative police report.
6. An INSIGHT System Awards and Commendation Application shall be filled out by a supervisor for each person being nominated.
7. The INSIGHT System Awards and Commendation Application filled out or submitted by a supervisor shall be completed within thirty days of the date of the incident or within thirty days of the conclusion of the investigation related to the incident.
8. The INSIGHT System Awards and Commendation Application submitted by or for members of the public shall be reviewed by the Public Affairs Division Awards Coordinator, who will contact the appropriate department members, if needed, to verify information submitted.
9. Communications (oral or written) from members of the community or other law enforcement agencies that indicate a desire to recognize an NOPD member's actions shall be entered into the INSIGHT System Awards and Commendation Application by a supervisor. The entering supervisor will be responsible for gathering the documentation necessary and completing the Awards and Commendation Application for documentation of a Letter of Recognition or submission to the Awards Committee.

**AWARDS CONSIDERATION PROCESS**

10. The nominating supervisor and nominee will be notified by email when the Awards and Commendation Application is submitted and when approved by the Committee.
11. Members receiving notification that an Awards and Commendation Application is submitted for them, may check his/her Personnel Jacket for the status of the prospective award at any time.
12. After each Awards Committee meeting, the Public Affairs Division will notify the nominee's commander of the Committee's action on each Departmental member's nomination.
13. The nominee's commander shall be responsible for notifying the nominee of the final decision by the Committee.

14. An appeal for reconsideration of a disapproved Awards and Commendation Application or a rehearing of a decision of the Awards Committee may be made by the respective nominating member, the nominee, or the nominee's commander. The appeal must:
  - (a) Be submitted in writing on an NOPD Interoffice Correspondence (**Form 105**) to the nominee's commander if the Awards and Commendation Application was disapproved by a supervisor in the nominee's chain-of-command.
  - (b) Be submitted in writing on an NOPD Interoffice Correspondence (**Form 105**) to the Superintendent of Police if the Awards and Commendation Application was disapproved or changed by the Awards Committee.
  - (c) Specify the reason for the disagreement with the supervisor's disapproval or the Award Committee's recommendation and supported by new or additional information not part of the original Awards and Commendation Application.
  - (d) Be submitted within thirty days from the date of notification of the committee's action.
15. If the nominee's commander disagrees with the disapproval of the Awards and Commendation Application by a supervisor in the nominee's chain-of-command the following actions shall take place:
  - (a) The decision of the commander to overrule the disapproval shall be communicated, in writing to the disapproving supervisor.
  - (b) The commander's written communication shall specifically direct the supervisor to Change the action on the award to "approved".
  - (c) The commander's written communication, the documentation for appeal from the nominee, the Awards and Commendation Application along with the written instructions to the supervisor to change the action to "approved" will be included in the Application and proceed to the Committee for final resolution.
16. If the Awards Committee changes their decision after appeal, they will include the appeal documentation and the change of decision, in writing, in the Awards and Commendation Application.

#### **COMMENDABLE OR MERITORIOUS ACTS BY MEMBERS OF THE COMMUNITY**

17. A commendable or meritorious act by a community member who is not a member of the NOPD may include, but is not limited to:
  - (a) Assistance to the Department and community that goes above and beyond the level expected of responsible members of the community.
  - (b) Assistance to the Department worthy of special notice or merit.
  - (c) Assistance that substantially contributes to enhanced police-community relations.
18. Written recommendations for a community member's meritorious acts may be made by any Department member or any member of the public but can only be entered on the Awards and Commendation Application by a supervisor.

#### **DOCUMENTATION OF MERITORIOUS ACTS BY CITIZENS**

19. Meritorious acts performed by members of the community and documented by members of this department in police incident reports (EPR) or other written communications should be documented on the INSIGHT System Awards and Commendation Application using the same process utilized for Department members.
20. Areas for inapplicable information should be left blank and adequate information to identify the persons performing the meritorious act(s) should be included in the narrative portion of the Application. It is important that the person's name, address and a contact phone number be noted in the narrative portion first.



21. Any documentation, in any form, from the public that identifies meritorious conduct of a community member should be accepted by any Department member and forwarded to the receiving member's Deputy Superintendent through the member's chain of command.
22. Attempts to obtain detailed information regarding the incident or action, the person performing the meritorious act and the person submitting the documentation should be made by the receiving member, with any additional details documented as appropriate. This will include any BWC recording of the conversation with the person(s) involved.

### **AWARDS COMMITTEE COMPOSITION**

23. The Awards Committee shall be chaired by the Field Operations Bureau Deputy Superintendent and consist of a Command Level (Captain, Major, Deputy Chief) representative selected by the respective Bureau Deputy Superintendent of the:
  - (a) Public Integrity Bureau,
  - (b) Management Services Bureau,
  - (c) Compliance Bureau,
  - (d) Investigative and Support Bureau,
  - (e) Special Operations Division,
  - (f) One of the eight police districts on a rotating basis, and
  - (g) Public Affairs Division (selected by the Superintendent's Chief of Staff).

### **AWARDS COMMITTEE ACTIONS**

24. The Public Affairs Division Awards Coordinator shall be responsible for:
  - the listed administrative duties once the committee has voted;
  - submitting awards nominees' names to P.I.B. for short forms checks;
  - preparing awards recipients certificates for the Superintendents signature;
  - securing the ceremony venue;
  - preparing the awards program;
  - notifying awards recipients of the date, time and location of the ceremony;
  - sending invitations to the Mayor, City Councilmembers and public dignitaries;
  - entering all awards in the INSIGHT System Awards and Commendation Application and submitting copies for the member's Personnel Jacket.
25. The Awards Committee shall meet at least quarterly to consider award nominations submitted in the INSIGHT System Awards and Commendation Application for consideration since the last Committee meeting.
26. The Awards Committee shall recommend a disposition or award appropriate to the incident for which the member has been nominated.
27. Awards Committee attendance is mandatory for all committee members.
28. In those emergency situations where a Committee member cannot attend, he/she shall have the responsibility of reviewing the awards nominations in the INSIGHT Awards and Commendation Application and forwarding the notation of vote for each nomination to the Committee Chairman by email prior to the scheduled meeting.
29. The Awards Committee recommendation shall be by majority vote of all committee members present, and by written recommendation after review for those members absent.
30. Each nominee can receive only one award for any single incident or investigation, with the exception of the **Purple Heart**.

31. Awards shall be presented at scheduled public ceremonies once or twice a year.
32. All awards shall be made part of the Department member's Personnel Jacket and may be viewed by the member at any time.

### COMMENDABLE OR MERITORIOUS ACTS

33. A commendable or meritorious act may include, but is not limited to:
  - (a) Superior handling of a difficult situation.
  - (b) Conspicuous bravery or outstanding performance.
  - (c) Any action or performance of duty that is above and beyond the expected duties of members of the department.

### AWARDS FROM OUTSIDE THE DEPARTMENT

34. Department members shall notify the Superintendent or the Superintendent's designee and request approval prior to accepting any award from an outside agency or organization for actions taken or performed on duty or on behalf of the Department.

### DEPARTMENTAL AWARDS

35. The following are the Awards that may be bestowed upon department members, members of other law enforcement agencies working with the NOPD and community members:
  - (a) **MEDAL OF VALOR** - This medal is awarded for an act considered extremely hazardous and above the call of duty, under conditions where the likelihood of the member(s) escaping death is remote. A posthumous award shall be made where the department member lost his/her life under conditions and circumstances consistent with appropriate police practices.
  - (b) **MEDAL OF MERIT** - This medal is awarded when a member is exposed to great bodily harm while carrying out an act of bravery beyond the call of duty under conditions and circumstances consistent with appropriate police practices.
  - (c) **DISTINGUISHED SERVICE AWARD** - This award is given to a member who brings credit to the New Orleans Police Department through an outstanding accomplishment beyond the course of his/her regular duties that result in enhanced community relations, improved administration or operations, or the implementation of innovative practices. This may include, but not be limited to: implementing a new technique to increase efficiency in an administrative or tactical procedure; or employing an effective new managerial or operational strategy.
  - (d) **MEDAL OF COMMENDATION** - This medal is awarded for an act beyond the course of duty wherein a department member takes exceptional enforcement action. This may include, but not be limited to: preventing a major crime where such action protects life and property; or apprehending a dangerous criminal following the commission of a felony and under unusual circumstances.
  - (e) **MEDAL OF ACHIEVEMENT** - This medal is awarded when a member has rendered a service beyond the course of his/her duty and/or through his/her diligence, tenacity, and perseverance, or acts brings credit to the New Orleans Police Department and supports the goals of the organization.
  - (f) **LIFESAVING MEDAL** - This medal is awarded when a member saves another's life while placing his/her own life in extreme danger.
  - (g) **PURPLE HEART MEDAL** - This medal is awarded when a member, during the performance of his/her duty, has been seriously injured by the hostile actions of a criminal offender. An injury, for which this award is given, must have occurred in the performance of duty, and must have required protracted hospitalization and medical treatment. The incident must be a matter of official record (i.e., police incident report).

- (h) (If the performance of the member also fits the criteria for the **Medal of Valor, Merit, Commendation, Achievement, or Lifesaving**, one of these medals may also be awarded.)
- (i) **LETTER OF COMMENDATION** - This award is given to a member who has rendered a service reflecting credit upon the member and upon the Department. Such service may include, but shall not be limited to: outstanding criminal arrests; number of concealed weapons arrests; long term, sustained, high level of performance; or support activity.
- (j) **LETTER OF COMMUNITY SERVICE** - A letter of community service may be issued to any member who has made a significant difference in improving the quality of life for residents and the community. Such service may be evidenced by a single act or a series of acts and may include, but shall not be limited to: active participation in community events or services not directly associated with his/her regular duties; the development or management of a program that provides community members with a service not previously available; or consistent resolution of community conflicts or problems by an officer.
- (k) **LETTER FOR LIFESAVING** - A letter for lifesaving may be issued to any member who has saved the life of another person in circumstances where the member's own life was not in immediate danger.
- (l) **PURPLE HEART LETTER** - A Purple Heart Letter may be issued to any member 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).
- (m) **UNIT CITATION – MERITORIOUS** - The Meritorious Unit Citation is awarded to a NOPD unit that has displayed heroism or meritorious service as a result of a group effort under extremely difficult and hazardous conditions.
- (n) **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.

### **SUPERINTENDENT'S COIN - SERVICE OF EXCELLENCE**

36. The Superintendent's Coin for Service of Excellence is awarded by the Superintendent of Police to a commissioned member, non-commissioned member or community member who has distinguished themselves in a manner of professional or personal excellence and brought credit to the New Orleans Police Department.

### **SUPERINTENDENT'S COIN - SERVICE OF EXCELLENCE NOMINATION PROCEDURE**

37. The nomination process for the Superintendent's Coin - Service of Excellence, shall be as follows:
- (a) Any member, commissioned and/or civilian, may recommend another member of the department for this award.
  - (b) The nomination shall be submitted on the INSIGHT System Awards and Commendation Application by the nominating member.
  - (c) A separate Application shall be completed for each commissioned, non-commissioned and/or civilian member nominated, but only one narrative is required.
  - (d) If applicable, a copy of the police report(s) documenting the performance shall also be attached.
38. Nominations shall be submitted through the INSIGHT System Awards and Commendation Application. Once a nomination is submitted, the Form must proceed

through the entire process, even if disapproved by one or more supervisors in the chain of command.

### LETTER OF RECOGNITION

39. There are occasions when a supervisor, another law enforcement agency/member, or a member of the public wishes to acknowledge what they felt to be noteworthy actions by a member that do not rise to the level of a Departmental Award. This acknowledgement may take the form of a letter, note or email expressing their thanks for the member's actions or an oral communication in person or by phone.
40. Any member of the Department who receives a communication of this nature is to ensure that a supervisor is immediately notified and:
  - (a) If the communication is in writing, the document, envelope and any attachments are turned over to the supervisor that was notified.
  - (b) If the communication was oral, the receiving member must obtain the name, address, phone number and all pertinent details of the action being commended and turn this written information over to the supervisor that was notified.
41. The supervisor who is notified of this type of communication shall complete the INSIGHT System Awards and Commendation Application and attach any documentation prior to the supervisor's End Tour of Duty. The supervisor shall select the "**Letter of Recognition**" as the type of award. This Application selection will only need the approval of the nominee's commander and will not be reviewed by the Awards Committee.
42. The Letter of Recognition certificate will be available in the member's Personnel Jacket once approved by the member's commander.

### REPLACEMENT OF LOST, DESTROYED OR STOLEN AWARDS

43. Members, former members or family of deceased members who have received awards that have subsequently been lost, destroyed or stolen may submit a written request on an Interoffice Correspondence (105) to the Awards Committee for their replacement.
44. The Awards Committee will review the request, verify the circumstances of the loss and confirm the existence of the award by conducting a review of the member's Personnel Jacket.
45. Once approved for replacement by the Awards Committee, the requesting person will be advised of the cost (if any) and method of replacement in writing. It will be the responsibility of the member or requesting person to obtain the actual replacement award.
46. A copy of the requesting 105 and the response by the Awards Committee will be placed in the member's Personnel Jacket.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.37

### TITLE: PAYROLL AND TIMEKEEPING

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy 1036**

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#### PURPOSE

The purpose of this Chapter is to establish departmental payroll and timekeeping procedures for commissioned and civilian members. Recording and approving time and attendance is necessary to ensure timely and accurate disbursement of employee pay and to comply with local, state and federal laws.

#### DEFINITIONS

Definitions related to this Chapter include:

**Payroll Day**—The day designated by the City Finance Department on or before which the Biweekly Approval must be completed. It will usually be the Sunday or Monday of the following week being reported.

**Biweekly Approval**—Payroll Section approves and locks the time sheets after the employee has entered and approved his/her entries in ADP and the appropriate supervisor has reviewed and approved the entries for that employee for the two-week pay period.

**Shift Codes**—Platoon designators designed to distinguish between platoons which begin on one calendar date (i.e. 11:00 PM) and end on the following calendar date (7:00 AM) and from platoons which begin and end on the same date.

**Status Codes**—Designators that distinguish the condition under which the member is being carried in the payroll system (i.e. Working, Annual Leave, Sick, Military Leave, IOD, Workman's Comp, etc.).

**Shift Differential Pay**—Shift differential pay is generated automatically by the computer according to the time the employee begins his/her workday in his/her regular work assignment, except for court time or case overtime.

#### LEGAL AUTHORITY

1. Section 4-302(5) of the Home Rule Charter authorizes the Chief Administrative Officer to "prescribe accepted standards of administrative practice to be followed by all offices, departments, and boards." **CAO Policy Memorandum #72(R) – Payroll Time Keeping Procedures** outlines the requirements for the City's Payroll System.

2. An electronic payroll system is the means of recording time and attendance by City employees. The City of New Orleans (and the NOPD) utilize ADP (Automatic Data Processing) as the software system for all City payroll. Detailed procedural guides for the use of ADP are found on the City of New Orleans web site at: <https://employee.nola.gov/work/pay/using-adp/>.
3. As such, every City employee is required to:
  - (a) Personally and accurately record time, attendance, and leave used on a biweekly (or weekly basis if applicable), and
  - (b) Approve his/her time at the end of each pay period.
4. All employees are paid biweekly on Friday (except on holidays).

### **TIME KEEPING POLICY**

5. Members entering payroll records shall pay particular attention to the **Charge Code** list and enter the appropriate charge code for each employee and his/her unit.

### **HOURLY (NON-EXEMPT) EMPLOYEES**

6. Each hourly employee shall enter time and attendance in the ADP system by:
  - (a) Biometric time clock,
  - (b) Web entry, if approved in advance; or
  - (c) Other approved means.

### **EXEMPT (EAPS-EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL) EMPLOYEES**

7. Each EAP employee must obtain approval for leave in advance, record leave usage, and approve his/her attendance at the end of a pay period. Leave for EAP employees may only be taken in whole day increments.

### **SUPERVISOR RESPONSIBILITIES**

8. The Unit supervisor (in Districts, the Platoon Commander) shall review the following for accuracy:
  - (a) All shift members are accounted for and entered.
  - (b) No data entry errors occurred, especially total hours entered for each employee.
  - (c) The Work Status Codes and Charge Codes are correct.
  - (d) The shift entered is correct according to the time the employee's REGULAR work began. See below:
    - Shift Code 1 – regular working between 1:00 am and 1:59 pm
    - Shift Code 2 – regular working between 2:00 pm and 6:59 pm
    - Shift Code 3 – regular working between 7 pm and 12:59 am
9. If an employee uses sick, annual or other leave at the beginning of his/her regular shift, the appropriate Code shall be entered for the record on the time card (i.e. Annual Leave 8:33 minutes).
10. The Status Code shall be entered in the appropriate location indicating the member's work status for each workday. Each entry, if more than one entry is made for a day, must contain a status code.
11. If the Platoon Commander is informed at least one day in advance of the employee's need to use annual leave in the middle of a 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.

12. 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 in one day will receive the rate of pay indicated at the beginning of their duty and will require the work rule transfer for any additional hours worked (i.e. 6:25am-3p 1st shift, 3p-6p 2nd shift unscheduled).
13. Holiday "off" is already pre-populated in the ADP System.
14. Holiday "working" for all employees will be recorded when that employee clocks in and out for the actual hours worked on the holiday.

### TIME SHEET APPROVALS

15. Prior to 6:00 AM on Payroll Day, the Unit supervisor or his/her designee shall review the unit's daily records to ensure that all daily records have been approved by each employee and then by their supervisor.
16. After the Biweekly Approval, any changes must be made by the Unit supervisor and approved by the Unit Commander in writing by submitting a **Payroll Adjustment Form** (Form #93) to the Payroll Section as soon as possible after the error is discovered.
17. When completing the form, the employee's Status and Charge Codes must be included.
18. When the Payroll Section receives the Payroll Adjustment Form (Form 93) attached to the ADP/time sheet (with the exception block checked off), the Payroll Section shall:
  - (a) Immediately make the proper correction in the ADP system in the appropriate location,
  - (b) Affix their own signature below the correction, and
  - (c) Submit the ADP/time sheet to the City Finance Department for processing.
19. After the payroll has been approved by all units (by 7:00 AM on Payroll Day), the Payroll Section shall verify that all units are approved and then certify the payroll as correct by 7:00 AM on Payroll Day.
20. No changes will be made once the time sheets have been certified correct, any subsequent changes must be made by submitting a Form 93 to the Payroll Section which will then make the necessary requested changes.

### SPECIFIC ENTRIES

#### COURT TIME

21. An employee is paid overtime for attending court on employment related cases. An employee attending court during regular working hours shall not be paid overtime while on duty.
22. An employee attending court while on annual, sick, or any other form of paid leave shall be carried Working during the time he/she is physically in a tribunal.
23. Members attending Traffic Court, Municipal Court, Criminal District Court, or the Grand Jury shall utilize the ADP biometric timeclocks located on the first floor of Police Headquarters and in the lobby of the Municipal/Traffic Court building. The ADP biometric

timeclock shall be used to record both the time of arrival and departure from the above listed courts.

24. Members attending Juvenile Court, Civil District Court, Federal Court, courts outside the jurisdiction of Orleans Parish, or the 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.
25. If a member's court appearance extends into his/her regular working hours, the court time entered under Charge Code 03 must end at the time the employee's regular shift begins.
26. Court subpoenas and overtime slips shall not be sent to the Payroll Section but instead shall be maintained by each employee's unit assignment according to the Department's record retention schedule.
27. Court overtime will be automatically rounded by the ADP System, not the entering person, to the next half hour. The item number related to the overtime entry shall be entered in the comment section. A minimum of one (1) hour of overtime will be paid for any court appearance.

#### **CASE OVERTIME**

28. 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 comments section on the day the case overtime was worked.

#### **IOD / WORKMAN'S COMPENSATION STATUS**

29. No employee shall be carried in an IOD or Workmen's Compensation status until the injury has been classified as such.
30. Until the injury has been classified, the employee shall be carried sick with the item number included in the comment section.
31. Once a copy of the classification letter is forwarded from Employee Relations to the employee's unit of assignment, that unit shall make the appropriate adjustments to the employee's time card within that two (2) week pay period.

#### **TEMPORARY ASSIGNMENTS OUTSIDE REGULAR UNIT**

32. If an employee works his/her entire shift in another unit, his/her primary unit shall carry him/her detailed to the temporary assignment with no hours entered.
33. The temporary unit shall enter all of the employee's hours under that unit's organization code. If the temporary unit neglects to enter the employee's time, the primary unit will not be able to execute its weekly approval.
34. If an employee works partial hours in both his primary unit and a temporary unit in any workday, the unit in which he/she begins his workday shall enter his/her hours worked in that unit before any other unit enters the remainder of his/her hours worked.

#### **SPECIAL EVENT CHARGE CODE**

35. All members assigned directly to particular special event functions or duties shall be carried



under the Special Event Charge Code (usually designated in the Special Event Operations Order) during the hours they perform those duties.

### **PERSONAL USE CHARGE FOR TAKE-HOME VEHICLE**

36. Employees of the department who are assigned a City-owned vehicle with take-home privileges shall be assessed a **Personal Use Charge** for this privilege.
37. Each employee authorized for take-home use of a City vehicle shall complete and sign the **City of New Orleans Take-Home Vehicle Add/Delete/Change Form (CAO Policy 5(R) Attachment D)**.
38. To provide for this **Personal Use Charge** deduction, a daily entry shall be required on in the ADP System as follows: Either enter:
  - (a) In the Pay Code section, use the dropdown menu and enter the correct distance entry: either "Vehicle Use within 20 Miles" or "Vehicle use Between 20, 40 Miles," whichever is the appropriate entry.
  - (b) Enter the appropriate unit number into the First Transfer Section.
  - (c) 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.
  - (d) Entries in the Take Home Vehicle section are not required when an employee is annual (annual leave), sick or AWP (unless the employee is AWP working).
39. Employees carried Leave Without Pay are **PROHIBITED** from being assigned/using a take-home vehicle.
40. 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.

### **CIVILIAN EMPLOYEES – 7 HOUR WORKDAY (35 HOUR WEEK)**

41. 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.
42. Civilian employees who take any form of authorized leave shall have all entries accounted for, and the total hours must equal seven hours.

#### **Example:**

- (a) Employee works from 8:00AM to 10:00AM - 2 hours working.
- (b) Employee takes annual leave from 10:00AM to 11:00AM - 1 hr.
- (c) Employee returns to work at 12:00 noon and works to 4:00PM - 4 hrs.

- (d) 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.

### **CIVILIAN EMPLOYEES (SHIFT) – 8 HOUR WORKDAY (40 HOUR WEEK)**

43. Civilian employees who work the entire shift without taking any form of authorized leave will be carried working for eight hours. The 30 minute lunch break is not deducted from the record.
44. Civilian employees who take any form of authorized leave shall have all entries accounted for, and the total hours must equal eight hours.

**Example:**

- (a) Employee works from 8:00AM to 10:00AM - 2 hours working.  
 (b) Employee takes annual leave from 10:00AM to 11:00AM - 1 hr.  
 (c) Employee returns to work at 11:00 noon and works to 4:00PM - 5 hrs.  
 (d) The total entries of the above example totals eight hours.

**NOTE:** The 30 minute lunch from 11:30AM to 12:00 noon is not subtracted by the computer. The member is carried working.

### **CYCLE EMPLOYEES – 8.58 HOUR WORKDAY (85.5 HOURS BIWEEKLY)**

45. 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.
46. 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 working day.

**Example:**

- (a) Regular working 8 hours and 35 minutes - 6:25am to 3:00pm = 8.58 hours.  
 (b) Annual 8 hours and 33 minutes 3:27pm to 11:00pm = 8.55 hrs.  
 (c) 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.

47. If a cycle employee takes leave for any portion of the day, their hours must total 8 hours and 33 minutes.

**Example:**

- (a) Working from 6:25am to 11:00am  
 (b) Annual from 11:00am to 2:58pm.  
 (c) Total of 8 hours and 33 minutes = 8.55 hours.

The leave hours that are taken by the employee must be entered by the supervisor.

### **EXTENDED COMPUTER SYSTEM FAILURE**

48. In the event of a city-wide 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.

49. An extended electrical or computer system failure is defined as lasting over one week.
50. If the extended electrical or computer system failure is isolated, payroll shall be entered at alternate locations (i.e., district station, payroll office).
51. 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 forms submitted shall be maintained at the unit level.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 13.38

### TITLE: NEPOTISM AND EMPLOYMENT CONFLICTS

**EFFECTIVE: 12/3/2017**

**REVISED: 01/31/21**

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#### PURPOSE

The purpose of this chapter is to ensure effective supervision, safety, security, performance, and fairness in assignments and discipline, while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, and actual or potential conflicts of interest by or between members of this department. The practices governed by this Chapter include recruiting, testing, hiring, compensation, awards, assignments, use of department facilities, access to training opportunities, supervision, performance appraisal, discipline, and workplace safety and security.

#### DEFINITIONS:

**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**—Includes any actual, perceived, or potential conflict of interest in which it reasonably appears that a member's action, inaction, or decisions are or may be influenced by the member'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 member; 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 romantic or

intimate relationship beyond mere friendship.

**Public Official**—A supervisor or member who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Subordinate**—A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor**—A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate member.

## RESTRICTED DUTIES AND ASSIGNMENTS

1. While the Department will not prohibit personal or business relationships between members, 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.
2. The Department will make every reasonable effort to avoid placing employees in such supervisor/subordinate situations.
3. 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.
4. 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 Chapter.
5. 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.
6. Field Training Officers (FTOs) and other trainers will not be assigned to train relatives.
7. FTOs and other trainers are prohibited from entering 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.
8. To avoid actual or perceived conflicts of interest, employees of this Department shall refrain from initiating, developing or maintaining personal or financial relationships with:
  - a.) victims, witnesses or other individuals during, or as a direct result of, any official contact until such time as the investigation has reached a final resolution in the criminal justice system or,
  - b.) any individual who, during the course of, or as a direct result of, any official contact was a person in crisis, or was subject of a wellness check or as part of a Crime Prevention Officer or School Resource Officer's duties (see **Chapter 41.25 – Crisis Intervention**).
9. Except as required in the performance of official duties or in the case of relatives, employees shall refrain from initiating, developing, or maintaining personal or financial relationships with any individual(s) they know or reasonably should know is under criminal investigation, or is a parolee, fugitive, or registered offender.

**EMPLOYEE RESPONSIBILITIES**

10. 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 chapter, the employee shall promptly notify his/her uninformed, next highest level supervisor.
11. Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide 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 uninformed immediate supervisor.
12. If an uninformed supervisor is not immediately available, the employee shall promptly notify Communications Services to have another uninformed employee either relieve the involved employee or at a minimum, remain present to witness the action.

**SUPERVISOR RESPONSIBILITIES**

13. Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this Chapter, a supervisor shall take all reasonable steps to prevent, mitigate or avoid such violations.
14. Supervisors receiving written or verbal allegations of violations of this Chapter shall take such allegations seriously, deal with them in a prompt and effective manner, and, where appropriate, initiate a disciplinary investigation, by completing NOPD Form 230 – PIB Intake Form – Commendation – Complaint or Documentation of Minor Violation, and take all appropriate investigative and disciplinary actions, consistent with **Chapter 52.1.1— Misconduct Complaint Intake and Investigation** and/or **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 15.1

### TITLE: CRIME ANALYSIS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 800**

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#### PURPOSE

The purpose of this Chapter is to promote intra-organizational cooperation and information sharing within and among the FOB police Districts.

#### DEFINITIONS

Definitions related to this Chapter include:

**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.

**Management Analytics for Excellence (MAX)**—The Department's internal management meetings focused on crime and other aspects of command performance.

**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. 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.

**POLICY STATEMENT**

1. District patrol information sharing procedures are intended to foster, develop and maintain intra-organizational cooperation and information flow between the various Bureaus/Divisions/Sections/Units of the New Orleans Police Department.
2. The FOB Analytics /Crime Analysis Unit is responsible for correlating the available data 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.
3. Crime pattern analysis of information gathered by District or Division members performing a crime analyst support role should be openly accessible to supervisors, investigative support 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.
4. Notable similarities in offense characteristics should be disseminated to enforcement units.
5. District or Division Commanders shall be responsible for soliciting feedback from members 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.

**FOB ANALYTICS / CRIME ANALYSIS UNIT**

6. The MAX process is one of the methods used by the New Orleans Police Department to share information on crime and crime trends.
7. The FOB Analytics / Crime Analysis Unit assists in the preparation and dissemination of information for the MAX process.
8. Criminal information and reports can be submitted to the Analytics / Crime Analysis Unit for distribution within the Department through the MAX process.

**DATA SOURCES**

9. Crime analysis should utilize all available data sources to determine crime trends and patterns.

**CRIME ANALYSIS DISSEMINATION**

10. 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. Classified or Law Enforcement Sensitive information and intelligence shall be designated "Classified" or "Law Enforcement Sensitive," secured and only shared with individuals with the appropriate clearances.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 16.1

### TITLE: DETAILING / TRANSFERS / FILLING VACANCIES / SELECTION PROCESS FOR SPECIALIZED UNITS

**EFFECTIVE: 01/07/18**

**REVISED: 12/06/20**

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#### PURPOSE

This Chapter sets guidelines for a member requesting transfer to another assignment the detailing of a member to another unit, and the selection process for applicants in a new or vacant position.

#### POLICY STATEMENT

1. Employees detailed from one unit/section/division/district/bureau to another are not considered to have transferred.
2. Employees of equal rank who desire to swap or trade district patrol assignments may do so with the approval of all commanding officers concerned and without the requirement that the vacancy be announced.
3. An inappropriate relationship creates a conflict of interest which can adversely impact efficiency or effectiveness in the workplace. Such relationships can also create an intimidating, hostile, or offensive work environment. When such relationships occur, either or both employees shall be reassigned to another position for which they are qualified and be subject to disciplinary action.
4. The Superintendent of Police, as the Appointing Authority for the New Orleans Police Department is the final authority for the approval of transfers for any member.
5. No transfer shall take place without the specific approval of the Superintendent, in the form of a written request through the Bureau chain-of-command of the member to be transferred or as directed in another Chapter..
6. All panel members and ranking officers are reminded that the processes outlined in this Chapter shall follow the guidelines of **Chapter 13.38 – Nepotism and Employment Conflicts**. Most especially in dealing with relatives, immediate and extended family and conflicts of interests. Panel members should review **Chapter 13.38** after the list of applicants / candidates has been set for review and interview and prior to their

participation in the process.

## DEFINITIONS

Definitions related to this Chapter include:

**Appointed position**—A commissioned or civilian position, which may require a specific set of skills, and is not required to be posted. Appointed positions are generally filled by members already within the unit/section/division/district/bureau where the position exists.

**Detailed**—A member of the Department, civilian or commissioned, of any rank, who is temporarily assigned to a unit/section/division/district/bureau other than the one to which they are assigned in ADP (payroll). The authority to “detail” a member is vested in the supervisor who has command of both the assignment from which the member is leaving, and the one to which the member is going. The notification that a member is being detailed must be communicated in writing absent an emergency.

**Specialized Unit**—A division/unit/section of commissioned members or civilians within the New Orleans Police Department directed toward, or concentrating on, a specific service to the public beyond normal patrol activities.

**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 member; step or half relations shall be given the same consideration as blood relatives of the same type.

**Extended family**—Aunts, uncles, nieces, nephews and persons living in the same household.

**KSA**—Knowledge, skills and abilities needed for a specific position. KSAs for all positions will be maintained in the Personnel Division and on **NOPD.org**.

**Inappropriate relationship**— An employee who is or has recently engaged in intimate, romantic, or sexual relationships with a fellow employee within the same unit, or with a person over whom he/she has influence or control.

**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 will know what a selection panel may consider in their review of the applicant.

**Selection Panel**—A group of individuals with knowledge of the duties of the position being filled. The group will assess performance, work history, and other allowable selection attributes which indicate who is best suited for the position. The panel should consist of a district, division, or section Captain or designee of the rank of sergeant or above, two other supervisors (lieutenant or sergeant), and an employee of the same rank and in the same or similar position as the open position. In the case of a civilian position, the selection panel may consist of civilian or commissioned members with similar supervisory authority as those listed above. The highest-ranking person on the panel is designated as the chairperson of the selection panel.

**Selection Panel Chairperson** - The highest-ranking person on the panel is designated as the chairperson of the selection panel.

**Selection Criteria Checklist**—NOPD **Form 184 – Transfer Selection Criteria Checklist** shall be used to ensure the selection panel uniformly reviews and assesses applicants based upon a list of selection standards.

**Posted position**—An available or open position within a specialized unit of the New Orleans Police Department that is subject to the KSA / Transfer Selection Process.

### APPOINTED POSITIONS

7. 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:
  - a) Superintendent's staff
  - b) Deputy Superintendent
  - c) Deputy Superintendent's staff
  - d) District Captain
  - e) District Captain's staff
  - f) Division Captain
  - g) Division Captain's staff

### IMMEDIATE FAMILY

8. Within the New Orleans Police Department, individuals who are immediate family members **shall not** be placed within the same direct line of supervision. (see: **Chapter 13.38 – Nepotism and Employment Conflicts**).
9. For any position within the New Orleans Police Department, whether supervisory or non-supervisory, a Deputy Chief shall make no assignment that would create a likelihood or appearance of an inappropriate relationship, or a perception of, favoritism, conflict of interest, or other circumstance that could lead to disruption in the work place. Supervisors, managers, and executives who engage in intimate, romantic, or sexual relationships with a subordinate will be subject to disciplinary action and may be subject to other corrective measures in addition to being reassigned.

### DETAILING

10. Members may be detailed for a specified time period, not to exceed 30 calendar days. The beginning and ending dates of the detailing shall be specified at the time of communication to the member by his/her supervisor, and in the same manner. Extensions may be requested, in writing, one time, not to exceed an additional 30 calendar days.
11. All detail requests shall be documented in writing from the requesting supervisor in advance, or within 24 hours of an oral emergency request which has been approved.
12. Copies of the approved detail request shall be sent to PIB and maintained in the member's personnel file. Upon returning to his/her permanent unit of assignment, a 105 rescinding the detail should be prepared and similarly distributed.

### TRANSFER NOTIFICATIONS

13. The transfer of members within the Department shall be directed by the Superintendent. Transfers are issued as Personnel Orders.
14. All members being transferred, whether at their own request or not, should be notified of the transfer at least five calendar days prior to the transfer becoming effective. This notification shall be made in writing, by departmental email, to the commanding

officer(s) of the affected unit(s) and to the employee. The Superintendent of Police or his/her designee shall reserve the right to make transfers without prior notification when it is considered within the best interests of the Department, or with consent of the affected employee(s).

### VACANCY ANNOUNCEMENTS

15. Openings in specialized units shall be announced to the entire Department by use of **NOPDAll@nola.gov** e-mail. Any special requirements shall be included in the announcement. Openings in units, sections or divisions utilizing undercover members, or other positions of a sensitive nature are exempt from this requirement.
16. Units requesting resumes for vacancies shall utilize the format listed on the **New Orleans Police Department Transfer Selection Criteria Checklist Form 184**.
17. All units shall post announced vacancies from another unit/section/division/district/bureau on their bulletin boards until the last day resumes are accepted.

### TRANSFER REQUESTS AND FILLING VACANCIES

18. 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.
19. Members who have requested a transfer shall be notified as soon as possible after the transfer is approved or disapproved by the member's commanding officer even though the transfer is not final until approved by the Superintendent. Transfers that are approved "conditionally" (i.e. "pending suitable replacement") are only final when conditions are met, and all involved unit commanders agree.
20. No member of the Department shall be transferred without prior notification of the individual's unit/section/division/district Captain.
21. An employee 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.
22. Any member who has requested a transfer may withdraw his/her request at any time in the process. The withdrawing member shall complete a 105, with review and signatures through his/her chain of command requesting the withdrawal and clearly stating the reason(s) why.
23. Transfer selection processes involving KSAs will require the entire KSA packet to be scanned and forwarded to the member indicated on the KSA bulletin and the Personnel Division by Departmental email.

### EMPLOYEE FILES

24. 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 Captain within one week of the effective date of the transfer.
25. 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 on the date the transfer or transfer list is approved.

### KSA DEVELOPMENT AND CHANGE PROCESS

26. To promote career development and fairness, the criteria to be used to determine the

knowledge, skills and abilities (KSA) necessary for a specialized position must be directly related to the position, duties and responsibilities necessary for success in that position. As such, the process for developing and / or changing a KSA must be transparent.

27. KSAs once posted by the Personnel Division, will remain in effect and cannot be changed without the written approval of the Superintendent of Police.
28. A minimum of 60 days' prior notice and posting of a new or revised KSA must take place before it can be used in an announcement for applications to fill a position defined by a KSA.
29. New KSAs and changes to existing KSAs should originate from the Captain of the District or Division under whom the position falls. The new or revised KSA shall:
  - a) follow the chain-of-command for review, comment and recommendation to the respective Bureau Chief who shall,
  - b) forward it to the Deputy Chief of the Performance Standards and Accountability Bureau for review and recommendation in accordance with "best practices" and conformance with existing Departmental Regulations and guidelines, and
  - c) forward to the Superintendent of Police for final approval.
  - d) Once approved by the Superintendent, it shall be sent to the Personnel Division for posting.

#### **TRANSFER SELECTION PROCESS FOR SPECIALIZED UNITS**

30. 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.
31. The selection process will provide management with the tools necessary to make informed decisions when selecting members for positions within the Department. This is accomplished by providing measurable selection standards upon which to make those decisions.
32. 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, on **NOPD.org**, and will be listed on each posting. The selection standards shall be kept updated and maintained in both electronic and hard copy files.
33. The chairperson of the selection panel shall notify all candidates of his/her ranking (i.e. #1 of 11) and allow the candidates an opportunity for comment, in writing..
34. Candidate comments shall be circulated to all selection panel members. Any selection panel member who feels the comments are sufficient to cause them to reevaluate their assessment and findings will communicate their reasons to all panel members and any agreed upon changes to the ranking shall be noted and all candidates notified of the change.

**MEMBER REQUIREMENTS**

35. Members requesting transfer shall have completed their most current probationary period and/or work test period (cannot be on “probationary status”). Specifically, for the provisions of this Chapter, time spent by the employee for military service shall be counted as uninterrupted service.

**DETECTIVE POSITIONS**

36. All detective openings throughout the Department in Districts and specialized units shall be posted, include an interview process and require applicants to have appropriate experience and submit writing samples and supervisor recommendations. The KSA for the position shall be posted on **NOPD.org**.

**EDUCATION AND TRAINING DIVISION / INSTRUCTOR SELECTION**

37. Knowledge, Skills, and Ability Protocols shall be established for all staff assigned to the Education & Training Division (ET&D) and all adjunct instructors within the Department. Minimum qualification requirements for E&TD staff shall include:
- a) Baccalaureate Degree or exceptional practical law-enforcement or subject matter expertise with at least six years of combined NOPD service; and
  - b) Successful completion of the Law Enforcement Instructor’s School and/or Louisiana POST approved equivalent; and
  - c) No 'sustained' PIB investigations within 24 months of applying for an Education & Training Division position or a pending 'open' investigation at time of application if:
    - i. the minimum punishment for the sustained or open allegation at issue is at least a 30-day suspension; or
    - ii. the sustained or open allegation involves discrimination, verbal intimidation, failure to report misconduct, fictitious illness or injury reports, abuse of position, inappropriate use of social media, visiting prohibited establishments, or adherence to law (excepting traffic violations and off-duty municipal violations not committed under color of law).
  - d) In addition, NOPD shall consider the nature and severity of any other sustained or alleged violation or pattern of allegations in determining whether an applicant is fit to serve in the Education & Training Division. The Superintendent may authorize the transfer of officers to the Education & Training Division on a case by case basis. The allegation(s) must be a minor administrative offense that does not involve any integrity issues or criminal conduct.

**PUBLIC INTEGRITY BUREAU SELECTION**

38. A civilian shall serve as the Public Integrity Bureau (PIB) Assistant Superintendent.
39. PIB investigators and commanders shall possess excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective in determining whether an officer committed misconduct as evidenced by disciplinary and other investigations that he/she has handled in the past.
40. Members, of any rank, including Captains, 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. Only the Superintendent of Police, with written reasons, may overcome the presumption of ineligibility.

**FILLING CRISIS RESPONSE UNIT (SPECIAL WEAPONS AND TACTICS AND CRISIS NEGOTIATION TEAM) VACANCIES**

41. Crisis Response Unit (Special Weapons and Tactics – SWAT and Crisis Negotiation Team – CNT) vacancies are governed by **Chapter 46.7 – Crisis Response Unit**.

#### **FEDERAL/STATE TASK FORCES**

42. The New Orleans Police Department participates in several Federal/State task forces by providing Department members to work on assignment to selected federal agencies by agreement (MOU or CEA) 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.
43. Because of the excellent training, experience, and education provided to participants in these task forces, it shall be the policy of the Department to rotate the members participating in them. Assignments to serve in a task force position will be for a time period not to exceed 48 months. By rotating members on a regular basis, the opportunity to serve on a task force is provided to a greater number of Department members. Those members can return to the Department and share their knowledge, skills and abilities thereby improving the effectiveness and overall knowledge base of the department.
44. The rotation schedule shall provide sufficient length of service on a task force to allow participants 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 and available on **NOPD.org**.
45. Selection criteria for these positions will be listed on each position posting and maintained in the Personnel Division and available on NOPD.org.
46. Selection panels for Task Force positions shall also include a representative from the agency overseeing the Task Force wherein the position exists.

#### **SELECTION PANEL RESPONSIBILITIES**

47. The Selection Panel shall be comprised of at least 5 members, appointed by the Bureau Chief for a District or Division and the Captain for a Section or Unit. If the opening is for a rank position, the panel members must be of equal or greater rank than the open position. If the opening is for an officer position, the panel member can be of any rank. A member of the Personnel Division may participate as an observer only on the Panel to ensure the process is fair, impartial and non-discriminatory.
48. It shall be the responsibility of the selection panel to perform the following tasks under the direction of the bureau/division Captain 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: and
  - c) Require the Personnel Director to review the entire work product to ensure it is appropriate, non-discriminatory and non-biased.
49. The selection panel shall be responsible for applying the weight used for scoring each selection criteria for a given position. Written Exam 25%, Oral Interview 50%, and Criteria Checklist 25%. All oral interviews shall be audio recorded and may be video recorded.

50. Weights assigned to each selection criteria will be announced in advance of any interview or examination.
51. The weights for each of the selection criteria may vary for different positions within the Department; however, weights established for a specific position will remain constant for each applicant.
52. Specific guidelines for completing the **NOPD Form 184 Selection Criteria Checklist** are outlined in the instructions attached to the Form.
53. No later than the next business day of all KSA's closing (prior to the scheduling of any interviews or other actions), the Panel Chairperson (or their designee) for each KSA process shall forward to PSAB via email the following:
  - a) KSA Announcement,
  - b) Any KSA Extension Announcements,
  - c) Final List of Candidates,
  - d) Letters of Interest from the KSA packet of each candidate, and
  - e) First page of resume from the KSA packet of each candidate.
54. These measures will assist PSAB in ensuring integrity and fairness, in addition to providing transparency of the KSA process. This will prevent a "preferred individual" from being allowed to submit a KSA beyond the due date, or a Panel Chairperson adding an individual's name to the list when no actual documentation was submitted in a timely fashion.
55. Within five business days of the closing of the KSA process, the Panel Chairperson will forward to PSAB the following:
  - a) Interview Schedule of all candidates,
  - b) Final Rankings list,
  - c) Final weights list from all panel members.
56. These measures will assist PSAB in ensuring that a complete KSA process was conducted, using predetermined weights, and that all candidates were afforded an interview. It also allows for transparency of the rankings list, when individuals from the list are selected for transfer.
57. The chairperson shall document and maintain the interview and/or examination material for each applicant for 1 year from posting of the eligibility list. The chairperson shall maintain the records for selected applicants for the duration of the selected applicant's tenure. After the 1-year time frame, all documents will be destroyed and will not be available for review, unless a legal proceeding or civil service action has been filed and is still unresolved.
58. 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 who 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.
59. The following documents / items shall be maintained by the chairperson and made



available upon request:

- a) The KSA Announcement email,
  - b) any extensions of application dates/times (emails),
  - c) the list of candidates,
  - d) the weighted list of candidates after the selection process, and
  - e) the final selection ranking dated and signed by all members of the panel.
60. All documents shall be forwarded to the Deputy Chief of PSAB at the conclusion of the selection process but prior to any transfer.
61. If no applicants / candidates meet the minimum qualifications, that fact shall be communicated, in writing, to the respective Bureau Chief and the Chief of PSAB. The affected Bureau Chief may petition the Superintendent, in writing, to allow the selection of the best qualified applicant but the Superintendent must approve the individual's selection in writing.

### **PERSONNEL SECTION RESPONSIBILITIES**

62. The Personnel Division will ensure selection standards for a specific position are listed on all position postings and available on **NOPD.org**. Postings will be disseminated via the **NOPDALL@nola.gov** e-mail address. Each vacancy announcement must allow a minimum of 14 calendar days from the date of posting for submission of an application. The lifespan of an eligibility list will be four calendar months; however, an eligibility list may be rescinded or extended with the approval of the Superintendent of Police.
63. 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.
64. The Personnel Section will maintain a current list of KSAs for all positions within the police department. Should changes to the requisite KSAs become necessary, the Captain of the division in which the position is located will be informed and produce changes to the selection standards as necessary.
65. All unit/section/division/district/bureau commanders will be required to ensure that selection standards for positions within their command are current and representative of the requirements for the position posted. No position is a permanent position.
66. The Superintendent of Police expressly reserves the right to create, delete, or temporarily leave vacant any position or assignment as the needs of the Department dictate, by himself or through his designee. A position may remain vacant for any period deemed necessary.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 16.3

### TITLE: POLICE RESERVE OFFICER PROGRAM

**EFFECTIVE: 08/26/2018**

**REVISED: 11/15/19, 4/22/20**

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#### PURPOSE

The New Orleans Police Department Reserve Officer Program was established to provide volunteer professional and special function commissioned reserve officers and non-commissioned volunteers who can augment and supplement staffing provided by commissioned full-time officers.

#### POLICY STATEMENT

1. Reserve volunteers and reserve police officers are considered at-will members and may be removed from the reserve officer program at the discretion of the Superintendent of Police or the Reserve Division commander.
2. The New Orleans Police Department shall operate and maintain a Reserve Division whose primary duties and responsibilities are to assist district and line support members in the delivery of services to the residents and visitors of the City of New Orleans.
3. The New Orleans Police Department shall recruit and appoint to reserve positions only those applicants who meet the same pre-employment screening standards (e.g., personal history investigation and medical and psychological screening) as a full-time member of the Department to the position of a Reserve Police Officer.
4. The Department of Civil Service does not participate in the application process for reserve police officers. All other phases of the regular applicant review process are followed and the same hiring criteria utilized for screening shall be applied.
5. No one may be appointed as a reserve commissioned officer of any rank who has not met the minimum requirements of Louisiana Commission on Law Enforcement and Administration of Criminal Justice – Peace Officer Standards and Training Council.
6. No one may serve as an NOPD reserve volunteer or reserve officer in any capacity who has not successfully completed the training requirements outlined in the Chapter for his/her volunteer level.
7. Only Level I Reserve Officers may work alone in any field assignment.
8. Reserve officers shall not receive compensation for serving as a reserve officer other

than a yearly uniform allowance. They may be compensated for any hours worked as an employee of the City as a part-time police officer, however the hours worked as a part-time employee will not count toward his/her volunteer time.

9. Reserve officers, while performing their duties with the New Orleans Police Department, shall be attired in the approved NOPD uniform (See: **Chapter 41.10 – Uniform Specifications**). A request for a reserve officer to work his/her assigned duties (this does not apply to police secondary employment. See: **Chapter 22.08 – Police Secondary Employment**) in plain clothes must be approved, in writing, through the chain of command by the Superintendent of Police.
10. Level I Reserve Officers are expected to perform the same duties and responsibilities as full time employed non-probationary Police Officers.
11. Level II Reserve Officers are expected to perform the same duties and responsibilities as a full-time employed Police Officer who is under the Field Training Program and directly supervised by an FTO at all times while working.
12. Retired or resigned New Orleans Police Officers of any rank, who have retired or resigned in good standing, may, within the time limitations necessary to maintain Louisiana POST certification, be appointed as Level I Reserve Officers, and provided he/she has maintained currency in all required qualifications, certifications and training.
13. The requirements for previous 480 hours of cumulative annual volunteer time for purposes of Police Secondary Employment is **waived** for the first calendar year for retired or resigned New Orleans Police Officers of any rank, who have retired or resigned in good standing and he/she is allowed to work Police Secondary Employment immediately upon meeting the requirements for Level I Reserve Officer and acceptance and commissioning in the Reserve Division. Officers falling under this exemption are required to fulfill all other requirements to remain in good standing as a Reserve Officer in order to work Police Secondary Employment.

## DEFINITIONS

**Creditable Service**—Months during which the officer completed the minimum required service of a reserve police officer. Any period of time spent on leave, or in an ADD or inactive status without completion of the required minimum service for that month, shall not count or accrue towards the required total hours of a minimum of 24 per month average, for all non-paid, volunteer, P.O.S.T.-certified police officers.

**Good Standing (Full-Time)**—An NOPD member is in good standing when he/she has maintained all required certifications (e.g., firearms qualification, driving, TASER, etc.); is not the subject of ongoing disciplinary action that would be considered serious or egregious and contain allegations that could be subject to 'Level E' discipline, including dismissal; and is substantially current with all required reports (e.g. EPR, CCMS, CRASH, etc.).

**Good Standing (Reserve)**—A Reserve Division member is in good standing when he/she has maintained all required certifications (e.g., firearms qualification, driving, TASER, etc.); is not the subject of ongoing disciplinary action that would be considered serious or egregious and contain allegations that could be subject to 'Level E' discipline, including dismissal; and is substantially current with all required reports (e.g. EPR, CCMS, CRASH, etc.). They must also be current on the minimum monthly volunteer hours required for his/her Level, attend the mandatory monthly Reserve Division meetings and complete all training requirements both annual and monthly for his/her respective Level.

**Lateral Entry Reserve Officer** – in addition to the requirements for all Reserve Officer applicants, a Lateral Entry Reserve Officer must have a current Louisiana P.O.S.T. certification as a peace officer or certification from an equivalent state board (as determined by La. P.O.S.T.) and two (2) consecutive years of full-time patrol and/or investigative law enforcement experience beyond academy and field training.

**Part-time Employee**—A classified or unclassified employee of the Department who works fewer than 30 scheduled hours per week.

**Reserve Officer**—A non-paid volunteer, certified by the Louisiana Peace Officer Standards and Training (POST) Council and 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, and serves as a Level I or Level II Reserve Officer.

**Reserve Volunteer**—A non-paid volunteer with limited law enforcement authority and no arrest powers, who perform administrative functions within the Police Department including, administrative assistance for District Investigative Unit detectives, assist in community relations and with supervised traffic direction and barricade control during special events.

**Special Officers**—A class of individuals who, because of their job duties, must carry a weapon and/or have limited powers of arrests or detention (i.e. security guards). They are empowered by the Superintendent of Police as “special officer permits” which denote the authority, rights and limitations on the credentials. They are not members of the NOPD.

#### **RESERVE DIVISION – GENERAL**

14. The New Orleans Police Department Reserve Division is comprised of community members who volunteer their time to fulfill many of the roles handled by full-time sworn police officers.
15. NOPD Reserve members can be:
  - (a) Retired or resigned NOPD officers in good standing,
  - (b) Retired officers (full-time or reserve) in good standing from another law enforcement agency that meets all Louisiana POST requirements (Lateral Reserve Officer),
  - (c) Non-commissioned members of the NOPD, and
  - (d) Community members who have no previous law enforcement background.
16. Applicants for the NOPD Reserve Division will be required to successfully complete the same background processing required for a full-time New Orleans Police Officer. The applicant background investigation shall only be handled by qualified members assigned by the Police Recruitment and Applicant Investigation Administrator. The investigation, review and approval process for a Reserve Division applicant is the same as for a full-time member of the Department. (See: **Chapter 31.1 – Recruitment**).
17. In addition to the minimum requirements for all applicants, an applicant for Lateral Entry Reserve Officer must:
  - (a) Have current La. P.O.S.T. certification or certification from an equivalent state board; **and**
  - (b) Two (2) consecutive years of full-time patrol and/or investigative law enforcement experience beyond the basic POST academy and field training.
18. Lateral Entry Reserve Officer Applicants shall attend training at the NOPD Education & Training Division for additional NOPD-specific training prior to performing any law enforcement duties as an NOPD Reserve Officer. They are not required to attend

additional Louisiana P.O.S.T. training unless directed by La. POST.

19. Any active, full-time 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 in the form of an Interoffice Correspondence (105) to the Superintendent of Police.
20. The request (105) must be submitted at least 30 days prior to the full-time member's separation date. The correspondence must:
  - (a) Process through the officer's chain of command.
  - (b) Include an approval/disapproval block for the commander of the Reserve Division.
  - (c) Include an approval/disapproval block for the Deputy Chief of the Field Operation Bureau if the officer is not assigned within the Field Operations Bureau.
  - (d) Include a current Public Integrity Bureau (PIB) "short-form" for the member and a printout of the officer's attendance record for the last two years.
  - (e) Information on the history of all sustained complaints and all uses of force that were determined not justified shall be included.
21. An applicant for Reserve Officer who is a retired or former NOPD commissioned member in good standing at the time of separation from employment with the NOPD but did not apply at the time of separation but still retains eligibility under Louisiana POST as a peace officer, can be appointed as a Level I Reserve Officer if:
  - (a) They meet the minimum requirements for Level I applicants.
  - (b) Pass the departmental drug screening.
  - (c) Are approved by the commander of the Reserve Division, the Deputy Chief of FOB and the Superintendent of Police after a review of his/her prior NOPD record.
22. Once received by the Superintendent, the written request shall be forwarded to the Police Reserve Officer Program Screening Panel for consideration. The requestor shall successfully complete an, in person, interview before the Panel which is comprised of the Deputy Chief of FOB, the commander of the Reserve Division (or their designee) and one additional Deputy Chief, selected by the Deputy Chief of FOB.
23. The Superintendent of Police may allow a retired or former NOPD commissioned member who has applied to be a Reserve Officer maintain his/her previous permanent civil service rank, or any lesser rank the Superintendent deems appropriate.

#### **RESERVE DIVISION VOLUNTEER LEVELS**

24. There are three (3) levels of volunteers in the NOPD Reserve Division. The levels define the requirements, training, uniforms and permissible duties and restrictions of the volunteer.

##### **Level I Reserve Officers –**

25. Level I Reserve Officers perform the same functions as regular, full-time commissioned NOPD officers. They are armed, uniformed peace officers who work in police vehicles, in the Districts.
26. A Level I Reserve Officer is either a:
  - (a) Retired or former NOPD commissioned member.
  - (b) A Lateral Entry Reserve Officer who has completed all requirements and training.
  - (c) A Level II Reserve Officer who has successfully completed all requirements and training to transition to a Level I Reserve Officer.

27. Level I Reserve Officers are required to work a minimum of 288 cumulative hours (total) within a given calendar year, 24 hours a month, attend the mandatory monthly Reserve Division Meetings and maintain currency on all required training and certifications.

### **Level II Reserve Officers –**

28. Level II Reserve Officers perform the same functions as regular, full-time, commissioned NOPD officers, however they work under the direct supervision of an FTO. Level II Reserves are armed, uniformed peace officers.

#### Level II applicant requirements:

- (a) U.S. Citizen or National, Lawful Permanent Resident (LPR).
  - (b) At least 20 years old (must be 21 by completion of Academy training, not FTO training).
  - (c) A U.S. high school graduate, possess a Certificate of High School Equivalency or U.S. state approved G.E.D. equivalent; (non-US diplomas require a credential evaluation as to high school equivalency (or greater) from a recognized academic evaluation service, written in English).
  - (d) Licensed to drive in the state in which you reside at the time of application and have a minimum of 3 years of driving experience.
  - (e) In good physical and psychological condition to perform the essential functions of the job of Police Officer.
29. Level II applicant examination:
- (a) Preliminary Background Application (PBA) and Job Preview Questionnaire (JPQ).
  - (b) Multiple Choice Written Test.
  - (c) Personal Qualifications Essay.
  - (d) Physical Abilities Test.
  - (e) Initial Background Review.
  - (f) CVSA.
  - (g) Background Investigation.
  - (h) Department Interview.
  - (i) Medical Evaluation.
  - (j) Psychological Evaluation.
  - (k) Drug testing.
30. Level II Reserve Officer training:
- (a) Level II Reserve Officer Applicants receive all Louisiana POST required training and the NOPD-specific training outlined in the Reserve Division Level II Training Curriculum maintained and taught by the Education & Training Division. (See **Appendix A – Reserve Division Training Curriculum**).
  - (b) Level II Reserve Officer Trainees must work with a fully commissioned training officer until they successfully complete all required training and successfully complete the standard FTO Program requirements and matriculate to Level I Reserve Officer.
  - (c) Level II Reserve Officers are required to successfully complete all POST and NOPD Annual In-Service and Firearms Training required of full-time officers.
31. Once a Level II Reserve Officer has completed ALL of the Louisiana POST required training, the NOPD-specific training outlined in the Reserve Division Level II Training Curriculum and Field Training under an FTO, they are reclassified as Level I Reserve Officers, fully released and be able to work any District patrol assignment in the Department without the direct supervision of a Field Training Officer. In all cases, the entire training requirement must be completed within 24 months from the commencement of the POST-required training classes.
32. Level II Reserve Officers are required to work a minimum of 288 cumulative hours (total)

within a given calendar year, 24 hours a month, attend the mandatory monthly Reserve Division Meetings, and maintain currency on all required training and certifications.

**Level III Reserve Volunteer -**

33. Level III volunteers are unarmed members of the Reserve Division with limited law enforcement authority and no arrest powers, who perform administrative functions within the Police Department such as assigned duties at the police District Station front desk, administrative assistance for District Investigative Unit detectives, and assist in community relations and with supervised traffic direction and barricade control during special events.
34. Level III volunteers are uniformed in NOPD dark blue B.D.U.'s, with NOPD patches, name tag and "**RESERVE DIVISION**" embroidered over the left breast and in large print on the back of the uniform shirt. They will wear no badge or facsimile of a badge. Level III volunteers will receive training from approved Reserve Division trainers or the Education & Training Division on traffic direction and control, community interaction, radio and communications procedures, report writing and specific administrative duties depending on the volunteer's assignment.
35. Level III applicant requirements:
  - (a) Must be at least 18 years of age at the time of application.
  - (b) Must be in good physical and psychological condition and able to perform the essential functions of the Level III position.
  - (c) Must possess a valid Louisiana driver's license with a good driving record and driving experience with a minimum of 1 year of driving experience.
  - (d) Must not have a history of criminal or improper personal conduct that may affect suitability for police work;
  - (e) A U.S. high school graduate, possess a Certificate of High School Equivalency or U.S. state approved G.E.D. equivalent; (non-US diplomas require a credential evaluation as to high school equivalency (or greater) from a recognized academic evaluation service, written in English).
  - (f) U.S. Citizen or National, Lawful Permanent Resident (LPR)
36. Level III applicant examination:
  - (a) Preliminary Background Application (PBA) and Job Preview Questionnaire (JPQ).
  - (b) Multiple Choice Written Test.
  - (c) Personal Qualifications Essay.
  - (d) Physical Abilities Test.
  - (e) Initial Background Review.
  - (f) Review of Candidate Qualifications.
  - (g) Background Investigation.
  - (h) Department Interview.
  - (i) Drug testing.
37. Level III applicant training:
  - (a) Level III Reserve volunteers receive a minimum of 80 hours of instruction (see: **Appendix A - Reserve Division Training Curriculum**) from the Education & Training Division or qualified and approved Reserve Division trainers. Training instructors, methods, curriculum, course content and standards shall be set and monitored by the Education & Training Division.
  - (b) Level III Reserve volunteers also receive 24 hours of basic self-defense training and instruction on **Chapter 1.3 – Use of Force** policy guidelines. Physical fitness

exercises and physical skills drills are used to prepare volunteers for self-defense training.

38. Level III Reserve volunteers, after successful completion of all training requirements, will be assigned to a Field Operations Bureau District / Division. Level III Reserve volunteers are required to work a minimum of 288 cumulative hours (total) within a given calendar year, 24 hours a month, attend the mandatory monthly Reserve Division Meetings and maintain currency on all required training and certifications.

#### **APPOINTMENT AS A RESERVE POLICE OFFICER**

39. Upon acceptance into the Reserve Division, and after the required training for his/her volunteer level as set out in this Chapter, a reserve volunteer or officer accepts the same hazards and risks accompanying the position as a full-time employed member of that level.
40. Reserve police officer applicants who are selected for appointment as reserve police officers shall, on the recommendation of the Superintendent of Police, be sworn in and take the Oath of Office as required for the position of Police Officer or volunteer.
41. Members of the Reserve Division serve at the Superintendent's discretion.

#### **EQUIPMENT, COMPENSATION AND BENEFITS OF RESERVE POLICE OFFICERS**

42. All Departmental property and equipment issued to a reserve volunteer or officer remains the property of the Department and shall be returned to the Department upon request, termination, or resignation.
43. Any loss or damage to Departmental property and equipment shall be documented as required by regulation and the reserve officer held to the same standard of responsibility for the property as a full-time commissioned officer. (See: **Chapter 17.3 – Department Owned and Personal Property**).
44. A reserve officer or volunteer may receive compensation as follows:
  - (a) The Department may provide hospital and medical assistance to a reserve volunteer or officer who sustains an injury in the course of performing his/her official duties.
  - (b) Level I Reserve officers shall be allowed to work police secondary employment in accordance with the guidelines of the New Orleans Police Department and the Office of Police Secondary Employment. (See also: **Chapter 22.08 – Police Secondary Employment**). No reserve officer shall be allowed to work more than 16 hours and 35 minutes within a 24-hour period.
  - (c) Reserve officers wishing to work police secondary employment shall comply with the requirements set forth in **Chapter 22.08 – Police Secondary Employment**.
45. Level I Reserve Officers are allowed to register for and work police secondary employment assignments through the OPSE. However, the following limitations and restrictions shall apply to all NOPD Reserve members: (See also: **Chapter 22.08 – Police Secondary Employment**)
  - (a) Plain clothes police secondary employment coordinated through the OPSE must be approved by the Superintendent of Police or his/her designee prior to allowing any Reserve member to work a police secondary employment assignment in plain clothes.
  - (b) Reserve officers shall not work police secondary employment for their regular employer.



- (c) Level I Reserve Officers shall have completed a minimum of 480 credited volunteer hours in the previous calendar year before they may apply to work police secondary employment. The Reserve Division shall certify to the Office of Police Secondary Employment, by January 1<sup>st</sup> of each calendar year, a list of those Level I Reserve Officers who have met the annual hourly requirement, are in good standing, and are eligible to work police secondary employment for the current year. (See: **Chapter 16.3 – Reserve Division**).
  - (d) The requirements for previous 480 hours of cumulative annual volunteer time for purposes of Police Secondary Employment is **waived** for the first calendar year for retired or resigned New Orleans Police Officers of any rank, who have retired or resigned in good standing and he/she is allowed to work Police Secondary Employment immediately upon meeting the requirements for Level I Reserve Officer and acceptance and commissioning in the Reserve Division.
  - (e) No Reserve Officer shall be allowed to work a Police Secondary Employment as a Level II Officer. Only Level I Reserve Officers can work police secondary employment within the supervision guidelines of the OPSE.
  - (f) Level I Reserve Officers who have met the requirements, are in good standing and have satisfied the OPSE requirements may work the same maximum number of hours of police secondary employment as is authorized for a regular, commissioned, full-time employee of the NOPD.
  - (g) Reserve officers shall follow the same OPSE agreement and authorization procedure as established for active members 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 to the Superintendent of Police or his/her authorized designee for final approval.
  - (h) Reserve officers shall follow all policies and procedures of the New Orleans Police Department and the Reserve Division while working police secondary employment.
46. The commander of the Reserve Division shall maintain records on each member of the Reserve Division indicating his/her eligibility to qualify for police secondary employment on an annual basis and report to the OPSE, by the 1<sup>st</sup> of each month, any member who is no longer in good standing and shall be suspended from eligibility to work police secondary employment. Once the member is again in good standing, the change in eligibility shall be communicated to OPSE in the following month's report.

#### **NON-COMMISSIONED DEPARTMENT EMPLOYEES AS RESERVE OFFICERS**

- 44. Qualified, full-time, non-commissioned employees of this department, who meet all the requirement for the Level II reserve officer position, when authorized by his/her Division commander, may also apply and serve as reserve police officers once they have met the certification and training requirements of a Reserve Officer.
- 45. The Department shall not utilize the services of a reserve police officer in such a way that it would violate employment laws or labor agreements.
- 46. The Reserve Division commander shall consult with the New Orleans Police Department Personnel Division prior to a full-time, non-commissioned employee serving in a reserve capacity (29 CFR 553.30).
- 47. Reserve police officers, while in the course and scope of their duties, may be represented by the City Attorney's office when such representation is warranted and the need stems from actions or circumstances surrounding his/her reserve police officer duties.

48. The level of protection, methods of defense, and procedures for notification of the proper city agencies relative to legal actions shall be the same as for full-time, employed police officers.

#### **DUTIES OF A RESERVE POLICE OFFICER**

49. Level I Reserve police officers perform the same law enforcement duties as a full-time police officer.
50. Level II Reserve Officers perform the same law enforcement duties as a full-time police officer that is under the direct supervision of a Field Training Officer.
51. Assignments of reserve police officers shall augment the Field Operations Bureau police Districts and the Special Operations Division Traffic Section. However, reserve police officers may be assigned, in writing, to other units within the Department by the Superintendent of Police.
52. Reserve police officers shall possess the same authority as a full-time commissioned member of the New Orleans Police Department and must abide by the regulations, 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.
53. All reserve police officers are obligated to provide a minimum of 288 cumulative hours of departmentally assigned police service each calendar year as a condition of membership in the New Orleans Police Department Reserve Division.
54. All reserve police officers are obligated to provide a minimum of 24 hours of departmentally assigned police service each calendar month as a condition of membership in the New Orleans Police Department Reserve Division. Specific exceptions may be granted at the discretion of the Superintendent of Police.
55. The monthly Reserve Division meeting is mandatory for all volunteer members of the Reserve Division (Level I, II or III). A Reserve Division member may have one excused absence from the monthly meeting if approved in writing by the commander of the Reserve Division.
56. Any reserve police officer failing to maintain his/her specified service requirement is subject to disciplinary action and/or dismissal from the New Orleans Police Department. Dismissal from the department shall cause the immediate revocation of the reserve member's commission and possible recall of his/her POST Certification. (See: **Chapter 1.1.2 – Law Enforcement Credentials and Certifications**).
57. At the discretion of the Superintendent of Police, and disseminated via the Reserve Division commander, reserve police officers may be **required** to work a portion of the mandatory 24 hour departmentally assigned police service in a specific assignment, location, or activity that falls within the scope of their qualifications and certifications.
58. The balance of the required departmentally assigned police service time, as well as any additional time volunteered by reserve officers, may be in any other Department or Reserve Division sanctioned activity that is contributory to the mission and support of the Unit and the Department. These assignments are determined by the Deputy Chief of the Field Operations Bureau.

**DEPARTMENTAL REGULATIONS AND RESERVE POLICE OFFICER COMPLIANCE**

59. Reserve police officers shall adhere to all department regulations, Rules, Chapters, policies, and procedures. The Department Operations Manual will be made available to each reserve police officer upon appointment and he/she shall become familiar with the Operations Manual and the Reserve Division Standard Operating Guidelines (SOG).
60. Whenever a rule, regulation or guideline in the Operations Manual refers to a commissioned full-time officer, it shall also apply to a commissioned reserve police officer, unless by its nature it is inapplicable.
61. Reserve volunteers (officers and civilian) shall have their records maintained in INSIGHT in the same manner as a full-time member. (See: **Chapter 35.1.9 – INSIGHT**).
62. Reserve members may be afforded access to information and data as part of his/her official duties. The access is granted because of the reserve member's affiliation with the NOPD and as a requirement of his/her duties and not a right as an individual. As such, the access and information shall be governed by existing Departmental regulations in the same manner as a full-time, paid member and the reserve member shall meet all federal, state and departmental requirements before access is granted. The use, access and information is restricted according to the data source and systems guidelines. Any reserve member who may hold another position, either full, part-time or volunteer with another law enforcement or related criminal justice agency shall not use his/her NOPD access, or share the information gained for purposes outside of his/her NOPD Reserve Division duties absent a specific agreement (MOU / CEA) between the NOPD and that agency covering the granting and use of that data access.

**RESERVE OFFICER TRAINING REQUIREMENTS**

63. Each NOPD reserve officer must successfully complete all reserve officer training requirements set forth by the Department for his/her Level. This includes:
  - (a) Certification for LA POST Basic Law Enforcement Peace Officers training for Level I and II Reserve Officers,
  - (b) Successfully complete NOPD's reserve officer training course, a supplement to the POST training that focuses on NOPD policy and procedure.
  - (c) Level I and II Reserve Officers shall complete an annual POST firearms re-qualification course (see **Chapter 1.4.2 – Firearms Training Qualification and Requalification**),
  - (d) Level I and II Reserve Officers shall complete the CEW certification course and maintain certification (see **Chapter 1.7.1 – Conducted Electrical Weapon**),
  - (e) Level I and II Reserve Officers shall complete Departmental Annual In-service Training Program, (See: **Chapter 33.1 – Training and Career Development**)
  - (f) Level I and II Reserve Officers shall complete the annual Tactical Police Driving Course requalification, (See: **Chapter 33.4.2 – Driver Training Program**)
  - (g) Level I and II Reserve Officers shall complete all other mandatory training (i.e. Annual In-Service) designated by the Superintendent of Police and/or the Education & Training Division in the Master Training Plan for reserve police officers. (See: **Chapter 33.1 – Training and Career Development**)
  - (h) Level II Reserve Officers shall complete the Reserve Officer Field Training Program following the guidelines of **Chapter 33.4.3 – Field Training Program** as modified herein.

**RESERVE OFFICER FIELD TRAINING PROGRAM**

64. All Level II reserve police officers will be assigned to structured field training to prepare

the new reserve officer to perform in a patrol assignment with the knowledge and skills needed to operate in a safe and professional manner. (See: **Chapter 33.4.3 – Field Training Program**).

65. The Reserve Division shall have their own Field Training Supervisor (FTS) and may have their own certified Field Training Officers (FTO). The Reserve FTS and all Reserve FTOs must have been full-time NOPD officers and/or supervisors prior to becoming a member of the Reserve Division and serving in these capacities. Reserve FTS and FTO's shall meet all requirements outlined in **Chapter 33.4.3 – Field Training Program**.
66. The Reserve Field Training Program shall follow the following
  - (a) Phase 0 – the first 10 shifts riding with an FTO as an “observer” only.
  - (b) Phase 1 – the next 20 shifts after Phase 0.
  - (c) Phase 2 – the next 20 shifts after Phase 1. breakdown:
  - (d) Phase 3 – the next 20 shifts after Phase 2.
  - (e) Phase 4 - the last 10 shifts where the Reserve Officer handles all duties.

**Note: For purposes of the Reserve Field Training program, a “shift” is a minimum of 4 continuous hours with an FTO for which a Daily Observation Report (DOR) is generated. A Special Assignment may qualify as a “shift” if it is at least 4 hours of continuous service and a DOR is completed by an FTO.**

67. All DOR's shall be completed by the Reserve FTO and forwarded to the Reserve FTS for review of completeness and supporting documents for each “shift” with a Reserve Officer trainee.
68. The FTS shall forward the DOR's, after review to the Field Training Coordinator at the E&TD bi-weekly.
69. The FTS and FTC shall ensure that all necessary end of phase evaluations and meetings are held.
70. The FTC is responsible for maintaining all training records of Reserve Officers.

## RESTRICTIONS

71. Reserve police officers who hold special officer permits / commissions shall, when wearing the uniform of a special officer, be **prohibited** from wearing, displaying or using any NOPD equipment, insignias, badges, patches or credentials, other than those designating or identifying those individuals as security and/or special officers.
72. Reserve police officers who hold a special officer permit / commission and are engaged in any form of security work that is not specifically assigned or approved by the New Orleans Police Department or the Office of Police Secondary Employment for them as a Reserve Officer, shall be governed by the provisions in the NOPD Operations Manual relating to special officers, and the authority and limitations of their permits pertaining to special officers and security officers. Reserve police officers who hold other law enforcement agency commissions (federal, state, or local), when wearing the uniform of that agency, are **prohibited** from wearing, displaying, or using any NOPD equipment, insignias, badges, patches, or credentials while acting in the capacity of that agency.
73. Reserve officers holding other law enforcement agency commissions (Federal, State, or Local), when attired in plainclothes and performing the duties of that agency, are **prohibited** from using any NOPD equipment, insignias, badges, patches, or credentials while acting in the capacity of that agency.

74. Reserve police officers are **prohibited** from having/using a departmental vehicle as a “take-home” vehicle absent a specific, individual grant or approval by the Superintendent of Police.

### **RESERVE DIVISION PROMOTION PROCESS**

75. The Department adheres to the practice of giving all qualified reserve officers the opportunity to seek upward mobility within the Reserve Division. In assessing the aptitude and suitability of candidates for promotional consideration, a variety of methods may be utilized. These methods may vary from rank to rank and may include, but are not limited to, some or all of the following testing/assessment techniques:
- (a) Objective Written Tests,
  - (b) Assessment Center Exercises, and
  - (c) Candidate Assessment by the Promotion Committee.
76. The Reserve Division promotional process only applies to the ranks of reserve police sergeant thru reserve police captain and shall conform, as closely as possible to the process outlined in **Chapter 34.2 – Promotions and Promotion Committee**.
77. The Reserve Division promotional process, tests, scoring and evaluation process shall be outlined by the commander of the Reserve Division, in writing, and approved by the Deputy Chief of the Field Operations Bureau and the Superintendent of Police at least 30 days prior to the posting of the announcement for testing and promotion.

### **RESERVE POLICE OFFICER DUTY ASSIGNMENTS**

78. All reserve police officers will be assigned to duties by the as directed by the Deputy Chief of Field Operations Bureau through the Reserve Division commander or his/her authorized designee unless otherwise stated in this Chapter.
79. All duty-related time recorded for reserve police officers must be verified or substantiated by a supervisor assigned to the Reserve Division before the reserve police officer will be credited with the time towards his/her minimum monthly requirement.
80. 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 Division commander.
81. During any Special Event (as designated by the Department and including but not limited to Mardi Gras season, Essence Fest, Decadence Fest, Bayou Classic, etc.), a reserve police officer’s first priority will be to fulfill any specific assignments given to the Reserve Division under that Special Event Operations Order. While working a designated Special Event or under a written Operations Order, the designated work assignment for a Reserve Officer takes precedent over the individual reserve officers rank. (e.g. a Reserve sergeant, lieutenant, or captain may be assigned a duty responsibility similar to a regular officer’s on a parade route and is responsible for performing that duty rather than a purely supervisory function.)
82. During a designated Special Event, no work in specialized units, regular district patrol, or any other activity will be allowed without the prior written approval of the Deputy Chief of FOB or the Reserve Division commander.

### **RESERVE DIVISION ORGANIZATION**

83. The Reserve Division is staffed, maintained and falls within the Field Operation Bureau.
84. The commander of the Reserve Division shall be a commissioned full-time or commissioned reserve police officer appointed by the Superintendent of Police.
85. The Reserve Division commander shall, with the approval of the Superintendent of Police, designate a Reserve Division Assistant commander.
86. The Reserve Division Assistant commander shall assist the Reserve Division commander in managing the operation of the Reserve Division and shall function as acting commander in the absence of the Reserve Division commander.
87. Reserve police officers who have completed the departmental and POST training process shall operate under the same command-and-control and supervisory requirements as regular police officers.
88. The Reserve Division shall establish an internal organization for Reserve Division administrative authority, control, and accountability such that the all departmental guidelines and regulations regarding supervision, accountability and span of control are maintained.
89. Reserve police officers can attain the appointed positions of Reserve Sergeant, Reserve Lieutenant, Reserve Captain and Reserve commander. 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 the exercise of and use of his/her 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, immoral, unethical 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.

#### **RESERVE DIVISION MEETING**

90. All Reserve Division meetings will be scheduled and conducted by the Reserve Division commander or his/her authorized designee.
91. All reserve police officers are required to attend scheduled meetings. Any request for excusal must be submitted to and approved by the Reserve Division commander in advance. Reserve officers are only allowed two (2) unexcused absences from the monthly meeting requirement in a calendar year. All training provided at a monthly meeting shall be completed by the member(s) who missed within 30 days of the missed meeting.
92. A Reserve Division member who fails to maintain standards of service shall be subject to discipline, up to and including dismissal. Standards of service includes maintaining the minimum number of monthly volunteer hours for the members Level and / or failing to maintain the required training, without prior excusal, in writing from the Reserve Division commander.
93. Reserve Division meetings will consist of a business section and a training component.

94. The business section will be used to conduct the business of the Division, to schedule members for upcoming assignments and address any outstanding issues or concerns.
95. The training section will be used to keep officers updated on recent developments affecting the operation of the Department and the Reserve Division and will allow timely dissemination of information, updates, and roll-call style training.
96. Reserve police officers attending the Reserve Division meeting will be credited with 4 hours of service time unless the meeting and training is longer. If the meeting/training is longer than 4 hours, the reserve police officers in attendance will be credited with the actual time attended rounded to the nearest half-hour. The Reserve Division meeting is not considered a "shift" for purposes of the Reserve Field Training Program.
97. Reserve Division meeting times will be applied to the both the 24 hour per month and the 288 or 480 hour per year Departmentally assigned police service time requirements.
98. Reserve Division training times, as long as they are structured, formal training (this includes training during monthly meetings) count toward both the 24 hour per month and the 288 or 480 hour per year Departmentally assigned police service time requirements.

#### **IDENTIFICATION AND DESIGNATION OF RESERVE POLICE OFFICERS**

99. All reserve police officers shall be issued an NOPD badge, frontispiece, building identification (swipe card), and a department identification card.
100. Badge numbers for reserve police 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 individually issued badge numbers shall be the same, except for duplicates or spare badges held by the same reserve police officer. Individual badge numbers of retired reserve police officers may be re-issued to "active" reserve police officers.

#### **RETIREMENT OF RESERVE POLICE OFFICERS**

101. Reserve police officers who have completed a minimum 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 a retired officer identification.

#### **RESERVE POLICE UNIFORM**

102. Reserve police officers shall conform to all uniform regulation and appearance standards of this department. (See: **Chapter 41.10 – Uniform Specifications**)
103. While working, except with written permission to dress otherwise, reserve police 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.
104. Reserve officers shall be responsible for the purchase and maintenance of all uniform parts and accessories.

#### **COMPLAINTS AND INVESTIGATIONS OF RESERVE POLICE OFFICERS**

105. Supervisory actions, discipline, complaints or internal investigations involving a reserve police officer shall be investigated by the Reserve Division, another NOPD Division or the Public Integrity Division as determined by the Deputy Chief of FOB or PIB. Disciplinary hearings that solely involve Reserve Division officers may be handled by the Reserve Division commander or another commander assigned by the Deputy Chief of PIB.
106. Any misconduct complaint from members of the community shall only be investigated by PIB or a full-time NOPD supervisor that has been assigned the case by PIB.
107. Use of Force investigations of Reserve Division members shall be handled in the same manner as full-time members. (See: **Chapter 1.3.6 – Reporting Use of Force**).
108. For purposes of Use of Force investigations and reporting, supervisory actions and responsibilities fall on the District / Division regular (non-reserve) supervisor the Reserve member was working for or reporting to at the time the action in question took place.
109. Reserve police officers shall have no property interest in continued appointment or retirement status as a Reserve Officer.
110. Reserve members of the New Orleans Police Department who have been separated from service or employment (if civilian) with the NOPD under less than honorable circumstances shall also have his/her Reserve commission (active or retired) revoked by the Superintendent and a notice sent to the Louisiana Council on Peace Officer Standards and Training recommending his/her Louisiana P.O.S.T. (See: **Chapter 1.1.2 – Law Enforcement Credentials and Certifications**).

#### **RESERVE POLICE OFFICER PERFORMANCE EVALUATIONS**

111. While in training, reserve police officers (applicant, recruit, field trainee) will be continuously evaluated using standardized daily and weekly observation reports as utilized by the Education & Training Division / Field Training Program.
112. The reserve police officer will be considered a trainee until all the training phases, as defined by the Education & Training Division, have been successfully completed.
113. Reserve officers who have completed their field training will be evaluated annually using the same performance dimensions applicable to the duties and authorities granted to full-time commissioned officers and utilizing the same form(s).
114. The quarterly and annual evaluations of reserve police officers shall be reviewed, signed and filed in the MSB - Personnel Division in the same manner as a full-time commissioned member. (See: **Chapter 13.34 – Evaluation of Employees**).

#### **EMERGENCY ACTIVATION / CALL-OUT OF RESERVE POLICE OFFICERS**

115. The Superintendent of Police may activate or call-out any reserve police officer for a declared emergency. Failure to respond, once notified, may lead to disciplinary action and/or termination. (See: **Chapter 46.2 – Emergency Operations Plan and Chapter 1.1 – Law Enforcement Authority**).
116. The commander of the Reserve Division shall develop an emergency notification and activation/call-out plan for the Reserve Division.



**APPENDIX A - Reserve Division Training Curriculum**

Introductory reserve member (NOT retired regular officers) training shall include, at a minimum, all POST required training and the following classes:

<b>Course Name</b>	<b>Hours</b>
Department Rules, Policies and Procedures	3
Consent Decree Discussion	1
Tourniquet Application/Bloodborne Pathogens	2
Preparing Field interview Cards	3
Preparing Arrest and Search Warrants	4
Mobile Data Terminal/Electronic Police Report	4
Rights of Arrestee Form	1
Report Writing Exercise - Narcotics Arrest	Home
Report Writing Exercise - Aggravated Battery	Home
Report Writing Exercise - Domestic Violence	Home
Report Writing Exercise - Armed Robbery	Home
Affidavits and Summons	3
Daily Activity Sheets	2
Municipal Criminal Code	3
Civil Rights and the Color of Law	3
Major Crime Scene Investigation and Preservation	2
Central Evidence and Property	1
Vehicle Pursuits	4
Situational Decision Making - Stop and Frisk	7
Building Searches	11
NAPD Driver's Training	28
National Incident Management System (NIMS 100)	Home
National Incident Management System (NIMS 700)	Home
National Incident Management System (NIMS 200)	Home
Police Canine Operations	2
Body Worn Cameras	3
Electronic Control Weapon - Taser	10
USPCA Dog Bite Prevention/Recognizing Abuse	Home
Community Policing - Foundations	7
Community Policing - Procedural Justice	4
Community Policing - Relationship Based Policing	3
Tactical Community Policing for Homeland Security	4
Community Policing - Problem Solving Opiate Abuse	4

Fair and Impartial Policing - Bias Free	7
EPIC - Ethical Policing	7
LGBTQ Awareness Training	3
Officer Assistance Program	1
Police Radio Operational Instruction	2
Police Radio Protocol	2
LA. Law Enforcement Telecommunications System	3
INSIGHT - Early Intervention System Introduction	1
Verbal Communications as a Force Option - Verbal Judo	7
Human Performance	4
Tactical De-escalation	4
Use of Force Reports	2



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 16.5

### TITLE: VOLUNTEERS

**EFFECTIVE: 11/26/2017**

**REVISED: Replaces Policy/Procedure 384**

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#### PURPOSE

This Chapter establishes this department's position on the utility and management of its volunteer program and provides guidance on its management and administration.

#### POLICY STATEMENT

1. 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, improve delivery of services, expand information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.
2. 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.
3. Volunteers are intended to supplement and support, rather than supplant, commissioned officers and civilian personnel.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Volunteer**—A non-paid individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. NOPD Reserve police officers are volunteers but covered under **Chapter 16.3 – Police Reserve Officer Program**.

#### VOLUNTEER ELIGIBILITY

4. 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 Police Explorer.
  - (c) No conviction of:
    - A felony,
    - Any crime of a sexual nature,
    - Any crime of violence,

- Any crime related to moral turpitude,
  - Any crime related to impersonating a peace officer, or
  - A misdemeanor crime within the past 10 years, excluding minor traffic offenses (Title 32 or Municipal equivalents).
- (d) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (e) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.
5. The Superintendent of Police may apply exceptions for eligibility based on the Department's organizational needs and the unique qualifications of the individual. Such exceptions shall be granted in writing.

## **VOLUNTEER MANAGEMENT**

### **VOLUNTEER COORDINATOR**

6. The Department Volunteer Coordinator shall be appointed by the Deputy Chief of the Management Services Bureau and report to the Personnel Director.
7. 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.
8. The duties of the Volunteer Coordinator or the authorized designee shall include:
- (a) Maintaining records for each volunteer.
  - (b) Completion and dissemination, as appropriate, of all necessary paperwork and information.
  - (c) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

### **RECRUITMENT**

9. Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity, nondiscriminatory employment.
10. A primary qualification for participation in the volunteer application process should be an interest in, and an ability to assist, the Department in serving the public.
11. Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command.
12. A complete position description and a requested time frame should be included in the request.
13. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments.
14. 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.

### **SCREENING**

15. All prospective volunteers should complete the volunteer application form. The

Volunteer Coordinator or his/her authorized designee should conduct a face-to-face interview with the applicant.

16. 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 history record check;
  - (b) Employment history; and
  - (c) References.
17. A truth verification exam (CVSA) may be required of each applicant depending on the nature and type of assignment.
18. 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 fingerprints and proper clearance through the State and the FBI.

### **SELECTION AND PLACEMENT**

19. Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position.
20. Notice may only be given by the Volunteer Coordinator.
21. No volunteer shall begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.
22. Volunteers shall only be placed in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

### **TRAINING**

23. Volunteers shall be provided with an orientation to acquaint them with their role as a volunteer, department personnel, and policies and procedures that have a direct impact on their work assignment.
24. Volunteers shall 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.
25. Depending on the assignment, training shall include the following:
  - (a) The role of the volunteer,
  - (b) Department policies including discrimination and harassment, and/or
  - (c) Training specific to the Operations Manual for the volunteer position.
26. Training should reinforce to volunteers that they should not intentionally represent, or by omission infer, that they are commissioned officers or other full-time members of the Department. They shall always represent themselves as volunteers.
27. All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.
28. Whenever a rule, regulation or guideline in the Operations Manual refers to a commissioned officer, it shall also apply to a volunteer, unless by its nature it is

inapplicable.

### **FITNESS FOR DUTY**

29. 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.
30. 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 status,
  - (b) Medical condition,
  - (c) Arrests,
  - (d) Criminal investigations, or
  - (e) All law enforcement contacts.
31. All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### **DRESS CODE**

32. 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.
33. 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.
34. Volunteers shall be required to return any issued uniform or department property at the termination of service.

### **SUPERVISION OF VOLUNTEERS**

35. 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.
36. 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 member.
37. Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned.
38. 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 utilize their experiences, training and resources.

### **CONFIDENTIALITY**

39. Within Federal and State law, with appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative

files.

40. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential.
41. Only that information specifically identified and approved by authorized personnel shall be released.
42. 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.
43. Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. The Volunteer Coordinator shall obtain and store the signed agreement.
44. 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.
45. 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 prior written permission from the Superintendent of Police or his/her designee.

#### **PROPERTY AND EQUIPMENT**

46. Volunteers will be issued an identification card that must be worn and visible at all times while on-duty.
47. Any fixed and portable equipment issued to a volunteer by the Department shall be for official and authorized use only.
48. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service or upon demand.

#### **DISCIPLINARY PROCEDURES/TERMINATION**

49. A volunteer may be removed from the volunteer program at the discretion of the Superintendent of Police or the Volunteer Coordinator.
50. Volunteers shall have no property interests in their continued appointment.
51. If a volunteer is removed for alleged misconduct, the volunteer, at the discretion of the Superintendent, may be afforded an opportunity to clear his/her name through a hearing.
52. If granted, the hearing shall be limited to a single appearance before the Superintendent of Police or his/her authorized designee.
53. Volunteers may resign from volunteer service with this department at any time.
54. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

**EXIT INTERVIEWS**

55. Exit interviews, where possible, should be conducted with volunteers who are leaving their positions.
56. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position.
57. When appropriate, the interview should also include a discussion with the volunteer, on the possibility of involvement in some other capacity with the Department.

**EVALUATION**

58. An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator.
59. Regular evaluations, on a quarterly basis, should be conducted by the Volunteer Coordinator 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.

**EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL**

60. The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel in the event the Superintendent of Police deems it necessary.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 16.7

### TITLE: POLICE CHAPLAIN PROGRAM

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 376**

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#### PURPOSE

The New Orleans Police Department Police chaplain program is established to provide spiritual and emotional support to all members of the public, the Department, and their families.

#### POLICY

1. The Police chaplain program shall be a nondenominational, ecumenical ministry.
2. The Chaplain Supervisor shall coordinate the program and will be selected by the Superintendent of Police.

#### GOALS

3. Members of the Police chaplain program shall:
  - (a) Familiarize themselves with the role of law enforcement in the community.
  - (b) Serve as a resource for department personnel when dealing with the public in traumatic incidents such as accidental deaths, suicides, suicidal subjects, serious crashes, drug and alcohol abuse and other situations that may arise.
  - (c) Provide an additional link in the Department's community policing program between the community, clergy and the Department.
  - (d) Provide counseling and spiritual guidance when requested for department members and their families.

#### PROGRAM MEMBER REQUIREMENTS

4. Candidates for the Police 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 departmental 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
  - (e) Must have at least five years of successful ministry experience within a recognized faith community.
  - (f) Possess a valid Louisiana driver's license.

**SELECTION PROCESS**

5. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain under this program:
  - (a) Submit a written request / application to the Chaplain Supervisor.
  - (b) Include a written recommendation from his/her faith's community elders, board or council with the request / application.
  - (c) Participate in a personal interview with the Superintendent of Police or his/her authorized designee and the Chaplain Supervisor.
  - (d) Complete a "field training" period of at least 3 months with a veteran member of the Police chaplain program designated by the Superintendent of Police or his/her authorized designee and the Chaplain Supervisor.

**DUTIES AND RESPONSIBILITIES**

6. The duties of a police 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 assigned waiting room (or other appropriate location within the hospital) to render his/her services to members of the Department, family members and the injured member.
  - (d) Visit sick or injured law enforcement personnel in the hospital or at home.
  - (e) When requested by the family, attend and assist with funerals of active or retired members of the Department.
  - (f) Assist commissioned members in the diffusion of a conflict or incident when requested by on-scene officers.
  - (g) Respond to the scene of natural and accidental deaths, suicides and attempted suicides, family disturbances and other incidents that, in the judgment of the District Platoon Commander or supervisor, aids in accomplishing the mission of the Department.
  - (h) Be on call, and if possible on-duty, during civil disturbances, major demonstrations or any public function that requires the presence of a large number of commissioned members.
  - (i) Counsel department members with personal issues or concerns, when requested by that department member.
  - (j) Attend department graduations, ceremonies and social events and offer invocations and benedictions, as requested.
  - (k) Respond to all major disasters, such as floods, bombings and similar critical incidents.
  - (l) Act as a liaison with various religious leaders of the community.
  - (m) Assist public safety personnel and the community in any other function of the clergy profession, as requested.
  - (n) Train to enhance effectiveness.
  - (o) Promptly facilitate requests for representatives or leaders of various denominations.
  - (p) Make referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.
7. Chaplains may not proselytize or attempt to recruit members of the Department or the public with whom they come into contact through the course of their duties for the NOPD into a religious affiliation.
8. Chaplains may not accept gratuities for any services, subsequent actions or follow-up

that was provided while on-duty as a chaplain for the New Orleans Police Department.

### **CLERGY-PENITENT CONFIDENTIALITY**

9. No person who provides chaplain services to members of the Department may be employed by the New Orleans Police Department in any capacity other than that of chaplain.
10. 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**).
11. No chaplain shall provide counsel to or receive confidential communications from any New Orleans Police Department employee concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **COMMAND STRUCTURE**

12. The Chaplain Supervisor is assigned to the Superintendent of Police or his/her authorized designee.
13. The Chaplain Supervisor shall serve as the liaison between the Chaplain Unit and the Superintendent of Police.
14. The Chaplain Supervisor will:
  - (a) Act as chairperson of all chaplain meetings,
  - (b) Prepare monthly assignment schedules,
  - (c) Maintain records on all activities of the Chaplain Unit,
  - (d) Coordinate activities that may concern the members of the Chaplain Unit and
  - (e) Arrange for training classes for chaplains.

### **OPERATIONAL GUIDELINES**

15. Chaplains will be scheduled to be on-call for a period of seven consecutive days each month.
16. Chaplains may ride with officers during any shift and observe New Orleans Police Department operations. The involved officers or supervisors may reject a chaplain's request to participate in a ride along.
17. Chaplains shall not be evaluators of department members.
18. In responding to incidents, a chaplain shall never function as a commissioned officer.
19. When responding to in-progress calls for service, chaplains are required to standby in a secure area until the situation has been deemed safe (Code 4) by on-scene officers or supervisors.
20. Chaplains are allowed access to current department personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties.
21. Such information is restricted by law and considered private. Chaplains will exercise appropriate security measures to prevent viewing, copying, or distribution of the

information.

#### **IDENTIFICATION AND EQUIPMENT**

22. Chaplains shall be provided Departmental identification and any necessary safety equipment to perform his/her duties.

#### **TRAINING**

23. Training for chaplains particular to his/her duties will correspond to the requirements of the Association of Professional Chaplains (APC) or the National Association of Catholic Chaplains (NACC).
24. The Department shall provide information and the services of trainers to assist in the familiarization of department operations, regulations, applicable laws and the nature of police services.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.01

### TITLE: FISCAL MANAGEMENT

**EFFECTIVE: 01/14/2018**

**REVISED: 11/15/19**

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#### **PURPOSE**

The purpose of this Chapter is to set standards relating to administration, budgeting, purchasing, and procedures for the inventory and control of department-owned property.

#### **DEFINITIONS:**

**AFIN (Advantage Financial)**—Utilized for management of all grants, 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.

**BuySpeed**—The City of New Orleans's online purchasing system utilized for processing all accounts payable through transactions and creates purchase orders.

**Great Plains**—Now Microsoft Dynamics GP is the City of New Orleans full featured financial management/ERP software built on a scalable platform of Microsoft technologies. It is a software that manages and integrates finances, e-commerce, supply chain, manufacturing, project accounting, field service, customer relationships and human resources.

**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, formerly pre-encumbered, committed for goods which have been delivered or for services which have been rendered and have become payable.

**Expended**—Funds, formerly encumbered, for which a check has been issued in payment.

**Uncommitted**—Funds available for expenditure.

## FISCAL MANAGEMENT OVERSIGHT

1. The Mayor of the City of New Orleans, the Chief Administrative Officer of the City of New Orleans and the Superintendent of Police have the ultimate authority and responsibility for the fiscal management of the New Orleans Police Department, including but not limited to:
  - (a) Coordination, supervision, review and approval of the development of the Annual New Orleans Police Departmental Operating Budget;
  - (b) Supervision of internal Departmental expenditures and related controls;
  - (c) 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.

## DIRECTOR OF BUDGET

2. The MSB - Budget Services Director is responsible and accountable to the Deputy Chief of MSB and the Superintendent of Police. The Director manages the Department's fiscal affairs through the efforts of the fiscal management staff which consists of a Chief Accountant, Junior Accountants, and Accountants. 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 Accountant handles all matters relating to non-general fund activities including state and federal grants.

## DEPARTMENTAL OPERATING BUDGET

3. The New Orleans Police Department shall prepare an annual Departmental Operating Budget Request. The Chief Administrative Officer provides guidelines and forms to the MSB - Director of Budget Services. The Director shall ensure the appropriate forms are distributed to each Bureau Chief and shall ensure the Department's collective budget request is completed consistent with the format, guidelines and timetable established by the Chief Administrative Officer.

## COMMAND STAFF PARTICIPATION

4. All senior command staff (Deputy Chiefs and Captains) shall participate in the budget preparation process. Each of the bureaus shall prepare program narratives for the approval of the Superintendent of Police which list:
  - (a) Their subordinate units and the purpose/mission of each unit;
  - (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.

## PURCHASING OF EQUIPMENT AND SUPPLIES

5. All purchasing shall be in compliance with **CAO Policy Memorandum No. 24 (R)** ([https://employee.nola.gov/documents/forms/policies-law/policies/no-24-\(r\)-services-and-movable-property-procuremen/](https://employee.nola.gov/documents/forms/policies-law/policies/no-24-(r)-services-and-movable-property-procuremen/)) which states the following:
  - (a) Purchase requests of \$100 to \$20,000 may be done on a no bid basis but must have three different vendor quotes.
  - (b) Purchase requests exceeding \$20,000 require a formal bid process.
  - (c) A 21 day written bid via the Department of Finance is required for purchases expected to cost more than \$20,000. Bids must be received by a specific time and date, and there is a formal bid opening. A contract is normally awarded to

the lowest bidder, and a purchase order is issued.

- i. 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.
- ii. 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.

## PERMISSION TO PURCHASE

6. To initiate a purchase, the Permission to Purchase Form (Form #104 – found at [NOPD.org](https://nopa.org) under Forms) shall be completed and approved through the chain of command and forwarded to the Director of Budget Services. Following the Director's approval, the Budget Services staff shall then effect the necessary BuySpeed entries and/or convey the request(s) to the Department of Finance.

## EMERGENCY PURCHASES OF EQUIPMENT AND SUPPLIES

7. Emergency purchases requiring bids shall be in compliance with **CAO Policy Memorandum No. 42 (R) and Policy Memo 119 (R)** (<https://employee.nola.gov/documents/forms/policies-law/policies/>) 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 Mayor 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 R.S. 38:2211(6).
  - (c) For purchases costing more than \$20,000, a declaration of an emergency by Mayoral action only waives the requirement for advertisement. Bids still must be requested and the purchase awarded to the lowest bidder.
  - (d) Emergency rental of equipment shall be construed as an emergency purchase and shall be governed by the aforementioned provisions.
8. Whenever emergency purchases are contemplated, the Director of Budget Services shall be notified. The Director shall in turn contact the Bureau of Purchasing for guidance, assistance and notification.

## REIMBURSEMENT FOR EXPENDITURES

9. 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.
10. No employee is authorized to make any purchase on behalf of the department without first receiving written authorization from their Bureau Chief and the Superintendent of Police. If time and circumstances permit, the authorization shall be on an interoffice correspondence (Form #105).
11. Once an explanation is made, a Request for Reimbursement Form (Form #180 - found at [NOPD.org](https://nopa.org) under Forms) shall be completed and forwarded through the chain of command to the Superintendent of Police for approval. After 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; and

- (c) One copy to the originating Bureau.

### **DEPARTMENT CREDIT CARDS**

12. A department credit card is for official use only. Members are prohibited from using department credit cards for personal use.
13. Only one Departmental credit card shall be issued to the Superintendent of Police by the Department of Finance. After each use, a report of the use and all original receipts shall be submitted to the Department of Finances.

### **SUPPLEMENTAL FUNDING**

14. Any shortfall in the Annual Department Operating Budget requiring additional appropriation of funding, regardless of precipitating events or factors, must be addressed via council ordinance.
15. To initiate a Petition for Supplemental Funding, the Director of Budget Services shall, at the direction of the Deputy Chief of MSB or the Superintendent of Police, prepare a detailed summary of the projected budgetary shortfall and the reason for the shortfall. The Director shall forward the approved summary to the Chief Administrative Officer for review.
16. Following review by the Chief Administrative Officer, a hearing will be held before the Council Budget Committee which will make a recommendation to the City Council. The City Council will approve or disapprove the request for additional funding.
17. 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 Great Plains.

### **COLLECTION, SAFEGUARDING, AND DISTRIBUTING CASH**

18. All NOPD units that maintain a cash account must either have:
  - (a) Approval by virtue of an ordinance passed by the New Orleans City Council, or
  - (b) Written approval or re-approval by the current Superintendent of Police.
19. The Department will collect, safeguard, and disburse cash in a fully transparent, documented and accountable manner.
20. Each Commander of a unit with an authorized cash fund must designate, in writing, a member responsible for acceptance or disbursement of cash.
21. 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 member responsible for maintaining the cash account within each unit shall be responsible for backing up the computer data on a regular basis and storing the backed up data off-site.
22. Members must submit receipts or other documentation identifying funds spent from the cash account to the member responsible for maintenance of the account.
23. 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 Bureau Chief, the Superintendent of Police or his/her designee.



24. 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.
25. The quarterly accounting shall be approved by the appropriate Bureau Chief by the last day of the first month of each quarter. Once approved by the Bureau Chief, the report shall be forwarded to the Director of Budget Services.

#### **INDEPENDENT AUDIT**

26. 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.

#### **OPERATIONAL READINESS OF DEPARTMENT EQUIPMENT**

27. The Deputy Chief of the Management Services Bureau is responsible for ensuring all items not stored at the Special Operations Division facility as part of the SOD inventory are maintained in a state of operational readiness. Operational readiness inspections shall be performed at regular intervals established by the Deputy Chief of the Management Services Bureau.
28. For those items not under the immediate control of the Management Services Bureau, the Deputy Chief of the Management Services Bureau shall cause the operational readiness inspections to be conducted by a designated MSB supervisor, who will provide annual status reports.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.2

### TITLE: DEPARTMENT VEHICLE USE AND MAINTENANCE

**EFFECTIVE: 09/02/2018**

**REVISED: Replaces Policy/Procedure 704**

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#### PURPOSE

This Chapter provides guidelines for department vehicle use and assigns to members the responsibility for assisting in maintaining department vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

#### POLICY STATEMENT

1. Vehicles operated by the New Orleans Police Department shall not be altered or reconfigured other than by a technician designated by the City of New Orleans and with the written approval of the Superintendent of Police or his/her designee.
2. 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 designed.
3. All commissioned members of the New Orleans Police Department are required to successfully complete the defensive driving course administered by the Education and Training Division and recertify on the training cycle set by the Education & Training Division.
4. All civilian members of the New Orleans Police Department are required to successfully complete the driver safety training designated by the City's Risk Management Division per **CAO Policy Memorandum 5 (R)** and administered by the MSB - Risk Management Director if they use or operate any City vehicles.
5. For specialized equipment vehicles such as ATVs, boats, motorcycles, scooters, and bikes, operators shall use appropriate safety equipment (e.g., helmets, life vests, safety harnesses, etc.) and keep that equipment in the same clean, functioning, and safe order as the vehicles themselves.

#### DEFINITIONS

**All-Terrain Vehicle**—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.

**Crash**—Refers to a motor vehicle crash as defined by the State of Louisiana and NOPD regulations. More commonly, “the unintended collision of one motor vehicle with another, a stationary object, or person, resulting in injuries, death and/or loss of property.”

**Marked Police Vehicle**—A conspicuously marked authorized emergency vehicle readily identified as law enforcement vehicle and routinely used as a district patrol vehicle or enforcement vehicle. Marked police vehicles do not include those vehicles which may be marked differently from patrol vehicles, or various support 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 the use of which is based on considerations of weather, terrain, or the need for inconspicuous appearance, quiet, storage, or special operational needs and conditions.

### **INOPERABLE OR UNSAFE VEHICLES**

6. When a Department vehicle becomes inoperable or in need of a repair that directly affects the safe operation of the vehicle, that vehicle shall be removed from service immediately for repair. Necessary documentation describing the unsafe condition shall be completed by the member and/or supervisor who becomes aware of the unsafe condition.
7. The member shall immediately notify his/her supervisor of the unsafe condition. The supervisor shall promptly forward the reporting documentation to MSB - Risk Management for the required vehicle maintenance or repair.

### **SUSPECTED DAMAGE OR POOR PERFORMANCE**

8. Vehicles that may have suffered damage, are performing poorly or whose control or safety features have been diminished shall be removed from service immediately.
9. Each operator of a department vehicle shall promptly report to his/her supervisor any malfunction or damage to the vehicle or its equipment which may have occurred during his/her tour of duty. A member who fails to report damage or malfunction of the vehicle or its equipment shall be subject to disciplinary action and held accountable for the damage or malfunction.
10. Each member assigned the use of a department vehicle shall check the vehicle for body damage and malfunctioning equipment at the beginning and end of his/her daily assignment.
11. If a member observes damage to or a malfunction of the vehicle during his/her inspection of the vehicle or at any time during his/her shift, the member shall immediately notify his/her supervisor. The member is required to record any damage or malfunction on the **NOPD Pre-Trip Vehicle Inspection Report** section of the Officer's Daily Activity Report.
12. The notifying member's supervisor shall conduct a preliminary on-scene administrative investigation of all incidents involving damage to or a malfunction of a department vehicle or equipment and shall ensure it is documented in:
  - (a) An administrative investigation (EPR) if not traffic related; or
  - (b) A Crash report if traffic related; and/or
  - (c) A Supervisor's Report of Crash.

### SEVERE USE INSPECTION

13. Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or operations that **exceed** the manufacturer's use parameters, shall be removed from service and subjected to a safety inspection as determined by the Director of Risk Management as soon as practicable. Severe conditions **may include**, but are not limited to, rough roadway or off-road operation, hard or extended braking, vehicle pursuits or prolonged high-speed operation.

### REMOVAL OF WEAPONS

14. All weapons (firearms, CEW, less than lethal weapons and kinetic impact weapons) **shall be removed** and properly secured prior to the vehicle being released for maintenance, service or repair.

### MARKED VEHICLE STENCILS AND EQUIPMENT

15. All marked police vehicles shall be marked in a similar manner and color as designated by the MSB Fleet Manager after approval by the Superintendent of Police.
16. The stencils and lettering on marked police vehicles shall be made of reflective material decals that meet the most current requirements of the U.S. Department of Transportation.
17. Marked police vehicles assigned to district patrol duties shall be equipped with a safety screen separating the driver's compartment from the rear seating area. Exceptions may be granted to district patrol vehicles used and numerically designated as supervisory vehicles or staff vehicles only. (See **Chapter 71.1 – Prisoner Transportation and Guarding**).

### VEHICLE INSPECTION REPORT

18. 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 members that utilize a Daily Activity Report. Nothing in the Operations Manual prohibits Commanders from implementing the use of this form in assignments that do not normally utilize a Daily Activity Report.

### VEHICLE REFUELING

19. Absent exigent circumstances (emergency conditions) or prior supervisory approval, members operating patrol vehicles shall not place a vehicle in service (10-8) that has less than one-quarter ( $\frac{1}{4}$ ) of a tank of fuel as indicated by a functioning fuel gage without first re-fueling the vehicle.
20. Vehicles should be fully fueled when placed into service and refueled before the fuel gage level falls below one-quarter ( $\frac{1}{4}$ ) of a tank. Vehicles shall only be fueled at a departmentally authorized location.

### VEHICLE CLEANLINESS

21. Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain their appearance.
22. Officers on patrol shall obtain permission from his/her supervisor before relocating to a

car wash. Communications Services will be advised when the unit is at the car wash and unavailable for service.

23. Members shall remove all trash or debris from their assigned unit(s) prior to going into service and prior to the end of their shift.
24. Confidential documents or documents which may contain personally identifiable information and which are being discarded should be placed in a designated receptacle provided for the shredding of this material prior to concluding the shift.

### **CIVILIAN MEMBERS**

25. Civilian members shall not use a marked police vehicle unless specifically directed by his/her supervisor.

### **SPECIAL PURPOSE VEHICLES**

26. Department special purpose vehicles include, but are not limited to:
  - (a) SWAT trucks
  - (b) Bomb disposal vehicles
  - (c) Mobile command posts
  - (d) All-terrain vehicles
  - (e) Boats
  - (f) Motorcycles
  - (g) Scooters
  - (h) Bicycles
  - (i) Buses
27. Special purpose vehicles assist members of the New Orleans Police Department in the performance of their duties and are used to render aid and assistance in the event of a natural or man-made disaster. **Special purpose vehicles shall not be used for personal and/or recreational use.**
28. Operators of special purpose vehicles shall be trained, demonstrate and maintain proficiency in the operation of the vehicle prior to being authorized to operate the vehicle. The unit Commander shall be responsible for ensuring training proficiency testing of all authorized members utilizing special purpose vehicles under his/her command. All training records shall be maintained by the Education & Training Division, in PowerDMS and the individual member's Personnel Jacket. (See: **Chapter 13.3 – Personnel Files**).
29. Proficiency testing for members on the operation of special purpose vehicles shall be performed on the same cycle as the department's defensive driver training unless the original certification requirements specify otherwise.
30. 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.
31. Members of the New Orleans Police Department shall not operate special purpose vehicles without the appropriate licensing other than for training purposes unless exigent circumstances exist and they have been specifically authorized to do so by their supervisor. Proof of licensing shall be maintained by the Education & Training Division, in PowerDMS and the individual member's Personnel Jacket. (See: **Chapter 13.3 – Personnel Files**).

32. Unless directed otherwise in the Chapter, maintenance and upkeep of all special purpose vehicles shall be the responsibility of the Fleet Manager and the Unit where the vehicle is assigned.

### **OPERATOR MAINTENANCE**

33. A member assigned to operate a city vehicle shall ensure all equipment is functioning at the beginning of the shift/duty assignment. Each member assigned a department vehicle shall be responsible for inspecting:
- (a) Fluid levels (oil, transmission, steering, brake, coolant);
  - (b) Tires/brakes (pressure, condition, spare tire availability);
  - (c) Hoses and belts (engine and seat belts);
  - (d) Electrical (lights, horn, battery, turn signals);
  - (e) Police emergency equipment (radio, siren, spotlights, flashing lights, safety screen); and
  - (f) Overall vehicle cleanliness (interior and exterior).
34. The vehicle operator shall monitor the operation of the vehicle during the shift for any reductions in vehicle performance, unusual noise, or equipment failure that might require corrective maintenance or repair. Any required inspection, repair or corrective action shall be coordinated through the member's supervisor, the Fleet Manager and the City of New Orleans Equipment Maintenance Division.

### **SUPERVISOR'S RESPONSIBILITIES**

35. Bureau, Division/District, Section and Unit commanders are responsible for the appearance and mechanical function of all vehicles under their supervision.
36. Supervisory members shall inspect all vehicles used by subordinate members to insure proper operation.

### **DAMAGE TO VEHICLES OR EQUIPMENT OCCURRING OUTSIDE ORLEANS PARISH**

37. If a department vehicle or its equipment is damaged in an incident / Crash outside of Orleans Parish, the operator of the vehicle shall promptly report the incident / Crash to the law enforcement agency of that jurisdiction and request an incident / Crash report.
38. The operator shall immediately notify Communications Services of the incident / Crash, and provide the following:
- (a) Operator's name, badge number and place of assignment;
  - (b) His/her immediate supervisor or supervisor within his/her chain of command;
  - (c) The unit and A-number involved;
  - (d) The reporting agency's item number of the incident / Crash;
  - (e) The name of the investigator from the reporting agency and a contact number;
  - (f) The location of the incident / Crash;
  - (g) If injuries are involved;
  - (h) If the vehicle can be safely driven back to Orleans Parish; and
  - (i) The approximate travel time from Orleans Parish to the scene of the incident / Crash.
39. On all vehicle incident / Crashes occurring outside of Orleans Parish, Communications Services shall:
- (a) Generate an NOPD item number for the incident / Crash, supplying all relayed information within the item number;

- (b) Contact an on duty supervisor from within the operator's chain of command, supplying him/her with the relayed information;
- (c) If a supervisor within the operator's chain of command is not available, contact a supervisory officer from the SOD - Traffic Division supplying him/her with the relayed information; and
- (d) The notified supervisor will arrange with the Director of Risk Management / Fleet Manager to 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 crashes involving city-owned vehicles, where the operator of the vehicle is under their supervision.**

- 40. Only supervisors assigned to SOD - Traffic and designated by the SOD Traffic Division Commander shall respond to departmental vehicle incidents or Crashes occurring outside of Orleans Parish.
- 41. SOD Traffic investigators assigned to investigate departmental vehicle incidents or Crashes occurring outside of Orleans Parish shall determine the travel time to and from the scene of the Crash. If, in the opinion of the investigator, travel time is excessive, he/she shall contact his/her Commander for instructions.
- 42. The SOD Traffic investigator shall adhere to all provisions of the departmental regulation relating to drug and alcohol testing when a member is involved in a departmental vehicle incidents or an auto Crash. The investigator shall include a copy of the completed S.A.T. 4 Form ([NOPD.org](http://NOPD.org) under Forms), copy of the Crash report conducted by the agency with jurisdiction, and his/her comments on the investigation in the packet sent to the Crash Review Board (CRB), the MSB Risk Manager and the involved member's Bureau Deputy Chief. (See; **Chapter 13.21 – Alcohol and Drug Testing**).
- 43. Members shall not interfere with an investigation being conducted outside of Orleans Parish or by another law enforcement agency.

#### **CRASH AND ADMINISTRATIVE REPORTS WITH DEPARTMENT VEHICLES**

- 44. When an operator of a department vehicle is involved in a Crash, he/she shall immediately notify Communications Services and his/her supervisor or an on-duty supervisor from his/her place of assignment.
- 45. Communications Services shall notify the assigned Departmental Vehicle Crash Investigator from the approved list but not assigned to the same command as the vehicle operator. The assigned investigator is responsible for completing the Crash report.
- 46. The operator's supervisor shall complete a Supervisor's Report of Crash and Report of Occupational Injury if necessary and shall adhere to all provisions of the departmental regulation relating to drug and alcohol testing when a member is involved in a departmental vehicle incidents or an auto Crash.
- 47. These reports shall be completed within 72 hours of the original incident.
- 48. The operator's supervisor shall send copies of the Supervisor's Report of Crash and Report of Occupational Injury, if any, through the chain of command to the Deputy Chief of the Bureau to which the vehicle operator is assigned and the assigned Departmental Vehicle Traffic Investigator.

49. The original Crash report shall be forwarded to the Commander of the SOD Traffic Section for review and approval, not the Departmental Vehicle Traffic Investigator's supervisor.
50. After review and approval by the Commander of the SOD Traffic Section, the original Crash report shall be processed in the same manner as all Crash reports.
51. The Commander of the SOD Traffic Section shall forward copies of all Crash and related reports to the Crash Review Board within seven (7) working days of approval.
52. The Commander of the SOD Traffic Section shall maintain a database of all departmental Crashes. The contents of the database shall be determined by the MSB Fleet Manager, MSB Risk Manager, the Deputy Chief of FOB and the Deputy Chief of MSB.

### **INSPECTION OF DAMAGE**

53. Unless the Departmental vehicle has been impounded as part of an investigation, within 48 hours of the incident or Crash, excluding weekends and holidays, the City of New Orleans, Equipment Maintenance Division, shall be provided with an opportunity to inspect ALL department vehicles sustaining damage.
54. Following the incident, the involved member's supervisor shall send damaged but operable vehicles, for an inspection of the damage by a professional adjuster for the City when notified by the Fleet manager or Risk Manager.
55. The Departmental Vehicle Traffic Investigator and/or involved member's supervisor shall have departmental vehicles which are obviously unsafe or inoperable towed to the Equipment Maintenance Division as soon as possible after the incident.

### **VEHICLE INVENTORY REPORTING**

56. To regulate and account for the department's vehicle inventory, any change in vehicle status (e.g., changes in assigned driver, budget code, marked or unmarked status, take-home status) shall be reported to the Fleet Manager utilizing the **Vehicle Inventory Reporting Form** (Form 106).
57. Commanders are responsible for ensuring the accuracy of his/her assigned vehicle inventory.
58. Proper entry of take-home vehicle Personal Use Charges in the payroll system are the responsibility of the member's unit Commander.

### **SPECIAL PURPOSE VEHICLE REQUEST FOR USE**

59. District/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.
60. 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.

### **SWAT EQUIPMENT VEHICLE**

61. 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.
62. Operators of the SWAT equipment vehicle shall be department members assigned to the Special Operations Division and trained in the operation of a large truck.
63. Care and maintenance of the SWAT equipment vehicle is the responsibility of the members assigned to the SOD Armory Unit.
64. The equipment required to be included in the SWAT equipment vehicle shall be SWAT equipment and gear as deemed appropriate by the Commander of the Special Operations Division. (See: **Chapter 46.2.3 – CRU SWAT Equipment and Storage**).

### **TOTAL CONTAINMENT VEHICLE (BOMB POD)**

65. 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.
66. Operators of the Bomb Pod transportation vehicle shall be members of the Special Operations Division Bomb Unit. Care and maintenance of the Bomb Pod transportation vehicle is the responsibility of the Bomb Unit.
67. The Bomb Pod transportation unit shall be escorted by marked police vehicles at the front, rear and side positions when transporting hazardous devices. The appropriate distance maintained between the Bomb Pod, all escort units and any other vehicular traffic will be determined by the senior supervisory member of the Bomb Unit and/or the Commander of SOD. Overhead lights and sirens shall be utilized at all times during the transport. Except in exigent circumstances, advanced notification shall be made with all law enforcement jurisdictions thru which the convoy will travel. Traffic control and regulation will be coordinated by the escort unit's supervisor and the local jurisdiction's units.

### **MOBILE COMMAND POST**

68. The Deputy Chief of the Field Operations Bureau shall maintain a Mobile Command Post vehicle for the purpose of housing command and control services for law enforcement activities at locations other than NOPD 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.
69. Authorization for the deployment of the Mobile Command Post shall be made by the Deputy Chief of the Field Operations Bureau, or his/her designee.
70. Operators of the Mobile Command Post shall be assigned by the Deputy Chief of the Field Operations Bureau, or his/her designee. The designated individuals must possess

the proper licensing as required by the City of New Orleans, State of Louisiana, or Federal Government to operate the vehicle

71. The Special Operations Division Commander and the Fleet Manager are responsible for the maintenance and upkeep of the Mobile Command Post.

#### **ALL-TERRAIN VEHICLES**

72. The Special Operations Division Commander and the Fleet Manager shall maintain any all-terrain vehicles utilized by the New Orleans Police Department. These vehicles shall be used at the direction of the Deputy Chief of the Field Operations Bureau, or his/her designee.
73. Requests to use an all-terrain vehicle shall be directed to the Commander of the Special Operations Division.
74. Operators of all-terrain vehicles shall be commissioned members of the New Orleans Police Department and attached to the Special Operations Division.
75. Operators of all-terrain vehicles shall receive training commensurate with the vehicle manufacturer's requirements, in addition to any governmental licensing that may be required.

#### **MARINE UNIT AND ALL DEPARTMENT BOATS**

76. The purpose of the Special Operations Division - Marine Unit is to provide water-borne support for any police actions requiring such support. Authorization for use of boats shall be by the Deputy Chief of the Field Operations Bureau or his/her designee.
77. All boats operated by the New Orleans Police Department shall be under the control and supervision of the Special Operations Division - Marine Unit.
78. Boats shall only be operated by Special Operations Division - Marine Unit members unless express permission is obtained, in advance, from the Deputy Chief of the Field Operations Bureau, or the Commander of the Special Operations Division.
79. All Special Operations Division - Marine Unit members shall be trained in boating safety and laws pertaining to the operation of motor vessels on local waterways. No boat shall be operated without the required safety equipment on board or sufficient personal flotation devices for every passenger and crew member.
80. Boats shall only be used in situations where water depth is adequate for the safe operation of the particular boat and the conditions are deemed safe by the Special Operations Division - Marine Unit member operating the boat.
81. The Special Operations Division - Marine Unit Equipment Officer shall be responsible for the care and maintenance of the equipment assigned to the boat. It is the responsibility of the operator of the boat to inspect for proper function prior to its operation. The Special Operations Division - Marine Unit Equipment Officer shall be immediately notified of any malfunction or damage to the boat or its equipment.

#### **MOTORCYCLES**

82. Motorcycles provide officers with an efficient means of conducting traffic operations. This could include traffic enforcement, traffic control, or traffic escorts.

83. Only members specifically trained by the Special Operations Traffic Section in the operation of department motorcycles shall be allowed to operate motorcycles owned or leased by the New Orleans Police Department. Operators shall maintain all governmental licensing that may be required.
84. New Orleans Police Department motorcycles shall be equipped with windshields, police decals, and operable emergency lights and sirens.
85. 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 Fleet Manager.
86. The Special Operations Traffic Section and the Education & Training Division shall maintain a list of all members trained by the NOPD in the operation of police motorcycles.

### **POLICE SCOOTERS**

87. Scooters may be used to provide transportation for members in situations which may prove difficult for automobiles.
88. Districts/Divisions which have scooters in their fleet shall use scooters in whatever capacity provides the best tactical advantage. Scooters shall not be used when it is deemed by the supervisor to be dangerous to the member due to inclement weather, road conditions, etc. The Deputy Chief of the Field Operations Bureau may approve the use of scooters by a division, section, or unit.
89. Scooter operators must complete NOPD approved scooter training prior to being allowed or assigned to operate a scooter. This training will be coordinated by the Field Operations Bureau Special Operations Division Traffic Section. Operators shall maintain any governmental licensing that may be required.
90. Scooter maintenance shall be the responsibility of the District/Division/Section/Unit to which the scooters are assigned.
91. The Field Operations Bureau and the Education & Training Division shall be responsible for maintaining a list of all members qualified to operate scooters.

### **POLICE BICYCLES**

92. Bicycles may be used to provide transportation for members in situations which may prove difficult for automobiles. Additionally, bicycles provide members with the opportunity to interact more closely with the citizenry.
93. Divisions which have bicycles in their fleet shall use them in whatever capacity provides the best tactical advantage. Bicycles shall not be used when it is deemed by the supervisor to be dangerous to the member due to inclement weather, road conditions, etc.
94. The Deputy Chief of the Field Operations Bureau may approve the use of bicycles by a division, section, or unit.
95. Bicycle operators must complete police 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 Education & Training Division.

96. Bicycle maintenance shall be the responsibility of the District/Division/Section/Unit to which the bicycles are assigned.
97. The Field Operations Bureau and Education & Training Division shall be responsible for maintaining a list of all members qualified to operate bicycles.

## **BUSES**

98. Buses may be used by the New Orleans Police Department for the transportation of members to and from training, transportation of members to and from work during periods of inclement weather, if appropriate, and the transportation of citizens and visitors to approved police department functions.
99. Buses may be used when authorized by the Deputy Chief of the Management Services Bureau. Any requests for use of buses should be directed to the Deputy Chief of the Management Services Bureau.
100. Buses shall only be operated by individuals approved by the Management Services Bureau who possess the proper governmental licenses.
101. Department-owned buses shall be maintained by the Fleet Manager of the Management Services Bureau.
102. A list of persons authorized to operate the buses shall be maintained by the Fleet Manager and the Education & Training Division of the Management Services Bureau.

## **TOW TRUCKS**

103. Tow trucks owned or leased by the City of New Orleans shall be used for the purpose of towing evidentiary vehicles and police vehicles and can be contacted and requested thru Communications Services or on the appropriate assigned communications channel as Unit 7200. (See: **Chapter 61.22 – Impoundment of Motor Vehicle Involved in Criminal Activity.**)
104. With the approval and direction of an SOD supervisor, tow trucks may further be used to gain entry into secured properties for the execution of search/arrest warrants.
105. The Fleet Manager and the Education & Training Division shall maintain a list of all Department members authorized to operate the tow trucks owned or leased by the City of New Orleans or the Police Department.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.2.2

### TITLE: TAKE-HOME VEHICLES

**EFFECTIVE: 04/08/2018**

**REVISED: 01/31/21, 05/07/2023**

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#### PURPOSE

This chapter assigns to members the responsibility for assisting in maintaining take-home vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance. This Chapter provides guidelines for take-home vehicle use as well as the fleet manager's responsibilities.

#### POLICY STATEMENT

1. Take-home vehicles assigned to NOPD members are to be used for transportation while on duty, secondary employment assignments, and commuting to-and- from on-duty shifts.
2. Assigned take-home vehicles may be used for approved police secondary employment and for limited personal use.
3. 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 23-04 and CAO Policy Memorandum No. 5(R)) via his/her ADP payroll entry. Members assigned a take-home vehicle shall resubmit (renew) a City of New Orleans Take-home Vehicle Add/Delete/Change Form annually during their birth month.
4. Members assigned a take-home unit shall always keep the appropriate fuel card in the vehicle (CAO Policy Memorandum 5(R)).
5. Members assigned a take-home vehicle shall not share or authorize another person to drive or use the take-home vehicle unless the person is a member of the department, and the use is during the course and scope of his/her job assignment while on-duty.
6. Members assigned a take-home vehicle shall not use the vehicle while off-duty, outside of limited personal use, unless expressly approved by the Superintendent of Police because of the nature of the member's assignment (i.e., Command Staff on callout, investigators while on-call. Etc.).
7. Under no circumstances shall an assigned take-home vehicle be used as a replacement for a member's personal vehicle.

8. Off-duty use of a take-home vehicle without the required personal insurance coverage mandated by this Chapter is an unauthorized use of the vehicle and subject to disciplinary action.
9. Take-Home vehicles will only be authorized to those full-time Public Safety employees or Authorized External Users who need to respond to on-site, City business related incidents on a 24-hour basis that are domiciled in any one of the following parishes: Orleans, Jefferson, St. Bernard, Plaquemines, St. James, St. John the Baptist, St. Charles, and St. Tammany.

## DEFINITIONS

**Limited personal use**—Incidental, personal errands outside the course and scope of City / Department business, so long as such errands are conducted to and from the member's duty shift assignment without significant deviation, are brief in nature, do not detract from the member's responsibilities and do not violate NOPD policy or regulations.

**Off-Duty use of a take-home vehicle**—Any use of an assigned take-home vehicle that is not on-duty use or limited personal use. Off-duty use of a take-home vehicle is **not** covered by the City's Self-Insurance Program.

**Actual Domicile** – Actual Domicile is defined as it appears in Article X of the City Charter (Sec. 2-972 Definitions). "Actual Domicile" means a person's principal domestic establishment, the determination of which shall be based upon such actual facts as where a person sleeps, takes his meals, has established his household, and surrounds himself with his family and the comforts of home, as contrasted with a business establishment, a residence that is not a principal home, or a mere declaration of domicile.

## ASSIGNED VEHICLE AGREEMENT

10. A vehicle assigned to a member for his/her use within his/her job assignment may be used for work-related purposes, to transport the member to and from work, and for limited personal use as authorized in this Chapter and in accordance with CAO Policy (5) R and CAO Circular Memorandum 23-04.
11. Limited personal use of a departmental vehicle shall be covered by the City's self-insurance program when the vehicle is being used within the restrictions of this Chapter. Examples include:
  - (a) Regular commute time to and from the member's on-duty shift assignment and his/her domicile.
  - (b) Use during and driving to and from authorized police secondary employment.
12. The agreement also requires the member to be responsible for the vehicle's routine care and maintenance. Under Internal Revenue Service (IRS) regulations, personal use of the vehicle may be considered a taxable income to the member.
13. The assignment of take-home vehicles is at the discretion of the member's Bureau Chief, with approval of the Superintendent. Assigned vehicles may be changed at any time and/or permission to take-home a vehicle may be withdrawn at any time by the member's Bureau Chief or the Superintendent.
14. Department vehicles shall only be driven by department members and, while undergoing repairs or maintenance, members of the Equipment Maintenance Division (EMD).

**VEHICLES SUBJECT TO INSPECTION**

15. All department vehicles are subject to inspection and/or search at any time by an NOPD supervisor. No member assigned to or operating a departmentally assigned or City vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents. This includes vehicles provided for use by members as part of established "Crime Prevention Districts."
16. All department vehicles assigned as take-home vehicles shall be inspected on a division level, by designated fleet managers, quarterly. The results of the inspection shall be forwarded to NOPD's Fleet Management (Risk Management) Division for record-keeping purposes.
17. All department take-home vehicles shall be inspected by NOPD's Fleet Management (Risk Management) Division annually during the birth month of the assigned member to ensure proper vehicle maintenance and compliance with this chapter.
18. Any member found to be in violation of this chapter shall be subject to disciplinary action, which may include loss of take-home vehicle privileges.

**SECURITY**

19. Members may use take-home vehicles only with prior approval from his/her Bureau Chief and shall:
  - (a) Shall keep the vehicle locked when not attended.
  - (b) Remove All firearms and kinetic impact weapons from the interior of the vehicle and place them in the trunk or properly secured in the member's domicile when the vehicle is not attended according to the guidelines of **Chapter 1.4 - Firearms**.
  - (c) Meet the requirements of CAO Policy Memorandum 5R at all times.

**ALTERATIONS TO VEHICLES**

20. No department vehicle may be altered without prior written approval of the Superintendent of Police or his/her designee, including but not limited to the addition or removal of:
  - (a) Window tinting, except for K-9 units transporting an animal (any approved window tinting will be in accordance with R.S. 32:361.1).
  - (b) Emergency/strobe lights.
  - (c) Stickers or markings identifying a vehicle as a police department unit.
  - (d) Any license plates.
  - (e) Electronic equipment, including MDT's, cameras, radios, and GPS or AVL devices.

**MEMBER RESPONSIBILITIES**

21. A member who is assigned a take-home vehicle shall be responsible for maintaining the vehicle in good running order. The member shall be responsible for both scheduled and preventive maintenance and timely repairs to the vehicle in compliance with CAO policy.
22. Failure to follow the maintenance schedule or to keep the vehicle in good mechanical condition shall result in the member's loss of the take-home privilege.
23. A member assigned a take-home vehicle shall be responsible for maintaining the appearance of the vehicle, both interior and exterior, clean, and professional.
24. A member assigned a take-home vehicle is responsible for obeying all traffic and parking

laws while on and off duty and shall adhere to Rule 2, Moral Conduct and Rule 3, Professional Conduct of the Department Operations Manual.

25. Members driving a take-home vehicle shall always maintain his/her duty weapon and police radio while driving/using the vehicle.
26. When a member is on vacation, on leave or out of the Orleans Parish for more than five (5) business days, the vehicle shall be stored at the member's place of assignment.

### **MEMBER APPEARANCE**

27. Unless authorized by his/her District/Division Captain, a member assigned a take-home vehicle shall always be neat and professional in attire while operating/using the vehicle. Members shall not wear any type of clothing or accessories that might bring embarrassment or discredit to him/her or the department while operating a department vehicle.

### **CAPTAIN'S RESPONSIBILITIES**

28. Captains of each unit shall be responsible for maintaining a set of spare keys for all vehicles assigned to their unit, including take-home vehicles.
29. The Captain of each respective Bureau, District, Division, Section, or Unit shall have a 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 through the required chain-of-command for approval and to the NOPD Fleet Manager each time a vehicle's status is changed.
30. The Captain of each respective Bureau, District, Division, Section, or Unit shall issue a copy of CAO Policy Memorandum No. 5(R) and CAO Circular Memorandum No. 23-04 to any member assigned a take-home vehicle under his/her command, and the member shall acknowledge receipt. Members must always keep a copy of CAO Policy Memorandum 5(R) in the vehicle. Vehicle registration documentation and a copy of the City's self-insurance letter shall always be kept in the vehicle.

### **FLEET MANAGER**

31. The NOPD Fleet Manager shall forward all City of New Orleans Take-home Vehicle Add/Delete/Change Forms to the CAO for final approval. Once the form is approved, the Captain of Fleet Management shall forward a copy to the member's place of assignment. A copy of the approved form shall be placed in the member's personnel jacket.
32. The NOPD Fleet Manager shall conduct a 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 additional information as specified by the Chief Administrative Office. The inventory shall cover all vehicles owned or leased by the City and/or under the control of the department.

### **RESTRICTIONS ON DEPARTMENTAL VEHICLE USE**

33. Members requesting to use a police vehicle, marked or unmarked, take-home, or not, to go out of state shall request permission, in writing and in advance, through his/her chain of command to the Superintendent of Police or his/her designee.



34. Members 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. Members domiciled outside of Orleans Parish shall ensure they have completed and have an approved City of New Orleans Take-home Vehicle Add/Change/Delete form prior to use outside of Orleans Parish.
35. For mileage calculation purposes needed on the **City of New Orleans Take-home Vehicle Add/Change/Delete form** and for purposes of the **Take – Home Vehicle Personal Use Charge**, only Google Maps software / application shall be used. No adjustments to the indicated route, or selection of alternate routes may be used. The following instructions shall be followed:
- (a) On a computer, open **Google Maps**.
  - (b) Click on the “**Directions**” icon.
  - (c) Type the legal address for your registered domicile on file with the City of New Orleans in the first box labeled “**Your location.**”
  - (d) Type in the legal address for your principal place of assignment in the second box labeled “**Choose destination or click on the map.**”
  - (e) Click on the “**Driving icon.**”
  - (f) Click on “**DETAILS**”. (This will generate a map with directions.)
  - (g) Print the resulting "map" using the print icon in the application and note the mileage indicated.
  - (h) The requesting member shall sign the map printout and date it with the date on which it was printed for inclusion with the **City of New Orleans Take-home Vehicle Add/Change/Delete form**.

Any alteration to the map generated, the use of an address other than the member's domicile address on file with the City of New Orleans or the use of an “alternate” route is a violation of the guidelines that govern the process for authorizing a take-home vehicle and subsequent personal use charges and may subject the member to criminal charges and discipline.

#### **RESTRICTIONS ON TAKE-HOME DEPARTMENTAL VEHICLE USE**

36. Assigned take-home vehicles may only be used within Orleans Parish, driving to and from the member's domicile as indicated on the approved take-home form and his/her duty assignment or unless prior written authorization is granted by the Superintendent of Police.
37. The City's self-insurance program shall not cover an assigned take-home vehicle when the member uses the vehicle off-duty outside of the restrictions of limited personal use, this Chapter or City policy.
38. Members shall not be assigned a take home vehicle, and shall lose any existing take home vehicle privileges while:
- (a) On administrative reassignment under criminal investigation;
  - (b) Suspended;
  - (c) On Limited duty; and/or
  - (d) Extended sick leave.

This information shall also be provided to the member through their disciplinary letter or reassignment paperwork.

39. Use of a take-home vehicle off-duty shall not violate NOPD policies or regulations governing purchase of alcohol, transporting of family members or members of the public outside of duties as a member of the NOPD, or other activities that may result in public

criticism.

## **DISCIPLINARY ACTION**

40. Members 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).
41. A member under suspension shall leave his/her take-home vehicle parked at his/her assignment throughout the duration of the suspension. The Captain of the Bureau, District, Division, Section, or Unit shall ensure the suspended member complies with this provision.
42. Sustained violations of this chapter shall include in any disciplinary letters a statement that members shall not be assigned a take-home vehicle, and shall lose any existing take-home vehicle privileges while:
  - (a) On administrative reassignment;
  - (b) Suspension;
  - (c) Limited duty; and/or
  - (d) Extended sick leave.

## **INSURANCE**

43. Members assigned a take-home vehicle are required to endorse his/her current personal automobile policy to provide coverage for Non-Owned Autos for off-duty use. The liability limits shall be at least the mandatory state minimum financial responsibility limits.
44. Members assigned a take-home vehicle who do not own a personal vehicle or have a personal automobile insurance policy in force MUST purchase a personal Non-Owned Automobile Liability and Physical Damage Coverage (Comprehensive and Collision) policy for off-duty use. The liability limits shall be at least the mandatory state minimum financial responsibility limits.
45. Members assigned a take-home vehicle who use the vehicle off-duty shall provide a copy of his/her current personal automobile insurance policy, or his/her current personal non-owned automobile insurance policy (Comprehensive and Collision) to the Fleet Manager prior to any off-duty use. The policy or endorsement, as required, shall always be maintained while the take-home vehicle is assigned to the member is used off-duty.
46. It is the responsibility of the Fleet Manager to make sure insurance policies, or proof of insurance coverage, are submitted as they are renewed. The following is the minimal vehicle insurance coverage required of every member with a take-home vehicle who uses it off-duty:
  - (a) Bodily injury and property damage liability - Mandatory State Minimum Financial Responsibility Limits always when assigned.
  - (b) Uninsured Motorist - No less than the Minimum Financial Responsibility Limits, or the member's liability limits, whichever is always greater when assigned.
  - (c) Comprehensive and Collision - The deductibles will be the sole responsibility of the member and will not be borne in any way by the City, and all property damage losses will be paid to the City.
  - (d) Non-owned coverage including Bodily Injury and Property Damage Liability and Physical Damage ("Comprehensive" and "Collision").

**USE OF A TAKE-HOME VEHICLE ON APPROVED POLICE SECONDARY EMPLOYMENT**

47. A member must list his/her take-home vehicle in the N.O.P.D. equipment used on all required Police Secondary Employment forms including the detail section of the NOPD Form 21 (Paid Detail Authorization Form) for approval to use it on a paid detail.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.3

### TITLE: DEPARTMENT- OWNED AND PERSONAL PROPERTY

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy/Procedure 700**

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#### PURPOSE

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.

#### POLICY STATEMENT

1. 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.

#### CARE OF DEPARTMENT PROPERTY

2. 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.
  - (b) 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.
  - (c) The Superintendent of Police or his/her designated representative shall determine negligence.
  - (d) The use of damaged or unserviceable department property should be replaced with comparable department property as soon as available after required notice to a supervisor.
  - (e) Except when otherwise directed by a supervisor 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.
  - (f) Department property shall not be thrown away, sold, traded, donated, destroyed

- or otherwise disposed of without proper authority.
- (g) Employees shall not make uniforms and/or uniform parts available to the general public.
  - (h) 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 or for disposal.
3. In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval.

#### **LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

4. Members may 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 notification 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 ends tour of duty (ETOD) or within the time frame directed by the supervisor to whom the verbal notification was made.

#### **DAMAGE BY PERSON OF ANOTHER AGENCY**

5. If members of an outside agency (not part of the City of New Orleans) 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 soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.
6. The approved written report(s) shall be forwarded to the appropriate Bureau Commander by the reviewing / approving supervisor by email within 48 hours of approval.

#### **GENERAL**

7. Employees shall obtain individually issued property from the section or division authorized to issue such property.
8. If an employee has no further use for individually issued department property, he/she shall promptly return the property to the section or division from which it was issued.
9. Employees shall promptly return any individually issued department property when instructed by a supervisor.

#### **SECURITY AND RESPONSIBILITY**

10. Employees shall take reasonable precautions to prevent the loss, theft, or damage of Departmental property, police identification, police uniforms or uniform parts.
11. If the member desires to secure property in a vehicle (personal or departmental) it must have a locking trunk.

12. If a vehicle (personal or departmental) 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.
13. 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).
14. Only departmentally authorized repairs, approved by the relevant authority, may be made on any Department property.
15. All Departmentally issued firearms shall be stored in the safest manner available at all times when not in use or worn by the member to whom issued.
16. When not on his/her person, the departmentally issued firearm shall be stored in the most secure manner available as listed:
  - (a) A locked gun storage locker either departmental or in the member's residence.
  - (b) Out of reach/sight in the member's residence with a gun lock.
  - (c) Locked inside a cabinet or drawer in the member's residence.
  - (d) If not at his/her residence, secured in the locked truck of his/her vehicle (departmental or personal).
  - (e) If the vehicle has no truck, secured in a locked glove box or locked console within the interior compartment of the vehicle.
  - (f) If there is no locked compartment or trunk of the vehicle, concealed from view and locked inside the passenger compartment of the vehicle.
17. Privately owned firearms of members shall not be used or brought onto City or Departmental property, including in departmental vehicles, unless specifically authorized by the Superintendent of Police or otherwise authorized by law.
18. Members are reminded that City ordinance **54:338 – Responsibility of Owners of Firearms with Respect to Minors** applies to the security of firearms. It shall be unlawful for any person to store or keep any loaded firearm on any premises under his control if:
  - (a) He knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor;
  - (b) Unless such person keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure, or
  - (c) Uses a trigger lock, gun lock or gun locking device on the firearm, or
  - (d) Carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person.

## REPORTING DAMAGE OR LOSS

19. For all incident reports involving loss, damage or theft of Departmental property, the reviewing / approving supervisor shall make three (3) copies of the incident report and forward within 48 hours of approval:
  - (a) One (1) copy to the Commander,
  - (b) One (1) copy to the Division Commander of the Division responsible for issuing the damaged/lost equipment, and
  - (c) One (1) copy to the MSB – Budget Services / Fiscal Section.
20. For all incidents involving the loss/theft of Department radio equipment, the reviewing / approving supervisor shall:
  - (a) Forward one (1) additional copy of the report to the Deputy Chief of the Management Services Bureau.
  - (b) Immediately notify MSB – Facility Support / Electronics Section and

## Communications Services.

21. With the loss/theft of Department firearms, Conducted Electrical Weapons (C.E.W.), or Body Armor, the reviewing / approving supervisor shall forward one (1) additional copy of the report to his/her respective Bureau Chief.
22. Department bulletins shall be sent for the loss/theft of the following department property:
  - (a) Badges and/or official Department identification,
  - (b) Radio equipment,
  - (c) Department cell phones,
  - (d) Department laptop computers,
  - (e) Department owned firearms,
  - (f) Member owned firearms carried on-duty,
  - (g) Conducted Electrical Weapons (CEW),
  - (h) CEW cameras,
  - (i) CEW cartridges, or
  - (j) Department-issued body armor.

**INDIVIDUALLY ISSUED DEPARTMENT PROPERTY: RECORDS**

23. The issue and return of individually issued department property shall be permanently and centrally recorded in the **INSIGHT** Property Application. The Commander/Director of the issuing Division or his/her designee shall enter 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.
24. If there is any question as to whether property was issued or returned, a signed receipt shall provide final authority.

**INDIVIDUALLY ISSUED DEPARTMENT PROPERTY: RESIGNATION, TERMINATION OR RETIREMENT**

25. The employee shall obtain from his/her Commanding Officer an individual property record, from the INSIGHT Property Application, listing all Department property for which he/she is accountable.
26. 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.
27. 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](http://www.nopd.org).
28. 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.
29. Upon completion of the return of all individually issued Department property, the employee shall hand-carry the Form #67 to MSB - Human Resource Services.
30. 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 his/her paycheck.

31. The employee's final paycheck shall be withheld until all departmentally issued property is accounted for and/or restitution is made for the lost or damaged property.

#### **SEARCH OF DEPARTMENT OWNED PROPERTY**

32. 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:
  - (a) Police Department/City owned or operated vehicles;
  - (b) All department property;
  - (c) All department desks; or
  - (d) All department lockers.
33. Reasonable effort shall be made to conduct the search in the presence of the employee who is responsible for or assigned the property.
34. When the employee is not available, the search shall be conducted in the presence of at least one of the employee's supervisors.
35. If a criminal investigation is being conducted, members of the Public Integrity Bureau shall be notified prior to the search of the property.

#### **MONITORING CONVERSATIONS**

36. 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 an allegation the employee is violating department rules, policies, procedures or orders.

#### **INVENTORY CONTROL OF DEPARTMENT PROPERTY, EQUIPMENT, AND OTHER ASSETS**

37. The Deputy Chief 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).
38. The Fixed Asset Coordinator shall be responsible for coordinating physical inventory, ensuring new purchases are tagged and recorded and transfers are properly recorded.
39. To assist the Fixed Asset Coordinator, the Director of Fiscal Services 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.
40. The Director of Fiscal Services 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.
41. The Fixed Asset Coordinator shall record and update additional information such as condition, useful life, maintenance requirements, and warranty data.
42. Items not requiring inventory include consumable items such as office supplies, paper, pens, files folders, etc.



43. Completion of the Police Inventory Control form (Form 37), which can be found under the "Forms" tab at [www.nopd.org](http://www.nopd.org), is required for receiving, transferring, declaring surplus, or reporting the change of the physical location of items already tagged.
- (a) Part I shall be completed on all forms. For each item, complete Part II, III or IV, as appropriate.
  - (b) Part II of the form shall be used for new purchases received and items presently in use but not on inventory.
  - (c) Part III of the form shall be used for declaring items surplus (only the Deputy Chief 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.
  - (d) 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.

#### **USE OF INVENTORY CONTROL TAGS**

44. All Inventory Control Tags shall be placed in a location of easy access and visibility.
45. 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).
46. 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 Chief of the Management Services Bureau (Fixed Asset Coordinator) and to the Deputy Chief in command of the bureau where the item is utilized.

#### **COMMANDER'S RESPONSIBILITIES**

47. All Commanders shall review the INSIGHT Property Application for his/her bureau every six (6) months, by location.
48. This review shall check the item listed against all inventoried items located under their command.
49. Any item not appearing on the Property Application 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 Property Application and/or not located, shall be forwarded to the Deputy Chief 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 Chapter.
50. 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.
51. All Commanders will request a printout of all equipment purchased with grant monies from the Grants Allocation Unit and all narcotics "buy money" allocated to their

- command from ISB - Narcotics every six months to coincide with this internal monetary asset report.
52. Should there be any discrepancies in the asset inventory report, the Deputy Chief of the Public Integrity Bureau shall be notified and determine if an investigation should be initiated.
  53. Upon any change of command, the new Commander shall review the INSIGHT Property Application and conduct an inventory check regardless of the time since the last inventory check.
  54. Upon any change of command:
    - (a) 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.
    - (b) 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.
    - (c) Should there be any discrepancies in the asset inventory report, the Deputy Chief of the Public Integrity Bureau shall be notified and determine if an investigation should be initiated.
  55. Any item(s) appearing on the INSIGHT Property Application that is not under the control of the Commander or at its location shall be documented in an interoffice correspondence.
  56. The correspondence shall indicate the disposition of the property, its present location, and condition, if known.
  57. Any items that are not located and/or not accounted for shall be documented as per this Chapter.
  58. At announced intervals, employees of the Compliance Bureau shall make an inventory survey. The completed inventory report shall be kept on file at the unit where the inventory is being completed. In addition, a copy of the completed inventory report shall be sent to the Deputy Chief of the Management Services Bureau where this report shall be reviewed and kept on file.

#### **DUPLICATE KEYS-LOCKS**

59. 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](http://www.nopd.org). The form shall be completed in its entirety, including the reason for the needed service.
60. Requests for keys, a request to change the combination of a safe, or a request for the re-keying of locks shall be forwarded to the Deputy Chief of the Management Services Bureau for approval.
61. Approved requests shall be forwarded to the proper unit within the Police Department for completion or forwarded to the appropriate outside vendor.
62. 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.

63. In those instances where the changing of locks, mechanisms, combinations, etc. are approved by the Deputy Chief 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 Chief of the Bureau where the work was completed.
64. Commanders are responsible for having duplicated keys to all Department offices, work areas, and vehicles under his/her supervision.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.4

### TITLE: DAMAGE AND REPAIRS TO PRIVATE PROPERTY

**EFFECTIVE: 12/3/2017**

**REVISED: Replaces Policy 232**

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#### PURPOSE

The purpose of this Chapter 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.

#### INSTRUCTIONS

1. When privately owned property is damaged during the execution of official police duties, the investigating officer shall prepare a separate incident report (EPR) on the circumstances surrounding the property damage prior to the completion of his/her tour of duty.
2. The item number of any related incident report (EPR) arising out of the officer's official duties shall be made part of the report documenting the damaged property.
3. Copies of the approved incident report (EPR) shall be forwarded, within twenty-four hours of approval by the approving supervisor to the:
  - (a) Commander of the Management Services Bureau;
  - (b) Commander of the Bureau supervising the individual(s) involved in the damaged property;
  - (c) City Attorney's Office; and
  - (d) Public Integrity Bureau.
4. 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 Communications Services.
5. Communications Services shall notify the Commander of the Management Services Bureau to effect temporary repairs.
6. The investigating officer(s), or another assigned 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.

7. Temporary repairs, sufficient to secure the premises, 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 secure the premises.
8. A copy of the incident report (EPR) documenting the attempts to contact an owner or representative and the repairs performed shall be forward to the Management Services Bureau within twenty-four hours of approval by the approving supervisor.
9. Incidents involving fallen trees on city property, fallen telephone or utility 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 Management Services Bureau.
10. A copy of the incident report (EPR) shall be forwarded by the approving supervisor within twenty-four hours of approval to:
  - (a) The Management Services Bureau;
  - (b) The City Attorney's Office; and
  - (c) The city agency or utility that had primary responsibility for the object which caused the damage to the private property.
11. In all instances where a representative of the police department completes temporary repairs to a structure, an appropriate incident report (EPR) shall be generated by the District / Division officer handling the original call for service.
12. In all instances there is damage to private property, or a claim of damage to private property, photos shall be taken.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.5

### TITLE: GRANTS

**EFFECTIVE: 10-22-2017**

**REVISED: Replaces Policy 233**

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#### PURPOSE

The purpose of this Chapter is to establish uniform processes for grant applications, grant concepts, grant reporting, and grant site visits.

#### DEFINITIONS:

**Continuation / Continuation Grant**—An extension or renewal of existing program funding for one or more additional budget periods.

**Grant Adjustment/Modification**—Any change and/or correction for any programmatic, administrative, or financial alteration associated with a grant award. These must be approved by the funding source.

**Grant**—Federal, state, municipal, or private funds, equipment, services, technology, or training procured by the NOPD for a specific purpose or the attainment of specific goals and objectives.

**Grant Project Director**—The member of the NOPD or partner organization with NOPD on a grant who manages and administers the project and is often times the primary contact. Primary responsibilities include:

- (a) Executing the project as outlined in the funded proposal while adhering to agency grants administration policies and procedures.
- (b) Coordinating with the Grants Administration Unit (GAU) Grant Manager to carry out the project's financial plan as presented in the proposal.
- (c) Reporting project progress to the GAU Grant Manager as outlined in the terms of the award.
- (d) Maintaining an accurate record of project-related expenses.
- (e) Complying with all applicable sponsor rules, regulations, and/or terms and conditions of the award.

**Supplementing**—To build upon or add to. Funds must be used in addition to the local dollars to enhance service provision.

**Supplanting**—To replace or take the place of local funding. NOT allowed by federal law.

**GRANT PROCESS**

1. Members desiring to apply for a grant shall meet with members of the MSB GAU. The GAU personnel will study the proposal and, if approved by the Superintendent of Police, prepare the grant application and submit it to the appropriate agency.
2. Individual members outside GAU 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 the Management Services Bureau (MSB) GAU.
3. 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 NOPD shall be submitted to the MSB GAU, in advance of submission for proper coordination, origination, and documentation.
4. Upon draft or request for Federal and/or State Grant Agreements, Cooperative Endeavor Agreements (CEA), Memorandum of Understanding and/or Agreement (MOU/MOA), Contracts, amendments, grant adjustments/modifications, and continuations by any member of the Department, the originals and copies of drafts, partially signed or executed documents still requiring signatures **shall be forwarded** to the MSB GAU.
5. Upon final execution of Federal and/or State Grant Agreements, CEA, MOU/MOA, Contracts, amendments, grant adjustments/modifications, and continuations by any member of the Department, the originals and copies of signed, executed documents **shall be forwarded** to the MSB GAU.
6. Copies of all purchase quotes/bids, sole-source documentation, purchase requisitions, P.O.'s, invoices, and/or expenditures involving third-party agreements for payment, CEA, and MOU/MOA shall be forwarded to MSB GAU by the respective Grant Project Director.
7. Members 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 GAU prior to the visit. Such notification shall be made by departmental email to the Management Services Bureau grant manager assigned to the grant and the Grant Project Director immediately upon receiving the information on the pending visit.
8. Questions concerning grants or grant related matters and shall be directed to the MSB GAU.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.2

### TITLE: LIMITED-DUTY ASSIGNMENTS

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 1054**

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#### PURPOSE

To establish the authority for temporary limited-duty assignments and procedures for granting temporary limited-duty assignments to eligible employees. The effective use of employee skill and talent is important to the operation of the Department, including, when practicable, periods when an employee's ability to work may be temporarily limited or restricted. Temporary limited-duty assignments can provide benefits to the Department and employees.

#### POLICY STATEMENT

1. 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.
2. The use of temporary limited-duty assignments 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.
3. Eligible personnel shall be given a reasonable opportunity to work in a limited-duty capacity where appropriate assignments are available and consistent with this Chapter.
4. 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.
5. The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

#### DEFINITIONS:

**Eligible Personnel**—Any full-time commissioned or civilian employee of this department suffering from a medically certified injury or disability requiring treatment from a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform his/her 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.

### LIMITATIONS

6. Temporary limited-duty positions are limited in number and variety and may not be available at any particular time.
7. To qualify and be considered for a limited-duty assignment, the employee shall be transferred to Administrative Duties Division (ADD) for monitoring and supervision prior to granting such an assignment.
8. Transfer to Administrative Duties Division and Physician's Examination Certification entry requirements are available in the MSB - Administrative Duties Division office. **Physician's Examination Certification (NOPD Form 50)** can be found at <http://www.nopd.org> under the Forms tab.
9. The Department will conduct a pre-termination hearing, according to **Rule IX of the Civil Service Rules**, relative to Maintaining Standards of Service every 30 days for employees assigned to Administrative Duties Services. The hearing will be held within 15 calendar days after the employee is notified of such in writing following Civil Service Rules.
10. Personnel injured or otherwise disabled whose classification has been deemed in the line of duty shall be given preference in initial assignment to limited-duty.
11. Under the Worker's Compensation Statute, 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).
12. The Deputy Chief of MSB may change temporary limited-duty assignments at any time, if deemed in the best interest of the employee or the agency.
13. This Chapter shall not affect the rights 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.
14. Assignment to limited duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other City employee benefits.
15. No specific, long-term or permanent position within this Department 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.
16. Limited-duty assignments are strictly temporary and shall not exceed six months in duration unless specifically authorized in writing by the Deputy Chief of MSB.
17. After six months, personnel on temporary limited-duty assignment who are not capable of returning to their original full duty assignment shall do one of the following:
  - (a) Present a request for extension of limited duty, with all necessary supporting documentation, including a current NOPD Form 50, to Administrative Duties Division. 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 on or before 10 calendar days of the six month deadline.

- (b) Pursue other options as provided by employment provisions of this agency through Civil Service, Federal or State law.
  - (c) Avail themselves of one or more authorized paid leave classifications.
18. Employees unable to return to full-duty status after assignment to a limited-duty position for one year (365 days) must do one of the following prior to the 365th day on limited-duty:
- (a) Request and receive approval for a medical leave of absence.
  - (b) Apply and receive approval for a disability retirement.
  - (c) Resign.
  - (d) Pursue other options as provided by employment provisions of this Department through Civil Service, Federal or State law.
  - (e) Avail themselves of one or more authorized paid leave classifications.
19. Employees on temporary limited duty are prohibited from engaging in outside employment and police secondary employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this Department and which form the basis for their temporary limited-duty assignment.
20. Depending upon the nature and extent of the disability, a commissioned officer on limited duty may be prohibited or restricted from wearing the departmental uniform and carrying the service weapon or otherwise limited in using police powers as determined by the Superintendent of Police or his/her designee.
21. **Limited-duty assignments shall not be utilized for disciplinary purposes.**
22. 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.
23. Employees may protest temporary limited-duty assignments by using established agency grievance procedures (see: **Chapter 25.1 – Employee Grievances**).
24. Failure or refusal to accept a temporary limited-duty assignment may result in a 50% reduction in the employee's weekly Worker's Compensation benefits pursuant to La R.S. 23:1226(E).
25. Failure to accept a limited-duty assignment may also result in initiation of Rule IX proceedings.

#### **PROCEDURE FOR REQUESTING LIMITED-DUTY ASSIGNMENT**

26. 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 of the restrictions to their Bureau Chief. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.
27. The Bureau Chief will determine what limited-duty assignments, if any, are available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular limited-duty assignment. Requests for a limited-duty assignment of 20 hours or less may be approved and facilitated by the employee's Commander or Bureau Chief.

**TEMPORARY LIMITED-DUTY ASSIGNMENTS**

28. Temporary limited-duty assignments may be available from a range of technical and administrative areas of the Department 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); or
  - (d) Report taking (e.g. Alternative Police Response Unit (APRU)).
29. Administrative Duties Division shall maintain a listing of available job assignments that qualify for use as temporary limited-duty assignments.
30. 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.
31. When possible, employees shall be assigned to positions consistent with their rank and pay classification.
32. Personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employees thus assigned shall:
  - (a) Retain the privileges of their rank;
  - (b) Answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
  - (c) Retain their pay classification and related benefits held prior to their assignment to temporary limited-duty.

**REQUEST FOR AND ASSIGNMENT TO TEMPORARY LIMITED DUTY**

33. Requests for temporary limited-duty assignments shall:
  - (a) Be submitted to the Commander of Administrative Duties Division by the employee; and
  - (b) Be accompanied by a Form 50 and a statement of medical certification to support a requested reassignment, signed either by the treating physician or other appropriate licensed healthcare provider.
    - i. The medical certification 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.
34. Commander of Administrative Duties Division shall make a determination regarding assignment.
35. Administrative Duties Division may require the employee to submit to an independent medical examination by a health provider of the Department's choosing.
36. In the event the opinion of this independent medical health provider differs from the employee's health provider, the employee may request a third opinion at the employee's expense.
37. The employee and representatives of this Department shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that

medical decision.

38. 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 documented 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 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.
39. As a condition of continued assignment to a limited-duty position, employees shall submit to monthly physical assessments of their condition as specified by Administrative Duties Division.

#### **LIMITED-DUTY SCHEDULES**

40. The schedules of employees assigned to limited duty may be adjusted to suit medical appointments or department needs at the discretion of the employee's Bureau Chief.
41. The employee and his/her supervisors shall be informed, in writing, of the schedule, assignment, and limitations and restrictions pertaining to the temporary limited-duty assignment as determined by the employee's health care provider.

#### **ACCOUNTABILITY**

42. The employee's limited-duty assignment supervisor shall ensure proper time accountability and shall complete and process a change of shift/assignment form.
43. Responsibilities include:
- (a) Employees on limited duty shall coordinate required doctor visits and physical therapy appointments in advance with their limited-duty assignment supervisor to appropriately account for any duty time taken.
  - (b) 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.
  - (c) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their limited-duty assignment supervisor of any change in restrictions or limitations as determined by their health care provider.
  - (d) 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.
  - (e) Limited-duty assignment employee supervisors shall keep his/her Bureau Chief apprised of the employee's status and ability to perform the limited-duty assignment.
  - (f) Limited-duty assignments that extend beyond 60 days will require a written status

report and a request for an extension to the Bureau Chief, 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 his/her authorized designee.

- (g) When it is determined that an employee on limited duty will return to regular duty, the limited-duty assignment supervisor shall notify his/her Bureau Chief and complete and process a change of shift/assignment form.
- (h) All training and certification necessary for the employee's return to full duty shall be reviewed by the limited-duty assignment supervisor, scheduled by/for the employee as necessary and documented in writing to the employee and the Bureau Chief. This includes, at a minimum, annual in-service training, firearms re-qualification, driver training and all mandatory annual training for the employee's job classification.

### **MEDICAL EXAMINATIONS**

- 44. The Department reserves the right to require, prior to the employee 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.
- 45. 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.

### **PREGNANCY**

- 46. It is the policy of the Department to reassign employees who are pregnant to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities (La R.S. 23:342). This may be upon request of the employee or when deemed necessary by the Department.

### **EMPLOYEE NOTIFICATION OF PREGNANCY**

- 47. An employee should notify her immediate supervisor or a designated acting supervisor as soon as practicable after learning of her pregnancy. 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.
- 48. While assigned to limited duty, pregnant employees must submit, on a monthly basis, a physician's medical certificate and a Form 50 that documents:
  - (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.

### **SUPERVISOR'S RESPONSIBILITY FOR EMPLOYEE PREGNANCIES**

- 49. Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the employee's supervisor shall notify his/her Bureau Chief.
- 50. The Bureau Chief shall 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.

51. If at any point during the pregnancy it becomes medically 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.

#### **PROBATIONARY EMPLOYEES**

52. 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.

#### **MAINTENANCE OF CERTIFICATION AND TRAINING**

53. 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.
54. Employees who are assigned to limited duty shall inform their supervisor of any inability to maintain existing certification, training or qualifications.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.2.6

### **TITLE: OFFICER ASSISTANCE PROGRAM: MEMBER MENTAL HEALTH SERVICES**

**EFFECTIVE: 04/30/2017**

**REVISED:**

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#### **PURPOSE**

The New Orleans Police Department is committed, whenever possible, to ensuring the safety and well-being of all members and their families. NOPD members may experience events that will evoke intense emotional reactions (trauma) and can threaten to overwhelm their usual psychological coping abilities. NOPD recognizes that its members will experience the same stressors and mental health issues as the general population and, in addition, those stressors which are unique to the profession of policing and to police family life. The purpose of this policy is to provide guidance on how mental health professionals will respond to stressors and traumatic events experienced by NOPD members, in a timely and effective fashion that enhances the affected NOPD members' psychological well-being and their ongoing capability to carry out their duties in a professional manner.

#### **POLICY STATEMENT**

The Department supports and encourages members in securing high quality, confidential assistance. In keeping with this commitment, the Department has established the Officer Assistance Program, staffed with clinical professionals and trained peer assistance specialists who provide confidential counseling and consultation.

1. Emotional problems may have a negative impact on performance, and, in extreme instances, may present a danger to the welfare and safety of officers, their families, the public and fellow officers.
2. The Officer Assistance Program shall provide members and their families with access to mental health services.
3. The Officer Assistance Program is governed by a policy of confidentiality when allowed by law, which mandates that no information, including identifying factors, identifying biographical material, clinical notes, or therapy issues can be reported to, or requested by, the Department. Individual members should expect, and shall be granted, complete privacy when seeking counseling assistance through the Officer Assistance Program.
4. Officer Assistance Program services are not conducted in a police facility.

## DEFINITIONS

Definitions relevant to this Chapter include:

**Traumatic incident**—A traumatic or critical incident is a mentally painful and highly stressful event that cannot be resolved through normal, stress-coping mechanisms. These events may cause disabling emotional and physical problems unless members are adequately treated. A traumatic incident is defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event. It is not necessarily a life-threatening incident. Common incidents that pose the increased potential for trauma include, but are not limited to:

- Shootings
- An actual or perceived threat to one's life or of grievous physical harm
- Suicide or suicide attempt by a colleague
- Serious injury inflicted on, or death of, a colleague
- Serious injury or death of a non-member, especially a child, under particularly tragic or grotesque circumstances
- Cruelty/abuse to a child
- Line of duty contact with friend/relative during a tragic/traumatic event
- Death or injury of a person resulting from duty operations
- Perceived 'failure' during a tragic/traumatic event
- Large scale or prolonged disaster
- Events with high media exposure
- **Any** tragic/traumatic event that may have private/personal emotional significance to a member, particularly when the event is characterized by: relative surprise; intense negative emotion; and perceived helplessness.

**Peer assistance specialist (PAS)**—An individual who has received training in critical incident stress management and who has been designated to provide emotional and moral support and counseling to an NOPD member who needs those services as a result of a traumatic incident in which the NOPD member was involved while acting in his/her official capacity. A peer assistance specialist may be an emergency responder, a civilian volunteer of an emergency service agency or entity.

**Traumatic Incident Team**—A group of qualified mental health professionals who are responsible for responding to traumatic incidents and providing mental health triage and assistance. The Team includes the OAP director and licensed mental health professionals, police chaplains, peer assistance specialists, and an external police psychologist.

**Team leader**—The team leader for a traumatic incident will be coordinated by the Director of the Officer Assistance Program. The team leader is responsible for identifying the members and coordinating the response of the traumatic incident team.

## GENERAL

5. The Officer Assistance Program is staffed by licensed mental health professionals. Department members and the members' immediate or extended families may seek counselling, but are not mandated to seek counselling.
6. The Officer Assistance Program office can be contacted Monday through Friday between the hours of 8 a.m. and 4 p.m. via e-mail, and phone.



7. The Officer Assistance Program Director can be reached by phone after hours at (504) 247-4525. The Director of the Officer Assistance Program should only be contacted by the on-scene supervisor after 4 p.m. when a traumatic incident occurs. Member self-referrals occurring after hours will be contacted the following day. If there is an emergency, members should contact the Officer Assistance Program on a call-out basis.
8. The services of mental health professionals may be invoked by member self-referral or, in the case of a NOPD member experiencing a life-threatening traumatic incident, by referral of the NOPD member by a supervisor or peer counselor.
9. All services offered by the Officer Assistance Program are available to Department members and the members' immediate or extended families. A list of external providers is available to Department members and the members' immediate or extended families for use after 4 p.m.
10. All counseling services provided by the Officer Assistance Program are free of charge. Referrals to a private therapist, specialist, outside agency, or hospital, however, are to for-profit, non-Department providers that may charge a fee. Information regarding referral sources, credentials, programs, and the level of care provided may be obtained by the Officer Assistance Program. Trained mental health professional from this program will conduct follow-up sessions with the members after they receive counseling services from an outside entity to ensure the quality of care provided by the outside entity is satisfactory to the members.
11. The Officer Assistance Program has been established to provide confidential supportive assistance, including peer assistance and referral services, for all Department members and their families. Comprehensive services include:
  - (a) stress management training;
  - (b) alcohol and substance abuse support service and prevention training;
  - (c) couples counseling;
  - (d) individuals counseling;
  - (e) family crisis intervention;
  - (f) grief counseling;
  - (g) communication skills;
  - (h) anger management and conflict resolution;
  - (i) traumatic incident stress management;
  - (j) referrals to pastoral counseling;
  - (k) gambling; and
  - (l) debt management.
12. The services provided by the Officer Assistance Program are designed, and tailored, to meet the unique needs of each and every Department member as well as that member's family. This is accomplished by maintaining a network of quality resources (i.e., treatment facilities, self-help and support groups, and stress management training), which allow the program to respond promptly to the needs of each individual.

## **CONFIDENTIALITY**

13. The Officer Assistance Program will provide a trained mental health professional to advise the Department members and the members' immediate or extended families of any limitations to confidentiality with the mental health professional prior to the start of counseling if a family member or significant other of a Department member is in counseling with the Officer Assistance Program.

14. Counseling notes shall not be maintained by any member of the Officer Assistance Program on any member in counseling unless prior written approval has been obtained from the member.
15. No personally identifying information will be shared with the Department. No audit or review by the New Orleans Police Department can be conducted of the counseling documents maintained by the Officer Assistance Program. Member and members' family members will be provided with a confidentiality form, including the protections afforded to them before receiving counselling services with the Officer Assistance Program.

Confidentiality is protected according to the following laws:

- (a) Federal Rule of Evidence 501 (Fed. R. Evid. 501) is a general rule of evidence which states that no federal rule of evidence will modify or supersede existing law relating to the privilege of a witness, person, government, state, or political subdivision.
  - (b) Louisiana Code of Evidence Art. 518 (La. Evid. Code art. 518) provides that a trained peer assistance member shall not be compelled to testify about any communication made to the trained peer assistance member by another officer.
  - (c) Louisiana Revised Statute Title 37 Section 2718 (La. Stat. Ann. § 37:2718) provides a confidentiality privilege protecting social workers from being required to disclose any information acquired from persons consulting the social worker in his or her professional capacity.
16. The exceptions to confidentiality for the Officer Assistance Program imposed by law or by professional regulation on all psychologists, psychiatrists, family therapists, and psychotherapists include:
    - (a) **Threats of physical harm**—If any individual in counseling threatens to harm another person, the mental health professional is required by law and professional regulation to notify the threatened person and the Police Department.
    - (b) **Suicide**—Any mental health professional who reasonably believes that a client is seriously contemplating suicide is required by law and professional regulation to do everything possible to prevent such an attempt, including making whatever notifications are necessary to stop the attempted suicide.
    - (c) **Child, domestic, and elder abuse**—If a client discloses participation in abuse of a child, domestic partner, a person with a disability, or an elderly person, the therapist must notify the appropriate agency of such abuse.
    - (d) **Malpractice**—A therapist may use counseling material in defense of malpractice allegations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.2.7

### **TITLE: OFFICER ASSISTANCE PROGRAM: TRAUMATIC INCIDENT STRESS MANAGEMENT**

**EFFECTIVE: 04/30/2017**

**REVISED:**

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#### **PURPOSE**

The purpose of this Chapter is to provide guidelines that shall be uniformly applied to the management of stress resulting from traumatic incidents. Providing support after any traumatic incident will assist in minimizing the chances that involved members will suffer from negative physical, cognitive, emotional, and behavioral reactions.

#### **POLICY STATEMENT**

1. The Officer Assistance Program provides Department members and their families with a comprehensive system of services surrounding the occurrence of traumatic incidents. This provides members with the opportunity to understand and put into perspective the emotional and/or psychological impact of a traumatic incident. The debriefing process is not a critique of any assignment or action taken by the member.
2. Law enforcement duties often expose officers and support members to mentally painful and highly stressful situations that cannot be resolved through normal, stress-coping mechanisms. These situations may cause disabling emotional and physical problems unless members are adequately treated. Traumatic incidents such as officer-involved shootings, vehicle accidents, line-of-duty deaths, and gruesome homicides may cause adverse reactions and behaviors in members.

#### **DEFINITIONS**

**Traumatic incident**—A traumatic or critical incident is a mentally painful and highly stressful event that cannot be resolved through normal, stress-coping mechanisms. These events may cause disabling emotional and physical problems unless members are adequately treated. A traumatic incident is defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event. It is not necessarily a life-threatening incident. Common incidents that pose the increased potential for trauma include, but are not limited to:

- Shootings
- An actual or perceived threat to one's life or of grievous physical harm
- Suicide or suicide attempt by a colleague
- Serious injury inflicted on, or death of, a colleague
- Serious injury or death of a non-member, especially a child, under particularly tragic or grotesque circumstances
- Cruelty/abuse to a child
- Line of duty contact with friend/relative during a tragic/traumatic event
- Death or injury of a person resulting from duty operations
- Perceived "failure" during a tragic/traumatic event
- Large scale or prolonged disaster
- Events with high media exposure
- **Any** tragic/traumatic event that may have private/personal emotional significance to a member, particularly when the event is characterized by: relative surprise; intense negative emotion; and perceived helplessness.

**Post-traumatic stress disorder**—An anxiety disorder that can result from exposure to a traumatic event and is diagnosed as such if symptoms persist after 30 days.

**Traumatic Incident Team**—A group of qualified mental health professionals who are responsible for responding to traumatic incidents and providing mental health triage and assistance. The Team includes the OAP director and licensed mental health professionals, police chaplains, peer assistance specialists, and an external police psychologist.

**Team leader**—The team leader for a traumatic incident will be designated by the Director of the Officer Assistance Program. The team leader is responsible for identifying the members and coordinating the response of the traumatic incident team.

**Peer assistance specialist (PAS)**—An individual who has received training in critical incident stress management and who has been designated to provide emotional and moral support and counseling to a NOPD member who needs those services as a result of a traumatic incident in which the NOPD member was involved while acting in his/her official capacity. A peer assistance specialist may be an emergency responder, a civilian volunteer of an emergency service agency or entity, a volunteer counselor, or a mental health services provider.

**Critical Incident Stress Management (CISM)**—An intervention protocol, conducted by peer assistance specialists, developed specifically for dealing with traumatic incidents. It is a formal, highly structured, and professionally recognized process for helping those involved in a critical incident to share their experiences, vent emotions, and learn about stress reactions and symptoms. A PAS can refer any member to the Officer Assistance Program for further assistance if required. It is a confidential, voluntary and educational process, sometimes called "psychological first aid."

**One-on-One Counseling**—Counseling that occurs, after a critical incident, with at least one member of the Traumatic Incident Team.

**Groups Counseling**—Counseling that occurs, after a critical incident, with at least one member of the Traumatic Incident Team and a group of employee members and/or the members' immediate or extended families.

## PROCEDURES

3. During any period where it is reasonable to believe that members may experience

physical, cognitive, emotional, and/or behavioral reactions to a traumatic incident, the Department shall provide members with the proper mental health services. The list of services includes, but is not limited to:

- (a) Preventative education and training in pre-incident stress-inoculation and resilience; identifying a traumatic incident and those impacted; how and why a traumatic incident impacts members at its various stages; best self-care practices; or
- (b) Traumatic incident response involving an immediate, coordinated effort by the Traumatic Incident Team to provide the appropriate response; or
- (c) Follow-up for those members impacted by the incident.

#### **TRAUMATIC INCIDENT TEAM DEPLOYMENT**

4. A traumatic incident, as defined above, will be identified by the ranking officer on-scene, and/or by the on-duty supervisor in Communications Services. That member will immediately inform his/her respective Commander(s), who will, in turn, immediately notify, or cause to be notified, the Traumatic Incident Team via Communications Services.
5. The on-duty Team Leader will coordinate response with the Traumatic Incident Team.
6. Team members will report to their respective assignments to:
  - (a) Check in with the on-scene supervisor/incident commander;
  - (b) Accompany and contact affected members as available before the officers' end of tour of duty; and
  - (c) Carryout whatever immediate interventions are indicated (e.g. support, triage, "psychological first aid," "psycho-education," "demobilization," "defusing," hotline, etc.).
7. The Team Leader will ensure the team members communicate, collaborate, and coordinate as the incident circumstances evolve. The Team Leader will require the team members to convene before the Traumatic Incident Team end of tour of duty to:
  - (a) Operationally and psychologically debrief, and
  - (b) Plan and coordinate interventions for the immediate future.

#### **POST-SHOOTING REFERRAL TO THE OFFICER ASSISTANCE PROGRAM**

8. Whenever an officer is involved in, or witnesses, a post-shooting psychological assessment shall be provided by the Department's external police psychologist. However, other non-shooting traumatic incidents may also be referred to the police psychologist for a psychological assessment.
9. The supervisor on the scene of a firearm discharge is recommended to contact Department's Officer Assistance Program director as soon as possible, while the involved officers are still on scene (unless transported for medical treatment) to assess the officer(s) for signs of post-traumatic stress reactions and to ameliorate the occurrence of preventable distress and disturbances.
10. An interview with the Department's psychologist may be conducted within 24 hours of the incident. However, before an officer involved in a traumatic incident can return to full duty, the external police psychologist must conduct a fit-for-duty assessment. The officer's Commander shall be responsible for ensuring that this interview is conducted according to schedule. The external police psychologist shall notify the officer's Commander that the member has kept the appointment and shall make known the resultant opinion concerning fitness for duty and any accompanying recommendations.
11. The content of the interview session(s) shall be confidential in accordance with this

Chapter.

12. The interview session(s) shall not be construed or treated as part of any criminal or administrative investigation or official Department inquiry.
13. Referral to the Officer Assistance Program for continued services can be offered by the external police psychologist.

#### **CRITICAL INCIDENT STRESS MANAGEMENT PROCEDURES**

14. If a CISM is deemed appropriate by the Director of the OAP, all Department members involved in the related critical incident/situation will be encouraged to attend the convened CISM. Although attendance is recommended, participation in the discussion is not. Follow-up resource information will be provided during the CISM. Attendees are free to make their own decisions regarding pursuit of any follow-up support.
15. The CISM can be conducted in any location providing ample space, privacy, and freedom from distractions. The site selection is subject to the approval of the OAP Director, who may request an alternate location if he/she determines the site to be unsuitable.
16. A CISM is not a critique of operations and/or performance or an investigative tool. It is designed to provide an opportunity for personnel to discuss their feelings or reactions to the stress resulting from exposure to a critical incident and to accelerate the normal recovery process.
17. The type of counseling conducted will depend on the circumstances of a particular incident. The most commonly utilized types include:
  - (a) One-on-one;
  - (b) Group;
  - (c) Critical Incident Stress Management (CISM)
18. A Department member may refuse the participation in his or her individual CISM session.

#### **DEPARTMENT REFERRALS TO THE OFFICER ASSISTANCE PROGRAM**

19. Department command and supervisory members shall make members under their supervision aware of the Officer Assistance Program when appropriate.
20. Department members shall be advised that any consultation with the Officer Assistance Program will remain confidential.
21. Recommendations or referrals to the Officer Assistance Program shall not be used as a substitute for the disciplinary process.
22. Unit commanding officers and/or supervisors may contact the Officer Assistance Program for information about the counseling program or the referral process.
23. The procedures contained in this directive do not relieve unit commanding officers and supervisors of their responsibility to counsel members as set forth in existing Department regulations.

**CONFIDENTIALITY**

24. The Officer Assistance Program will provide a trained mental health professional to advise the Department members and the members' immediate or extended families of any limitations to confidentiality with the mental health professional prior to the start of counseling if a family member or significant other of a Department member is in counseling with the Officer Assistance Program.
25. Counseling notes shall not be maintained by any member of the Officer Assistance Program on any member in counseling unless prior written approval has been obtained from the member.
26. No personally identifying information will be shared with the Department. No audit or review by the New Orleans Police Department can be conducted of the counseling documents maintained by the Officer Assistance Program. Member and members' family members will be provided with a confidentiality form, including the protections afforded to them before receiving counselling services with the Officer Assistance Program.

Confidentiality is protected according to the following laws:

- (a) Federal Rule of Evidence 501 (Fed. R. Evid. 501) is a general rule of evidence which states that no federal rule of evidence will modify or supersede existing law relating to the privilege of a witness, person, government, state, or political subdivision.
  - (b) Louisiana Code of Evidence Art. 518 (La. Evid. Code art. 518) provides that a trained peer assistance member shall not be compelled to testify about any communication made to the trained peer assistance member by another officer.
  - (c) Louisiana Revised Statute Title 37 Section 2718 (La. Stat. Ann. § 37:2718) provides a confidentiality privilege protecting social workers from being required to disclose any information acquired from persons consulting the social worker in his or her professional capacity.
27. The exceptions to confidentiality for the Officer Assistance Program imposed by law or by professional regulation on all psychologists, psychiatrists, family therapists, and psychotherapists include:
    - (a) **Threats of physical harm**—If any individual in counseling threatens to harm another person, the mental health professional is required by law and professional regulation to notify the threatened person and the Police Department.
    - (b) **Suicide**—Any mental health professional who reasonably believes that a client is seriously contemplating suicide is required by law and professional regulation to do everything possible to prevent such an attempt, including making whatever notifications are necessary to stop the attempted suicide.
    - (c) **Child, domestic, and elder abuse**—If a client discloses participation in abuse of a child, domestic partner, a person with disability, or an elderly person, the therapist must notify the appropriate agency of such abuse.
    - (d) **Malpractice**—A therapist may use counseling material in defense of malpractice allegations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.2.8

### TITLE: NEW ORLEANS POLICE PEER ASSISTANCE (NOPPA)

**EFFECTIVE: 04/30/2017**

**REVISED:**

#### **PURPOSE**

This Chapter establishes guidelines for a Peer Assistance Program utilizing trained peer assistance specialists as volunteers supported by mental health professionals in the Officer Assistance Program. The Peer Assistance Program is established for the purpose of assisting Department personnel and their families who may be suffering from stress-related problems or experiencing traumatic incident stressors. A strict policy of confidentiality will be maintained regarding personnel identity and/or issues related to program utilization.

The goal of the program is to help members through a stress-related incident, promote an atmosphere of support and trust among members, promote an awareness of the self-help alternatives available to members, provide peer assistance specialists who can assist in problem resolution before a point of crisis is reached, and develop an additional system of referral, through peer assistance, within the Officer Assistance Program for appropriate professional care. Recognizing that not all Department personnel will choose to engage mental health professionals, the New Orleans Police Peer Assistance Program (NOPPA) is to provide both a formal and informal outlet for stress related problems or traumatic incidents.

#### **POLICY STATEMENT**

The Department supports and encourages members in securing high quality, confidential assistance. In keeping with this commitment, the Department has established the Officer Assistance Program, staffed with clinical professionals and trained peer assistance specialists who provide confidential counseling and consultation.

#### **DEFINITIONS**

**Peer Assistance Program**—A program that utilizes trained peers (i.e. police officers and other Departmental personnel and family members) to assist Departmental personnel who are experiencing emotional stressors and/or traumatic incidents.

**Traumatic Incident**—A traumatic or critical incident is a mentally painful and highly stressful event that cannot be resolved through normal, stress-coping mechanisms. These events may cause disabling emotional and physical problems unless members are adequately treated. A



traumatic incident is defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event. It is not necessarily a life-threatening incident. Common incidents that pose the increased potential for trauma include, but are not limited to:

- Any police shootings where serious injury or death involves a departmental member;
- An actual or perceived threat to one's life or of grievous physical harm;
- A colleague's or family member's suicide or attempted suicide;
- Serious injury inflicted on, or death of, a colleague;
- Serious injury or death of a non-member, especially a child, under particularly tragic or grotesque circumstances;
- Cruelty/abuse to a child;
- Line of duty contact with friend/relative during a tragic/traumatic event;
- Death or injury of a person resulting from duty operations;
- Perceived 'failure' during a tragic/traumatic event;
- Large scale or prolonged disaster; and
- Incidents with high media exposure
- **Any** tragic/traumatic event that may have private/personal emotional significance to a member, particularly when the event is characterized by: relative surprise; intense negative emotion; and perceived helplessness.

**New Orleans Police Peer Assistance Program (NOPPA)**—NOPPA is a part of the Officers Assistance Program under the direction of the Director of the Officers Assistance Program.

**Peer assistance specialist (PAS)**—An individual who has received training in traumatic incident stress management and who has been designated to provide emotional and moral support and counseling to an NOPD member who needs those services as a result of a traumatic incident in which the NOPD member was involved while acting in his/her official capacity. A peer assistance specialist may be an emergency responder, a civilian volunteer of an emergency service agency or entity, a volunteer counselor, or a mental health services provider.

**Critical Incident Stress Management (CISM)**—An intervention protocol, conducted by peer assistance specialists, developed specifically for dealing with traumatic incidents. It is a formal, highly structured, and professionally recognized process for helping those involved in a critical incident to share their experiences, vent emotions, and learn about stress reactions and symptoms. A PAS can refer any member to the Officer Assistance Program for further assistance if required. It is a confidential, voluntary and educational process, sometimes called "psychological first aid."

**One-on-One Counseling**—Counseling that occurs, after a critical incident, with at least one member of the Traumatic Incident Team.

**Groups Counseling**—Counseling that occurs, after a critical incident, with at least one member of the Traumatic Incident Team and a group of employee members and/or the members' immediate or extended families.

## PEER ASSISTANCE COUNSELLING PROCEDURES

1. Any Department member may initiate contact with a peer assistance specialist (PAS) for individual support. The PAS shall be allowed to counsel with peers while on-duty.
2. Any Department member may approach a PAS regarding a co-worker who appears to be dealing with a stress-related issue. A PAS may approach the employee during the

employee's normal tour of duty and attempt to initiate intervention; however, the decision to speak with a PAS rests ultimately with the employee. **Involvement with a PAS is voluntary.**

### **CRITICAL INCIDENT STRESS MANAGEMENT PROCEDURES**

3. A Peer Assistance Specialist (PAS) may be activated to assist members following a critical incident.
4. Any supervisor on the scene of, or any individual involved in, a traumatic or high-stress incident may initiate contact with a PAS.
5. Regardless of rank, a PAS exercises no command authority while performing in the peer assistance function. The PAS role is to provide support and/or appropriate intervention to mitigate the impact of critical incident stress as a result of a critical incident.
6. If a CISM is deemed appropriate by the Director of the OAP, all Department members involved in, or witnessed, a critical incident/situation will be encouraged to attend the convened CISM. Although attendance is recommended, participation in the discussion is not. Follow-up resource information will be provided during the CISM. Attendees are free to make their own decisions regarding pursuit of any follow-up support.
7. The CISM can be conducted in any location providing ample space, privacy, and freedom from distractions. The site selection is subject to the approval of the OAP Director, who may request an alternate location if he/she determines the site to be unsuitable.
8. A PAS team CISM is not a critique of operations and/or performance or an investigative tool. It is designed to provide an opportunity for personnel to discuss their feelings or reactions to the stress resulting from exposure to a critical incident and to accelerate the normal recovery process.
9. The type of counseling conducted will depend on the circumstances of a particular incident. The PAS Team, under the guidance of the OAP Director, shall decide appropriate CISM or mediation strategy. The most commonly utilized types include:
  - (a) One-on-one;
  - (b) Group;
  - (c) Critical Incident Stress Management (CISM).
10. A Department member may refuse the participation of any particular PAS in his or her individual CISM session.

### **PEER ASSISTANCE MANAGEMENT, MEMBERSHIP, AND TRAINING**

11. The PAS is under the administrative direction of the OAP Director as appointed by the Superintendent. Participation in the program, as a PAS, is voluntary and open to all sworn and non-sworn Department members and their families, regardless of rank, position, or assignment.
12. Personnel approved to become peer assistance specialists are required to successfully complete formal training approved by the OAP Director prior to performing in the PAS role.
13. A roster of PAS team members will be available on NOPD.org and through contact with OAP personnel.

## MEMBERSHIP APPLICATION AND SELECTION

14. Personnel interested in becoming a PAS shall apply via the Officer Assistance Program. Officers will apply directly to the OAP office without prior approval from supervisors. Final approval for participation will depend upon the results of a panel review. Desirable characteristics of a PAS include:
  - (a) Trustworthiness, that is, a known or reputed ability to maintain confidentiality;
  - (b) Communication skills, especially listening skills;
  - (c) Credibility among peers, generally considered as deriving from either duration of service or personal experience sufficient to instill belief among fellow members that the PAS candidate can relate to or appreciate the stress, trauma, and/or psychological impact leading to use of the PAS.

## CONFIDENTIALITY

15. The Officer Assistance Program will provide a trained mental health professional to advise the Department members and the members' immediate or extended families of any limitations to confidentiality with the mental health professional prior to the start of counseling if a family member or significant other of a Department member is in counseling with the Officer Assistance Program.
16. Counseling notes shall not be maintained by any member of the Officer Assistance Program on any member in counseling unless prior written approval has been obtained from the member.
17. No personally identifying information will be shared with the Department. No audit or review by the New Orleans Police Department can be conducted of the counseling documents maintained by the Officer Assistance Program. Member and members' family members will be provided with a confidentiality form, including the protections afforded to them before receiving counselling services with the Officer Assistance Program.
18. Confidentiality is protected according to the following laws:
  - (a) Federal Rule of Evidence 501 (Fed. R. Evid. 501) is a general rule of evidence which states that no federal rule of evidence will modify or supersede existing law relating to the privilege of a witness, person, government, state, or political subdivision.
  - (b) Louisiana Code of Evidence Art. 518 (La. Evid. Code art. 518) provides that a trained peer assistance member shall not be compelled to testify about any communication made to the trained peer assistance member by another officer. Therefore, NOPD member peer assistance specialist will be protected from being compelled to testify against another NOPD member
  - (c) Louisiana Revised Statute Title 37 Section 2718 (La. Stat. Ann. § 37:2718) provides a confidentiality privilege protecting social workers from being required to disclose any information acquired from persons consulting the social worker in his or her professional capacity.
19. The exceptions to confidentiality for the Officer Assistance Program imposed by law or by professional regulation on all psychologists, psychiatrists, family therapists, and psychotherapists include:
  - (a) **Threats of physical harm**—If any individual in counseling threatens to harm another person, the trained mental health professional is required by law and professional regulation to notify the threatened person and the local police department;

- (b) **Suicide**—Any trained mental health professional who reasonably believes that a client is seriously contemplating suicide is required by law and professional regulation to do everything possible to prevent such an attempt, including making whatever notifications are necessary to stop the attempted suicide;
- (c) **Child, domestic, and elder abuse**—If a client discloses participation in abuse of a child, domestic partner, a person with disability, or an elderly person, the therapist must notify the appropriate agency of such abuse; and
- (d) **Malpractice**—A therapist may use counseling material in defense of malpractice allegations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.3

### TITLE: ANNUAL LEAVE

**EFFECTIVE: 01/14/2018**

**REVISED: 11/15/19**

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#### PURPOSE

This Chapter governs the request and granting of annual leave for any employee of the New Orleans Police Department.

#### DEFINITIONS:

**Employee**—An individual who works for the NOPD and is either full-time or part-time and paid. This excludes volunteers and Reserve Officers.

**Extended Annual Leave**—Requested annual leave duration for greater than three (3) consecutive working days. If the working days are separated by regular days off (AWP) or a holiday but not broken by all or part of a working shift, they are considered consecutive within the meaning of this definition.

**Annual Leave**—A period of time for which the employee is paid but not required to work. Annual leave is also referred to as “furlough” or “vacation time”.

**Emergency Leave**—Annual leave that is requested with less than 24 hours’ notice before intended use.

#### REQUESTING ANNUAL LEAVE

1. Employees who have accrued, and wish to use annual leave, shall request permission in writing using NOPD Form 20.
2. The annual leave request shall be submitted at least 24 hours prior to its intended use. A request for annual leave that is submitted with less than 24 hours’ notice is considered **Emergency Leave** and must follow the guidelines in this Chapter for Emergency Leave.
3. Each employee shall be entitled to use a minimum of one year's accumulation of annual leave during any calendar year. When an employee entitled to annual leave makes a written request for leave, the responsible supervisor shall, within five (5) days after the date of the employee's request, either approve or disapprove the request in writing. If the request is denied, the supervisor shall grant, in writing, permission for use of the annual leave requested during an equivalent period within the six-month period following the

employee's request. This written permission shall be given to the employee within ten (10) working days after the request. (**Civil Service Rule VIII, Section 1.4 (e).**)

4. The request shall be submitted to the requesting employee's immediate supervisor for approval.
5. All requests for annual leave shall be forwarded through the requesting employee's chain of command to their respective Commander whether approved or disapproved for notification purposes.
6. All requests for use of annual leave, either approved or disapproved, shall be maintained in the employee's Personnel Jacket for a period of twelve months.
7. An employee shall not take annual leave without prior written approval from his/her supervisor. Approval for annual leave **shall not be automatic.**
8. Employees detailed from their regular assignment to a temporary assignment shall follow the requesting and approval process from the supervisor at the place of temporary assignment. If the requested annual leave period extends to the time the employee will return to his/her regular assignment, the employee shall also follow the requesting and approval process with his/her supervisor in his/her regular assignment.
9. Prior to granting approval of an annual leave request, reviewing supervisors shall ensure an employee has sufficient annual leave hours to cover the requested time off.
10. Annual leave shall be reported in the ADP payroll system for those hours taken.
11. Accrued annual leave shall not be deducted on holidays or AWP days which fall within the requested annual leave period.
12. When an employee wishes to cancel an approved / authorized annual leave, he/she shall notify his/her supervisor in writing using NOPD form 105, Interoffice Correspondence.
13. Employees requesting annual leave for a period of more than 24 working hours and/or for travel outside of the city more than 400 miles, shall include on the annual leave request a contact telephone number while out of town and destination location. The destination location must be a specific address, not just a city / town name. This information is to be restricted in the same manner as personally identifiable information and only to be used in the event of an emergency notification, activation of the emergency operations plan and/or recall of essential employees. (See: **Chapter 46.2 – Emergency Operations Plan.**)

#### **DENIAL, REVOCATION, OR CANCELLATION OF ANNUAL LEAVE**

14. Captains and above may cancel an approved annual leave for cause. The reasons for the cancellation shall be noted on the original request form or in an Interoffice Correspondence (105) to the requesting employee. When notified that a previously approved annual leave has been cancelled, an employee shall report for duty as ordered.
15. Employees of the department may have a request for annual leave or a previously granted annual leave denied, revoked, or cancelled in the event of an emergency incident.

16. Employees are also subject to recall during “extraordinary circumstances” as deemed necessary by the Superintendent of Police, or his/her authorized designee. Extraordinary circumstances shall include, but are not limited to:
- (a) The formation of a tropical storm or hurricane within the Gulf of Mexico.
  - (b) Natural disasters (flood, tornado, wildfires, etc.).
  - (c) Man-made disasters (HazMat spill, conflagration, etc.).
  - (d) Terrorist activity or suspected terrorist activity (mass casualty, bomb, active shooters, etc.).
  - (e) Civil disturbances (riot, large scale demonstration, etc.).
  - (f) Any other event declared to be an emergency by the Superintendent of Police or his/her designee.

#### **EMERGENCIES DECLARED BY THE SUPERINTENDENT**

17. An event that has been declared to be an emergency by the Superintendent of Police is an event that impacts police services to the public over multiple shifts. This includes all special events that require an operations plan and reallocate staffing outside respective bureaus for support (e.g. Mardi Gras, New Year's / Sugar Bowl, Bayou Classic).
18. The fact that an event that has been declared to be an emergency by the Superintendent does not mean it cannot be an annual, reoccurring event (e.g. Mardi Gras).

#### **REQUESTS FOR ANNUAL LEAVE DURING AN EMERGENCY**

19. An event that has been declared to be an emergency by the Superintendent does not preclude the granting of annual leave. An employee requesting annual leave during an event declared to be an emergency by the Superintendent must expressly state in an interoffice correspondence (105), attached to the Form 20, the reasons why the request is being made and the reasons or facts in support of the request. The annual leave request and supporting 105 shall be forwarded through the requesting employee's chain of command for approval or disapproval but must be forwarded to the Superintendent of Police for a final determination within 48 hours of the request submission.

#### **EMERGENCY INCIDENTS DECLARED BY THE CITY**

20. Employees of the department shall have their annual leave denied, revoked, or cancelled at an alert level three or higher. (See the NOPD Emergency Operations Plan for alert levels).
21. Once an employee is informed of an alert level three emergency incident by any NOPD supervisor or through the public media, he/she shall immediately contact their supervisor, or a supervisor at his/her unit of assignment for instructions.
22. If an employee cannot contact his/her supervisor or a supervisor at his/her unit of assignment for instructions, the employee shall do one of the following at the earliest possible moment:
- (a) Report for duty at their normal place of assignment; or
  - (b) Report for duty at any of the Major Field Command Posts. (See the NOPD Emergency Operations Plan for locations)
23. If an employee cannot return to the city due to road closures, flooding, etc., the employee shall do one of the following at the earliest possible moment:
- (a) Report for duty at the Major Field Command Post located outside the city (See

- the NOPD Emergency Operations Plan for the location); or  
(b) Report to the closest Louisiana State Police Troop and request assistance in returning to the city.

24. Only the Superintendent of Police can grant an annual leave request once the emergency incident is raised to a Level 3 or higher. Any annual leave request made during a City Emergency shall follow the same procedure as those for event emergency declared by the Superintendent.

#### **EMERGENCY LEAVE**

25. A request for annual leave made within 24 hours of its intended use is considered **Emergency Leave**.
26. Except for the notification requirement, the guidelines outlined for annual leave shall apply and be followed for Emergency Leave.
27. The request for Emergency Leave must state, on the Form 20 or an attached interoffice correspondence (105), the reason for the request, in detail and explain why the request is being submitted with less than 24 hours' notice.
28. Due to the nature of the request and the abbreviated notification period, supervisors are to expedite the request for Emergency Leave thru the regular process and chain of command.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.3.6

### TITLE: LACTATION BREAKS

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 1035**

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#### PURPOSE

The purpose of this Chapter is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

#### POLICY

It is the policy of this department to comply with the Fair Labor Standards Act and provide a reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing, infant child.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Infant / infant child**—A child is considered an infant for a period of time for up to one year after the child's birth (**29 USC § 207**).

#### LACTATION BREAK TIME

1. A rest period must be permitted each time the member 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.
2. Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While additional time beyond authorized breaks will be provided as needed, any such time exceeding regularly scheduled and paid break time will be unpaid.
3. Members desiring to take a lactation break shall notify his/her supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.
4. Once a lactation break has been approved by a supervisor, the break should not be interrupted except for emergency or exigent circumstances.

**PRIVATE LOCATION**

5. The Department will accommodate members 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 member'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).
6. Members 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 members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.
7. Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate public or private areas.
8. Breastfeeding is permitted by law in public areas (**R.S. 51:2247.1**). Members shall not wear a department uniform or display any other form of department identification while breastfeeding in public.
9. Breastfeeding is not a violation of law (**R.S. 51:2247.1/E**). A mother breastfeeding her baby in any location, public or private, where the mother is otherwise authorized to be, shall not be deemed to be in violation of R.S. 14:106 or of any other provision of law.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.4

### TITLE: SICK LEAVE

**EFFECTIVE: 04/08/2018**

**REVISED: Replaces Policy/Procedure 1014**

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#### PURPOSE

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 **Chapter 22.4.1 – Extended Sick Leave and Family Medical Leave.**

#### 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, 2.10(a)**: "When any commissioned police personnel sustains accidental bodily injury while actively engaged in enforcing vehicle and traffic laws, investigating a traffic incident, police training, responding to an emergency call, or in the process of pursuing, 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 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." (Effective August 1, 2015).

For a Police Recruit: "When any Police Recruit (Academy) sustains any disabling injury while actively engaged in training activities related to law enforcement (to include self-defense, simulation, defensive driving, and weapons training) and subject to the limitations of this section of the Rules, such employee may be granted up to 60 days 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 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." (Effective August 1, 2015) 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 (IOD) and may be covered under the Louisiana Worker's Compensation Law.

**Sick**—An absence from duty because of the employee's illness or when an injury is sustained

off-duty or on an approved police secondary employment which cannot be classified as I.O.D. or W/C.

### EMPLOYEE RESPONSIBILITIES

1. 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.
2. Sick leave is not considered vacation. Abuse of sick leave shall result in disciplinary actions. Employees on sick leave shall not engage in police secondary employment, outside employment, other police related activities, with the exception of mandatory court appearances, nor participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness. (See: **Chapter 22.4.1 – Extended Sick Leave and Family Medical Leave.**)

### NOTIFICATION OF AND RECORDING SICK LEAVE

3. 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 his/her unit as soon as the unit is open.
4. If an employee is unable to complete a tour of duty due to illness or injury, he/she shall notify his/her supervisor before leaving his assignment.
5. 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 [NOPD.org](http://NOPD.org), by the person receiving the information:
  - (a) Name, residence address, and residence telephone number.
  - (b) Place of confinement and telephone number if different from the employee's residence.
6. All sick leave usage shall be recorded in the ADP payroll 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 ADP system.
7. An employee may accrue eight (8) undocumented sick leave days, utilized singly or consecutively, per calendar year (January 1- December 31 of the same year).
8. When the necessity for leave is foreseeable, such as an expected birth (See: **CAO Policy Memorandum No. 33 (R)**) or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as possible and no less than 30 days of the intent to take leave.

### SUPERVISOR RESPONSIBILITIES

9. Supervisors shall monitor sick leave usage and regularly review the attendance of employees under his/her 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/or shall refer the employee to the Officer Assistance Program (see: **Chapter 35.1.9 – INSIGHT**).

10. Nothing contained in this Chapter 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 formal disciplinary investigation.

#### **CONDUCT WHILE ON SICK LEAVE**

11. The employee shall contact his/her place of assignment, and if detailed, his/her place of temporary assignment, each day prior to his/her scheduled tour of duty to report either "sick," if directed by a supervisor, or when "returning from sick."
12. An employee on extended sick leave, as defined in **Chapter 22.4.1 – Extended Sick Leave and Family Medical 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 [NOPD.org](http://NOPD.org) under the "forms" tab, and date and sign the form acknowledging the exemption.
13. 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.
14. 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 an approved police secondary employment or other police-related activities, except for mandatory court appearances.

#### **DOCUMENTATION OF SICK LEAVE USAGE**

15. An employee is allowed a maximum of eight (8) undocumented sick leave days in a calendar year. An undocumented sick leave day is any use of sick leave during a working day or a portion of a working day (i.e. getting ill during shift and not finishing the entire tour of duty would be counted as a "day" for purposes of sick leave.)
16. When less than a full tour of duty of sick leave is taken, the employee's accumulated sick leave balance in ADP (payroll system) will be charged only the **actual number of hours utilized**.
17. 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."
18. When an employee has exhausted his/her eight (8) undocumented sick leave days, it is the responsibility of his/her supervisor to notify the employee in writing utilizing a Form #161 - Sick Leave Notification Form.
19. 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 must be completed by the employee's attending 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.
20. 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.
  21. 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.
  22. The employee's supervisor (or supervisor's designee) shall note the documented sick leave usage in the ADP system. The Form 50 shall be forwarded to Administrative Duties Services. Copies of the Form 50 shall not be filed in the employee's unit personnel jacket – medical section.
  23. If an employee has been on sick leave for five (5) consecutive days, he/she must provide a Form 50 to his/her 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.
  24. If an employee's medical condition necessitates using sick leave for 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.**
  25. In accordance with Civil Service Rule IV, Section 9.4, sick leave will not be counted as hours worked toward computation of overtime.

## EXCEPTIONS

26. **DEATH IN THE IMMEDIATE FAMILY** - (defined in Civil Service Rule I, Section 1, number 36 and Rule VIII, section 2.5(e)). "When there is a death in the immediate family of the employee, as defined in Rule I, the employee shall be allowed to use a maximum of three (3) leave days of sick leave. If travel time is deemed necessary, the appointing authority may grant an extra two (2) leave days of sick leave; but in no case shall the sick leave granted under this section aggregate more than five (5) leave days.."
27. **AWP DAYS, HOLIDAYS, ANNUAL LEAVE** - An employee may use his/her AWP day, Holiday or Annual Leave in any manner when the employee first states his/her intention to return to duty immediately following the leave usage. This notification must take place **prior to the time when the employee's tour of duty normally begins.**
28. **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, manmade 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 his/her Commanding Officer, present a Form 50 completed by a licensed physician.
29. 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 his/her illness or injury.

### REPORTED SICK LEAVE DURING CONCERTED WORK STOPPAGES

30. 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 found on the [NOPD.org](http://NOPD.org) site under "Forms."

### REPORTING INJURIES

31. All injuries which occur while on-duty shall be reported on an Employers First Report of Injury or Illness (LWC-WC IA-1) found at: [http://www.laworks.net/downloads/downloads\\_owc.asp](http://www.laworks.net/downloads/downloads_owc.asp). This report shall be completed by a supervisor **within 72 hours of the injury**. The supervisor 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 Injured On-Duty (I.O.D.) An NOPD Incident Report shall be completed in all instances where an employee is injured while working.
32. An employee who engages in law enforcement duties and is injured off-duty (including approved police 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 (on-duty, off-duty, PSE, etc.) shall be included in the narrative section of the form.
33. Form LWC-WC IA-1 shall be hand delivered to the MSB - Human Resource Services **within 48 hours of the occurrence**. If the 48 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 LWC-WC IA-1 shall be retained in the employee's Human Resource Services file or by Administrative Duties Section as appropriate.

### REPORTING ABSENCES DUE TO INJURY

34. Employees who absent themselves from duty as a result of a job related injury or recurrence shall make notification as dictated by this Chapter. 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 Chapter relating to sick leave.
35. 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/her injury by the Superintendent of Police under a declared State of Departmental Emergency;
  - (b) Be required by the Superintendent of Police or his Commander 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 City's Claims Administrator, the Superintendent of Police, or his/her Commander.
36. An employee suffering a job related injury or recurrence who elects to return to duty while recuperating shall be subject to all provisions of **Chapter 22.2 - Limited Duty/Assignments**.
37. 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.



38. All admit forms, documents containing diagnoses and medical information from hospitals and/or physicians, prescription bills, etc., shall be sent to the City's Claims Administrator.

### LEAVE WITHOUT PAY

39. 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, the employee's supervisor 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 – Leave Without Pay Status** within 48 hours of the employee being placed on Leave Without Pay status.
40. 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 Services for processing. Form 52 shall be received by the employee's Commander within 48 hours of the employee exhausting all accrued leave.
41. 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 48-hour time frame, the form shall be forwarded to the Superintendent with notation "documentation to follow."
  - (b) Medical documentation shall be obtained and forwarded through the chain of command within 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."
42. 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. NOPD 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 in disciplinary action under Civil Service Rule IX titled "Maintaining Standards of Service."
43. Authorized Leave without Pay may be granted in 90-day increments or less by the Superintendent of Police not to exceed one year, whenever such leave is 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.**

### DUTIES OF THE INJURY REVIEWING PERSON (I.R.P.)

44. The I.R.P. shall review all LWC-WC IA-1 forms and classify as to I.O.D., W/C, or Sick. The I.R.P. shall distribute the form LWC-WC IA-1 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. The I.R.P. shall notify the Human Resource Services of the injury classification, the amount of leave time to charge the employee (if any) and what information should be recorded in the ADP payroll system. A copy of this information shall also be forwarded to the employee's place of assignment.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.6

### TITLE: EXIT INTERVIEWS

**EFFECTIVE: 01/14/2018**

**REVISED: 11/15/19**

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#### PURPOSE

The purpose of this policy is to establish an exit interview format for members who are leaving service with the NOPD.

#### POLICY STATEMENT

1. 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 exit interview will also aid in the identification and rectification of conditions causing dissatisfaction.
2. When it is determined by Human Resource Services/Personnel Section that a member will end their association with the New Orleans Police Department, by retirement, resignation, or termination, the member will be directed to the Employee Relations Unit to complete a member exit interview.
3. The exit interview shall be coordinated as part of the required process for separation.
4. The Employee Relations Unit will be responsible for interviewing the member, and completing an Exit Interview Form (Form #56).
5. If an employee declines to participate, the block indicating such shall be marked on Form #56.
6. Copies of the completed Exit Interview Form will not be placed in the respective member's Personnel jacket but will be maintained in a separate file in the Employee Relations Unit.
7. Participating members shall be provided a copy of the completed Exit Interview Form.

#### REPORTING REQUIREMENTS

8. On a quarterly basis, the Employee Relations Unit will provide exit interview summaries to the Superintendent of Police, Deputy Chiefs and Captains.

9. The exit interview summaries shall include:
  - (a) The number of separations,
  - (b) Reasons for departure,
  - (c) Demographic statistics, including time on job and civil service classifications,
  - (d) Interview conclusions,
  - (e) Recommendations, and
  - (f) Any other information which would be beneficial to the improvement of the Department.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.08

### TITLE: POLICE SECONDARY EMPLOYMENT

EFFECTIVE: 11/04/2018

REVISED: 12/06/2020, 02/05/2021, 12/26/2021, 6/12/2022

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#### PURPOSE

The purpose of this Chapter is to establish departmental guidelines regarding authorization of members to engage in police secondary employment (previously referenced as "paid details").

#### POLICY STATEMENT

1. It shall be the policy of the New Orleans Police Department to afford members in good standing the ability to supplement their incomes by engaging in authorized police secondary employment as assigned through the City's Office of Police Secondary Employment ("OPSE").
2. Members providing police secondary employment services to an individual or business shall be governed by those policies and procedures established by this Chapter and OPSE as they relate to police secondary employment.
3. Permission to work police secondary employment is not an inherent right but rather a **privilege** that is granted at the discretion of the Department to those commissioned police officers and non-commissioned members who are in good standing.
4. Circumventing the requirements of this Chapter governing police secondary employment or procedures established by the OPSE shall subject member(s) to disciplinary action, up to and including dismissal.
5. Members working police secondary employment do so as representatives of the New Orleans Police Department. The image of the NOPD and the public's perception of officers' collective moral character are affected by the actions and appearance of the Department's members. Members will always uphold the highest standards of professionalism.
6. The City of New Orleans and the Department require that all police secondary employment is:
  - (a) Established through and coordinated by the OPSE,
  - (b) Reviewed for appropriateness by OPSE, and
  - (c) Authorization for Department members to qualify to work shall be approved by the Superintendent of Police or his/her authorized designee.
7. All members working an approved police secondary employment shall be subject to

recall by the Superintendent of Police or his/her authorized designee to regular duties at any time for emergencies, special assignment and/or overtime duty.

## DEFINITIONS

**Availability register**—The list or database of NOPD members who have been approved through their chain of command to work secondary employment in a given year 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, police secondary employment.

**Back Fill / Working Down**—The action of allowing a secondary employment assignment to be worked by a member of a rank that is higher than the rank specified for the assignment. An officer who back fills a secondary employment assignment receives pay at the rate originally specified for the assignment. Back filling positions must be approved by OPSE within the limitations of this Chapter.

**Celebrity** – a person who has a public persona (actors, candidates for office) but is NOT a “dignitary” as defined herein, nor the subject of a “known threat/risk”. They generally request police security due to the causal effect they have when in public (generate crowds, paparazzi, etc.). They often have their own personal security who may or may not be licensed and armed. The level and type of threat or security need would determine the “type” of officer (dignitary protection trained, uniformed, plain clothed) and the “level” of security required. This determination shall be made by NOPD members trained in this type of risk assessment (Intelligence Section or SOD).

**Compensation**—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. (Pay scales are established by OPSE.)

**Customer**—A business, public or private entity, or individual that contracts with the Office of Police Secondary Employment to employ and pay for security or related services provided by off-duty NOPD members.

**Customer Representative**—The person duly designated by the customer to be his/her on-site representative for the purpose of communicating and, as appropriate, directing the operational employment of hired members to achieve the customer’s security objectives, consistent with the law and Departmental regulations.

**Dignitary** – a person who is a governmental official or holds a governmental position, including foreign nationals. Security is usually coordinated thru the dignitary’s security or the U.S. State Department for foreign officials and are almost universally “City Rolls” and not a PSE.

**Good Standing** —A member is in good standing when he/she has maintained all required certifications (e.g., first aid, firearms qualification, driving, TASER, etc.); is not the subject of ongoing disciplinary action that would be considered serious or egregious and contain allegations that could be subject to ‘Level E’ discipline, including dismissal; and is substantially current with all required reports (e.g., EPR, CCMS, CRASH, etc.).

**Good Standing (Reserve)**—A Reserve Division member is in good standing when he/she has maintained all required certifications (e.g., firearms qualification, driving, TASER, etc.); is not the subject of ongoing disciplinary action that would be considered serious or egregious and contain allegations that could be subject to ‘Level E’ discipline, including dismissal; and is substantially current with all required reports (e.g., EPR, CCMS, CRASH, etc.). They must also be current on the minimum monthly volunteer hours required for his/her Level, attend the mandatory monthly

Reserve Division meetings, and complete all training requirements both annual and monthly for his/her respective Level.

**Reviewing Authority**—The supervisors in the member's chain of command who are authorized and required to approve or disapprove a member's Secondary Employment Agreement and Authorization Form (**OPSE/NOPD Form Per-1**).

**Revocation**—Cancelling or withdrawing a member's previously approved Secondary Employment Agreement and Authorization.

**Secondary Employment**—The off-duty employment, for compensation, of any NOPD 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.

**Split Shift**—An interruption of scheduled regular duty hours with the use of annual leave, returning to regular duty status within the same scheduled shift to complete a tour of duty.

## GENERAL

8. The City of New Orleans has established an Office of Police Secondary Employment ("OPSE") to independently administer and manage police secondary employment.
9. OPSE shall be the New Orleans Police Department's sole contact source for coordinating all elements and services relating to police secondary employment assignments.
10. Any individual or business representative contacting an NOPD member directly for the purposes of establishing a police secondary employment service shall be referred by the contacted officer to OPSE for assistance.
11. Police secondary employment opportunities shall be assigned and distributed as equitably as possible through procedures established by OPSE. **NOPD commissioned members, civilian members or reserve members shall not individually or cooperatively coordinate police secondary employment opportunities.**
12. New Orleans Police Department members shall only work police secondary employment assignments coordinated through the OPSE.
13. NOPD members interested in working police secondary employment assignments must:
  - (a) Complete an **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. Upon receipt of the Form Per-1 that has been approved by the Superintendent of Police or his/her authorized designee, a member shall be authorized to work secondary employment through the last day of his or her next birth month.
  - (b) Comply with procedures described in this Chapter requiring police secondary employment tracking, to include obtaining an item number, reporting location, and police secondary employment logging procedures.
  - (c) Follow OPSE procedures to accurately record the hours worked on each secondary employment shift. This will be accomplished by electronic timekeeping procedures or signing a paper timesheet, as established by OPSE. Members will ensure that the paper timesheet or the electronic time stamp accurately reflect their actual work hours. NOPD members may not

- sign a paper timesheet or record an electronic time stamp for anyone but themselves.
- (d) Agree to work the hours specified by the OPSE for that assignment. Members are expected to arrive on time and leave only when properly relieved by the OPSE coordinator or operations manager, dismissed by the customer or customer's representative, or if ordered by a police supervisor. NOPD members shall not establish their own hours; and
- (e) Comply with payroll procedures as established and provided by the OPSE.
14. The NOPD Professional Standards and Accountability Bureau / Professional Standards Section shall serve as the direct liaison between NOPD and the OPSE. Only those members whose annual authorization form is approved by and on file with the Professional Standards Section shall be eligible for police secondary employment assignments through OPSE.
15. Once registered, it is the responsibility of the individual member to notify both the NOPD Professional Standards Section and Office of Police Secondary Employment regarding any changes in his/her NOPD duty assignment status and contact information.
16. OPSE shall be responsible for coordinating the equitable selection of NOPD members used to fill police secondary employment openings. OPSE shall maintain the register containing the names, phone numbers, and available times of NOPD members who have indicated an interest in working police secondary employment as provided through the NOPD Performance Standards Section. **Department members are prohibited from contacting the OPSE directly to request specific police secondary employment assignments.**
17. NOPD members working police secondary employment assignments shall receive compensation for their service through payroll procedures administered by or arranged through OPSE. **NOPD members are not authorized to accept compensation, including gratuities, directly from any individual or business entity contracting police secondary employment services, in accordance with Louisiana Code of Governmental Ethics.**
18. Although all police secondary employment worked by members is coordinated through OPSE, the Superintendent of Police, or his designee, reserves the right to review all police secondary employment assignments coordinated through OPSE for suitability, conflicts of interest, and any other considerations where the presence of a department member may be deemed inappropriate.
19. Regardless of any scheduled police secondary employment assignment coordinated through OPSE, members shall not engage in a police secondary employment assignment while any of the following statuses:
- (a) Sick.
  - (b) Injured on Duty (I.O.D.).
  - (c) Workmen's Compensation.
  - (d) Family Leave.
  - (e) Leave Without Pay (LWOP).
  - (f) Suspended.
  - (g) Under Administrative Reassignment with a restricted police commission; or
  - (h) Decommissioned.
20. After having been in a duty status because of which secondary employment was prohibited, members must return to full duty status and have completed at least one full tour of duty prior to working a police secondary employment opportunity.

21. Should a member working a police secondary employment assignment be required to leave a police secondary employment location before the scheduled end time for exigent circumstances, the member shall be responsible for notifying OPSE as to the reason and exact time he/she left the assignment as soon as possible.
22. Members shall be cognizant of their normal work schedule and court commitments and avoid work conflicts when accepting police secondary employment assignments through OPSE.
23. **Only a P.O.S.T. certified commissioned member who has successfully completed his/her F.T.O. training may work police related secondary employment assignments.**
24. Commissioned Reserve officers can register for and work police secondary employment assignments through the OPSE. However, the following limitations and restrictions shall apply to all NOPD Reserve members:
  - (a) Plain clothes police secondary employment coordinated through the OPSE must be approved by the Superintendent of Police or his/her designee prior to allowing any Reserve member to work a police secondary employment assignment in plain clothes.
  - (b) Reserve officers shall not work police secondary employment for their current employer.
  - (c) Reserve officers shall not work police secondary employment during the first calendar year after his/her graduation from the Reserve Police Academy.
  - (d) Reserve Officers **must** have volunteered 480 hours in the prior calendar year **to be eligible to work secondary employment. Officers who have met this requirement** may work the same number of hours as a full-time, paid commissioned member of the NOPD. This requirement is waived for resigned or retired commissioned officers in their first year in the Reserve Division.
  - (e) Reserve officers shall follow the same OPSE agreement and authorization procedure as established for active members of the Department (**OPSE/NOPD Form Per-1**). The Secondary Employment Agreement and Authorization Form shall be submitted to the Captain of the Reserve Division for approval and forwarding through the chain of command to the Superintendent of Police or his/her authorized designee for final approval.
  - (f) Reserve officers shall follow all policies and procedures of the New Orleans Police Department and the Reserve Division while working police secondary employment.
25. Members authorized to work police secondary employment may perform or engage in authorized assignments only during the hours they are off-duty. Members may accept and work a police secondary employment opportunity when not on duty or while on authorized leave.
26. Members are authorized to work police secondary employment only in Orleans Parish, with the specific exception of members working traffic escorts coordinated and assigned by OPSE.
27. While working police secondary employment, members shall be governed by all NOPD 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 duty handgun.
  - (b) Members are **not** authorized to work a police secondary employment assignment in the Task Force or BDU uniform.



- (c) Plain clothes police secondary employment assignments coordinated through the OPSE must be approved by the Superintendent of Police or his/her designee prior to allowing any member to work an assignment in plain clothes.
  - (d) Members working police secondary employment assignments involving traffic control or as otherwise directed by a police supervisor shall wear their traffic control vests while performing these duties.
  - (e) Civilian members working police secondary employment shall be attired in their NOPD uniform of the day or as directed by a police supervisor if they have no NOPD uniform.
28. Police Secondary employment by NOPD members is generally limited to a maximum of 24 hours per seven-day work week (Sunday through Saturday).
29. Exceptions to the 24-hour limitation may be granted for special events where staffing requirements are so intensive that sufficient staffing resources may not be available for the safe operation of the event (e.g. – Jazz Fest, Mardi Gras, etc.).
30. Application for an event exception will be made in advance via interoffice correspondence (NOPD Form 105) by a member or event coordinator which will estimate the number hours a member may exceed the maximum threshold and forwarded through appropriate chain of command for review and final approval by the Superintendent of Police or his/her designee.
31. Police secondary employment assignments in excess of the 24-hour limitation cannot be worked until the exception is approved by the Superintendent.
32. No member, including Reserve officers, shall work more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. These hours are cumulative and include normal scheduled work hours, overtime, court time, off-duty police secondary employment, or outside employment. Members must have 7 hours and 25 minutes of unpaid, off-duty time within every 24-hour period.
33. A commissioned member working a police secondary employment assignment shall be responsible for conducting any police investigation, excluding traffic crashes, within the boundaries of the assignment area, including parking lots and exterior areas, and will be responsible for writing all related reports unless the investigation is of such magnitude as to substantially remove the member from the assignment area or would significantly curtail their assignment duties. A supervisor from the district of the police secondary employment assignment shall make this determination.
34. Field Operations Bureau – District officers shall assist in the transportation of arrested subjects for NOPD members working a police 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 police secondary employment item number.
  - (b) 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.
  - (c) Members will submit a written incident report (EPR) in connection with a police secondary employment assignment through his/her normal supervisory chain of command.
  - (d) All related 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 Captain of the district where the incident occurred within

- 72 hours of the incident.
- (e) When a member working an authorized police secondary employment 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 surrounding the incident. The notified supervisor shall determine if the District Investigative Unit will be notified based on District policy.
  - (f) Department vehicles, when properly equipped and authorized for road construction or other traffic related assignments, shall be used to enhance safety and visibility in or around the police secondary assignment area.
  - (g) Department vehicles shall supplement and not replace the officer's dismantled traffic control responsibilities.

### **PERSONAL PROTECTION ASSIGNMENTS**

- 35. There are occasions when it is permissible for commissioned members of the Department to accept secondary employment involving the security of persons who are dignitaries, or private persons who legitimately fell under risk or are threatened.
- 36. When the request is part of a major special event being handled by the City / NOPD under a Special Event Operations Order, they shall be processed thru OPSE. The following are the recognized Special Events:
  - a. College Football Championship,
  - b. Superbowl,
  - c. National Football Conference Championship,
  - d. NBA Championship,
  - e. NBA Final Four,
  - f. NCAA Division I Football Championship,
  - g. US Olympic Trials,
  - h. Olympics.
  - i. Any Special Event with an Operations Order and authorized by the Superintendent.
- 37. When OPSE receives a request for this type of personal escort or protection assignment, they shall notify the NOPD Performance Standards Section.
- 38. The Captain of the Performance Standards Section shall be responsible for reviewing the request for appropriateness within the general guidelines of this Chapter and, in coordination with the Intelligence Section of ISB, assessing the risk factors and appropriate level and type of police security required (trained protection officer, plain clothes, uniformed).
- 39. OPSE shall be notified in writing by PSS that the request can be processed as a PSE – Personal Escort / Protection assignment.
 

PSS shall maintain, and provide to OPSE, a list of Department members authorized to accept Personal Escort / Protection assignments. The member's eligibility for inclusion on the list will be determined by his/her specialized training (dignitary protection), personal fitness, and ability to effectively deal with dignitaries and celebrities. This evaluation process will be conducted by PSS in conjunction with the ISB Intelligence Unit.
- 40. Exceptions to these requirements may be made by OPSE for re-occurring events involving dignitaries or celebrities where identified members have already participated

and have developed a rapport and detailed knowledge of the client's routine and associates. These are treated the same as a "reoccurring" PSE.

41. These assignments are to be treated as "Confidential" by PSS, OPSE and the members assigned.

## INSTRUCTIONS

42. Any member interested in working police 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.
43. The member shall submit a signed and dated copy of the **OPSE/NOPD Form Per-1**, along with a copy of the member's attendance record for the previous 12 consecutive months, through their chain of command for final approval by the Superintendent of Police, or his designee.
44. It is the responsibility of the member's immediate supervisor, District or Division Captain and Bureau Deputy Superintendent to ensure the **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 member 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", each reviewing authority shall confirm the requesting member achieved permanent "Police Officer" status. All members of "Police Officer" 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 12 months. All sick leave usage is considered; and
  - (f) **The requesting member's overall work performance, including productivity and disciplinary record.**
45. If a reviewing supervisor does not approve an **OPSE/NOPD Form Per-1**, he/she shall note the specific reason(s) for disapproval (such as poor attendance record, poor performance, disciplinary problems, etc.) on the form and continue routing the form through the chain of command for final consideration by the Superintendent of Police or his/her designee.
46. A copy of the disapproved form shall be forwarded to the requesting member and the Professional Standards and Accountability Bureau - Performance Standards Section by the disapproving supervisor, including the reason(s) for disapproval. The member has the option of appealing the disapproved request using the procedure outlined in this Chapter.
47. The Superintendent's Office shall forward the completed Secondary Employment Agreement and Authorization Form (**OPSE/NOPD Form Per-1**) to the NOPD Professional Standards and Accountability Bureau - Performance Standards Section. The Performance Standards Section shall file the original form and forward copies to both OPSE and the member's Bureau Chief. The member's Bureau Chief shall

distribute a copy of the form as follows:

- (a) Member's Commanding Officer for filing in the member's personnel jacket in INSIGHT; and
- (b) Requesting member.

48. Immediate supervisors and Division/District Captains are responsible for conducting periodic performance reviews of a member under their command who has been previously approved to work police secondary employment as assigned through OPSE. The purpose of this review is to assess the member's suitability to continue to work police secondary employment assignments during the one (1) calendar year eligibility 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 member evaluation records.

### **REVOCAION OF POLICE SECONDARY EMPLOYMENT PRIVILEGES**

49. A previous authorization to work police secondary employment through OPSE may be revoked or suspended at any time by the member's immediate supervisor, Division/District Captain, Deputy Chief, or the Superintendent of Police.
50. The supervisor electing to revoke or suspend a previous authorization shall immediately notify OPSE and the Performance Standards Section of their intent.
51. The Performance Standards Section shall notify OPSE that the affected member is to be removed from their police secondary employment eligibility register until further notice.
52. In the case of such revocation or suspension, the member shall:
  - (a) Immediately be provided verbal notice by a supervisor that the member's police secondary employment privilege has been revoked or suspended and the reason for this action.
  - (b) Be provided written notice by a supervisor as to the reasons(s) for the revocation or suspension within seven (7) days via interoffice correspondence (NOPD Form 105).
  - (c) Sign and date the NOPD Form 105 acknowledging its contents.
  - (d) The signed form shall be forwarded to the Performance Standards Section via the member's chain of command.
  - (e) 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**).
53. The revocation becomes effective immediately upon verbal notification to the member, OPSE and the Professional Standards Section. The member has the option of appealing a revocation order using the procedure outlined in this Chapter.
54. A member may be relieved of his/her assignment during the course of the police secondary employment assignment by any ranking member if the member is performing contrary to the guidelines set forth in this Chapter or the member appears unfit to perform the required duties. Any supervisor initiating such action shall immediately notify the Performance Standards Section and OPSE.
55. To seek reconsideration of a police secondary employment disapproval, revocation, or supervisor suspension, the affected member may appeal the decision in writing

directly to the Superintendent of Police.

56. In order to be considered, all appeals must be made in writing within ten (10) days of the date of notice of disapproval, revocation, or suspension.

57. The Superintendent of Police is the final arbiter of an appeal.

### **SECONDARY EMPLOYMENT TRACKING / LOGGING PROCEDURES**

58. The ranking NOPD officer or the member working an authorized police secondary employment shall, within 30 minutes of the start of the assignment, notify Communications Services by phone to (504) 386-3991 (Detail Text Line). An automated voice will ask a series of questions and send the information to the OPCD. Members shall be prepared to answer the following questions:

- (a) The member's First Name,
- (b) The member's Last Name,
- (c) Agency of employment,
- (d) Member's Badge number,
- (e) Member's Employee ID Number,
- (f) Start time of detail assignment,
- (g) End time of detail assignment,
- (h) Address of detail assignment.

59. For authorized police secondary employments involving multiple officers and supervisors for the Superdome, arena venues and during Major or Special Events with Operations Orders, OPCD shall be notified of the PSE and the members working within 30 minutes of the start of the PSE by the ranking officer or their designee.

60. Communications Services shall be responsible for entering the police secondary assignment in the CAD system.

### **POLICE SECONDARY EMPLOYMENT MINIMUM SUPERVISORY REQUIREMENTS**

61. The minimum supervisory requirements for police secondary employment assignments are governed by OPSE policy.

62. Sergeants and Lieutenants can back-fill or work down to police officer or lower ranking supervisor positions; however, those supervisors electing to fill such a vacancy would be eligible for compensation at the hourly rate approved for the police officer or lower ranking supervisor's position.

63. Members in the rank of captain or above shall only be allowed to serve on secondary employment jobs in supervisory roles.

### **COMPLAINTS / UNSATISFACTORY PERFORMANCE**

64. Observed violations on PSE shall be communicated to the Performance Standards Section and handled in accordance with established disciplinary procedures.

65. Supervisors who receive a citizen complaint regarding a member's performance while working a police secondary employment assignment shall follow all Departmental guidelines for the handling and processing of complaints and contact the Performance Standards Section for assistance if needed or the District if the

Performance Standards Section is not available.

66. The Performance Standards Section shall notify the OPSE and PIB of all reported violations and complaints relayed by district supervisors and DSA's concerning police secondary employment assignments.
67. Complaints received by OPSE from a police secondary employment assignment customer or customer representative relative to the unsatisfactory performance of a NOPD member working an assignment shall be referred by OPSE to the NOPD Performance Standards Section for preliminary investigation to determine if the member has committed a violation of departmental policy or procedure.
  - (a) If warranted, corrective/disciplinary action may be taken by the Performance Standards Section, or
  - (b) The information may be turned over to the member's District/Division Captain or Public Integrity Bureau, as appropriate, for additional investigation in accordance with established departmental procedures.
  - (c) Information related to such complaints shall be recorded and maintained by the Performance Standards Section and the Public Integrity Bureau.
  - (d) All conversations and actions between the OPSE and the police secondary employment assignment customer or customer representative registering a complaint shall be documented and forwarded to PIB.
  - (e) The NOPD Performance Standards Section shall periodically update the Director of the OPSE as to the progress or final status of all complaint investigations involving police secondary employment assignments.
68. An on-duty supervisor performing an inspection at a police secondary employment site shall take appropriate disciplinary action for any departmental violation involving a member's performance.
69. Should the supervisor believe the violation warrants the immediate removal of the member from the assignment, the supervisor shall contact the NOPD Performance Standards Section to determine the appropriate course of action.
70. Whenever it becomes necessary to relieve a police member from a secondary employment assignment, a supervisor from the Performance Standards Section shall contact OPSE to notify them of the action being taken and the exact time the member was relieved.
71. If OPSE is unable to staff a replacement for the duration of the assignment, a Performance Standards 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.
72. Should an on-scene inspection of a police 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 Performance Standards Section.
73. The Captain of the Performance Standards 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 Performance Standards Section shall immediately notify OPSE that the police secondary employment assignment is being suspended and that no additional NOPD members shall be allowed to work the assignment pending a formal review.

**USE OF DEPARTMENTAL VEHICLES FOR SECONDARY EMPLOYMENT**

74. The Office of Police Secondary Employment must approve any use of a departmental vehicle or other specialized equipment used in the course of a police 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.
75. The individual member may request the use of a departmental vehicle for a police secondary employment assignment if it is required and authorized for use through OPSE for that assignment. The availability of a vehicle that meets the requirements of the work assignment is completely discretionary with the member’s unit Captain and should be secondary to the mission of the unit. If the member cannot secure the required vehicle, he/she must notify OPSE sufficiently in advance of the assignment to allow for the shift to be reassigned.
76. Departmental vehicles will only be assigned to members if required while providing assignment support services, not simply for the convenience of traveling to and from assignments.
77. 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 police secondary employment services when approved by the OPSE. **Unmarked vehicles shall not be used for secondary employment traffic escort assignments or any assignment involving enforcement action unless the unmarked vehicle has front and rear blue and/or blue and red flashing lights.**
78. NOPD members shall be responsible for the proper care and maintenance of all equipment issued or assigned to them, including for police secondary employment purposes, and shall exercise all due precautions to prevent theft, loss, or damage.

**RESTRICTIONS**

79. NOPD members shall not be permitted to select substitutes or allow another member to work an assigned police secondary employment position in place of the member scheduled by the OPSE.
80. Members of the New Orleans Police Department are prohibited from participating in the solicitation, coercion, and individual coordination of police secondary employment opportunities.
81. 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 police secondary employment.
82. NOPD members shall not provide police secondary employment services for any City agency or any of the City’s political subdivisions. Departments or agencies requiring police service enhancements shall be covered under regular duty (“City Rolls”) assignment or approved overtime reimbursement.
83. No member working police secondary employment assignment can supervise another member of higher rank.

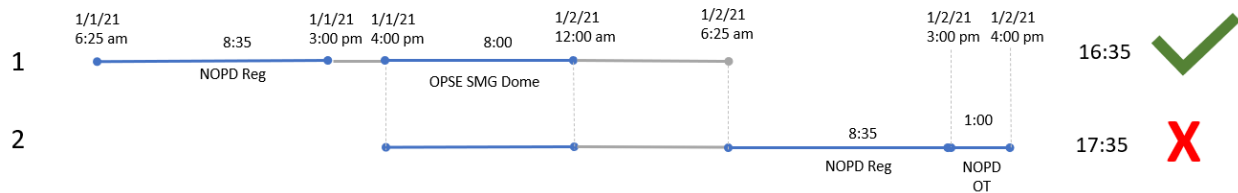
84. Members are not permitted to engage in police secondary employment inside a bar, lounge, alcoholic beverage outlet (ABO), or establishments where the primary source of revenue is derived from the sale of alcoholic beverages consumed on the premises.
85. Members shall not work an assignment that will interrupt or occur during the member's assigned on-duty NOPD shift. To avoid any disruption in regularly scheduled police services, members are prohibited from accepting police secondary employment assignments that would require a split shift.
86. Members shall not work for a company or business that provides private guard services, brokers private guard services, or for individuals who profit from the services of a police secondary employment member unless the private security company is managing the security for a major special event (See list of Special Events above.), the OPSE has authorized it and the use of commissioned members is required by the special event permit (i.e., street closure, traffic control, etc.).
87. Members are not authorized to perform the below listed activities as police secondary employment:
- (a) Any employment where a conflict of interest with the City can reasonably be demonstrated, including, but not limited to, psychological stress evaluations, computerized voice stress analyses, and polygraph examinations.
  - (b) Private investigation.
  - (c) Acting as bartenders, cocktail waiters, or waitresses.
  - (d) Acting as doormen, bouncers, barkers, or ticket takers.
  - (e) Acting as or providing security for bail bond or bonding companies, or agents for same (bounty hunters).
  - (f) Conducting debt collection for any person or entity.
  - (g) Acting as a courier for the transportation of cash, receipts, or deposits for individuals or entities.
  - (h) Providing chauffer services, except where chauffer services to public officials and dignitaries is secondary to a primary purpose of security. Notwithstanding the foregoing prohibition, motorcycle escorts for chauffer services and limousines is permitted.
  - (i) Providing security at "sexually oriented" businesses.
  - (j) Employment requiring that the member act as a civil process server; and
  - (k) Providing security at pawn shops.
88. NOPD members are prohibited from working a police secondary employment that conflicts with the member's regular 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 police secondary employment during court hours while the member is under a conflicting subpoena.
  - (d) Disclosing confidential information acquired in an official capacity to any police secondary employment customer; or
  - (e) Using on-duty time to conduct investigations or take other law enforcement action on behalf of a police secondary employment customer, where there would be an actual conflict of interest or appearance of a conflict of interest.



89. Members of the New Orleans Police Department are prohibited from working police 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 land based or river boat gaming establishments.
90. Members of the New Orleans Police Department are prohibited from working police 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.
91. NOPD members working police 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 OPSE Coordinating Office and is in accordance with the Louisiana Ethics Code for public members. Nominal compensation in the form of food or beverages is permitted in accordance with the Louisiana Ethics Code for public employees.
92. Travel time to and from police secondary employment shall not be compensated unless it involves specialized patrol services or the use of specialized equipment.
93. Officers shall allow a minimum of 15 minutes between shifts for travel to and from secondary employment assignments to ensure regular/overtime and detail shift pay differential.
94. Members are reminded that privately owned vehicles (vehicles not owned or operated by the City of New Orleans or the NOPD) used on authorized police secondary employment assignments **are not** considered “authorized emergency vehicles” under State law and not protected by or covered under the City of New Orleans liability insurance. Any member who utilizes a privately owned vehicle on a police secondary employment assignment does so without the approval of the City or the NOPD and at their own risk.

## APPENDIX A - Secondary Employment Compliance Guide

- As a reminder, ALL paid details must go through OPSE. Any officer who works a paid detail “off the books” (i.e., the detail was not approved, scheduled, assigned, and paid thru OPSE) is in violation and subject to disciplinary action including termination for a 1<sup>st</sup> offense.
- PSAB and OPSE assess compliance with the 16-hour rule for every 24-hour period that begins at the start of every shift and detail you work. There is no reset at midnight. There’s no reset when there’s a gap between your shifts or details. If you work a shift starting at 6:25am, a 24-hour period begins at 6:25am and ends at 6:25am the next day. If you work a detail that day starting at 4pm, another 24-hour period will begin at 4pm. Each 24-hour period is assessed separately, even if they overlap. Below is an illustration of how two separate and overlapping 24-hour periods are assessed for compliance with the 16-hour rule:



When planning your overtime and details, ensure you have at least 7 hours and 25 minutes of unpaid, off-duty time within any 24-hour period. The spirit of the policy is to allow time for rest. If you work a regular shift and no overtime, you can work 8 hours of details without violating the 16-hour rule, which is actually 16 hours and 35 minutes. Below is an example of a 16-hour violation. This officer worked a regular shift, overtime, and a five-hour detail. If he/she had worked a four-hour detail, he/she would not have violated the 16-hour rule.

Employer	Shift Start	Shift End	Hours Worked
OPSE	9/7/2021 1:00	9/7/2021 6:00	5.0
NOPD	9/7/2021 6:25	9/7/2021 15:00	8.6
NOPD OT	9/7/2021 15:00	9/7/2021 18:25	3.4

Below is an example of a lot of work without violating the 16-hour rule. Notice the 8-hour gap between the 12-hour detail and the regular shift:

Employer	Shift Start	Shift End	Hours Worked
OPSE	9/7/2021 3:00	9/7/2021 15:00	12.0
NOPD	9/7/2021 23:00	9/8/2021 7:35	8.6
NOPD OT	9/8/2021 7:35	9/8/2021 11:00	3.4

- Plan for gaps between NOPD shifts and OPSE details. Overlaps first appear as payroll fraud and you are not permitted to be compensated for travel time to and from details unless it involves specialized patrol services or use of specialized equipment.

Chapter: 22.08 – Appendix A

4. Do not split shifts or interrupt a regular duty shift with a detail.
  - a. If you are working an NOPD shift, you cannot take emergency furlough and work a last-minute detail.
  - b. When you take an approved furlough to work a detail, if the detail is cancelled or shortened and you are paid for all or part of the detail, your entire furlough stands, and you cannot return to regular duty for the period for which you are being paid for the detail. All furloughs are required to be documented in writing and approved as required PRIOR to taking the furlough. Being paid for the same period of time by a private and a government entity can be a violation State law.
  - c. Changing regular working schedule hours to allow a member to work a detail is prohibited except for EAP employees. For example, if you normally work 9-5, you cannot work 11-7 one day to work a detail from 9-10:30.
5. Ensure your timesheet with your detail customer is accurate. Hypothetically, if you were scheduled to start the detail at 4pm and you got there a 4:10pm, ensure the timesheet says 4:10pm.
6. You are responsible for the time for which you are paid, even if someone else made a timekeeping error:
  - a. Thoroughly review the dates and times on your OPSE earnings statement. It's possible OPSE staff made errors entering your time. They cannot see your ADP time (Regular Working, Overtime, Court, etc.) when they enter your OPSE time. They also cannot see other details you've worked when entering your time and may not be aware of them. Notify OPSE about corrections. Payment can be added or withheld from your next check.
  - b. Thoroughly review your ADP time (Regular Working, Overtime, Court, Furlough, etc.) before you approve it. It's possible your supervisor made errors entering your time. They cannot see your OPSE time when they input your ADP time. Notify your supervisor about corrections.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.9

### TITLE: OUTSIDE EMPLOYMENT

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy (1040)**

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#### PURPOSE

To avoid actual, perceived or potential conflicts of interest for department employees engaging in outside employment, the New Orleans Police Department requires all employees to obtain prior written approval from the Superintendent of Police before engaging in any outside employment.

#### POLICY STATEMENT

1. The nature of law enforcement requires Department employees to ensure outside employment does not interfere with or compromise their ability to fulfill their responsibilities to the Department. Department employees must have the ability to work irregular schedules subject to change to meet deployment needs. It is also necessary that employees have adequate opportunity to rest so they are alert during their tour of duty.
2. 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.
3. Approval of outside employment requests by employees shall be at the discretion of the Superintendent of Police in accordance with the provisions of this Chapter.

#### DEFINITIONS

**Employee**—An individual who works for the NOPD and is either full-time or part-time and paid. This excludes volunteers and Reserve Officers.

**Outside Employment**—The engagement of any employee of the Department by another individual, business, establishment, organization, or on a self-employed basis, where the Department employee 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 Chapter. Such employment is governed by the

Office of Police Secondary Employment policies 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.

### APPROVAL PROCESS

4. No employee of this Department may engage in any outside employment without prior written approval of the Superintendent of Police.
5. Failure to obtain prior written approval for outside employment or engaging in outside employment otherwise prohibited by this Chapter shall subject the employee to disciplinary action.
6. The employee must:
  - (a) Complete an **Outside Employment Authorization Form (Form #22)**;
  - (b) Attach a printout of their attendance record for the previous 12 consecutive months; and
  - (c) Submit **Form #22** and attendance record to his/her immediate supervisor.
7. Once reviewed and approved by the employee's immediate supervisor, the application will then be forwarded through the employee's chain of command to the Superintendent of Police for consideration and final approval.
8. If the application is disapproved by any reviewer in the employee's chain of command prior to reaching the Superintendent of Police, the application, along with the written reason for the disapproval recommendation, shall continue in the review and approval process.
9. Employees are prohibited from working the requested outside employment until final approval of the Superintendent of Police has been given. **There are no exceptions from this requirement.**
10. Each reviewing authority in the requesting employee's chain of command shall consider the following when reviewing an Outside Employment Authorization form:
  - (a) The nature of the outside employment requested;
  - (b) Any actual, perceived or potential conflicts as outlined in this Chapter;
  - (c) The occupation and duties in which the employee will engage;
  - (d) The employee's overall attendance record for the previous 12 consecutive months;
  - (e) All sick leave usage will be considered, including those instances which were documented;
  - (f) The employee's Departmental work performance;
  - (g) The employee's disciplinary history; and
  - (h) Any other factors that may affect the requesting employee's ability to fulfill his or her duties as an NOPD employee.
11. If the employee's request to work outside employment is approved, the employee will be provided with a copy of the approved application signed by the Superintendent or his/her authorized designee.
12. Unless otherwise indicated in writing on the approved application, an approved

application will be valid for a maximum of one year and shall be renewed each year in the month of the employee's birth.

13. Any employee seeking to continue a previously approved outside employment must submit a new application for renewal in a timely manner.
14. 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 submission of the initial application.

#### **APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

15. In all 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).
16. The Interoffice Correspondence shall be attached to the Outside Employment Authorization Request and continue through the chain of command for final approval/disapproval by the Superintendent of Police.
17. 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 employee by the supervisory officer disapproving the request.
18. The employee will have the option of submitting an Interoffice Correspondence in response to the disapproval to the Superintendent of Police. The employee's interoffice correspondence in response to the disapproval shall contain signature spaces with the designation CONCUR / DO NOT CONCUR for the appropriate employees in the employee's chain of command.
19. 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 employee's receipt of denial.

#### **REVOCACTION / SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION**

20. Any approved outside employment application may only be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension.
21. Revocation or suspension of an approved outside employment will only be imposed after the employee has exhausted the appeal process outlined in this Chapter.
22. The outside employment may be revoked:
  - (a) If an employee's regular duty work 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 shown to be related to the employee's performance.
  - (b) At the discretion of the Superintendent, in which case the Superintendent shall notify the employee of the "intent to revoke" a previously approved outside employment application.
  - (c) After the appeal process has concluded, the revocation will remain in force until the employee's regular duty work performance directly related to the outside employment has been re-established to the minimum level of acceptable

- competency.
- (d) 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.
  - (e) The outside employment creates an actual, perceived or potential conflict of interest with the Department or the City.

### **GENERAL INFORMATION**

- 23. Outside employment shall not interfere with the employee's performance of duty.
- 24. While working outside employment, employees shall conform to all departmental policies, procedures, rules and order.
- 25. Employees shall not perform or engage in outside employment during their regular tour of duty (See: **Rule 4: Performance of Duty, paragraph 3 – Devoting entire time to duty.**)
- 26. Employees shall not work outside employment that would render the performance of their duties to the department below minimum acceptable standards or render the employee unavailable for reasonably anticipated overtime assignments.
- 27. No employee, including Reserve officers, shall work more than 16 hours and 35 minutes 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.

### **RESTRICTED OUTSIDE SECURITY EMPLOYMENT**

- 28. Due to the high potential for a conflict of interest, no employee of this department may engage in any outside employment as a private security guard, private investigator or other similar private security position.
- 29. 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.

### **RESTRICTED OUTSIDE EMPLOYMENT**

- 30. Employees shall not work outside employment in the following occupations:
  - (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);
  - (e) Collection agents for any private person or entity.
  - (f) Any facet of land-based or river boat casino style gaming as listed below:
    - i. No employee shall work as a shuttle operator for any location owned or leased by a casino consortium;
    - ii. No employee shall provide security for patrons attending or departing a gaming establishment;
    - iii. No employee 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
  - iv. No employee 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:
- i. 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;
  - ii. Employment in any manner as a security officer for the wholesale/retail, repair or servicing divisions of the Electronic Gaming Industry;
  - iii. Employment as a wholesale/retail route agent responsible for the collection of monies generated by electronic gaming machines; or
  - iv. 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.

31. Employees who are qualified as an Expert Witness shall not engage in employment in any proceeding involving an official New Orleans Police Department investigation or report in Orleans Parish 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 in litigation matters will be resolved by the Superintendent of Police.

#### **DEPARTMENT RESOURCES**

32. 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. (See: Rule 6: Official Information, paragraph #1 – Security of records).

#### **TRAINING AND HANDLING OF CANINES – OUTSIDE EMPLOYMENT**

33. Employees engaging in the training and handling of canines as outside employment are subject to the following restrictions:
- (a) Employees 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 employees and trained on department time).
  - (b) No department canine shall be used for stud services; and
  - (c) Employees shall not use, nor allow others to use, their positions as employees of the New Orleans Police Department as a quality or feature for the procurement of business. (See: **Rule 3: Professional Conduct, paragraph #2 – Abuse of position**).

#### **ATTORNEYS – OUTSIDE EMPLOYMENT**

34. Employees who are attorneys are permitted to practice law subject to the following restrictions:
- (a) No licensed attorney who is an employee 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.
  - (b) No licensed attorney who is an employee of the Department shall represent any individual in any cause of action which was the subject of any official New



Orleans Police Department investigation or report, including Administrative Reports.

- (c) No licensed attorney who is an employee 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 an employee of the Department shall illegally compensate any person for having referred any cause of action to that employee. (See: **Rule 3: Professional Conduct, paragraph #5 – Referrals**).

#### **CHANGES IN OUTSIDE EMPLOYMENT STATUS**

- 35. 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 Chapter.
- 36. Employees shall promptly submit in writing through the chain of command to the Superintendent of Police any material changes in an approved outside employment including any change in the number of hours, type of duties or demands. Employees who are uncertain whether a change in outside employment is material shall report the change.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.12

### TITLE: SUPERVISORY REFERRALS FOR MANDATORY PSYCHOLOGICAL EVALUATIONS

**EFFECTIVE: 04/28/2019**

**REVISED: Replaces Policy/Procedure 1011**

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#### PURPOSE

The purpose of this policy is to set guidelines for supervisory referrals and psychological evaluations.

#### DEFINITIONS

**Unfit for duty**—If an officer is referred for a fitness-for-duty evaluation, an evaluation shall be performed by a psychologist outside of NOPD. If this evaluation determines that an employee is unable to perform his/her duties, the employee is unfit for duty. The employee's supervisor who receives the evaluation shall immediately recommend to the Superintendent that the employee is placed on sick leave or Administrative Reassignment until cleared for return to full duty. The employee may be referred to other medical professionals for a second opinion or treatment. Return to duty in these cases may depend, in part, on the opinion of the treating physician or qualified mental health professional.

**Police Psychologist**—A qualified mental health professional who is retained and paid by NOPD, but is not an employee of NOPD and is outside of the NOPD chain of command, and to whom NOPD shall refer officers for fitness-for-duty evaluations.

#### POLICY STATEMENT

1. The Officer Assistance Program is completely independent and distinct from supervisory referrals and psychological evaluations. (See also: **Chapter 22.2.7 – Officer Assistance Program Traumatic Incident Stress, Chapter 22.2.6 – Officer Assistance Program Member Mental Health Service and Chapter 22.2.8 – New Orleans Police Peer Assistance**).
2. The exceptions to confidentiality for the Officer Assistance Program imposed by law or by professional regulation on all psychologists, psychiatrists, family therapists, and psychotherapists include:
  - (a) **Threats of physical harm**—If any individual in counseling threatens to harm another person, the mental health professional is required by law and

professional regulation to notify the threatened person and the Police Department.

- (b) **Suicide**—Any mental health professional who reasonably believes that a client is seriously contemplating suicide is required by law and professional regulation to do everything possible to prevent such an attempt, including making whatever notifications are necessary to stop the attempted suicide.
  - (c) **Child, domestic, individual with disability, and elder abuse**—If a client discloses participation in abuse of a child, domestic partner, a person with a disability, or an elderly person, the therapist must notify the appropriate agency of such abuse.
  - (d) **Malpractice**—A therapist may use counseling material in defense of malpractice allegations.
3. Nothing in this Chapter shall be construed as relieving supervisors from taking disciplinary action when necessary. The Officer Assistance Program and the supervisory referral process are not a substitute for any disciplinary action necessitated by an employee's behavior.

### **SUPERVISORY REFERRAL FOR MANDATORY PSYCHOLOGICAL EVALUATION**

4. 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 Officer Assistance Program.
5. A supervisor shall refer a subordinate employee for a psychological evaluation when there is reason to believe:
- (a) The employee exhibits violent behavior, including, but not limited to, spousal or child abuse, or repeated use of excessive force;
  - (b) The employee is abusing alcohol, prescription or non-prescription drugs, or intoxicating substances; or
  - (c) The employee's performance or behavior raises serious questions concerning the employee's emotional stability or ability to perform police work (UNFIT FOR DUTY).
6. 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 interoffice correspondence to the Deputy Chief of the observed employee's Bureau.
7. The confidential interoffice correspondence shall:
- (a) Contain the results of the Division-level Commander's confidential investigation into the allegation.
  - (b) 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 Division-level Commander preparing the correspondence, should such information be needed at a later date for disciplinary and/or criminal investigations.
  - (c) Explain the basis for recommending the employee for a psychological evaluation.
  - (d) Recommend an appropriate disciplinary process or reassignment, if applicable.
8. Upon receipt of the confidential interoffice correspondence, the Bureau Deputy Chief shall approve or disapprove the recommendation for a psychological evaluation. The Bureau Deputy Chief shall then forward the correspondence to the Superintendent of Police with his/her recommendation noted. If the matter involves the disciplinary process

or the reassignment of the employee, the Bureau Deputy Chief shall also forward a copy of the report to the Deputy Chief of the Public Integrity Bureau.

9. Upon approval of the recommendation(s), 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.
10. Immediately after notification of the employee, the Superintendent, or his/her designee, shall notify the Police Psychologist, or other designated Department qualified mental health provider external to NOPD who will perform the evaluation, that the employee has been ordered to report for evaluation and provide a copy of the confidential interoffice correspondence related to the referral.
11. The employee's timely attendance and full cooperation in the psychological evaluation shall be mandatory. Failure to comply with the reporting requirements or to cooperate in the evaluation process shall be grounds for discipline up to and including termination.
12. The Superintendent of Police, not the Police Psychologist or designated qualified mental health provider, will determine the administrative consequences for an employee who refuses to participate in the psychological evaluation.
13. Employees who are ordered to be evaluated shall be scheduled for the evaluation during their regular working hours when possible and carried as regular working in the ADP payroll system by his/her unit of assignment.
14. The psychological evaluation shall be conducted as soon as possible by an independent psychologist, psychiatrist, neurologist or other qualified mental health provider.
15. The psychological evaluation may consist of interviews, psychological tests, or medical tests as determined by the provider.
16. The provider shall discuss the evaluation results with the employee.
17. Based upon the results of the interviews and any tests performed, the evaluation of the designated provider shall recommend to the Superintendent of Police:
  - (a) If medical and/or psychological treatment is required;
  - (b) The appropriate treatment needed; and
  - (c) If the employee should be decommissioned and/or reassigned.
18. Treatment may be an option for alcoholism or dependency upon legally prescribed drugs. In accordance with CAO Policy Memorandum No. 89, treatment alone shall not be an option for commissioned personnel of the Police Department who use or abuse illegal, designer, and/or synthetic drugs.
19. Recommended treatment shall accord with the following guidelines:
  - (a) Inpatient, chemical-dependency treatment at a center certified by the Joint Commission;
  - (b) Inpatient psychiatric treatment at a hospital certified by the Joint Commission;
  - (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.
20. Upon the Superintendent's receipt and acceptance of a written recommendation for the employee's treatment by the Police Psychologist or designated medical provider, the

- employee will be instructed to report immediately to the Office of the Superintendent.
21. The Superintendent, or his/her designee, shall inform the employee, in writing, of the Psychologist's evaluation and recommendation.
  22. The employee will then have 72 hours within which to enroll in the appropriate treatment program designated by the recommendation.
  23. The employee shall be responsible for all expenses of treatment not covered by the employee's health insurance plan.
  24. The employee shall be relieved of duty upon receipt of the written notification of treatment order. The employee may also be decommissioned by the Superintendent.
  25. Employees will be carried sick, furlough, or leave without pay during treatment.
  26. The employee may be restored to duty when the Superintendent receives written notification from the Police Psychologist or designated qualified mental health provider that the employee has completed sufficient treatment and is able to return to duty. The return to duty may be full or limited duty at the discretion of the Superintendent.
  27. Any employee failing to obtain and maintain treatment as ordered within the specified time shall be decommissioned, relieved of duty, and face other administrative consequences up to and including termination.
  28. The New Orleans Police Department is a client during this type of psychological evaluation. A consent form, executed by the Police Psychologist or designated qualified mental health provider prior to any evaluation, 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 or designated qualified mental health provider, but will not become a part of the employee's personnel record.
  29. 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.
  30. In cases where an employee is allowed to continue working while under treatment, the Superintendent of Police shall inform the employee's Bureau Deputy Chief as to the progress of the employee under treatment.
  31. The Bureau Deputy Chief 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 only.
  32. The dissemination of personal and confidential information, relative to an employee's treatment, shall include only those elements necessary for proper supervision and monitoring.
  33. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.14

### TITLE: EXTENDED LEAVE

**EFFECTIVE: 08/05/2018**

**REVISED: Replaces Policy 1015**

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#### PURPOSE

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 include Injured on Duty (I.O.D.), Workers' Compensation (W/C), Sick Leave, Military Leave and Family Medical Leave. These categories are determined by the particular circumstances of the employee.

#### EXTENDED LEAVE

1. Whenever an employee is absent for 30 calendar days in any extended leave classification, the employee's Commander is responsible for ensuring the employee is transferred to the Administrative Duties Division. 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.
2. The Administrative Duties Division will conduct an initial evaluation and monitor the employee until such time as he/she is returned to full duty and is transferred out of the Administrative Duties Division, or is no longer employed by the New Orleans Police Department.
3. The Administrative Duties Division Commander will utilize a **Form 50** for purposes of recording medical documentation of the employee's status.
4. The Administrative Duties Division shall serve as the temporary place of assignment for:
  - (a) All employees in any extended leave classification; and
  - (b) For those employees that qualify for a limited duty assignment, while recovering from an illness or injury.
5. At the discretion of the employee's District/Division Commander, 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 (See: **Chapter 22.4 – Sick Leave**). 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 [nopd.org](http://nopd.org) under the forms tab, and date and sign said form acknowledging the exemption.

6. It is the responsibility of District/Division Commanders to monitor the leave usage of their employees and to ensure that accurate and timely extended 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.
7. If a District/Division Commander has medical documentation which would support an employee's transfer before an absence of 30 calendar days, it is permissible to request the transfer.
8. 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.

#### **CLASSIFICATIONS OF EXTENDED LEAVE**

9. **Extended leave** - Any continuous use of Sick Leave, I.O.D., Workers' Compensation, Leave Without Pay, or any leave combination, whereby the loss of time equals 30 calendar days. An employee must provide a Form 50 attesting that the illness or injury is ongoing or an extended recovery is necessary.
10. **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."
11. **Worker's Compensation (W/C)** - A job-related injury sustained in any manner during the performance of his/her job duties which meets provisions of the Louisiana Worker's Compensation Law but which cannot be classified as Injured on Duty.
12. **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.
13. **Military Leave** - Any employee who has entered into active military or naval duty with the Armed Forces of the United States or the State of Louisiana (see: **Civil Service Rule VIII, Section 8.1**). The employee shall be carried authorized military leave without pay but which may result in pay upon his/her return to work from active duty.

#### **MILITARY LEAVE**

14. Any request for leave under the provisions for Military Leave shall be made in writing on a **Form 20 – Furlough Request** accompanied by a copy of the military orders pertaining to the leave period. The following information shall be supplied as part of the Form 20 request:
  - (a) Anticipated dates of mobilization;
  - (b) Military unit name and identification;
  - (c) Military unit's commanding officer's name, telephone number and email address;
  - (d) Immediate military supervisor's name, telephone number and email address; and
  - (e) Name of the military ombudsman (or equivalent), telephone number and email address.

15. The Deputy Chief of Management Services Bureau or his/her designee will meet with the employee prior to deployment to determine and clarify information regarding:
  - (a) Employee benefits;
  - (b) Salary continuation; and
  - (c) Any other relevant information which may aid the employee during deployment or later reintegration.
16. Prior to deployment, the employee shall turn in all departmental issued property and identification to his/her District / Division Commander. The property and equipment shall be stored in a secure location during his/her deployment.
17. The employee's District/Division Commander shall be responsible for confirming the accuracy and authenticity of the military orders by contacting the military unit commander. A notation shall be made on the original Form 20 indicating the date, time and person contacted for confirmation of the military orders before a copy is forwarded to the Administrative Duties Services with the transfer request if the military leave request is for longer than 30 days.
18. The Administrative Duties Services shall verify the status of the military leave by confirming the accuracy and authenticity of the military orders by contacting the military unit commander one week prior to the conclusion of the military leave request and the transfer of the employee back to his/her original unit of assignment and document the date, time and person contacted for confirmation.
19. Any employee on a military leave of absence, upon completion of the service obligation, must return to work in a timely manner as established by applicable laws. Failure to return to work after approved military leave in a timely manner, falsification of the reasons for taking military leave or working elsewhere while on military leave can result in termination of the leave of absence and/or disciplinary action, up to and including termination of employment.
20. Prior to returning to full duty, the returning employee shall meet with the Deputy Chief of Management Service Bureau or his/her designee for a reintegration interview.
21. An employee returning from a military leave of absence shall be reinstated in accordance with and as required by applicable laws. An employee returning from military leave of absence will typically be reinstated without loss of seniority, status or pay and return to either his/her prior position or the position in which the employee would have been employed had his/her continuous service not been interrupted by the military leave. The Department may require an employee to provide documentation demonstrating his/her eligibility to return to work.
22. Upon return to work, the employee must provide appropriate documentation regarding the amount of military pay received during the leave, the amount of time served, and documentation indicating the type of duty performed.
23. The employee shall contact his/her immediate supervisor as soon as notice to return to work is received and request reissuance of equipment. Returning employees shall be reissued all equipment and credentials.
24. The returning employee shall be provided updated copies of all Operations Manual changes that took place during his/her leave.
25. The returning employee shall meet with the Commander of the Education & Training



Division or his/her designee to determine what certifications or training was missed or needed to achieve currency with Departmental and POST requirements. A schedule shall be developed to satisfy all training requirements, including a short term assignment to a Field Training Officer for refresher training. All training requirements, schedules and satisfactory completion shall be documented and maintained in the employee's training record.

### **PARENTAL LEAVE (Maternity, Paternity and Adoptive Parent)**

26. Any request for leave under the Parental Leave (See: **Civil Service Rule VIII, section 9**) should be made in accordance with the Chief Administrative Office Policy Memorandum No. 108, which can be found under the forms tab at [nopd.org](http://nopd.org). This applies to all commissioned and non-commissioned members of the New Orleans Police Department who qualify to receive parental leave under the provisions of the FMLA.

### **ADMINISTRATIVE DUTIES DIVISION RESPONSIBILITIES**

27. 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.

### **PHYSICIANS EXAMINATION CERTIFICATION (FORM 50)**

28. Employees that are required to submit a Form 50 (Physicians Examination Certification Form), which can be found at [nopd.org](http://nopd.org), shall have 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.
29. NOPD 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) To document any sick leave use.
  - (h) When required by this procedure.

### **EVALUATION OF RETURN TO WORK STATUS**

30. The Department reserves the right to secure an Independent Medical Examination to evaluate any health condition related to the use of sick leave.
31. 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.

32. 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 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.

#### **INDEPENDENT MEDICAL EXAMINATION**

33. 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.
34. If the Independent Medical Examination confirms the employee's Form 50 medical opinion, then extended sick leave status may be approved for an additional 60 calendar days (from date of initial transfer to the Administrative Duties Section). At the end of 60 calendar days, the employee shall have 10 working days to submit another Form 50 and may be subject to another Independent Medical Examination.
35. 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 decisions shall only remain in effect for that individual 60 calendar day extension.

#### **EXTENDED LEAVE EXTENSIONS (60 DAYS)**

36. The approval of an extension of 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.
37. 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.
38. 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.
39. 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.

40. If the Department determines maximum medical improvement cannot be achieved through the approval of any 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.

#### **RULE IX**

41. 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.
42. 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 30 days for employees assigned to the Administrative Duties Section. The hearing will be held within 15 calendar days after the employee is notified of such in writing following Civil Service Rules.
43. 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 demonstrates, to the satisfaction of the Superintendent of Police that 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.

#### **PERMANENTLY UNABLE TO RETURN TO FULL DUTY**

44. Whenever an employee is informed by his/her attending physician or independent medical examiner that the prognosis of his/her 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.

#### **USE OF EXTENDED LEAVE FOR PSYCHOLOGICAL REASONS**

45. Those employees who utilize extended 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. The employee's Commanding Officer shall complete NOPD Form 55 (Suspension of Police Powers), which can be found at [n opd.org](http://n opd.org), and have same signed by the employee.

46. 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 10 calendar days. The member's police powers will remain suspended until his/her psychological status renders him/her capable of performing full duty, as determined by the employee's health care provider, the Department-approved psychological services provider, or Independent Medical Examination.
47. If the member on extended leave is a commissioned supervisor, the supervisor's Commander shall ensure that either:
  - (a) The subordinates assigned to that supervisor are reassigned to other units and supervisors to maintain the proper supervisory ratio, not to exceed 8:1 for the duration of the extended leave; or
  - (b) Another supervisor is assigned to the unit to maintain the proper supervisory ratio, not to exceed 8:1 for the duration of the extended leave.
48. Members may be considered for a noncommissioned temporary limited duty position during the period of recovery only.

### **MATERNITY LEAVE**

49. 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.

### **RETURNING TO DUTY**

50. Whenever an employee is informed by his/her physician he/she 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 Services 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.

### **PAYROLL REQUIREMENTS**

51. When an employee is assigned to the Administrative Duties Section, the employee's permanent unit of assignment is relieved from any payroll responsibilities. All personnel assigned to limited duty positions will be carried "detailed" by the Administrative Duties Section staff. It is the responsibility of the temporary unit of assignment to maintain the payroll entries for the employee.
  - (a) The temporary unit of assignment shall record in the ADP 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.

**PROPERTY ISSUED BY THE DEPARTMENT**

52. 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; and
  - (c) Vehicle, if assigned;

**REPORTING INJURIES**

53. All injuries which occur while on-duty shall be reported on a form W/C 1007 (rev 8/06) and completed within 72 hours of the injury (by law). 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 NOPD 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](http://www.laworks.net), under Worker's Comp E-File.)
54. The employee's work status shall be included in the narrative section of block 21 of form W/C 1007.

**DISTRIBUTION OF FORM W/C 007**

55. Form W/C 1007 shall be hand delivered to the Human Resource Services within 24 hours of the occurrence. If the 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.

**REPORTING ABSENCES DUE TO JOB RELATED INJURY**

56. 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 [n opd.org](http://n opd.org), can be completed.
57. 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, see: **Chapter 22.4 – Sick Leave**);
  - (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.
58. 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.
59. 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.
60. 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.
61. 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 (LWOP), 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 48 hours of the employee being placed on Leave without Pay status.
62. The employee shall complete **Form 52** (Employee Request Leave without Pay), which can be found at [nopd.org](http://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 District/Division Commander within 48 hours 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.
- i. If the required medical documentation cannot be obtained within the 48 hour time frame, the form shall be forwarded to the Superintendent with a notation "documentation to follow."
  - ii. Medical documentation shall be obtained and forwarded through the chain of command within 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:
- i. Complete Form 52 and:
    - In the comments section, fully explain the reason for being absent from work; and
    - Indicate an expected date when the employee will return to work.
  - ii. Supply any outside written documentation deemed appropriate.
63. 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 in disciplinary action under Civil Service Rule IX titled "Maintaining Standards of Service."
64. Authorized Leave without Pay may be granted in 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.

**DUTIES OF THE INJURY REVIEWING PERSON (I.R.P.)**

65. The I.R.P. assigned by the Deputy Superintendent of the Management Service Bureau (Human Resources Services) 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 24.2

### TITLE: COMMUNITY-POLICE MEDIATION

**EFFECTIVE: 09/02/2018**

**REVISED: 07/28/2019, 8/13/2023**

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#### PURPOSE

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) has established the Community-Police Mediation Program because adversarial disciplinary processes are not always the most effective way to resolve all police-community conflict. NOPD employees and community complainants may participate in mediation as 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.

#### DEFINITIONS

**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.

**Post-investigation Mediation** – Mediation that occurs after a formal disciplinary investigation has taken place and has resulted in a disposition of unfounded, exonerated, or not sustained. The goal of a post-investigation mediation is to help improve NOPD and community relationships by generating discussion that allows for better understanding between NOPD employees and the community.

**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.

### ELIGIBILITY PROCESS

1. 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 three 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.
2. Certain civilian complaints will be considered eligible for mediation, for example: professionalism, discourtesy, and neglect of duty. Complaints involving the following will not be considered eligible for mediation:
  - (a) A criminal allegation against the NOPD employee;
  - (b) Where discipline results in the possible termination of an NOPD employee;
  - (c) False arrest;
  - (d) Unreasonable use of force;
  - (e) The planting of evidence;
  - (f) Untruthfulness/false statements;
  - (g) Unlawful search;
  - (h) Retaliation;
  - (i) Sexual misconduct;
  - (j) Domestic violence;
  - (k) Theft; or
  - (l) Possible misconduct of the supervisory or command leadership of the subject NOPD employee
3. 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 12 months.
4. Eligibility determinations will be final and not subject to appeal.

### SUITABILITY PROCESS

5. 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 will be considered in determining suitability.
6. The OIPM will determine suitability for mediation. A complainant may be suitable for mediation when:
  - (a) The complainant has provided informed consent to mediation (See **Form 312 – Consent to Mediation and Withdrawal of Complaint**);
  - (b) If the complainant is a minor, the minor will be accompanied at the mediation by an adult support person;
  - (c) The complainant agrees to sign the confidentiality form (See **OIPM Mediation Program Confidentiality Agreement Form**) and the complaint waiver form (See **Form 312**); and
  - (d) The complainant understands the expectations of mediation and is willing to participate in the mediation in good faith.

7. The OIPM will determine suitability for mediation. A NOPD employee may be suitable for mediation when:
  - (a) The NOPD employee has provided informed consent;
  - (b) The NOPD employee has signed an automatic 60-day extension form and confidentiality form (see 1025.5); and
  - (c) The NOPD employee understands the expectations of mediation and is willing to participate in the mediation in good faith.
8. Suitability criteria will be final and not subject to appeal.
9. Complaints that the OIPM determines are unsuitable for mediation will be automatically re-filed by PIB for the appropriate non-mediation investigatory process.

#### **AGREEMENT/DISAGREEMENT TO MEDIATE**

10. Participation in the mediation process is voluntary, and the complainant and NOPD employee must agree to mediation before the mediation can proceed.
11. 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.
12. The complainant, if agreeing to the mediation and as part of the mediation process, must withdraw the complaint from the normal complaint investigative process outlined in **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation** and allow the issue that is the basis of the original complaint to be handled according to this Chapter by signing a complaint waiver form within 20 days after PIB provides the complaint to the OIPM.
13. If both parties agree to mediate, the Mediation Coordinator will select a mediator or mediators and a date for the mediation session.
14. If the NOPD employee does not agree to mediate, the complaint will be automatically re- filed by PIB under the complaint investigative process outlined in **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation** 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.

#### **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.
14 days after the complaint is received by NOPD.	20 days after PIB provides the complaint to the OIPM.	Within 60 days after the complaint is received by the NOPD.

15. A complaint that is not mediated within 60 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. (See **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation**)

### **SCHEDULING OF MEDIATION**

16. 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 an 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.

### **MEDIATORS**

17. 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.

### **CONFIDENTIALITY**

18. 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.
19. 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.

### **CONDUCT OF MEDIATION**

20. 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).
21. The Rules of Evidence do not apply to mediations. The parties may bring whatever information they feel relevant to the mediation.
22. 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.

### **MEDIATION OUTCOMES**

23. 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.

24. 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.

### **APPEAL**

25. 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.

### **POST-INVESTIGATION MEDIATION**

26. Mediation may also be offered after a misconduct investigation is complete. If a complainant or an NOPD employee under investigation did not receive the outcome they felt was appropriate, mediation may offer a chance for their concerns to still be heard. Mediation offers a chance for the employee and complainant to clarify misunderstandings, give and receive feedback on how to resolve the issues, better understand each other, increase trust, and improve relationships between the NOPD and the community.
27. Post-investigation mediation will be available for complaints with UNFOUNDED, EXONERATED, or NOT SUSTAINED dispositions. Post-investigation mediation will not be offered for complaints with a SUSTAINED disposition. SUSTAINED complaints will be handled according to the disciplinary process outlined in Chapter 52.1.1 – Misconduct Intake and Complaint Investigation.
28. The process for eligibility, suitability, scheduling, mediators, confidentiality, conduct of mediation, and mediation outcomes will follow the established policy and processes for regular mediation referrals as outlined above in this Chapter. The following exceptions apply:
  - a. The NOPD employee does not need to sign a 60-day extension form since the investigation will be complete at this point. In lieu of the extension, the NOPD employee will provide informed consent and sign a Consent to Mediate Form (see Consent to Mediate Form).
  - b. The complainant does not need to sign a complaint waiver form since the investigation will be complete at this point. In lieu of the waiver, the complainant will provide informed consent and sign an OIPM Consent to Mediate Form (form provided by the OIPM).
29. Complaints that previously were offered mediation as an alternative to investigation but were declined are still eligible for post-investigation mediation and should be offered the opportunity again. Complainants or employees may desire the opportunity to mediate once the investigation is complete.

### **POST- INVESTIGATION MEDIATION AGREEMENT**

30. Participation in the mediation process is voluntary, and the complainant and NOPD employee must agree to mediation before the mediation can proceed.
31. If either party do not agree to mediate, no further action will be taken.

### **POST-INVESTIGATION TIMELINE**

32. The complaint should be referred to the OIPM Mediation Program for post-investigation mediation within ten (10) business days of the investigation's completion.

33. The OIPM will conduct assessment conversations with the NOPD employee and the complainant, obtain signed consent forms, and coordinate a mediation date. Mediation should occur within a timely manner after the complaint is received by the OIPM.

#### **POST-INVESTIGATION MEDIATION GOALS**

34. The goal is for the participants to listen to each other, have a space to be heard, gain clarity, and better understand what led to both the complaint and the complainant-police interaction. The participants may make agreements, but a specific resolution is not required.
35. After the mediation session is complete, if the NOPD employee has participated in good faith, the OIPM agrees to file a commendation letter to acknowledge the effort of the NOPD employee to go beyond any departmental requirements to foster relationships with community members.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 25.1

### TITLE: EMPLOYEE GRIEVANCES

**EFFECTIVE: 05/07/2017**

**REVISED: Replaces Policy 1006**

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#### PURPOSE

The purpose of this Chapter is to establish a procedure for employees of the New Orleans Police Department to report and resolve grievances in a fair and expeditious manner. This grievance procedure is intended to assist in achieving and maintaining a favorable work environment, reducing employee dissatisfaction, improving morale and identifying problems in the organization.

#### DEFINITIONS

**Grievance**—As per CAO Policy Memorandum No. 4 (R) (see [http://www.nola.gov/chief-administrative-office/policies/policies/no-4-\(r\)-employee-grievance-procedure/](http://www.nola.gov/chief-administrative-office/policies/policies/no-4-(r)-employee-grievance-procedure/)), a grievance is any dispute about working conditions, alleged violations of City Policy, including an alleged abuse of discretion by a supervisor in the treatment of employees, and disputes as to the interpretation, application, or enforcement of specific employee provisions or rights. Matters under the jurisdiction of the City Civil Service Commission shall not be subject to the grievance procedure described in this Chapter. If any questions arise as to whether a particular dispute is or is not a grievance, the question may be taken up through the grievance procedure.

**Grievance Information Form**—A written form that documents the employee's grievance and the actions taken in response (see [http://www.nola.gov/chief-administrative-office/policies/policies/no-4-\(r\)-employee-grievance-procedure-/no-4-\(r\)-attachment/](http://www.nola.gov/chief-administrative-office/policies/policies/no-4-(r)-employee-grievance-procedure-/no-4-(r)-attachment/)).

**Grievant**—An aggrieved employee who submits a written Grievance Information Form for resolution of his or her grievance.

**Work day**—A 24-hour period during which the employee's agency is on duty. Employees who are absent from work are not exempt from the work day time deadlines in this Chapter.

#### POLICY STATEMENT

Employees and their supervisors share a common goal of attempting to resolve most matters through effective management and operations, without resorting to the grievance process. Employees and supervisors are expected to make a sincere effort to reconcile their differences at the lowest organizational level possible. Actions taken to resolve a conflict at this level shall not be considered to be a binding interpretation or application of policy on either party.

**GENERAL**

1. This regulation mirrors City of New Orleans Chief Administrative Office (CAO) Policy Memorandum No. 4, which outlines the grievance procedure of the City of New Orleans.
2. It shall be the policy of the Department not to discourage the filing of grievances. No member shall be penalized for his/her submission of a grievance.
3. Whenever possible, the grievance process shall be conducted during normal working hours without loss of pay.
4. The timely reporting of grievances will assist in conducting reviews and arriving at the correct disposition for each situation. In accordance with CAO Policy Memorandum No. 4, a complaining employee must present his or her grievance in writing, using the **Grievance Information Form**, to a supervisor within five (5) work days of the most recent act giving rise to the grievance. Every grievance shall be confidential. Information concerning confidential grievances shall not be discussed or disseminated to other employees except as required by this regulation.
5. An aggrieved employee shall have the right to choose an individual to represent him/her or be present during any course of the grievance procedure. The employee's representative may be a lawyer unless the lawyer is serving as the aggrieved employee's attorney in the matter that gave rise to the grievance. The aggrieved employee's representative cannot be a part of the grievance.

**GRIEVANCE FILING PROCEDURE**

6. Once a grievant submits a Grievance Information Form to his or her supervisor, the supervisor must have an oral discussion with the grievant within five (5) work days of the submission of the Grievance Information Form. The supervisor must provide a written decision within five (5) work days of the oral discussion. The written decision must be provided on the Grievance Information Form, a copy of which must be provided to the grievant by e-mail or hard copy. The grievant shall sign the original confirming his/her receipt.
7. The grievant may provide a copy of his/her supervisor's written decision to his/her representative. It is the grievant's responsibility to provide the copy.
8. If the supervisor has not provided a timely written response, or if the grievant is not satisfied with the supervisor's written response, the grievant may provide a copy of the Grievance Information Form (with the supervisor's written response, if available) to his/her district/division commander or, if the commander is the grievant's supervisor, to his/her Deputy Chief. The grievant must include the reason(s) that he/she is seeking further review of the grievance on the Grievance Information Form and provide the copy within five (5) work days of receiving the supervisor's written response or, if no response was provided, within five (5) work days of the deadline for providing a response.
9. The district/division commander to whom a Grievance Information Form is submitted may conduct whatever investigation he/she deems necessary. The commander shall consider meeting in person with the grievant and/or with the grievant's supervisor. The district/division commander shall write his/her decision on the Grievance Information Form, indicating the reasons or basis for his/her decision and provide a copy, by e-mail or hard copy, to the grievant within five (5) working days of the commander's receipt of the Grievance Information Form.

10. If the district/division commander has not provided a timely written response, or if the grievant is not satisfied with the district/division commander's written response, the grievant may provide a copy of the Grievance Information Form (with the commander's written response) to the Superintendent of Police. The grievant must include the reason(s) that he/she is seeking further review of the grievance on the Grievance Information Form and provide the copy within five (5) work days of receiving the commander's written response or, if no response was provided, within five (5) work days of the deadline for providing a response.
11. The Superintendent of Police may conduct whatever investigation he/she deems necessary. The Superintendent of Police shall consider meeting in person with the grievant, the grievant's supervisor, and/or his/her District/Division Commander. The Superintendent of Police shall write his/her decision on the Grievance Information Form and provide a copy, by e-mail or hard copy, to the grievant within ten (10) working days of the Superintendent's receipt of the Grievance Information Form.
12. If no satisfactory agreement has been reached after review by the Superintendent of Police, the grievant may refer the grievance to the CAO's designated official. The grievant must include the reason(s) that he/she is seeking further review of the grievance on the Grievance Information Form and provide the copy within five (5) work days of receiving the Superintendent of Police's written response (or, if no response has been received, within five days of the expiration of the above-referenced 10-day period).
13. The CAO's designated official may conduct whatever investigation he/she deems necessary, including interviewing the grievant and any other supervisors or parties. The CAO's designated official shall write his/her decision on the Grievance Information Form and provide a copy, by e-mail or hard copy, to the grievant within thirty (30) working days of the CAO's designated official's receipt of the Grievance Information Form.
14. If the grievant wishes to seek a final and binding resolution of the grievance after following all the preceding steps, he/she may request review of the entire record by the Chief Administrative Officer. The grievant must include the reason(s) that he/she is seeking further review on the Grievance Information Form and provide the copy to the Chief Administrative Officer within five (5) work days of receiving the written response of the CAO's designated official (or, if no response has been received, within five days of the expiration of the above-referenced 30-day period).
15. The Chief Administrative Officer shall issue a decision in writing, which shall be final and binding on all parties. Questions concerning the procedure may be addressed to the Chief Administrative Office at (504) 658-8900.

#### **SUPERVISOR'S RESPONSIBILITY**

16. Any supervisor approached by a member wishing to file a 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.
17. The supervisor shall verify whether the employee has elected to submit a grievance. The supervisor shall be responsible for explaining to the employee the process that will be followed in filing a grievance.



18. If any supervisor involved in the grievance process becomes aware of any identified misconduct or criminal allegations, he/she shall immediately inform the Public Integrity Bureau.
19. If the cause of a grievance is not within the authority of the supervisor to rectify, the supervisor shall make that fact known to the grievant and advise him/her of the appropriate supervisor in the chain of command to whom the grievance must be presented.
20. The supervisor shall conduct fact finding in response to the employee grievance and justify the determination of the response in the "Decision" portion of the Employee Grievance Form.
21. The supervisor shall meet with the grievant and determine whether he/she is satisfied with the response to the formal grievance or would like to appeal the decision. If the member wants to seek further review of the decision, he/she shall be advised to complete and submit the relevant section of the Grievance Information Form.
22. If the grievant is satisfied or decides not to seek further review, the supervisor shall prepare an interoffice memorandum (NOPD Form No. 105) outlining that decision, explaining in detail the grievance and the actions taken in response. The supervisor shall forward copies of the memo and Grievance Information Form to the Superintendent or his designated representative, the Employee Relations Unit and the Chief Administrative Office within three (3) working days of the supervisor's meeting with the grievant.
23. If the grievant elects to seek further review of the supervisor's decision, the supervisor shall obtain the completed Grievance Information Form and forward it through the chain of command in accordance with the procedure outlined above. Copies shall be sent to the Superintendent or his designee, the CAO and the Employee Relations Unit. If necessary, the supervisor shall attach a memo providing additional information on the grievance situation and facts leading to the supervisor's initial response.
24. In the event the grievant does not desire to pursue the process formally but a valid issue/violation has been raised, the supervisor shall document the issue/violation on a Grievance Information Form and independently address the potential employee violation.

#### **PIB REFERRAL OF COMPLAINT ALLEGATION THAT IS A GRIEVANCE**

25. When an NOPD employee makes an allegation to PIB that falls within the definition of a grievance, as found in this Chapter and CAO Policy Memorandum No. 4 (R), PIB may, in its discretion, refer the allegation to the Employee Relations Unit for processing and handling as a grievance, but must:
  - (a) Transfer the allegation that has been reclassified as a grievance within the time constraints of this Chapter;
  - (b) Assign a unique tracking number;
  - (c) Inform the Human Resources Director that PIB will be transferring the grievance;
  - (d) Promptly inform grievant of the referral;
  - (e) Obtain results of the grievance investigation from the Employee Relations Unit and evaluate whether PIB investigation is necessary; and
  - (f) Record the final disposition of the allegation under the unique tracking number.

**EMPLOYEE RELATIONS UNIT**

26. 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 Unit's Bureau Deputy Chief.
27. The commander of the Employee Relations Unit shall forward a copy of the completed and concluded grievance to the Public Integrity Bureau. PIB shall review the completed grievance and ensure the issue was appropriate for the grievance process.
28. The commander of the Employee Relations Unit shall forward an analysis of grievances to the Deputy Chief of MSB for review on a semi-annual basis, or more frequently depending on the volume of grievances. The commander's analysis should identify any trends, areas for potential training or instruction, and recommendations for modifications to working conditions or relationships if warranted, to improve employee relations and prevent future grievances. The Deputy Chief of MSB shall report to the Superintendent those areas of concern which are reoccurring or are outside of his/her command and need to be addressed. The Employee Relations Unit shall also distribute the analysis to all affected Bureau Deputy Chiefs.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 26.2

### TITLE: ADJUDICATION OF MISCONDUCT

**EFFECTIVE: 05/15/2016**

**REVISED: 07/18/2016**

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#### **PURPOSE**

The purpose of this policy is to establish procedures for conducting predisposition conferences and/or disciplinary hearings following internal investigations that identify potential misconduct and for the administration of penalties if allegations of misconduct are ultimately sustained.

#### **POLICY STATEMENT**

1. Members of the NOPD are expected to conduct themselves, both in interactions with each other and with the public, in a manner that conveys respect, honesty, integrity, and dedication to public service. In turn, employees of the department can expect to be treated fairly, honestly and respectfully, by their peers and other employees of the department who hold positions of greater or lesser organizational authority.
2. The NOPD shall hold employees who commit misconduct accountable through a fair, impartial, timely and consistent disciplinary process in which penalties are imposed objectively, without favoritism or bias in any form. Similar penalties shall be imposed for similar violations, depending on the aggravating or mitigating circumstances of each case. Discipline shall be based upon the nature of the violation, with consideration of aggravating and mitigating circumstances, rather than the identity of the accused or his or her status within the NOPD.
3. The administration of discipline shall not discriminate against anyone on the basis of race, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, disability, or any other basis protected by federal, state, or local law.
4. The NOPD believes that truthfulness is essential in an internal investigation, and it is expected and demanded from all Department employees who may be the subject of, or a witness in, a misconduct investigation.
5. The timely disposition of an investigation is an indispensable component of handling misconduct complaints and imposing discipline, and the untimely imposition of discipline is unfair to the employees involved, community members affected by employee misconduct, and the NOPD as a whole.

#### **DEFINITIONS:**

Definitions relevant to this Chapter include:

**Aggravating circumstances**—Conditions or events that increase the seriousness of misconduct and may increase the degree of penalty. Aggravating circumstances may be considered at a pre-disciplinary hearing to deviate from the recommended or presumptive punishment. For example, if an offense carries a penalty range of one to three days' suspension, a hearing officer may choose to impose a three-day suspension in light of aggravating circumstances.

**Bureau predisposition conference**—A conference conducted by the accused employee's bureau to provide the accused with an opportunity to respond to misconduct allegations. The accused may choose to present relevant information to dispute or clarify the allegations made against him or her. During the Bureau predisposition conference, the Bureau shall determine the appropriate disposition of the allegation. When a misconduct allegation is sustained, the Bureau predisposition conference shall be followed by, and conducted in conjunction with, a pre-disciplinary hearing. The accused may also choose to waive the predisposition conference and proceed directly to a pre-disciplinary hearing.

**Discipline**—A punitive personnel action for violation of an established law, order, rule, NOPD policy and/or procedure, including a written reprimand, suspension, demotion, or dismissal.

**Disposition**—The outcome of an investigation or disciplinary hearing. The investigation of a misconduct allegation may result in a recommended disposition of exonerated, not sustained, sustained, or unfounded.

**Employee**—For the purposes of this Chapter, the term employee refers to employees of the New Orleans Police Department as well as commissioned members and recruits. Although the deadlines for a completed investigation do not apply to non-commissioned employees (see La. R.S. 40:2531), the general procedure for adjudication of misconduct complaints is the same for commissioned and non-commissioned employees.

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

**Hearing Officer**—The NOPD officer who presides over a predisposition conference and/or pre-disciplinary hearing for an accused employee. For a PIB predisposition conference, the hearing officer may be the PIB Deputy Superintendent, or his or her designee, who must be a supervisor with the rank of sergeant or higher and have a rank equal to or higher than the rank of the accused. For a Bureau predisposition conference or pre-disciplinary hearing, the hearing officer may be the accused employee's District/Division Commander, a Deputy Superintendent, or the Superintendent of Police.

**Mitigating circumstances**—Conditions or events that do not excuse or justify misconduct but are considered in deciding the degree of penalty. Mitigating circumstances may be considered at a pre-disciplinary hearing to deviate from the recommended or presumptive punishment. For example, if an offense carries a penalty range of one to three days' suspension, a hearing officer may choose to impose a one-day suspension in light of mitigating circumstances.

**Notice of Completed Investigation**—Written notice provided to an accused employee that a misconduct investigation has been completed. For commissioned employees, this is the "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). For non-commissioned employees, this is known as the "Notice of Recommended Disposition to Non-Commissioned Employee." The notice provides the accused employee with a brief

summary of the investigation's findings; it contains a statement of the charges sufficient in detail to fully inform the accused employee of the misconduct with which he or she has been charged. The notice also includes the investigator's recommended disposition for each charge and informs the accused employee that a predisposition conference has been scheduled that he or she may elect to waive. The notice shall also inform the accused employee that a pre-disciplinary hearing will follow the predisposition conference.

**Not sustained**—The disposition of a misconduct investigation or disciplinary hearing when the investigator or hearing officer is unable to determine, by a preponderance of the evidence, whether alleged misconduct occurred.

**Pre-disciplinary hearing**—A hearing, conducted by the accused employee's Bureau, in which the penalty for a sustained violation is determined. A sustained disposition may not be altered during the pre-disciplinary hearing. Rather, only the penalty for a sustained violation is considered and determined. Mitigating circumstances may be presented at a pre-disciplinary hearing, and aggravating circumstances may be considered at a pre-disciplinary hearing.

**PIB investigation**—Any misconduct investigation undertaken by the Public Integrity Bureau, as opposed to investigations assigned by PIB to other bureaus.

**PIB predisposition conference**—A conference available to the accused employee conducted by the Public Integrity Bureau to provide the accused with an opportunity to respond to misconduct allegations. The accused may choose to present relevant information to dispute or clarify the allegations made against him or her. When a misconduct allegation is sustained, the PIB Predisposition Conference shall be followed by the scheduling of a pre-disciplinary hearing at the accused employee's Bureau. The accused may also choose to waive the predisposition conference and proceed directly to a pre-disciplinary hearing.

**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.

**Sustained**—The disposition of a misconduct investigation or disciplinary hearing that determines, by a preponderance of the evidence, that alleged misconduct occurred.

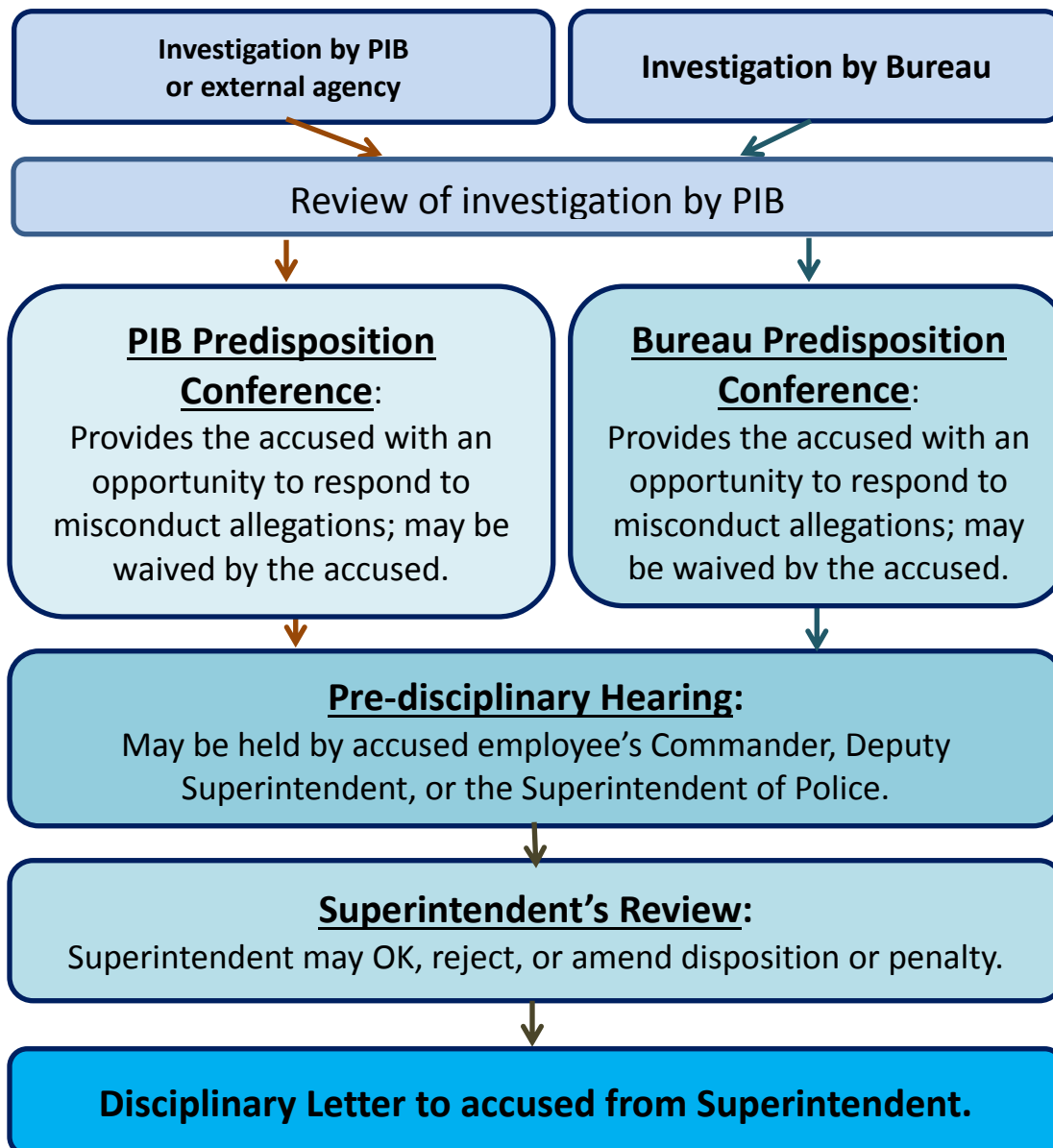
**Unfounded**—The disposition of a misconduct investigation that determines, by a preponderance of the evidence, that alleged misconduct did not occur or did not involve the subject employee.

#### **PREDISPOSITION CONFERENCES AND PRE-DISCIPLINARY HEARINGS—GENERAL**

6. When a misconduct investigation results in a preliminary recommendation of a sustained disposition, and the accused employee has not resigned, the case shall proceed to a predisposition conference (unless waived) followed by a pre-disciplinary hearing. The procedure is the same regardless of which NOPD bureau (or external agency) has investigated the case, except that the predisposition conference may be held by PIB for those cases investigated by PIB or an external agency.
7. PIB shall determine whether a complaint will be assigned to another Bureau, retained by PIB for investigation, or referred to the appropriate agency (see NOPD Chapter 52.1.1). When a misconduct investigation conducted by PIB or an appropriate outside entity results in a preliminary recommendation of a sustained disposition, the accused employee shall be offered a PIB predisposition conference. The purpose of a predisposition conference is to provide the employee with a brief summary of the investigation's findings and to provide the employee with an opportunity to present information relevant to his/her defense or the allegations against him/her. Generally, a PIB predisposition conference shall be available only for investigations conducted by

PIB or an outside entity, but PIB at its discretion may conduct a predisposition conference for investigations conducted by other Bureaus within the Department. Following a PIB predisposition conference, if any allegation of misconduct is sustained, a pre-disciplinary hearing shall be held by the accused employee's bureau to determine the accused employee's punishment.

8. When a misconduct investigation conducted by the accused employee's Bureau results in a preliminary recommendation of a sustained disposition, the accused employee shall be offered a Bureau predisposition conference. The purpose of a predisposition conference is to provide the employee with a brief summary of the investigation's findings and to provide the employee with an opportunity to present information relevant to his/her defense or the allegations against him/her. A Bureau predisposition conference shall be available only for Bureau-level investigations. Following a predisposition conference, if any allegation of misconduct is sustained, a pre-disciplinary hearing shall be held immediately by the accused employee's Bureau to determine the accused employee's punishment.
9. The following chart illustrates the procedure for adjudication of misconduct, from the end of the investigation to the transmittal of a disciplinary letter:



## **PIB PREDISPOSITION CONFERENCE**

10. When a misconduct investigation is completed by PIB or an appropriate outside entity, the PIB investigator shall provide the accused employee with a written Notice of Completed Investigation (NOPD Form #308) at least one week before a scheduled predisposition conference.
11. If the accused employee chooses to waive the predisposition conference, the employee shall submit the waiver in writing.
12. If the employee contests the legal basis for the alleged violation, i.e. the timeliness of the disciplinary process pursuant to the "Police Officer's Bill of Rights," La. R.S. 40:2531, or disputes whether the complained-of conduct impaired the efficiency of the Department or bears a real and substantial relationship to the Department's efficient operation, the employee shall state the legal basis for his/her argument in writing at least five days before the predisposition conference. For good cause shown, the Hearing Officer can waive this restriction and allow arguments that contest the legal basis for an alleged violation at the predisposition conference.
13. The predisposition conference shall include the accused employee and the PIB Deputy Superintendent or his/her designee. The PIB Deputy Superintendent's designee may be any PIB supervisor with the rank of sergeant or higher, provided that the designee's rank shall be higher than the rank of the accused. The accused employee may elect to have a representative present.
14. At the same time that PIB notifies the accused employee that an investigation has been completed, PIB shall also notify the Office of the Independent Police Monitor (OIPM) of the same, and provide OIPM with the summary of the investigation's findings provided to the accused employee. OIPM may provide PIB with a written memorandum regarding the investigation. The Independent Police Monitor or her designee shall be notified of, and permitted to attend, the PIB predisposition conference.
15. At the discretion of the PIB Deputy Superintendent, he or she may consult with and allow the accused employee's immediate supervisor, Commander, or Deputy Superintendent to attend the predisposition conference. However, the PIB Deputy Superintendent shall have sole authority to determine the recommended disposition following the PIB predisposition conference.

## **CONDUCT OF THE PIB PREDISPOSITION CONFERENCE**

16. During the PIB predisposition conference, the accused employee may present relevant information to dispute or clarify the allegations made against him/her or present information relevant to his/her defense. The accused employee shall not have the right to confront or cross-examine witnesses at the predisposition conference, nor will the accused employee have the right to question the investigator. The accused also may not present mitigating circumstances at the predisposition conference.
17. The accused employee shall have the right to legal counsel or another representative at the PIB predisposition conference, and the representative shall be allowed to offer advice to the accused employee and make statements on the record. The legal counsel or representative shall not have the right to question the investigator or any witnesses.
18. Following the accused employee's written response to the investigation's findings or participation in a predisposition conference, the PIB Deputy Superintendent may remand the investigation to the investigator to correct any deficiencies or for further investigation as the PIB Deputy Superintendent deems necessary. After any supplemental investigation is completed, the PIB Deputy Superintendent shall

recommend a disposition of Unfounded, Sustained, Not Sustained, or Exonerated.

19. If the PIB Hearing Officer determines that any allegation is not sustained, exonerated, or unfounded, those recommendations shall proceed to the Superintendent of Police for final approval. Only alleged violations for which the Hearing Officer recommends a sustained disposition shall proceed to a pre-disciplinary hearing.
20. If any allegation of misconduct is recommended sustained, a pre-disciplinary hearing shall subsequently be held at the accused employee's bureau in accordance with this Chapter (see Pre-disciplinary Hearing section below).

#### **WAIVER OF PIB PREDISPOSITION CONFERENCE**

21. If the accused employee does not dispute the alleged violation, he or she may decline to participate in a predisposition conference and proceed directly to a pre-disciplinary hearing by signing a predisposition conference waiver. By signing the waiver, the employee acknowledges that he or she will not contest the allegation(s) against him or her at the pre-disciplinary hearing. However, an employee who signs a predisposition conference waiver may present evidence to mitigate his/her penalty at the pre-disciplinary hearing.

#### **BUREAU PREDISPOSITION CONFERENCE**

22. All misconduct investigations completed by the accused employee's Bureau shall be forwarded to the investigator's District/Division Commander and Bureau Deputy Superintendent for review, then forwarded to the Deputy Superintendent of PIB in accordance with Chapter 52.1.1. The investigator shall provide the accused employee with a written Notice of Completed Investigation (NOPD Form #308) at least one week before a scheduled predisposition conference.
23. If the accused employee chooses to waive the predisposition conference, the employee shall submit the waiver in writing.
24. If the employee contests the legal basis for the alleged violation, i.e. the timeliness of the disciplinary process pursuant to the "Police Officer's Bill of Rights," La. R.S. 40:2531, or disputes whether the complained-of conduct impaired the efficiency of the Department or bears a real and substantial relationship to the Department's efficient operation, the employee shall state the legal basis for his/her argument in writing at least five days before the predisposition conference. For good cause shown, the Hearing Officer can waive this restriction and allow arguments that contest the legal basis for an alleged violation at the predisposition conference.
25. At the same time that the Bureau notifies the accused employee that an investigation has been completed, the Bureau shall also notify OIPM of the same, and provide OIPM with the summary of the investigation's findings provided to the accused employee. OIPM may provide the Bureau with a written memorandum regarding the investigation. The Independent Police Monitor or her designee shall be notified of, and permitted to attend, the Bureau Predisposition Conference.

#### **FORUM OF BUREAU PREDISPOSITION CONFERENCE**

26. The Superintendent of Police, through the Deputy Superintendent of PIB, shall choose the appropriate forum for a Bureau predisposition conference. Bureau predisposition conferences may be conducted by the accused employee's District/Division Commander, the accused employee's Deputy Superintendent, a Superintendent's Committee, or the Superintendent of Police, according to the following guidelines:



**A. Commander**

With the approval of the Superintendent of Police, a District/Division Commander may conduct a Bureau predisposition conference when the:

- (a) Violation does not involve criminal activity;
- (b) Accused'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.

**1. Deputy Superintendent**

With the Superintendent of Police's approval, a Deputy Superintendent may conduct a predisposition conference for any employee within his/her respective Bureau unless the Deputy Superintendent was an investigator on or initiated an investigation on the case being heard.

**2. Superintendent's Committee**

The Superintendent of Police may appoint a Superintendent's Committee, composed of a panel of three or five Deputy Superintendents and/or District/Division Commanders, to conduct any Bureau predisposition conference, subject to the following.

- (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.

**3. Superintendent of Police**

The Superintendent of Police may conduct any Bureau predisposition conference.

**CONDUCT OF BUREAU PREDISPOSITION CONFERENCE**

27. The Bureau predisposition conference shall include the accused employee, who may elect to have a representative present.
28. During the Bureau predisposition conference, the accused employee may present relevant information to dispute or clarify the allegations made against him/her or present information relevant to his/her defense. However, the accused employee may present only evidence that could not have been presented during his/her previous investigation interview. The accused employee shall not have the right to confront or cross-examine witnesses at the predisposition conference, nor will the accused employee have the right to question the investigator. The accused also may not present mitigating circumstances at the predisposition conference.
29. The accused employee shall have the right to legal counsel or another representative at the Bureau predisposition conference, and the representative shall be allowed to offer advice to the accused employee and make statements on the record. The legal counsel or representative shall not have the right to question the investigator or any witness.
30. Following the accused employee's written response to the investigation's findings or participation in a predisposition conference, the Bureau presiding over the Bureau

predisposition conference may remand the investigation to the investigator to correct any deficiencies or for further investigation.

31. At any time, the Bureau may also request the investigation be transferred to PIB. Such request must be presented in writing with justification for transferring the investigation to PIB. The PIB Deputy Superintendent will have final authority to determine if the investigation should be transferred.
32. At the conclusion of the Bureau predisposition conference, or any subsequent conference if further investigation is required, the Hearing Officer shall consider the allegations, and the accused employee's response. The Hearing Officer shall then verbalize to the accused employee his or her recommended disposition on each allegation. The recommendation on each allegation shall be one of the following: Unfounded, Sustained, Not Sustained, or Exonerated.
33. If the Hearing Officer determines that any allegation is not sustained, exonerated, or unfounded, the Hearing Officer shall document the reasons for such findings in an Interoffice Memorandum (Form 105), which shall be included in the investigative file. Those recommendations shall proceed to the Deputy Superintendent of PIB for review. Only allegations for which the Hearing Officer recommends a sustained disposition shall proceed to a pre-disciplinary hearing.
34. If any allegation of misconduct is recommended sustained, the Bureau shall immediately conduct a pre-disciplinary hearing in accordance with this Chapter (see Pre-disciplinary Hearing section below).

#### **WAIVER OF BUREAU PREDISPOSITION CONFERENCE**

35. If the accused employee does not dispute the alleged violation, he or she may decline to participate in a predisposition conference and proceed directly to a pre-disciplinary hearing by signing a predisposition conference waiver. By signing the waiver, the employee acknowledges that he or she will not contest the allegation(s) against him or her at the pre-disciplinary hearing. However, an employee who signs a predisposition conference waiver may present evidence to mitigate his/her penalty at the pre-disciplinary hearing.

#### **PRE-DISCIPLINARY HEARING**

36. In all cases involving a sustained violation, the accused employee's Bureau shall hold a Pre-disciplinary Hearing in which the penalty for the sustained violation is determined in accordance with NOPD Chapter 26.2.1 (Discipline Matrix/Penalty Schedule).

#### **FORUM OF PRE-DISCIPLINARY HEARING**

37. When a misconduct investigation conducted by PIB or an outside agency results in a sustained disposition, the Superintendent of Police, through the Deputy Superintendent of PIB, shall choose the appropriate forum for a pre-disciplinary hearing in accordance with this Chapter (Commander's hearing, Deputy Superintendent's hearing, Superintendent's Committee hearing, or Superintendent of Police hearing).
38. Where a misconduct investigation conducted by the accused employee's Bureau results in a sustained disposition, the pre-disciplinary hearing shall follow immediately in the forum conducting the Bureau predisposition conference. When an accused employee has waived a Bureau predisposition conference, the Superintendent of Police, through the Deputy Superintendent of PIB, shall choose the appropriate forum for a pre-disciplinary hearing in accordance with this Chapter.

39. The pre-disciplinary hearing shall include the accused employee. The accused employee shall have the right to legal counsel or another representative at the pre-disciplinary hearing.
40. The case investigator shall appear at the pre-disciplinary hearing. The investigator shall be notified at least five calendar days prior to the date of the hearing.
41. The District/Division, Section, or Unit level Commander of the accused employee shall appear at any pre-disciplinary hearing involving any subordinate under his/her command.
42. The Independent Police Monitor, or her designee, shall be notified and permitted to attend all pre-disciplinary hearings.

### **CONDUCT OF PRE-DISCIPLINARY HEARING**

43. A sustained disposition may not be altered during the pre-disciplinary hearing. Rather, only the penalty for a sustained violation is considered and determined. Mitigating circumstances and aggravating circumstances may be presented and considered at a pre-disciplinary hearing.
44. There shall be no formal rules of evidence in the disciplinary hearing, and the accused employee may request permission from the Hearing Officer to call witnesses to testify on his/her behalf. However, the accused employee does not have the right to call witnesses, and approval is at the discretion of the Hearing Officer on a case-by-case basis, considering such factors as the gravity of the charges, and the severity of the potential penalty. Evidence presented shall be limited to the question of an appropriate penalty, and the accused employee shall not be entitled to introduce new evidence not introduced at the predisposition conference. The Hearing Officer shall conduct the hearing according to the below guidelines.

#### **A. OPENING**

The hearing shall be analog or digitally recorded. 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 Pre-disciplinary Hearing Disposition Form, read into the record the sustained violations and the circumstances of the misconduct. The Hearing Officer shall provide an explanation of any relevant policy, procedure, and regulations of law.

#### **B. BODY**

The body of the hearing shall provide the accused employee with an opportunity to provide evidence of mitigating circumstances that may be relevant to the determination of an appropriate penalty for the sustained violation.

45. PIB shall provide information regarding the discipline that has been imposed on other NOPD employees across all Bureaus for similar violations. The District/Division, Section, or Unit level Commander of the accused employee may make a statement regarding the accused employee's disciplinary record or other mitigating or aggravating circumstances.
46. Examination or cross-examination of the investigator and/or PIB representative, accused employee, and the accused employee's District/Division, Section, or Unit level Commander shall be conducted by the Hearing Officer only.

### **PENALTY RECOMMENDATION**

47. The Hearing Officer shall recommend an appropriate penalty for each sustained

violation in accordance with NOPD Chapter 26.2.1 (Discipline Matrix/Penalty Schedule).

48. The Hearing Officer shall document the penalty recommendation on the Pre-disciplinary Hearing Disposition Form and provide a written memorandum explaining any deviation from the penalty schedule and/or penalties imposed in similar cases as identified by PIB.
49. The Hearing Officer shall record a separate penalty for each violation (and not a cumulative penalty for the case).
50. If the penalty is a suspension, the Hearing Officer shall indicate that the suspension time involves working days (example: ten working days).
51. Should the penalty include a fine, the Hearing Officer shall record in the Comments section of the Pre-disciplinary Hearing Disposition form the exact amount of any monetary fine assessed, and how that amount was determined.
52. 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.
53. 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.
54. 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 of the Pre-disciplinary Hearing Disposition form.

### **PRE-DISCIPLINARY HEARING DISPOSITION FORM INSTRUCTIONS**

55. The following are instructions for completion of the Pre-disciplinary Hearing Disposition Form:

Place a check in the appropriate block to designate the type of hearing.

**Date:**

Record the date the pre-disciplinary hearing disposition form is completed.

**P.I.B. CTN:**

Record the P.I.B. complaint tracking number for the case heard.

**From:**

List the rank and name of the person(s) who conducted the hearing, i.e. the Hearing Officer.

**Opening paragraph:**

List the date the disciplinary hearing was held, and the rank/name/ID #/assignment of the accused employee. List the names, ranks, IDs, assignment, and/or relationship to the accused employee of every witness who testifies during the hearing, and list the names of all others present during the hearing.

**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).

State the recommended disposition next to each cited Rule violation.

**Aggravating and mitigating circumstances**

List or summarize all aggravating and mitigating circumstances considered in determining the recommended penalty.

**Violation name and recommended penalty:**

List each Rule violation recommended as sustained by the hearing officer. Next to each cited sustained Rule, state the recommended penalty per violation.

**Comments:**

Record any appropriate comments relative to the disposition or penalty, including an explanation of any deviation from the presumptive 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 (Deputy Superintendent):**

To be signed and dated by the Deputy Superintendent of the accused employee's Bureau.

**Concur / do not concur (Superintendent):**

To be signed and dated by the Superintendent of Police.

**SCHEDULING AND NOTIFICATIONS**

56. In all cases, 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 the classification.
57. PIB also shall inform the complainant of the disposition of the investigation within ten business days of the investigations' completion, and whether any disciplinary action was taken within ten days of the completed disciplinary decision.
58. In all cases, the investigator shall prepare and transmit to the accused a Notice of Completed Investigation (NOPD Form #308), which the investigator shall forward to PIB with the completed investigation file.
59. Except in documented extenuating circumstances, a pre-disciplinary hearing shall be scheduled on a date not to exceed 30 calendar days from the date of the completed and approved investigation, i.e. not later than 90 days from the Classification Date (or 150 days from the Classification Date if a Civil Service extension has been granted).

**PIB PREDISPOSITION CONFERENCE—SCHEDULING AND NOTICE**

60. In any case investigated by PIB personnel, the PIB investigator shall be responsible for scheduling a PIB predisposition conference and pre-disciplinary hearing. If the accused employee signs a predisposition conference waiver, the waiver shall be included in the original case file and the case shall proceed to a pre-disciplinary hearing.
61. In all cases investigated by PIB, a pre-disciplinary hearing shall be held at a time and location different from the time and location of the PIB predisposition conference. Additionally, when an accused employee waives his or her right to a predisposition conference or fails to appear at a predisposition conference, his/her case may proceed directly to a pre-disciplinary hearing. In such cases, the appropriate forum will be selected in accordance with this Chapter.
62. The investigator shall schedule a predisposition conference and pre-disciplinary hearing in consultation with the PIB Deputy Superintendent or his/her designee and/or the accused employee's Commander, or the accused employee's Deputy Superintendent, or the Superintendent, depending on the forum selected.
63. The investigator shall prepare a Notice of Completed Investigation (NOPD Form #308) informing the accused employee of the following:
  - (A) That a predisposition conference will be held, during which the accused employee may present information relevant to his or her defense;
  - (B) That the accused employee may have an attorney or other legal representative present (or both);
  - (C) The time, date, and location of the conference;
  - (D) The Hearing Officer's identity;
  - (E) A synopsis of each identified violation and the disposition recommended by the investigator;
  - (F) That a pre-disciplinary hearing shall follow the predisposition conference if the allegation(s) is/are sustained;
  - (G) The time, date, and location of the pre-disciplinary hearing; and
  - (H) That the predisposition conference may be waived.
64. The Notice of Completed Investigation (NOPD Form # 308) shall be issued to and signed by the accused employee at least five calendar days prior to the date of the conference. The original shall be maintained in the case file, and a photocopy shall be issued to the accused employee. The accused employee may request an extension in writing, but the Deputy Superintendent of PIB may grant an extension only under extenuating circumstances.
65. If the accused employee fails to appear at the PIB predisposition conference after being notified and failing to request an extension, the failure to appear will be documented in an Interoffice Memorandum (Form 105) in the original case file. The case will then proceed to a pre-disciplinary hearing.
66. PIB shall contact the accused employee's Bureau after the conclusion of the PIB predisposition conference, or if the accused employee waives his or her appearance, or fails to appear, and inform the accused employee's Bureau that the case may proceed to a pre-disciplinary hearing.

#### **BUREAU PREDISPOSITION CONFERENCE—SCHEDULING AND NOTICE**

67. In any case investigated by the accused employee's Bureau, the investigator shall be responsible for scheduling a Bureau predisposition conference and pre-disciplinary hearing.

68. The investigator shall schedule the pre-disciplinary hearing in consultation with the accused employee's District/Division Commander, or the accused employee's Deputy Superintendent, or the Superintendent, depending on the forum selected.
69. The PIB Deputy Superintendent or his/her designee shall select the forum in accordance with this Chapter. The Bureau investigator shall schedule the predisposition conference in consultation with the accused employee's District/Division Commander, Deputy Superintendent, or the Superintendent, depending on the forum selected. The investigator shall prepare a Notice of Completed Investigation (NOPD Form #308) informing the accused employee of the following:
- (A) That a conference will be held, during which the accused employee may present information relevant to his or her defense;
  - (B) That a pre-disciplinary hearing will follow the predisposition conference;
  - (C) That the accused employee may have an attorney or other legal representative present (or both);
  - (D) The time, date, and location of the conference and/or hearing;
  - (E) The Hearing Officer's identity;
  - (F) A synopsis of each identified violation and the disposition recommended by the investigator;
  - (G) That a pre-disciplinary hearing shall immediately follow the predisposition conference if the allegation(s) is/are sustained; and
  - (H) That the predisposition conference may be waived.
70. The Notice of Completed Investigation (NOPD Form #308) shall be issued to and signed by the accused employee at least five calendar days prior to the date of the conference and hearing. The original shall be maintained in the case file, and a photocopy shall be issued to the accused employee. If the accused employee signs a predisposition conference waiver, the waiver shall be included in the original case file, and the pre-disciplinary hearing shall proceed immediately. The accused employee may request an extension in writing, but the accused employee's Deputy Superintendent may grant an extension only under extenuating circumstances.
71. If the accused employee fails to appear at the Bureau predisposition conference after being notified properly and failing to request an extension, the failure to appear will be documented in an Interoffice Memorandum (Form 105) in the original case file. The case will then proceed to a pre-disciplinary hearing.

#### **HEARING PACKET SUBMISSION AND REVIEW**

72. Following the pre-disciplinary hearing, the Hearing Officer shall forward all Notification Forms, the Notice of Completed Investigation, the 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) For all cases investigated by PIB, the PIB Deputy Superintendent shall have approval authority of the disposition. The Deputy Superintendent of the accused employee's Bureau shall have approval authority of the recommended penalty only. Upon receipt of the hearing records, the Deputy Superintendent shall review the recommended penalty; approve the recommended penalty or recommend a different penalty.
  - (b) For all cases investigated by the accused employee's Bureau, the Deputy Superintendent of the accused employee's Bureau shall have approval authority for the recommended disposition and penalty. Upon receipt of the hearing records, the Deputy Superintendent shall review the recommended disposition and penalty; approve the recommended disposition and penalty or recommend a different disposition and/or penalty. If the Deputy Superintendent recommends a different

disposition and/or penalty, he/she shall explain such recommendation in the Comments section of the Hearing Disposition Form or on a Form 105.

- (c) The Deputy Superintendent of PIB shall have final approval authority for the recommended disposition. If the Deputy Superintendent of PIB recommends a different disposition and/or penalty, he/she shall provide a detailed explanation in a Form 105 why a new disposition and/or penalty is recommended.
73. 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.

### **DISCIPLINARY LETTER**

74. 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.
75. PIB shall notify the Deputy Superintendent of the accused employee's Bureau 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 Deputy Superintendent of the accused employee's Bureau 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 Deputy Superintendent of the accused employee's Bureau 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.
76. When there is no Deputy Superintendent in the accused employee's chain of command, the Superintendent of Police may assign the appropriate supervisor to assume those responsibilities.

### **RESPONSIBILITIES OF THE PUBLIC INTEGRITY BUREAU**

77. PIB shall review all investigative reports submitted in disciplinary matters.
78. 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 a predisposition conference and/or pre-disciplinary hearing.
79. The Commander of PIB shall coordinate all forms of predisposition conferences and pre-disciplinary hearings, and assign an employee from PIB to attend all predisposition conferences and pre-disciplinary hearings except those in which the accused employee's District/Division Commander serves as Hearing Officer. The Commander of PIB shall coordinate all notices for predisposition conferences and pre-disciplinary hearings, which may be prepared by investigators.
80. PIB shall maintain a record of every disciplinary hearing and shall be responsible for



maintaining audio recordings of every hearing. Predisposition conferences and pre-disciplinary hearings shall be audio recorded by the Hearing Officer. The audio recording shall be forwarded to PIB for filing. PIB shall maintain for seven years the files of all disciplinary hearings. The names of all persons in attendance shall be entered into the audio record of the hearing.

81. PIB shall review each recommended disposition and penalty resulting from a pre-disciplinary hearing to ensure the disposition is appropriate and the recommended penalty is in compliance with the established penalty schedule.
82. PIB shall be responsible for forwarding final recommendations to the Superintendent of Police for approval.
83. PIB shall prepare the disciplinary letter from the Superintendent of Police that finalizes the disposition of the complaint and the penalty. The accused employee shall then be notified through the office of his/her Deputy Superintendent to appear at the PIB office to receive and sign a receipt for his/her disciplinary letter.
84. 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. R.S. 40:2533) and the Public Records Law.
85. PIB shall record the disposition in the Department's Early Warning System ("Insight").
86. PIB shall inform the complainant in writing of the final disposition of the complaint which he/she initiated.
87. PIB shall monitor the Departmental disciplinary process and recommend revisions to the Superintendent of Police.
88. PIB shall monitor each appeal by an employee of the Department presented to, and heard by, the Civil Service Commission and shall make recommendations to the Superintendent of Police on these appeals.

#### **RESPONSIBILITIES OF BUREAU**

89. For all cases, the accused employee's Hearing Officer shall be designated in accordance with this Chapter and the Superintendent of Police's choice of forum. The designated Hearing Officer shall preside over the accused employee's Bureau predisposition conference, unless it is waived. The designated Hearing Officer shall also preside over the accused employee's subsequent pre-disciplinary hearing.
90. For all cases investigated by an accused employee's Bureau, the Bureau investigator shall provide a Notice of Completed Investigation (NOPD Form #308) to the accused employee as soon as the investigation is complete. The investigator shall forward the investigative file to the Hearing Officer to ensure it is complete and thorough before the Bureau submits the investigative file to PIB.
91. For all cases investigated by an accused employee's Bureau, the Bureau shall provide notice to the OIPM of the completed investigation as well as notice of the predisposition conference, unless it is waived, and of the pre-disciplinary hearing.
92. For all Bureau predisposition conferences and pre-disciplinary hearings, the designated Hearing Officer shall coordinate with the Commander of PIB. The Hearing Officer presiding over every Bureau predisposition conference and pre-disciplinary hearing shall be responsible for audio recording the proceedings.

93. Following each pre-disciplinary hearing, the designated Hearing Officer shall forward to PIB all Notifications, the Notice of Completed Investigation, the 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.

#### **RESPONSIBILITIES OF ACCUSED EMPLOYEE**

94. In addition to cooperating with all misconduct investigations, including presenting all evidence requested by investigators, every accused employee is responsible for responding to notifications and appearing at his or her pre-disciplinary hearing and, unless one is waived, predisposition conference. Upon receipt of a Notice of Completed Investigation (NOPD Form #308), the accused employee must respond in writing if he or she elects to waive a predisposition conference.
95. If the employee contests the legal basis for the alleged violation, i.e. the timeliness of the disciplinary process pursuant to the "Police Officer's Bill of Rights," La. R.S. 40:2531, or disputes whether the complained-of conduct impaired the efficiency of the Department or bears a real and substantial relationship to the Department's efficient operation, the employee shall state the legal basis for his/her argument in writing at least five business days before the predisposition conference.
96. It is the accused employee's responsibility to notify the Hearing Officer if he or she is unable to appear at a predisposition conference and/or pre-disciplinary hearing. It is also the accused employee's responsibility to request, in writing, an extension for a predisposition conference and/or pre-disciplinary hearing if one is necessary. Any request for extension must be sent to the Hearing Officer at least five business days before the date of the conference and/or hearing.
97. The District/Division, Section, or Unit level Commander shall ensure that any subordinate who appears for a disciplinary hearing is, for payroll purposes, entered into the NOPD payroll system as regular working for the term of the hearing. The entry shall reflect the PIB complaint tracking number in the Remarks section.
98. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 26.2.1

### TITLE: DISCIPLINARY MATRIX/PENALTY SCHEDULE

**EFFECTIVE: 05/15/2016**

**REVISED: 5/21/2017, 3/18/2018**

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#### PURPOSE

The purpose of this Chapter is to provide penalty ranges for rule or policy violations. The disciplinary matrix delineates the lowest possible penalty, the presumptive penalty, and the maximum penalty for each level of offense.

#### POLICY STATEMENT

1. The New Orleans Police Department is committed to holding officers who commit misconduct accountable through an equitable, consistent disciplinary process.
2. Disciplinary penalties shall be imposed objectively, without favoritism or bias in any form. Similar penalties shall be imposed for similar violations, depending on the aggravating or mitigating circumstances of each case.

#### DEFINITIONS

**Aggravating circumstances**—Conditions or events that increase the seriousness of misconduct and may increase the degree of penalty. Aggravating circumstances may be considered at a penalty hearing to deviate from the recommended or presumptive punishment. For example, if an offense carries a penalty range of one to three days' suspension, a hearing officer may choose to impose a three-day suspension in light of aggravating circumstances.

**Egregious offense**—An offense for which a penalty that exceeds the maximum recommendation is justified because of its gravity or an excess of aggravating circumstances, such as an intentional offense that causes injury to a member of the public or results in a violation of another person's civil rights.

**First offense**—The first sustained violation of any Rule(s) in a member's disciplinary work history.

**Minor violation/infraction**— A violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through redirection, retraining and/or non-disciplinary counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, forgetting to complete an FIC, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be sufficiently minor that it is correctable by minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of a similar violation within a twelve-month period (based on the

date of the observed violation) may require discipline. A supervisor may decide to handle a minor violation/infraction through non-disciplinary means. Refer to **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations** for guidance.

**Misconduct**—Any action or inaction that violates any Departmental Rule, Policy, Procedure, Order, verbal or written instruction, or criminal law other than a grievance as defined in **CAO Policy Memorandum 4(R)** and **Chapter 25.1 – Employee Grievances**.

**Mitigating circumstances**—Conditions or events that do not excuse or justify misconduct but are considered in deciding the degree of penalty. Mitigating circumstances may be considered at a penalty hearing to deviate from the recommended or presumptive punishment. For example, if an offense carries a penalty range of one to three days' suspension, a hearing officer may choose to impose a one-day suspension in light of mitigating circumstances.

**Penalty range**—The range of discipline for a given offense. Every offense level has a minimum penalty, a presumptive penalty, and a maximum penalty. The penalty hearing officer must recommend the presumptive penalty unless aggravating or mitigating circumstances exist and are specifically articulated in the hearing record.

**Personal**—A violation is classified as personal when an employee allegedly commits the offense while off duty and is not acting under color of law.

**Presumptive penalty**—The penalty that a penalty hearing officer must impose for the sustained violation of a given offense if no aggravating or mitigating circumstances are specifically articulated in the hearing record. The hearing officer must justify any deviation from the presumptive penalty for the given offense by articulating, in the hearing record, the aggravating or mitigating circumstances present and his/her reasons for arriving at the appropriate penalty in light of those circumstances.

**Second offense**—The second SUSTAINED violation of the same level within the disciplinary matrix within a 36-month period from the date of the occurrence of the first offense, OR a second SUSTAINED violation of ANY rule within a 36 month period from the date of occurrence of the first offense provided the first offense and subsequent offense are classified as Level D or higher (Levels D through G; see matrix below). Third, fourth, and fifth offenses are determined in the same manner.

EXAMPLES: Officer Smith violates Rule 3(6), "Commercial Endorsement," (Level D violation) on June 1, 2016, an allegation that is sustained. Officer Smith then violates Rule 7(3), "Cleanliness of Department Vehicles," (Level A violation) on June 1, 2018, an allegation that is also sustained. This is not a second offense because the first sustained violation is a Level D offense and the second sustained violation is a Level A offense. However, the previous sustained Level D violation could be considered an aggravating factor on the Level A offense.

If Officer Smith violates Rule 3(1), "Professionalism," (Level A violation) on June 1, 2016, and then violates Rule 7(3), "Cleanliness of Department Vehicles," (Level A violation) on June 1, 2018, it would be a second offense because the first and second violations are both level A offenses.

If Officer Smith violates Rule 7(3), "Cleanliness of Department Vehicles," (Level A violation) on June 1, 2016 and then violates Rule 3(6), "Commercial Endorsement," (Level D violation) on June 1, 2018, it would be a first offense because the first sustained violation is a Level A offense and the second sustained violation is a Level D offense.

Alternatively, if Officer Smith violates Rule 3(6) "Commercial Endorsement," (Level D violation) on June 1, 2016, and then violates Rule 6(6), "Confidentiality of Internal Investigations," (Level E violation) on June 1, 2018, it would be a second offense because the first violation is a level D offense and the subsequent violation is a level E offense. A Level D or higher violation within a

36 month period of another Level D or higher violation results in a second offense at the violation level of the current violation.

Below is an illustration of the outcomes in the preceding examples where two violations occur within a 36 month period:

1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	Outcome of 2 <sup>nd</sup> Violation
Level D	Level A	1 <sup>st</sup> Offense Level A, with possible aggravation from prior Level D violation
Level A	Level A	2 <sup>nd</sup> Offense Level A
Level A	Level D	1 <sup>st</sup> Offense Level D
Level D	Level E	2 <sup>nd</sup> Offense Level E, since both offenses are Level D or above

### DISCIPLINARY MATRIX

3. The table below is the disciplinary matrix, which dictates the penalty range for every offense level. The matrix demonstrates progressive discipline, with the penalty range increasing gradually for each successive offense (first, second, third and additional). In addition, the penalty range increases according to the severity of the offense. The range for each offense is expressed in three figures or characters that represent the minimum, presumptive, and maximum penalties. “O” represents an oral reprimand; “R” represents a letter of reprimand; “D” represents demotion or dismissal; and numbers represent days of suspension. For example, “30-45-60/D” means a 45-day suspension is the presumptive penalty, a 30-day suspension is the minimum penalty, and the maximum is 60 days but may result in dismissal for an egregious offense. The presumptive penalty shall be applied for each offense unless aggravating or mitigating circumstances exist and merit deviation to a lesser or greater penalty within the penalty range. A non-disciplinary corrective action (redirection, non-disciplinary counseling, or remedial training) cannot be the sole response to a violation if the disciplinary matrix requires the imposition of discipline.

Level	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	5 <sup>th</sup> Offense
A	O-R-1	R-1-3	R-2-5	1-3-5/D	2-5-10/D
B	R-1-3	R-2-5	2-5-10/D	5-10-20/D	10-15-30/D
C	2-5-10	5-10-20/D	15-30-45/D	15-30-45/D	15-30-45/D
D	5-10-20/D	15-30-45/D	45-60-80/D	45-60-80/D	45-60-80/D
E	30-45-60/D	60-80-D	80-D-D	80-D-D	80-D-D
F	60-80-D	80-D-D	D-D-D	D-D-D	D-D-D
G	D-D-D	D-D-D	D-D-D	D-D-D	D-D-D

### AGGRAVATING AND MITIGATING CIRCUMSTANCES

4. Discipline must be consistent. The same or similar violation must be given the same or similar penalty. However, it is recognized that the circumstances of an offense may

make it more or less egregious and therefore deserving of a lesser or greater penalty. The following non-inclusive factors, if applicable to the particular case, should be considered when considering discipline, as mitigating or aggravating circumstances:

- (a) The employee's level and scope of responsibility with the Department and the nature of his or her position;
- (b) The nature and seriousness of the violation and its relationship to the employee's duties, position, and responsibilities;
- (c) The employee's past disciplinary and work record, including whether he or she has any commendations;
- (d) The member has a previous sustained violation of a higher level within the preceding 36 months;
- (e) The employee's longevity with the Department and what he or she has contributed to the Department throughout employment;
- (f) The effect of the violation upon management's confidence in the employee's future job performance;
- (g) The consistency of the penalty with those imposed upon other employees for a similar offense and with the disciplinary matrix;
- (h) The notoriety of the offense or its impact upon the reputation of the Police Department;
- (i) The clarity with which the employee was on notice of any regulations that were violated in the commission of the offense, including whether he or she was warned about the conduct in question;
- (j) The likely potential for the employee's rehabilitation, including the employee's history with past attempts to rehabilitate;
- (k) Whether the violation was intentional, inadvertent, or committed maliciously or for personal gain;
- (l) Whether the violation was repeated, and how often;
- (m) Whether the violation affects the rights or liberties of another person;
- (n) Whether the violation caused injury and/or had a harmful impact on a citizen or the community;
- (o) Whether the violation is technical and an administrative or a criminal violation;
- (p) Other circumstances such as job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation by others involved in the incident;
- (q) Whether the employee has accepted responsibility for his or her actions, from the outset of being informed of the allegation(s); and
- (r) Whether the violation resulted in a criminal conviction or arrest; and
- (s) Whether the accused employee intervened in an alleged act of misconduct or received a peer intervention and complied with that intervention in an alleged act of misconduct in accordance with the Ethical Policing Is Courageous program.

## **EDUCATION-BASED DISCIPLINE**

5. Education-based discipline is designed to focus on behavioral change through education and training rather than the exclusive use of punishment. The goal is not to punish the employee but to modify the unacceptable behavior, improve the performance, and to more strongly alert the employee of the need to correct the problem. Education-based discipline is a disciplinary alternative to a reprimand or suspension. The process gives the individual the option of **voluntarily** participating in a corrective action plan that can include education, training or other options designed to address the misconduct issue or the deficits in performance identified by the investigation or hearing. Moreover, all of the activities related to the plan are conducted during on-duty time.

6. Training may be provided in lieu of the reprimand or suspension when the hearing officer has identified issues where training may help prevent future violations of a similar nature. Education-based discipline may reduce but not eliminate the penalty for a violation that is Level D or above. When determining the appropriateness of education-based discipline, the hearing officer shall consider:
  - (a) The nature and seriousness of the offense;
  - (b) The aggravating and mitigating circumstances outlined in this Chapter, including the underlying intent behind the offense;
  - (c) Whether training exists and is available within the Department to help prevent future violations of a similar nature;
  - (d) Whether the officer has already received education-based discipline on the same topic; and
  - (e) The effectiveness of any prior instances of education-based discipline with the offending officer.

The hearing officer shall document the consideration of these factors and why the proposed training is appropriate in writing on the hearing form.

7. The hearing officer may offer education-based discipline in lieu of the reprimand or suspension as appropriate. The education-based discipline option shall be communicated to the offending member in the hearing and documented on the Hearing Officer Disposition Form. The hearing officer shall state and document:
  - (a) The proposed curriculum elements for the education-based discipline and its connection to the violation;
  - (b) The reason why education-based discipline was offered in connection to the sustained violation;
  - (c) The deadline for completing the education-based discipline component; and
  - (d) The disciplinary penalty applied if the member forgoes the education-based discipline option.
8. Education-based discipline may replace all or part of the penalty that would otherwise be applied in the absence of the training alternative. The training duration may exceed the suspension days otherwise required for the violation. Less than a full day of training may count for a suspension day.
9. Education-based discipline may replace a maximum of 10 suspension days. Education-based discipline may be applied to a suspension greater than 10 days. Education-based discipline may reduce but not eliminate the penalty for a violation that is Level D or above.
10. The member may accept or reject the education-based discipline component when presented by the hearing officer.
11. If the member fails to complete the required training by the specified deadline or fails to effectively participate in the training, the member will serve the original penalty for which the education-based discipline was an alternative. The training academy shall notify PIB if the individual failed to effectively participate in training.
12. Disciplinary records will reflect the originally intended penalty in all cases where education-based discipline was offered.
13. If the member accepts the education-based discipline alternative, the member waives his/her rights to an appeal.

14. PIB shall review all education-based discipline proposals to ensure the appropriate use of education-based discipline. Any issues with the application or appropriateness of the use of education-based discipline will be reviewed and discussed with the Hearing Officer and the Commander or Deputy Chief of PIB within 15 days of receipt of the hearing disposition form by PIB.

### **SUPERINTENDENT'S AUTHORITY**

15. The Superintendent of Police, as the appointing authority, may approve, disapprove or change any recommended disposition or penalty. Only the Superintendent of Police has the authority to impose disciplinary action.

### **PENALTY SCHEDULE**

16. The following penalty schedule lists each offense by rule, provides a description of the rule, and dictates the appropriate penalty level in accordance with the penalty matrix.

### **RULE TWO: MORAL CONDUCT**

17. ADHERENCE TO LAW—2(1)

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	LEVEL
TRAFFIC: POLICE VEHICLE (ON DUTY/OFF DUTY)	B
TRAFFIC: PRIVATE VEHICLE (ON DUTY/OFF DUTY)	A
DWI: ON DUTY, POLICE VEHICLE	G
DWI: OFF DUTY, POLICE VEHICLE	F
DWI: ON DUTY, PRIVATE VEHICLE	E
DWI: OFF DUTY, PRIVATE VEHICLE	E
MUNICIPAL: ON DUTY	D
MUNICIPAL: OFF DUTY (COLOR OF LAW)	D
MUNICIPAL: OFF DUTY (PERSONAL)	C
STATE MISDEMEANOR: ON DUTY	F
STATE MISDEMEANOR: OFF DUTY (COLOR OF LAW)	F
STATE MISDEMEANOR: OFF DUTY (PERSONAL)	E
STATE FELONY (ON DUTY/OFF DUTY)	G

18. COURTESY—2(2)

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	LEVEL
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ON DUTY/OFF DUTY (COLOR OF LAW)	A
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## 19. INTENTIONAL FALSE STATEMENTS—2(3)

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. An employee shall not make any material false statement with the intent to deceive. A statement is material when it could have affected the course or outcome of an investigation or official proceeding relating to the scope of their employment and operations of the Department.

TITLE	LEVEL
ON DUTY/OFF DUTY	G

## 20. DISCRIMINATION—2(4)

Employees shall not discriminate against or show partiality to any person because of racial, ethnic, religious, political, sexual, or personal prejudice.

TITLE	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	D
SEXUAL HARASSMENT	D

## 21. VERBAL INTIMIDATION—2(5)

An employee shall not use or direct unjustifiable verbal abuse, threats, or intimidation against any person.

TITLE	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	B

## 22. COERCED CONFESSION—2(5)

An employee shall not use or direct unjustifiable verbal abuse, threats, or intimidation against any person to obtain a confession.

TITLE	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	F

## 23. UNAUTHORIZED FORCE—2(6)

Employees shall not use or direct unjustifiable physical abuse, violence, force, or intimidation against any person.

TITLE	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW) - LEVEL 1	C
ON DUTY/OFF DUTY (COLOR OF LAW) – LEVEL 2	C
ON DUTY/OFF DUTY (COLOR OF LAW) – LEVEL 3	D
ON DUTY/OFF DUTY (COLOR OF LAW) – LEVEL 4	F

## 24. COURAGE—2(7)

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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	C

25. FAILURE TO REPORT MISCONDUCT—2(8)

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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	SAME AS PREDICATE OFFENSE

26. FAILURE TO COOPERATE/WITHHOLDING INFORMATION—2(9)

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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	F

**RULE THREE: PROFESSIONALISM**

## 27. PROFESSIONALISM—3(1)

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	LEVEL
ON DUTY	A
OFF DUTY (COLOR OF LAW)	A
OFF DUTY (PERSONAL)	A

## 28. ABUSE OF POSITION—3(2)

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	LEVEL
ON DUTY/OFF DUTY	D

## 29. NEATNESS AND ATTIRE—3(3)

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	LEVEL
ON DUTY	A

## 30. ACCEPTING OR GIVING ANYTHING OF VALUE—3(4)

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 express 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).

TITLE	LEVEL
ON DUTY/OFF DUTY	C

## 31. INFLUENCE PEDDLING—3(4)

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:

- (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	LEVEL
ON DUTY/OFF DUTY	D

### 32. REFERRALS—3(5)

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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	C

### 33. COMMERCIAL ENDORSEMENT—3(6)

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	LEVEL
ON DUTY/OFF DUTY	D

### 34. USE OF DRUGS/SUBSTANCE ABUSE TESTING—3(7)

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	LEVEL
ON DUTY/OFF DUTY	G

### 35. USE OF ALCOHOL ON DUTY—3(8)

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.

TITLE	LEVEL
ON DUTY	F

## 36. USE OF ALCOHOL OFF-DUTY—3(9)

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	LEVEL
OFF DUTY	C

## 37. ALCOHOL INFLUENCE TEST—3(10)

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	LEVEL
ON DUTY	F
OFF DUTY	E

## 38. USE OF TOBACCO—3(11)

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 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	LEVEL
ON DUTY	A

## 39. RETALIATION—3(12)

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.

TITLE	LEVEL
ON DUTY	F

## 40. USE OF SOCIAL MEDIA—3(13)

Employees shall not post any material on the internet including but not limited to photos, videos, word documents, etc., that embarrasses, humiliates, discredits or harms the operations and reputation of the Police Department or any of its members.

TITLE	LEVEL
ON DUTY/OFF DUTY	C

## 41. ILLEGAL USE OF SOCIAL MEDIA

Employees shall not post any material on the Internet that violates any local, state or federal law, or includes hate speech, discrimination or advocates unnecessary force.

TITLE	LEVEL
ON DUTY/OFF DUTY	F

**RULE FOUR: PERFORMANCE OF DUTY**

## 42. REPORTING FOR DUTY—4(1)

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	LEVEL
ON DUTY	B

## 43. INSTRUCTIONS FROM AN AUTHORITATIVE SOURCE—4(2)

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	LEVEL
ON DUTY/OFF DUTY	C
FAILURE TO RENDER STATEMENT IN AN ADMINISTRATIVE INVESTIGATION	G

## 44. DISOBEYING A DIRECT ORDER—4(2)

A member shall professionally, promptly, and fully abide by or follow a direct order from a supervisor, superior, or commanding officer.

TITLE	LEVEL
ON DUTY	D

## 45. DEVOTING ENTIRE TIME TO DUTY—4(3)

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	LEVEL
ON DUTY	A

## 46. NEGLIGENCE OF DUTY—4(4)

(a) 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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	B
MINOR VIOLATION/INFRACTION	A

(b) SUPERVISORY RESPONSIBILITIES

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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	SAME AS PREDICATE OFFENSE; OR LEVEL B IF THERE IS NO PREDICATE OFFENSE (NO SUBORDINATE IS CHARGED)

(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;
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 properly maintained while in individual custody;
10. Failing to properly care 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	LEVEL
ON DUTY/OFF DUTY (COLOR OF LAW)	B
MINOR VIOLATION/INFRACTION	A

47. CEASING TO PERFORM BEFORE END OF TOUR OF DUTY—4(5)

A member shall be allowed to end his period of duty only with prior approval of his supervisor.

TITLE	LEVEL
ON DUTY	B

48. LEAVING ASSIGNED AREA—4(6)

Members shall remain within the boundaries of their assignment except when specifically authorized by their supervisor, radio dispatcher, or in hot pursuit.

TITLE	LEVEL
ON DUTY	B

49. LEAVING CITY WHILE ON DUTY—4(7)

Members shall not go beyond the City limits while on duty unless directed by their Supervisor, radio dispatcher, or in hot pursuit.

TITLE	LEVEL
ON DUTY	B

50. HOURS OF DUTY—4(8)

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/her official ID card and may carry his/her 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.

TITLE	LEVEL
ON DUTY/OFF DUTY	C
FAILING TO CARRY ID OFF-DUTY	A

51. SAFEKEEPING OF VALUABLES—4(9)

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	LEVEL
ON DUTY	A

## 52. ESCORT FOR VALUABLES—4(10)

Members of the Department on duty shall not furnish escort services for transporting of money or valuables unless authorized by a Supervisor.

TITLE	LEVEL
ON DUTY	B

## 53. BODY-WORN CAMERA—4(11)

Members shall use their Department-issued body-worn cameras (BWCs) in accordance with Chapter 41.3.10. In accordance with Chapter 41.3.2, inadvertent misuse and non-use of a body-worn camera will be considered a second offense when a member has exhausted his or her allotment of redirection instances under that policy.

TITLE	LEVEL
ON DUTY	A

## 54. INTENTIONAL MISUSE OR NON-USE OF BODY-WORN CAMERA--4(11)

A member shall not deliberately turn off his or her body-worn camera to conceal illegal or prohibited conduct.

TITLE	LEVEL
ON DUTY/OFF DUTY	F

**RULE FIVE: RESTRICTED ACTIVITIES****55. FICTITIOUS ILLNESS OR INJURY REPORTS—5(1)**

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	LEVEL
ON DUTY/OFF DUTY	C

**56. ASSOCIATIONS—5(2)**

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	LEVEL
ON DUTY/OFF DUTY	C

**57. VISITING PROHIBITED ESTABLISHMENTS—5(3)**

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	LEVEL
ON DUTY	E
OFF DUTY	C

**58. SUBVERSIVE ACTIVITIES—5(4)**

An employee shall not commit, attempt to commit, aid in the commission of, 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	LEVEL
ON DUTY/OFF DUTY	F

**59. LABOR ACTIVITY—5(5)**

(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 Department 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	LEVEL
ON DUTY/OFF DUTY	D

60. ACTING IN CIVIL MATTERS—5(6)

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 the inquirer seek such information from another source of the inquirer's choosing.

TITLE	LEVEL
ON DUTY/OFF DUTY	B

61. ACTING IMPARTIALLY—5(7)

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	LEVEL
ON DUTY/OFF DUTY	D

62. CIVIL SUITS BY MEMBERS—5(8)

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	LEVEL
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ON DUTY/OFF DUTY	C
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63. CRIMINAL PROCEEDING AGAINST MEMBERS—5(9)

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	LEVEL
ON DUTY/OFF DUTY	E

64. TESTIFYING ON BEHALF OF DEFENDANTS—5(10)

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 on 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	LEVEL
ON DUTY/OFF DUTY	E

65. INTERFERING WITH INVESTIGATIONS—5(11)

An employee shall not divulge official information to any other person or agency which he/she knows or should know would possibly impede, obstruct or otherwise compromise 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 resulting 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	LEVEL
ON DUTY/OFF DUTY	F

66. UNDERCOVER INVESTIGATIONS—5(12)

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	LEVEL
ON DUTY/OFF DUTY	E

67. REWARDS—5(13)

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	LEVEL
ON DUTY/OFF DUTY	B

**RULE SIX: OFFICIAL INFORMATION**

## 68. SECURITY OF RECORDS—6(1)

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	LEVEL
ON DUTY/OFF DUTY	D

## 69. INTENTIONALLY FALSE OR INACCURATE REPORTS—6(2)

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	LEVEL
ON DUTY/OFF DUTY	G

## 70. PUBLIC STATEMENTS AND APPEARANCES—6(3)

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 out 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	LEVEL
ON DUTY/OFF DUTY	D

## 71. PUBLIC COMPLAINTS—6(4)

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	LEVEL
ON DUTY/OFF DUTY	B

## 72. INFORMANTS—6(5)

A member shall not be compelled to reveal the identity of a confidential informant except when required by the Superintendent of Police.

TITLE	LEVEL
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ON DUTY/OFF DUTY	G
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## 73. CONFIDENTIALITY OF INTERNAL INVESTIGATIONS—6(6)

All files concerning Departmental administrative reports and investigations shall be confidential.

TITLE	LEVEL
ON DUTY/OFF DUTY	E



**RULE SEVEN: DEPARTMENT PROPERTY****74. USE OF DEPARTMENT PROPERTY—7(1)**

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	LEVEL
ON DUTY/OFF DUTY	B

**75. AUTHORIZED OPERATORS OF DEPARTMENT PROPERTY—7(2)**

Only licensed members who are authorized by their supervisor shall operate police vehicles.

TITLE	LEVEL
ON DUTY/OFF DUTY	B

**76. CLEANLINESS OF DEPARTMENT VEHICLES—7(3)**

Members assigned to operate police vehicles shall be responsible for the cleanliness of such vehicles during their tour of duty.

TITLE	LEVEL
ON DUTY/OFF DUTY	A

**77. USE OF EMERGENCY EQUIPMENT—7(4)**

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	LEVEL
ON DUTY/OFF DUTY	A

**78. STATEMENT OF RESPONSIBILITY—7(5)**

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.

TITLE	LEVEL
ON DUTY/OFF DUTY	B

**79. OPERATIONS MANUAL—7(6)**

Members shall be personally responsible for maintaining and updating their individual copies of the Department Operations Manual.

TITLE	LEVEL
ON DUTY/OFF DUTY	A



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 26.3.1

### TITLE: WORKPLACE SEXUAL HARASSMENT

**EFFECTIVE: 7/30/2023**

**REVISED: Replaces in part Chapter 26.3**

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#### PURPOSE

The purpose of this policy is to prevent Department members from subjecting others to, or being subjected to sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

#### POLICY STATEMENT

1. The New Orleans Police Department is an equal opportunity employer and is committed to creating and maintaining a healthy work environment that will provide all employees the opportunity to perform their duties to their fullest potential. The working environment must be free of all forms of discriminatory harassment, including sexual harassment, and retaliation.
2. Sexual harassment can expose the Department and its employees to serious liability and can lower morale, undermine the integrity of employee relationships, and interfere with the efficiency of Department operations. Sexual harassment, can constitute serious misconduct that will not be tolerated. 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. (See: **M. C. Ordinance No. 27795**).
3. The non-discrimination policies of the Department may be more comprehensive than municipal, state or federal law. Conduct that violates this policy may or may not violate municipal, state or federal law but still could subject a member to administrative discipline. (See: **Chapter 26.3.2 – Workplace Discrimination**).
4. 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.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Complainant**—Any person, including an NOPD officer or employee, who makes a complaint against an officer or employee of NOPD.

**Sexual Harassment**—Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offense working environment. For purposes of this section, an intimidating, hostile, or offensive work environment exists when sexual harassment is so pervasive or severe that it creates intimidating, offensive workplace and alters the conditions or employment.

The following are types of sexual harassment:

- 1) **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: Field training officers may be considered "of supervisory capacity" due to their status and control over the recruit.
- 2) **Hostile Work Environment:** Anyone in the work place can commit this type of harassment. A hostile work environment exists where sexual harassment is so pervasive or severe that it creates an intimidating, offensive work place and alters the conditions of employment.

## EXAMPLES OF INAPPROPRIATE CONDUCT

- 5. Depending on the facts and circumstances, the following are examples of conduct that may violate this Chapter:
  - a) Touching another person's body in a manner that the employee knows or should know the other person will regard as offensive (e.g., unwelcome neck massages, rubbing another person's hands or arms, touching another person's breasts, buttocks, or genitals);
  - b) Displaying or circulating sexually suggestive objects or images, including pictures, posters, videos, photographs, cartoons, calendars, drawings, magazines, computer graphics, and literature;
  - c) Exposing or touching oneself in a manner that the employee knows or should know the other person will regard as offensive;
  - d) Alluding to another person's or one's own anatomy and/or genitals in a manner that the employee knows or should know the other person will regard as offensive;
  - e) Telling sexually oriented jokes or making references or inquiries into someone's sexual preferences;
  - f) Suggestive or insulting sounds ("cat calls" or "kissing" noises), leering, obscene gestures, and sexually suggestive body gestures.
  - g) Alluding to another person's or one's own mode of dress in a sexually oriented or suggestive manner that the employee knows or should know the other person will regard as offensive; and
  - h) Posting, possessing, sending, soliciting or displaying in the workplace sexually suggestive, racist, "hate-site" related, or obscene letters, notes, invitations, cartoons, posters, facsimiles, electronic mail or web links.
  - i) Electronically sending messages with sexual content, including pictures and video, the use or sexually explicit language, harassment, cyber stalking and threats via all forms or electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites).

**MEMBER RESPONSIBILITIES**

6. Any member who believes, in good faith, that he/she has observed sexual harassment, shall promptly report such conduct, and any member who believes, in good faith, that he/she has been sexual harassment, shall promptly report such conduct, in accordance with the requirements of this chapter and **Chapter 52.1.1— Misconduct Complaint Intake and Investigation** so that appropriate investigative and disciplinary actions may be taken. If the member's immediate supervisor is the accused employee, the member may report allegations to a supervisor higher in the chain of command or directly to the Public Integrity Bureau.
7. A sexual harassment complaint may be an oral complaint initially but must be followed by a sexual harassment or discrimination complaint form (Appendix A). The complaint should include the date(s) the incident(s) occurred, name(s) or the individual(s) involved, name(s) or witness(es), and a detailed description of the incident(s).
8. When the member completes the sexual harassment or discrimination complaint form (Appendix A), the NOPD human resources manager and/or the Superintendent must sign the form. Only signatures from the NOPD human resources manager and/or the Superintendent are to be entered on the sexual harassment or discrimination complaint form in the space designated for this purpose. In the event the accused harasser is the human resources manager or the Superintendent, the complaint should be signed by the asst. CAO of the personnel division.
9. Once the Sexual Harassment or Discrimination Complaint Form (Appendix A) is completed by the member, a copy shall be sent to the Deputy Chief of PIB and the original shall be sent to the Personnel Division, Chief Administrative Office, and City of New Orleans. A copy of the Form can be found at:  
<https://employee.nola.gov/work/policies/policy-memorandum/>.
10. Every employee is responsible for taking the initiative to prevent 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 within the meaning of this Chapter; and
  - c) Cease immediately any behavior or discussion if told that such conduct is offensive within the meaning of this Chapter.
11. Any employee who encounters sexual harassment is encouraged to inform the offending party that his or her actions are unwelcome and/or offensive.

**COMMANDERS AND SUPERVISORS RESPONSIBILITIES**

12. Supervisors receiving written or verbal allegations of violations of this Chapter shall take such allegations seriously, deal with them in a prompt and effective manner, and, where appropriate, initiate a disciplinary investigation, by completing NOPD Form 230 – PIB Intake Form – Commendation – Complaint or Documentation of Minor Violation, and take all appropriate investigative and disciplinary actions, consistent with **Chapter 52.1.1— Misconduct Complaint Intake and Investigation**.
13. A supervisor to whom a complaint is given shall meet with the complainant and document the incident(s) complained of; the persons(s) performing or participating in the alleged acts of sexual harassment; any witnesses to the incident(s); and the date, time, and place of the incident(s).
14. All complaints of alleged inappropriate behavior shall be documented in writing and forwarded to the Public Integrity Bureau.

15. Supervisors shall take appropriate corrective action to stop or prevent further sexual harassment as soon as it is reported or observed.
16. Commanders shall take the initiative in preventing sexual harassment in the workplace by setting good examples, always demonstrating courteous and professional behavior, and actively monitoring the work environment.
17. Commanders and supervisors shall ensure that employees do not suffer reprisal or retaliatory actions for presenting allegations of inappropriate behavior. However, any complaint of sexual harassment that has been found to be false through investigation shall result in the initiation of a formal disciplinary investigation against the parties(s) who originated the original false allegations.
18. If a complaint can be resolved without a formal investigation through non-disciplinary counseling or training, supervisors shall thoroughly document this action in writing and forward to the Public Integrity Bureau in a Universal Complaint Form (see **Chapter 35.1.7—Non-Disciplinary Counseling for Minor Violations**).
19. Supervisors are not authorized to advise employees about their legal remedies as provided by Federal and/or State law.

#### **ADDITIONAL CONSIDERATION**

20. Sexual 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 as interpreted by the Equal Employment Opportunity Commission (EEOC) and the Louisiana Commission on Human Rights, and
  - 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.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

21. The Public Integrity Bureau shall separately track all complaints of sexual harassment and maintain all files of such complaints. 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.
22. 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.
23. All complaints of sexual harassment shall follow the reporting, notification, privacy rights, and investigative timelines for completion outlined in CAO Policy Memorandum 141(R) and Municipal Code Article VIII – Sexual Harassment Sections 86-40 thru 86-48.
24. PIB shall report on Departmental sexual harassment complaints and investigations as required in CAO Policy 141(R) – Section X.

#### **EQUAL OPPORTUNITY COMPLAINTS**

25. 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.

#### **QUESTIONS REGARDING SEXUAL HARASSMENT**

26. Members with questions regarding 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.

#### **TRAINING**

24. Members shall abide by the training requirements promulgated for all City employees of the City of New Orleans for sexual harassment in accordance with CAO Policy 141(R) – Section VIII.

#### **INFORMATION POSTINGS**

25. 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.

**Appendix A –**

**City of New Orleans Sexual Harassment or Discrimination Complaint Form**

The form is a fillable PDF and can be found at:

<https://employee.nola.gov/work/policies/policy-memorandum/>





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 26.3.2

### TITLE: WORKPLACE DISCRIMINATION AND DISCRIMINATORY HARASSMENT

**EFFECTIVE: 7/30/2023**

**REVISED: Replaces in part Chapter 26.3**

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#### PURPOSE

The purpose of this policy is to prevent Department members from subjecting others to, or being subjected to, discrimination in the workplace or discriminatory harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

#### POLICY STATEMENT

1. The New Orleans Police Department is an equal opportunity employer and is committed to creating and maintaining a healthy work environment that will provide all employees the opportunity to perform their duties to their fullest potential. The working environment must be free of all forms of discriminatory harassment, including sexual harassment, and retaliation.
2. Workplace discrimination and discriminatory harassment exposes the Department and its employees to serious liability and can lower morale, undermine the integrity of employee relationships, and interfere with the efficiency of Department operations. Workplace discrimination constitutes serious misconduct that will not be tolerated. 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.
3. 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.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Complainant**—Any person, including an NOPD officer or employee, who makes a complaint against an officer or employee of NOPD.

**Discrimination**—Discrimination is the disparate or adverse treatment of an individual based on or because of that person's actual or perceived characteristics such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic

status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.

### **DISCRIMINATION PROHIBITED**

4. 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 actual or perceived characteristics such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group (see **Chapter 41.13, Bias-Free Policing**).
5. Discriminatory 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.
6. 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.

### **MEMBER RESPONSIBILITIES**

7. 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.
8. Any member who believes, in good faith, that he/she has been discriminated against or harassed, or who has observed harassment or discrimination, should promptly report such conduct in accordance with the requirements of this chapter and **Chapter 52.1.1—Misconduct Complaint Intake and Investigation** so that appropriate investigative and disciplinary actions may be taken. If the member's immediate supervisor is the accused employee, the member may report allegations to a supervisor higher in the chain of command or directly to the Public Integrity Bureau.
9. Any employee who encounters harassment and/or discrimination is encouraged to inform the offending party that his or her actions are unwelcome and/or offensive.

### **CAPTAINS AND SUPERVISORS RESPONSIBILITIES**

10. Supervisors receiving written or verbal allegations of violations of this Chapter shall take such allegations seriously, deal with them in a prompt and effective manner, and, where appropriate, initiate a disciplinary investigation, by completing NOPD Form 230 – PIB Intake Form – Commendation – Complaint or Documentation of Minor Violation, and take all appropriate investigative and disciplinary actions, consistent with **Chapter 52.1.1—Misconduct Complaint Intake and Investigation**.

11. A supervisor to whom a complaint is given shall meet with the complainant and document the incident(s) complained of; the persons(s) performing or participating in the alleged acts of discrimination or discriminatory harassment; any witnesses to the incident(s); and the date, time, and place of the incident(s).
12. All complaints of alleged inappropriate behavior shall be documented in writing and forwarded to the Public Integrity Bureau.
13. Supervisors shall take appropriate corrective action to stop or prevent further discrimination or discriminatory harassment as soon as it is reported or observed.
14. Captains shall take the initiative in preventing discrimination and discriminatory harassment in the workplace by setting good examples, demonstrating courteous and professional behavior at all times, and actively monitoring the work environment.
15. Captains and supervisors shall ensure that employees do not suffer reprisal or retaliatory actions for presenting allegations of discrimination or discriminatory harassment. However, any complaint of discrimination or discriminatory harassment that has been found to be false through investigation shall result in the initiation of a formal disciplinary investigation against the parties who originated the original false allegations.
16. If a complaint can be resolved without a formal investigation through non-disciplinary counseling or training, supervisors shall thoroughly document this action in writing and forward to the Public Integrity Bureau in a Universal Complaint Form (see **Chapter 35.1.7—Non-Disciplinary Counseling for Minor Violations**).
17. Supervisors are not authorized to advise employees about their legal remedies as provided by Federal and/or State agencies.

#### **ADDITIONAL CONSIDERATION**

18. 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, and
  - (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.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

19. The Public Integrity Bureau shall separately track all complaints of discriminatory harassment or discrimination and maintain all files of such complaints. 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.
20. Failure of a Captain or supervisor to take corrective action on a complaint of discrimination or discriminatory harassment shall be reported to the Captain of the Public

Integrity Bureau.

### **EQUAL OPPORTUNITY COMPLAINTS**

21. 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.

### **QUESTIONS REGARDING DISCRIMINATION OR DISCRIMINATORY HARASSMENT**

22. Members with questions regarding discrimination or discriminatory 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.

### **TRAINING**

23. Members shall abide by the training requirements promulgated for all law enforcement officers of the City of New Orleans for discrimination in accordance with M.C. Ordinance 2-975, paragraph b.

### **INFORMATION POSTINGS**

24. The Deputy Chief of the Management Services Bureau and Captains 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 26.3.3

### TITLE: RETALIATION

**EFFECTIVE: 7/30/2023**

**REVISED: Replaces in part Chapter 26.3**

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#### PURPOSE

The purpose of this policy is to prevent Department members from subjecting others to, or being subjected to retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

#### POLICY STATEMENT

1. The New Orleans Police Department is an equal opportunity employer and is committed to creating and maintaining a healthy work environment that will provide all employees the opportunity to perform their duties to their fullest potential. The working environment must be free of retaliation.
2. Retaliation exposes the Department and its employees to serious liability and can lower morale, undermine the integrity of employee relationships, and interfere with the efficiency of Department operations. Retaliation constitutes serious misconduct that will not be tolerated. 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.
3. 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.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Complainant**—Any person, including an NOPD officer or employee, who makes a complaint against an officer or employee of NOPD.

**Discrimination**—Discrimination is the disparate or adverse treatment of an individual based on or because of that person's actual or perceived characteristics such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.

**Retaliation**—Treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has filed a charge of discrimination or complaint, participated in an investigation, opposed a discriminatory practice, or otherwise exercised his or her rights or performed his or her work-related duties. Examples of retaliatory acts include, but are not limited to: threats; unsupported negative evaluations; withholding work-related information; giving punitive work assignments; denial of job benefits; giving demeaning or unnecessary job assignments; blocking advancement (e.g., promotion). This list is not exhaustive. Any conduct reasonably deemed to be retaliatory, harassing, or discriminatory may also violate this Chapter.

### **RETALIATION PROHIBITED**

4. This Department expressly prohibits all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.
5. No employee of the Department who is the subject of a misconduct complaint shall intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complainant or witness having filed or provided information in support of a misconduct complaint. If the accused employee makes such contact or takes such action, the complainant or witness should immediately notify a supervisor. If the accused employee makes contact with, or takes any action against, a complainant or witness who is a member of the public, the accused employee shall immediately advise a supervisor. If the accused employee is a supervisor, including the supervisor of the complainant or a witness, and makes such contact or takes such action, the complainant or witness should immediately notify a supervisor.
6. Retaliation is an egregious offense that will not be tolerated. Any employee who retaliates against another employee or member of the public shall be subject to disciplinary action up to and including termination of employment.

### **MEMBER RESPONSIBILITIES**

7. 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.
8. Any member who believes, in good faith, that he/she has been subjected to retaliation, or who has observed retaliation, should promptly report such conduct in accordance with the requirements of this chapter and **Chapter 52.1.1—Misconduct Complaint Intake and Investigation** so that appropriate investigative and disciplinary actions may be taken. If the member's immediate supervisor is the accused employee, the member may report allegations to a supervisor higher in the chain of command or directly to the Public Integrity Bureau.
9. Any employee who encounters retaliation is encouraged to inform the offending party that his or her actions are unwelcome and/or offensive.

### **CAPTAINS AND SUPERVISORS RESPONSIBILITIES**

10. Supervisors receiving written or verbal allegations of violations of this Chapter shall take such allegations seriously, deal with them in a prompt and effective manner, and, where appropriate, initiate a disciplinary investigation, by completing NOPD Form 230 – PIB Intake Form – Commendation – Complaint or Documentation of Minor Violation, and take

all appropriate investigative and disciplinary actions, consistent with **Chapter 52.1.1—Misconduct Complaint Intake and Investigation**.

11. A supervisor to whom a complaint is given shall meet with the complainant and document the incident(s) complained of; the persons(s) performing or participating in the alleged acts of retaliation; any witnesses to the incident(s); and the date, time, and place of the incident(s).
12. All complaints of alleged inappropriate behavior shall be documented in writing and forwarded to the Public Integrity Bureau.
13. Supervisors shall take appropriate corrective action to stop or prevent further retaliation as soon as it is reported or observed.
14. Captains and supervisors shall ensure that employees do not suffer reprisal or retaliatory actions for presenting complaints or allegations of inappropriate behavior.
15. If a complaint can be resolved without a formal investigation through non-disciplinary counseling or training, supervisors shall thoroughly document this action in writing and forward to the Public Integrity Bureau in a Universal Complaint Form (see **Chapter 35.1.7—Non-Disciplinary Counseling for Minor Violations**).
16. Supervisors are not authorized to advise employees about their legal remedies as provided by Federal and/or State agencies.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

17. The Public Integrity Bureau shall separately track all complaints of retaliation and maintain all files of such complaints. 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.
18. Failure of a Captain or supervisor to take corrective action on a complaint of retaliation shall be reported to the Captain of the Public Integrity Bureau.

#### **EQUAL OPPORTUNITY COMPLAINTS**

19. 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.

#### **QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

20. 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.

**TRAINING**

21. Members shall abide by the provisions of the City of New Orleans for retaliation in accordance with M.C. Ordinance 86-45 and as part of the training requirements for **Chapter 26.3.2 – Workplace Discrimination** and **Chapter 26.3.1 – Workplace Sexual Harassment**.

**INFORMATION POSTINGS**

21. The Deputy Chief of the Management Services Bureau and Captains 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.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 31.1

### TITLE: RECRUITMENT

**EFFECTIVE: 04/28/2019**

**REVISED: Replaces Policy (1000)**

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#### PURPOSE

The purpose of this Chapter is to set forth NOPD's policy of implementing 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.

#### POLICY STATEMENT

1. 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.
2. 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.
3. 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.
4. The Superintendent of Police shall promulgate sets of Minimum Qualifications to Apply for all police recruits, reinstatements, laterals from other law enforcement agencies, and new reserve police officer applicants. The criteria shall outline causes for automatic rejection and causes for possible rejection. These criteria may be modified from time to time by the Superintendent and will apply up to the tentative offer of employment or termination of the hiring process.

#### RECRUITMENT SECTION STAFFING, SELECTION, AND TRAINING

5. The Recruitment and Applicant Investigation Section ("Section") shall be sufficiently staffed to permit the unit to fulfill its responsibilities as set in NOPD policy and applicable law. NOPD shall publicly identify members of the Section staff.
6. When a position in the Section is available for potential transfer of an NOPD member, 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.

7. The Section Commander shall empanel a Recruit Application Interview Panel pursuant to standardized qualifications and guidance developed jointly by NOPD, the City, and New Orleans Civil Service. Eligibility for serving on Panel shall include a review of the officer's internal disciplinary file and personnel file.
8. The Section shall maintain:
  - (a) The criteria used to assess member candidates for the Recruit Application Interview Panel; and
  - (b) The review of any member candidates for a minimum of two years from the review of the panel member candidate whether selected or not.
9. Recruitment and Applicant Investigation Section and other NOPD members 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.
10. 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;
  - (d) The community and its needs;
  - (e) Cultural awareness for different ethnic groups;
  - (f) Techniques of 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.
11. The Section Commander shall develop and apply performance criteria to evaluate the effectiveness of each member of the Section staff in hiring increasing numbers of high quality recruits.

## **RECRUITMENT PLAN**

12. The Section, in coordination with the New Orleans Civil Service Department, shall develop a written, strategic recruitment plan that includes clear goals, objectives, and action steps for attracting high-quality applicants.
13. The strategic recruitment plan shall clearly identify the duties and goals of the Section.
14. The strategic recruitment plan shall include specific strategies for attracting applicants with strategic thinking and problem-solving skills, interpersonal skills, emotional maturity, capacity to use technology, fluency in Spanish and Vietnamese (because these languages are spoken by significant segments of the New Orleans community), and the ability to collaborate with a diverse cross section of the community.
15. The Section Commander shall assess the effectiveness and efficiency of the strategic

recruitment plan on an ongoing basis and shall report to the Superintendent or his/her designee regarding needed improvements and any accountability concerns. The Superintendent or his/her designee shall consider the information provided by the Section Commander and respond as necessary to ensure that NOPD's strategic recruitment plan is effective.

## **PUBLIC JOB ANNOUNCEMENTS**

16. 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.
17. 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.
18. 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; and
  - (e) Period during which applications will be filed with the New Orleans Civil Service Department.
19. 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.
20. Recruit and lateral job vacancies shall be advertised through the mass media. Notice of the City's need for applicants will be posted at Civil Service and on the City's website and published in local newspaper of general circulation.
21. All New Orleans Police Department's employment applications and recruitment announcements will contain the phrase Equal Opportunity Employer.
22. If an official application deadline is listed, it will be boldly indicated on all employment announcements and recruitment advertisements.
23. The New Orleans Police Department will seek recruitment assistance and 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.
24. The flow of information may be facilitated by both formal and informal contact with community organizations in which 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.
25. 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, which may be in contact with individuals who are likely subjects for recruitment. Additionally, the Department will achieve broader dissemination and greater exposure of recruitment information by

developing and maintaining relationships with such organizations.

26. 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 community organizations to enhance recruitment efforts.

### **POTENTIAL APPLICANTS**

27. Once an applicant is identified through job fairs, community meetings, etc., the Recruitment and Applicant Investigation Section will be responsible for ensuring that contact is maintained throughout the process. Civil Service will contact the applicants by letter and provide information about the application, testing, 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.

### **APPLICATION ERRORS**

28. 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.

### **APPLICANT SELECTION**

29. At the direction of the Section Commander, Section staff shall apply the current Minimum Qualifications to Apply, including published minimum requirements and disqualifications.
30. The Section and/or Civil Service will administer the following selection steps, which applicants must satisfactorily complete to be eligible for selection:
  - (a) Submission and completion of the application with the necessary supporting documents;
  - (b) Physical agility test;
  - (c) Administration of a written examination;
  - (d) Polygraph examination;
  - (e) Interview panel;
  - (f) Completion of local background investigation;
  - (g) Psychological examination including administration of the Minnesota Multi-Phasic Personality Inventory Test; and
  - (h) Medical assessment and drug screen.
31. The Section, along with Civil Service, will coordinate the psychological screening and assessment of all recruit candidates, and set criteria to ensure that only individuals suitable for policing are accepted into NOPD.
32. The Recruit Application Interview Panel shall apply a standardized scoring system—developed jointly by NOPD, the City, and New Orleans Civil Service—to interview potential applicants. The Recruit Application Interview Panel shall use this scoring system immediately following the applicant's interview.

**REPORTING REQUIREMENTS**

33. 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.

**CANDIDATE FILE RETENTION**

34. The Section shall maintain the applicant records, including the Recruit Application Interview Panel assessment forms, for non-hires Applications in accordance with the Department's Records Retention Schedule on file with the Louisiana Secretary of State, Division of Archives, Records Management and History.
35. Once hired by the Department/City, an applicant's records will follow the retention guidelines in accordance with the Department's Records Retention Schedule on file with the Louisiana Secretary of State, Division of Archives, Records Management and History.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 32.1

### TITLE: PERSONNEL HIRING SELECTION

**EFFECTIVE: 04/08/2018**

**REVISED: Replaces Policy (1001)**

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#### PURPOSE

The purpose of this Chapter 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.

#### POLICY STATEMENT

1. The selection process is a critical step in determining the operational effectiveness of a law enforcement agency. It is essential that the selection process prioritizes quality over quantity when evaluating candidates.
2. All background/applicant investigators shall be sworn officers or police investigative specialists and shall be given any necessary training to accomplish the objective. This training will be given under the supervision of the Police Recruitment and Applicant Investigation Administrator.
3. 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.
4. Psychological examinations and medical examinations screen out candidates who might not be able to carry out their law enforcement responsibilities or endure the stress of the working conditions.

#### UNIFORM SELECTION PROCESS

5. 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.

#### CANDIDATE INFORMATION

6. 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).

7. 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.
8. 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.
9. At the time of their formal application, candidates will be informed of all elements of the selection process.
10. The policy stated in this section regarding re-application will be included in the recruitment literature supplied to all applicants.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 33.1

### TITLE: TRAINING AND CAREER DEVELOPMENT

**EFFECTIVE: 06/18/2017**

**REVISED: Replaces Policy/Procedure 208**

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#### PURPOSE

NOPD is committed to ensuring that all members receive adequate training to understand the law, NOPD regulations and how to police effectively. NOPD training shall reflect and instill Department and community 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.

#### DEFINITIONS

**Adjunct instructor**—The prefix Adjunct identifies a member whose primary place of assignment is not the Education & Training Division or whose primary employment within the Department is not in a teaching capacity. An Adjunct Instructor is an expert in a special field appointed to give instruction on a part-time or discontinuous basis. Adjunct instructors must receive 40 hours of initial training, including training on effective teaching, adult learning techniques, curriculum development and annual in-service training.

**Curriculum Director**—The member of the Education & Training Division (Civil Service Class Code 7138 – Police Academy Curriculum Developer) responsible for establishing and overseeing the training curriculum development and assessment process consistent with the Master Training Plan. The Curriculum Director shall ensure that curricula and related lesson plans are based on learning objectives that are directly linked to validated job tasks.

**Education and Training Division (E&TD)**—Consists of Recruit/Reserve training which is responsible for training all recruits and reserve officers. The Field Training Section is responsible for the coordination of the Field Training Program which is required by every recruit upon completion of the academy. The In Service Training and Professional Development Section is responsible for all in service training. The Firearms and Driving Section is responsible for providing P.O.S.T. firearms training and qualifications for all recruits and in-service personnel, including pursuit driving and accident avoidance training.

**Guest speaker/lecturer**—Any person who provides expertise, a point of view, or opinion in a particular field or topic as a part of a Departmental training course or formal presentation. The speakers need not be members of the NOPD but must be recognized in their field(s) or within the community for their strong teaching ability and a relevant basis of scholarly work or professional expertise and achievement.



**Master Training Plan**—A written training plan for the oversight of all training conducted by and for the NOPD. It will include, at a minimum the 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 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; and
- (f) Establish the frequency and subject areas for recruit and in-service training.

**Police Academy administrator**—The member of the Education & Training Division (Civil Service Class Code 7140) responsible for the oversight of systematic and routine assessments of both instructors and instructor material to measure and plan continuous improvement for the NOPD Education & Training Division.

**PowerDMS**—A document management system that allows for network-based management of documents, training records, and policy or regulations from a centralized location with an audit trail, version control, and work flow. It also can be used for accreditation.

**Specialized unit**—A temporary or permanent organization of officers within NOPD, whose operational objectives are focused on a specific law enforcement purpose beyond general patrol or criminal investigations, and that require enhanced training on police tactics, strategies, or techniques.

**Staff instructor**—A member of the NOPD assigned to the Education & Training Division on a full-time basis to perform the duties of an instructor. The 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 NOPD service;
- (b) Successful completion of the Law Enforcement Instructor's School and/or Louisiana POST approved equivalent; and
- (c) No 'sustained' PIB investigations within 24 months of applying for an Education & Training Division instructor position or a pending 'open' investigation at time of application.

**Training needs assessment**—A systematic assessment of the known and anticipated courses of training that will be required or desired for the upcoming calendar year. The assessment will include all training that is anticipated for every member or unit of the NOPD.

**Training coordinator**—A member of a District, Division or specialized unit assigned by the commander, in consultation with the Unit Training Coordinator to ensure that all members of that unit complete training as required and that documentation of all training is provided to the Education & Training Division training liaison. For specialized units, the training coordinator may

also be the unit's **training officer**.

**Training liaison**—A member of the Education & Training Division responsible for overseeing, coordinating and documenting training with the individual District, Division or specialized unit training coordinators.

**Unit level training officer**—For all specialized units, the member of that unit who is most appropriate (as determined by the unit commander) to conduct all unit level training and training for new members of the unit and to perform the functions of a “training officer” for new members; i.e., a training officer is responsible for establishing a written training program/plan for new members of the unit, establishing lesson plans for all unit specific, in-house training, and record keeping of training and coordination with the Education & Training Division. The unit level training officer will be selected by the unit commander based on the candidate's experience, skills, certifications and ability as an effective instructor.

## **POLICY**

1. It is the policy of this Department to administer training programs that meet the training standards and requirements of federal, state and local mandates, as well as, the Louisiana Peace Officer Standards and Training (POST) Council.
2. It is a priority of this Department to provide continuing education and training for the professional growth and progressive development of its personnel so that the Department will ensure its personnel possess the knowledge, skills and abilities necessary to provide a professional level of service that meets the needs of the public.
3. The Department will, through the Education and Training Division, provide and / or monitor the following:
  - (a) Basic Recruit Training Program;
  - (b) Field Training Program;
  - (c) NOPD In-Service Training Program for Police Officers;
  - (d) NOPD In-Service Training Program for commissioned supervisors;
  - (e) Lateral Officer Training Program;
  - (f) Reserve Officer Program;
  - (g) Reinstatement Program;
  - (h) Firearms, CEW, Tactical & Pursuit Driving, impact weapons and other use of force policy and related practical skills training;
  - (i) Department wide Roll-Call Training;
  - (j) New Supervisor Training Program;
  - (k) Specialized Unit Training (thru the Unit training coordinator or officer; and
  - (l) All elective training.
4. The Education and Training Division shall be the central coordinating point for all training.
5. The Department encourages all personnel to participate in advanced training as well as formal education. Training will be provided within the confines of available funding, the requirements of a member's 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.
6. The Department is committed to ensuring that all members receive adequate training to understand applicable federal, state and local laws, NOPD regulations, Chapters, Rules, policies or procedures and how to police constitutionally and effectively while

recognizing the rights of the community it serves.

7. Common goals of all training programs 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 professional development of department personnel; and
  - (d) Assist in compliance with statutory requirements.

## DEPARTMENTAL TRAINING NEEDS ASSESSMENT

8. The Education and Training Division Commander shall be responsible for conducting an annual Training Needs Assessment by the end of the third Quarter (September 30th). The Training Needs Assessment will include:
  - (a) A completed report of the Department's training needs, including input from specialized units and recommendations from the Training Advisory Committee;
  - (b) Presentation of the training needs assessment report to the Superintendent of Police and Command staff;
  - (c) A projected calendar for the upcoming year indicating:
    1. When the courses will be offered and their duration;
    2. The available class / session size;
    3. Where the class / session will be held;
    4. If the class / session is an open, dedicated or mandatory class.
  - (d) Upon review and approval by the Superintendent of Police, the training needs assessment report will be used to prepare the Master Training Plan for the following fiscal year;
  - (e) The Commander of the E&TD will report to the Superintendent and Deputy Chiefs in the second week of each Quarter on all changes to the projected calendar for the current year, if they have met the training needs YTD and if the E&TD is on track for meeting all mandatory training for the year.

## MANDATORY TRAINING REQUIREMENTS

9. Training requirements for all mandatory training is included in **the annual Master Training Plan**. This includes training for recruits, core in-service (all officers), supervisor/command staff in-service, Field Training Officer training and in-service, detective initial training and in-service, new supervisor training, and new supervisor PIB training.

## COMMANDER OF THE EDUCATION & TRAINING DIVISION

10. The Education and Training Division shall be commanded/directed by a member of the rank of captain or above or a civilian employee of the City or Department with documented expertise in managing an adult education institution and meeting the minimum requirements established by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice: Peace Officers Standards and Training Council for law enforcement academy directors.
11. The person's working title shall be Commander of the Education and Training Division. The Education and Training Division Commander shall be subordinate to the Deputy Superintendent of the Bureau to which the Education & Training Division is assigned.

12. The Peace Officers Standards and Training (POST) Council for the State of Louisiana has established minimum acceptable standards for the content of the **Certification for Basic Law Enforcement Peace Officers** 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 the Department's compliance with these standards.
13. The Commander shall be thoroughly familiar with the training requirements of all agencies with regulatory authority in the area of overall training of police officers as well as certification requirements of all individual courses of instruction (e.g., Louisiana POST).
14. The Commander shall supervise and guide the efforts of all personnel assigned to the Education and Training Division, and shall delegate responsibility and authority as necessary to insure proper functioning of the Division.
15. It is the responsibility of the E&TD Commander to develop, review, update and maintain a **Master Training Plan** and to ensure that mandated training is completed by all employees.
16. The Master Training Plan shall include a systematic and detailed method for recording all training received by all Department members no matter the source of the training. The NOPD utilizes PowerDMS to manage all training records. While updates and revisions may be made to any portion of the Master Training Plan at any time, the Commander of E&TD shall review the entire Master Training Plan on an annual basis. Any updates or revisions to the Master Training Plan shall follow the same process as the development of the Master Training Plan.
17. The Commander shall ensure that all instructors/adjunct instructors and staff members are informed and cognizant of their duties as it relates to the Master Training Plan.
18. The Commander shall evaluate both the quality of instruction and professional standards exhibited by the instructors, adjunct instructors, and other staff members, and shall make recommendations, remove or replace instructors or recommend disciplinary action when necessary to maintain the highest level of service and instruction possible.
19. The Commander is responsible for the overall coordination of **all** Departmental training. Including training provided by the Education & Training Division and all other training conducted or provided by and to members of the Department.
20. The Commander shall coordinate with other Divisions/Units to provide materials necessary for training.
21. The Commander of E&TD is responsible for ensuring all members of the Department have been trained as required.
22. The Education and Training Division Commander shall be responsible for monitoring, approval and record keeping for all Department training.

### **CURRICULUM DIRECTOR**

23. The Curriculum Director shall establish and oversee a formal training curriculum development and assessment process consistent with the Training Advisory Committee written training plan.

24. The Curriculum Director is responsible for ensuring that lesson plans are prepared for all departmentally conducted training.
25. The City of New Orleans requires that New Orleans Police Officers receive instruction in course topics in addition to those specified in the Louisiana POST minimum standards. The Education & Training Division Curriculum Director shall be responsible for ensuring that lesson plans are prepared, classes conducted, and proper instruction provided to the target group for all additional course topics.
26. The Curriculum Director shall review Departmental training annually to ensure that:
  - (a) All classes are conducted where, when and as required;
  - (b) Proper instruction is provided to the target group by a qualified instructor for all course topics; and
  - (c) Course content and instruction are evaluated by the members who attended training for each course/session.
27. The Curriculum Director shall review all training curricula, lesson plans, and procedures for consistency, quality, accuracy, currency, completeness, and compliance with applicable law and NOPD regulations.
28. The 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.
29. The 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, those persons external to NOPD with expertise in the relevant lesson areas.

### **MASTER TRAINING PLAN**

30. At a minimum, the **Master Training Plan** will:
  - (a) Define the 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. This approach should enable NOPD to identify and validate job tasks in sufficient detail to derive learning objectives, which, in turn, should drive the selection of instructional strategies and assessments. It shall include the following concepts:
    1. analysis;
    2. design;
    3. development;
    4. implementation; and
    5. evaluation;
  - (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; and
  - (f) Establish the frequency and subject areas for recruit, field, and in-service training;
  - (g) Include information on all training curriculums, course descriptions and a

- scheduling calendar; and  
(h) Address the training of officers as well as training of civilian employees.

31. The Master Training Plan, upon approval by the Superintendent, shall be made available to the public via the City of New Orleans' website (<http://www.nola.gov/nopd/>).

#### **EDUCATION & TRAINING DIVISION STAFF**

32. The Education and Training Division shall implement knowledge, skills, and ability protocols for all members assigned to the Education and Training Division and all adjunct instructors within the Department. Minimum qualification requirements for Education and Training Division staff shall include:
- (a) Baccalaureate degree or subject matter expertise with at least six years of combined Department service;
  - (b) Successful completion of the Law Enforcement Instructor's School (LEIS); and
  - (c) No 'sustained' PIB investigations within 24 months of applying for a staff position or a pending 'open' investigation at the time of application.
33. Education and Training Division staff and Department adjunct instructors shall receive the Louisiana POST required instructor training course or an approved equivalent of at least 40 hours of training, including training on effective teaching, adult-learning techniques, and curriculum development. This training is in addition to annual in-service training. Instructors shall use only curricula and lesson plans that have been approved by the Curriculum Director of the Education and Training Division.
34. Instructors shall use a variety of adult learning techniques, scenario-based training, and problem-solving practices, where appropriate, in addition to traditional lecture formats.
35. The Education and Training Division Commander shall evaluate the performance of: Education and Training Division staff, all adjunct or other training instructors and shall remove any instructors or staff who do not meet the Department criteria outlined in this Chapter. The Education and Training Division Commander shall document each evaluation using an established set of criteria. (See **Addendum "E" – Instructor Evaluation Form**).

#### **NON-EDUCATION & TRAINING DIVISION INSTRUCTORS OR GUEST LECTURERS**

36. The Education and Training Division shall actively seek qualified Guest Speakers / Lecturers, including instructors from outside the Department, with expertise in areas of training, as necessary, to supplement the staffing and skills of the full-time Education & Training Division staff and Adjunct Instructors.
37. The Education and Training Division will incorporate experts and guest speakers such as judges, State prosecutors, representatives of the USAO, crime victims, and community members, to participate in course presentations conducted by the Department.

#### **TRAINING FACILITY REQUIREMENTS**

38. The Department and the City of New Orleans shall provide a training facility adequate to accomplish the goals of the Department as expressed in this Chapter.
39. A proper learning and testing environment requires that each student have adequate work space. Classroom space in training facilities shall be sufficient to accommodate the

number of students participating in the training program or class. If 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 the training, an alternate facility adequate to accommodate the number of students to be trained.

40. The proper maintenance of individual member and class training records, as mandated in this Chapter, requires adequate storage capacity, as well as administrative and clerical support. The Department and the City of New Orleans shall provide both space for and support services required for the Education and Training Division to accomplish the requirements enumerated in this Chapter.
41. Louisiana POST Council regulations and training guidelines require that each certified Training Academy provide instruction for **Basic Law Enforcement Peace Officer** 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 Skills training. The Department and the City of New Orleans shall provide indoor facilities, and physical conditioning / training equipment, adequate to accomplish this training for the number of members in training.
42. The Education and Training Division shall maintain a library of manuals, reference materials, video recordings, and other training materials as may be required to enable or facilitate the adequate training of all commissioned Department personnel. Although library materials are primarily for use by instructors and staff to develop and update teaching materials and lesson plans, they should be made available to Department trainees and members.
43. Louisiana POST Council regulations and training guidelines require that each certified Training Academy provide instruction to **Basic Law Enforcement Peace Officers** 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 (see **Chapter 1.4.2 – Firearms Training Qualification and Requalification**). The Education & Training Division shall maintain or have access to a firing range suitable for this purpose. The firing range shall have an adequate number of targets, adjustable for shooting distance. The firing range shall also have provision for stress, target identification, and reaction courses of fire.
44. The E&TD shall maintain or have access to a police vehicle operator 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.

#### **LESSON PLANS - REQUIREMENTS AND GUIDELINES**

45. Lesson plans shall be prepared for **all** training courses, including unit-level training courses conducted by the Department. Lesson plans will comply with guidelines prepared by the Education & Training Division based on those presented in the Law Enforcement Instructor's School (LEIS), and the Peace Officers Standards and Training (POST) Basic Training Manual for the State of Louisiana.
46. The Education and Training Division shall develop and implement a lesson plan template that will be used for all training courses conducted by the Department. At a minimum, the template shall include:

- (a) course title;
  - (b) course overview;
  - (c) date lesson plan was created or updated;
  - (d) learning objectives;
  - (e) prerequisites (if any);
  - (f) course length in platform instruction hours;
  - (g) required materials, equipment, and facilities;
  - (h) safety measures and/or a safety plan required (if applicable);
  - (i) testing/certification; and
  - (j) a reference list of instructional material sources (in APA format).
47. All Department lesson plans will be maintained on file by the Education and Training Division. The lesson plan shall describe content and instructional strategies in sufficient detail to ensure consistent delivery of instruction by different instructors.
48. The Education and Training Division shall publish and maintain a "User's Guide" that will describe the requirements and offer assistance in the completion of an acceptable lesson plan. The E&TD must approve all lesson plans submitted for any Departmental training.
49. All Department lesson plans developed outside of the E&TD shall be forwarded to the Curriculum Director for review and approval.

### TRAINING RECORDS

50. The Education and Training Division Commander shall be responsible for maintaining current, accurate training records for all Department members and all training classes provided. All training records should include, at a minimum:
- (a) Member name and employee ID number;
  - (b) the type of training received;
  - (c) the date(s) of the training;
  - (d) the location of the training;
  - (e) the person/agency providing the training;
  - (f) any certificates or honors conferred; and
  - (g) any test scores (if applicable).
51. The Education and Training Division shall be responsible for maintaining current, accurate training records for all Department members and all training classes provided by utilizing a system (**PowerDMS**) that will electronically track, maintain, and report complete 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 commissioned member of the Department, including:
    1. Record the course description, duration, curriculum, date and location of training, name of instructor, and the personnel who completed the training; and
    2. Document officers who did not complete required training and all corrective actions taken.
52. If the training is provided by the NOPD's 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.
53. If the training is provided by another unit within the Department, the unit's **training**



**coordinator or training officer** shall be responsible for providing the Education and Training Division Commander with the appropriate documentation of the training.

54. If the training is provided by an outside vendor/entity/agency, the member receiving the training shall be responsible for providing the Education and Training Division Commander with the appropriate documentation of the training.
55. The Education and Training Division shall develop and implement accountability measures to notify unit Commanders when required, to ensure that all members successfully complete all assigned or required training programs in a timely manner.
56. The Education and Training Division shall document all training provided to or received by all Department members, whether required or discretionary. Members shall sign an acknowledgment of attendance or digitally acknowledge completion of training (e.g., Departmental e-mail or PowerDMS).
57. The E&TD shall report all training delivered and received in an annual report to the Superintendent of Police and the Training Advisory Committee. 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;
  - (b) Listing of all officers who completed NOPD Basic Recruit Training, NOPD In-Service Training for both police officers and commissioned supervisors, the Professional Development Program, the Lateral Officer Training Program, specialized skill or specialized unit, or elective training; and
  - (c) Listing of members who did not complete assigned or required training and the corrective action taken for each member.

#### **TRAINING RECORDS OF COURSES OUTSIDE E&TD**

58. Units, other than the Education and Training Division, which conduct training classes for any Department members shall prepare class records as indicated in this Chapter.
59. The **training coordinator or training officer** of any unit conducting a training class for Department personnel shall ensure that a class record is provided, within 30 days of completion of the training, to the Education and Training Division **training liaison**.
60. The class record shall contain all information and documentation outlined in this Chapter and labeled and bound in a single binder or presented in its entirety as an electronic record.
61. An electronic receipt for the class training record will be sent by the Education & Training Division **training liaison** to the **training coordinator or training officer** of the unit conducting and/or providing the class training and the instructor(s) who conducted the class training.

#### **E&TD CONDUCTING OUTSIDE AGENCY POST TRAINING**

62. The E&TD is a POST-certified Regional Training Academy. The E&TD provides the **POST Certification for Basic Law Enforcement Peace Officers** training curriculum to all NOPD new hires. The E&TD also makes this training available to personnel hired by other law enforcement agencies in the surrounding area on a space available basis.

63. Cooperative Endeavor Agreements (CEA) or contracts must be approved by all involved agencies that outline the curriculum, schedule and liability apportionment and exposure before training may begin.

### **TRAINING EVALUATION**

64. The Commander of the Education and Training Division shall collect, analyze, and review data and evaluations to determine the effectiveness of all Department training and to identify and recommend changes to improve future instruction, course quality, and curriculum.
65. This process shall measure and document student acceptance of, reaction to, and satisfaction with, the training they received.
66. The process shall also evaluate student learning as a result of training, including the extent to which students are applying the knowledge and skills acquired in training received to their duties.
67. The Commander of the Education and Training Division shall develop, implement, document and approve 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 knowledge based and job-related, testing knowledge and skills required for successful job performance.

### **BASIC RECRUIT TRAINING PROGRAM**

68. The Education and Training Division shall develop and implement an NOPD Basic Recruit Training Program that comports with the Department's **Master Training Plan**.
69. The E&TD shall be sufficiently staffed to effectively train recruits, and the deployment of E&TD staff to cover patrol shifts or outside duties does not disrupt scheduled training activities. This does not prohibit E&TD staff from working patrols required in a Department-wide program of enhanced coverage. NOPD Basic Recruit Training Program classes shall not exceed 30 candidates per session without the specific approval of the Superintendent.
70. The Education and Training Division shall provide recruits with at least 880 hours of basic recruit training instruction.
71. The NOPD Basic Recruit Training Program curriculum shall continue to be based on POST Basic Law Enforcement training guidelines. It shall continue to include all areas and courses mandated by the Louisiana POST Council. In addition, the training curriculum shall continue to include topics of instruction designed to meet the needs of the community and to address those areas as determined by the Superintendent of Police.
72. The curriculum content ensures that new officers will be comprehensively trained in all required, basic areas of law enforcement and community service.
73. Recruit training shall be structured so that it is delivered in logical progression, to ensure that each skill or unit can either stand alone or it builds on previous skills or units. Training modules will be scheduled so that recruits become proficient in fundamental knowledge or tasks before progressing to more advanced skills and activities.

74. Recruit training shall incorporate constitutional and statutory law; ethical decision making; community policing; de-escalation of force; and bias-free policing throughout the course of the NOPD Basic Recruit Training Program. Recruit training shall reinforce legal concepts in the context of instruction on interviewing and interrogation, crime scene processing, and report writing.
75. Whenever applicable, recruit training shall use problem-based learning and scenario-based exercises throughout the course of the NOPD Basic Recruit Training Program. 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 regulations, and report writing. Recruits shall be required to produce completed reports and statements at the end of scenario-based exercises.
76. The recruit academy shall intersperse skills training in areas such as driving, firearms, and defensive tactics throughout the course of the NOPD Basic Recruit Training Program, to allow recruits to develop and reinforce these skills over time.
77. Recruits shall not be added to a NOPD Basic Recruit Training Program class after the first week of the training.
78. To ensure continuity of training, the E&TD shall minimize interruptions to NOPD Basic Recruit Training Program 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 declared emergencies.

#### **BASIC RECRUIT TRAINING EVALUATION CRITERIA**

79. The criteria used to evaluate the member's satisfactory completion of courses taught as part of the recruit curriculum may be a written examination or a performance exercise.
80. 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.
81. Members participating in the class will be advised of the cutoff score, prior to the evaluation process.
82. 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 meet the minimum requirements outlined in the course curriculum of **the Master Training Plan**.
83. The Louisiana 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; (See **Master Training Plan**)
  - (b) qualify during firearms training with a minimum score of 80% on the POST qualification course; (See **Master Training Plan**)
  - (c) achieve a minimum of 30% in each area of physical training evaluation; (See **Master Training Plan**) and
  - (d) qualify for graduation from a state certified training academy listed by Louisiana POST.

**LATERAL ENTRY OFFICER PROGRAM**

84. New hires participating in the Department's Lateral Entry Officer Program shall have a current Louisiana POST or their former, currently valid, state equivalent certification as a law enforcement officer and approved by Louisiana POST.
85. Lateral Entry Officer Program applicants shall have practical law enforcement experience of sufficient quantity and quality as to merit a reduction in the number of training hours required of an NOPD Basic Recruit. (See **Master Training Plan.**)
86. Lateral entry applicants successfully completing NOPD training shall participate in the Field Training Officer Program (See **Chapter 33.4.3 – Field Training Program**). Lateral entry applicants who fail to successfully complete either the NOPD lateral entry training program or the Field Training Officer Program will be reduced to recruit status. If approved for continued hire, they will be placed in the next scheduled NOPD Basic Recruit Training Program class, and will be required to successfully complete all aspects of the Recruit Basic Training Program and the Field Training Officer Program.

**LOUISIANA POST APPLICANTS FOR LATERAL ENTRY OFFICER PROGRAM**

87. Lateral entry applicants who maintain current Louisiana POST certification as law enforcement officers shall receive additional training in those areas deemed necessary by the Commander of the E&TD after an individual assessment of their background and training. This training shall address areas of high liability, as well as those areas of importance identified within the master Training Plan. (See **Master Training Plan.**)

**OUT-OF-STATE POST APPLICANTS FOR LATERAL OFFICER ENTRY PROGRAM**

88. 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 transfers, in addition to that training deemed necessary for lateral entry officers by the Commander of the E&TD after an individual assessment of their background and training. (See **Master Training Plan.**)
89. At a minimum, they shall complete the Louisiana Law Enforcement Basic Training manual "Legal Aspects" Section, and Firearms Section, and qualify on the POST firearms qualification course as attested to by a POST certified firearms instructor. They must also pass the statewide examination for peace officers with a minimum score of 70%. If they have had an interruption of service in excess of 5 years, the applicant is required to attend the full **Basic Law Enforcement Peace Officers** training course.

**E&TD ORIENTATION**

90. The E&TD staff shall conduct an orientation session for each new Basic Recruit Training class or group of law enforcement trainees before the end of the first full week after the Class Session begins. This orientation shall include, at a minimum, information on:
  - (a) The organization of the E&TD;
  - (b) The E&TD's rules and regulations;
  - (c) The E&TD's rating, testing and evaluation system;
  - (d) The NOPD Basic Recruit Training Program Training Curriculum standards and guidelines;

- (e) Physical fitness and proficiency skill requirements of their training; and
- (f) An example of the daily training schedule.

### **ACADEMY ORIENTATION HANDBOOK**

- 91. The E&TD staff shall issue an orientation handbook to each newly hired law enforcement trainee upon being hired by the Department.

### **THE FIELD TRAINING PROGRAM**

- 92. The FTO Training Coordinator is responsible for managing and distributing training records in compliance with **Chapter 33.4.3 – Field Training Program**.
- 93. 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 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. (See **Chapter 33.4.3 – Field Training Program**).

### **FIREARMS RECERTIFICATION**

- 94. Commissioned members of the Department shall successfully complete firearms re-qualification on an annual basis, in compliance with POST guidelines and **Chapter 1.4.2 – Firearms Training Qualification and Requalification**.

### **ROLL CALL TRAINING**

- 95. In addition to their other duties, Department supervisors have a responsibility to enhance and improve their subordinates' skills, expertise and knowledge whenever possible. The goal of this training should be to keep officers up to date between formal training sessions. Roll Call training shall include special topics selected by the Commander of the E&TD, the E&TD staff members, or district/division commanders that address, officer safety, readiness, community concerns, or Departmental procedural matters and regulations.
- 96. Platoon and unit supervisors shall be responsible to insure that roll call training sessions are documented on the Supervisor's Daily Activity Sheet and used for training purposes as often as possible.

### **TRAINING ON CHANGES IN RULES, REGULATIONS, POLICIES AND PROCEDURES**

- 97. Changes are made periodically in the official guidelines regarding the manner in which the Department and its personnel conduct specific department operations. The City of New Orleans, the New Orleans Police Department, a particular bureau, or an individual unit may issue these guidelines. Bureau and unit standard operating guidelines (SOG) **shall not** be in conflict with the rules, regulations, Chapters, policies and procedures of the Department.
- 98. Whenever additions, modifications or deletions are made to City, Department, bureau, or unit operating guidelines that 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. In all cases, the changes shall be promulgated

before the effective date of the change. 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.

99. The unit or supervisor effecting such a change must make formal notification to the E&TD so that it may assess the impact of corresponding revisions that may be required of existing lesson plans and curriculum.
100. All standard operating guidelines must be in written form and submitted to the Policy Standards Section of the Compliance Bureau to ensure it is in the proper format and does not conflict with existing regulations prior to submission and approval through the chain of command.

### LEGAL UPDATES TRAINING

101. 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 Education and Training Division.
102. The Commander of the Education and Training Division or his/her designee shall ensure that pertinent changes to training materials necessitated by federal, state and local statutes or Departmental regulation changes are made in an appropriate and timely manner.
103. Unit supervisors shall be responsible for the timely and appropriate distribution of these revised statutes and/or procedures to all unit personnel. The unit supervisor shall also be responsible for ensuring training, in a roll call or other appropriate setting, of these changes for personnel under his/her supervision.
104. 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.

### IN-SERVICE TRAINING

105. The Education and Training Division shall implement a mandatory annual in-service training program that follows the Department's written **Master 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.
106. The Curriculum Director, working with E&TD staff and training coordinators or training officers, shall develop core-training requirements for the following:
  - (a) Police officers;
  - (b) Supervisors (sergeants and lieutenants);
  - (c) Command staff (ranks above police lieutenant);
  - (d) investigators and detectives; and

- (e) Specialized units.

### **FUNCTIONS REQUIRING SPECIALIZED TRAINING**

- 107. Many of the units and 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.
- 108. Specialized training is intended to provide more than basic on the job training. Specialized training should be based on the tasks required of the specialized assignment, and should be closely coordinated with the **training coordinator** or **training officer** currently assigned to the specialized assignment.
- 109. Department members assigned to the following positions will receive relevant specialized training as indicated in the Master Training Plan:
  - (a) Command Staff (bureau/division/district commanders);
  - (b) Public Integrity Bureau;
  - (c) Investigators;
  - (d) DWI enforcement officers;
  - (e) Field training officers;
- 110. 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 the unit's **training officer**.
- 111. The specialized training may be conducted by the **Unit Training Coordinator** or **training officer** of the unit to which the member is assigned, by an outside vendor/entity, or by the E&TD. If training is conducted by the member's unit **training liaison** or **training officer**, 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 E&TD, the Commander of the E&TD shall assume the responsibility for including the training documentation in the member's training file.

### **ORIENTATION FOR NEW CIVILIAN HIRES**

- 112. 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 within 30 days of hire 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.

**CIVILIAN POSITIONS REQUIRING PRE-SERVICE / IN-SERVICE TRAINING**

113. 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.
114. The Personnel Director or his/her designee shall provide interpersonal skill and telephone courtesy training for those civilian employees who encounter the public as in-person or telephone representatives. This training requirement may be satisfied by successful completion of the available Civil Service training in the Employee Growth and Development Opportunities catalogue. 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.
115. Civilian employee positions that require additional specialized training are:
- (a) Records and Identification personnel;
  - (b) NCIC personnel;
  - (c) Data Systems personnel;
  - (d) Alternative Police Response (APR) civilian members;
  - (e) Central Evidence and Property personnel;
  - (f) Crime laboratory personnel;
  - (g) Electronic Division personnel; and
  - (h) Fleet Management personnel.

**SKILL DEVELOPMENT FOR NEW PROMOTEEES**

116. 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 Education and Training Division, ensure all newly promoted sergeants and lieutenants receive 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.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 33.1.1

### TITLE: TRAINING ADVISORY COMMITTEE

**EFFECTIVE: 06/18/2017**

**REVISED: Replaces Policy 207**

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#### PURPOSE

This Chapter establishes the Training Advisory Committee. Included within this Chapter are the guidelines and the standards to be utilized by the Training Advisory Committee for evaluating the Department's training needs and developing its training programs.

#### POLICY STATEMENT

1. The Training Advisory Committee will provide feedback on an annual training needs assessment of the entire Department, which is developed by the Commander of the Education & Training Division. The training needs assessment, along with input from the Training Advisory Committee, will form the basis for the Department's Master Training Plan for the upcoming year.
2. Ongoing review will serve to develop the most current training methods and enhance the knowledge and professional skills of the members of the Department.

#### DEFINITIONS

Definitions relevant to the Chapter include:

**Curriculum Director**—The member of the Education & Training Division responsible for establishing and overseeing the training curriculum development and assessment process consistent with the Master Training Plan. The Curriculum Director shall ensure that curricula and related lesson plans are based on learning objectives that are directly linked to validated job tasks. The Curriculum Director shall also ensure that all curricula, lesson plans, instructor's qualifications, and testing materials are reviewed by the Training Advisory Committee.

**Master Training Plan**—A written training plan for the oversight of all training conducted by and for the NOPD. It will include, at a minimum the 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 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; and
- (f) establish the frequency and subject areas for recruit and in-service training.

**Police-Community Advisory Board**—A joint NOPD-community representative group that facilitates regular communication and cooperation among the Department, the City and community leaders to work collaboratively to develop and implement public safety strategies that respect and reflect the community’s public safety priorities and concerns about particular police tactics. The Board seeks recommendations from the community in the areas of:

- (a) Community policing strategies;
- (b) Accountability for professional/ethical behavior by individual police officers;
- (c) Special task forces that meet high priority community need;
- (d) Central policy changes, where applicable, that improve quality of life for the community;
- (e) Resource allocations to meet high priority, difficult issues;
- (f) Strategies for recruiting and maintaining a qualified and diverse workforce;
- (g) Providing information to the community and conveying feedback from the community to NOPD; and
- (h) Ways to provide data and information, including information about NOPD’s compliance with the Consent Decree, to the public in a transparent and public-friendly format, to the greatest extent allowable by law.

**Training Liaison**—The member of the Education & Training Division responsible for overseeing, coordinating and documenting training with the individual District, Division or specialized unit training coordinators.

**Training Coordinator**—A member of a District, Division or specialized unit assigned by the commander, whose responsibility, in consultation with the training liaison, is to ensure that all members of that unit complete training as required and that documentation of all training is provided to the Education & Training Division training liaison. For specialized units, the training coordinator may also be the unit’s **training officer**.

**Unit level training officer**—For all specialized units, the member of that unit who is most appropriate to conduct all unit level training, training for new members of the unit and perform the functions of a “training officer” for new members. The training officer is responsible for establishing a written training program/plan for new members of the unit, lesson plans for all unit specific, in-house training, record keeping of training and coordination with the Education & Training Division if he/she is the training coordinator for the unit. The unit level training officer is selected by the unit commander based on experience, skills, certifications and ability as an effective instructor.

### **TRAINING ADVISORY COMMITTEE MEMBER COMPOSITION**

3. The Training Advisory Committee’s members (12) shall include:

- (a) One staff member from the Education and Training Division, either the Commander or his/her designee;

- (b) Two training coordinators from NOPD field personnel, selected by the Deputy Chief of Field Operations Bureau (FOB);
- (c) One NOPD Deputy Superintendent, selected by the Superintendent;
- (d) One community representative from the Police-Community Advisory Board, selected by the Mayor's Office of Neighborhood Engagement;
- (e) Two representatives from area colleges and universities, selected by the Superintendent from a list provided by the college or university President;
- (f) One outside police professional with expertise in model training practices, selected by the Superintendent;
- (g) One representative from the FBI selected by the FBI's local office;
- (h) One representative from the Orleans Parish district attorney's office selected by the Orleans Parish district attorney's office;
- (i) One representative from the U.S. attorney's office selected by the U.S. Attorney for the Eastern District of Louisiana; and
- (j) One representative from the city attorney's office selected by the City Attorney.

Additional members of the E&TD leadership staff may attend TAC meetings as requested by the Director of the E&TD but are not considered Committee members and do not cast votes.

4. The Chairperson for the Training Advisory Committee shall be selected by the Superintendent of Police from the membership of the Committee. All members shall be voting members. Eight members is the minimum number for a quorum; the Chairperson must be present. In the event of a tie, the Chairperson's vote will serve as a tiebreaker.

#### **COMMITTEE RESPONSIBILITIES**

5. The Committee member who is appointed to represent the E&TD shall function as the secretary for the Board and is responsible for scheduling, drafting and circulating an agenda, and maintaining the minutes of all Committee meetings.
6. Training Advisory Committee meetings will be held at least quarterly. The Commander of the Education & Training Division will send the schedule notices after consultation with the Training Advisory Committee Chairperson.
7. The Training Advisory Committee, after review, consideration, and revision, shall approve an annual Master Training Plan compiled by the Curriculum Director. The plan shall be provided to the TAC no later than the end of the third quarter of each calendar year and shall include written training plans for NOPD's:
  - (a) Basic Recruit Training Program;
  - (b) The Lateral Officer Training Program;
  - (c) The Field Training Program; and
  - (d) The In-Service Training Program for both police officers and supervisors.

The E&TD shall request feedback from the TAC 30 days after receipt of the Master Training Plan and shall seek approval by the time of the final TAC meeting of the calendar year preceding the year for which the Master Training Plan will go into effect.

8. The Master Training Plan approved by the Training Advisory Committee shall comport with best practices and shall 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. Specifically, the Master Training Plan 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 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 adult learning;
  - (e) Address program administration policies, classroom/facility use;
  - (f) Address instructor training and development; and
  - (g) Establish the frequency and subject areas for recruit and in-service training.
9. The Training Advisory Committee shall annually review and assist in updating NOPD's Master Training Plan. To perform this update, the Training Advisory Committee shall review a training needs assessment, conducted by the E&TD, taking into consideration:
- (a) Trends in misconduct complaints;
  - (b) Problematic uses of force;
  - (c) Analysis of officer safety issues;
  - (d) Input from members at all levels of NOPD;
  - (e) Input from members of the community, including community concerns as expressed through the PCAB representative;
  - (f) Jurisdictional court decisions;
  - (g) Research reflecting the latest in law enforcement trends;
  - (h) Individual District/Division needs; and
  - (i) Changes to Louisiana law, federal law, POST requirements, or NOPD regulations.
10. The Training Advisory Committee shall receive materials under review, including curricula, lesson plans, instructors' qualifications and testing materials submitted by the Curriculum Director, at least 30 days prior to the scheduled meeting.

#### **COMMITTEE RECORDS AND RECOMMENDATIONS**

11. Members of the New Orleans Police Department may forward suggestions, revisions, and comments to be considered by the Training Advisory Committee at their next scheduled meeting. The submissions shall be forwarded via NOPD form 105, through the members' chain of command to their respective Bureau Chief, to the Commander of the Education & Training Division. Members will also have the option of providing such feedback anonymously to the Chairman of the TAC.
12. Meeting minutes shall be kept by the Commander of the Education & Training Division or his/her designee. These minutes shall be forwarded to the members of the TAC, the NOPD command staff and the Consent Decree Implementation Unit along with any additional recommendations by the Director of the Education & Training Division no later than seven days following the Training Advisory Committee meeting.
13. Upon review of training curricula, lesson plans, testing materials and instructors' qualifications, any Training Advisory Committee recommendations for revisions shall be submitted to the Curriculum Director and may be utilized after approval by the Director of the Education & Training Division. If the Director of the E&TD does not accept or

implement any of the TAC suggested recommendations, the Director shall provide a written explanation to the TAC and the Superintendent prior to the next scheduled TAC meeting. The TAC may submit written reasons for their proposals or concerns to the Superintendent for his consideration. In the event the Commander of the E&TD and the TAC cannot reach a mutual resolution on any disagreements, the Superintendent shall resolve the dispute.

14. All recommended changes that affect specialized units (Special Operations Division, Traffic, Homicide, Sex Crimes, etc.) shall be communicated in writing to the commander(s) responsible for those units for incorporation into their revised training curricula, lesson plans, and testing materials. All recommended changes shall be incorporated into existing materials unless the commander of the specialized unit submits, within 30 days of receipt of the recommended changes, written reasons why the recommended changes should not be incorporated to the Director of the E&TD and the specialized unit commander's Bureau Chief.
15. If the Commander of the Education & Training Division and the specialized unit commander cannot reach a mutually agreeable resolution to the proposed changes, they will each communicate the issues concerning the recommended changes, in writing, to his/her respective Bureau Chiefs. The Bureau Chiefs involved will then communicate to reach a mutually agreed resolution and communicate the resolution to their respective subordinates. If, for any reason, the Bureau Chiefs cannot resolve the disagreement, they each will present their issues to the Superintendent, in writing, for final resolution. The final resolution, in all cases, will be communicated to all of the involved parties.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 33.2

### TITLE: TRAINING TYPES AND AVAILABILITY

**EFFECTIVE: 06/18/2017**

**REVISED: Replaces Policy/Procedure 208**

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#### PURPOSE

The NOPD is committed to ensuring that all members have access to training 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.

#### DEFINITIONS

**Master Training Plan**—A written training plan for the oversight of all training conducted by and for the NOPD. It will include, at a minimum the 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 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; and
- (f) establish the frequency and subject areas for recruit and in-service training.

**Training Coordinator**—A member of a District, Division or specialized unit assigned by the commander, whose responsibility, in consultation with the training liaison, is to ensure that all members of that unit complete training as required and that documentation of all training is provided to the Education & Training Division training liaison. For specialized units, the training coordinator may also be the unit's **training officer**.

**Training liaison**—A member of the Education & Training Division responsible for overseeing,

coordinating and documenting training with the individual District, Division or specialized unit training coordinators.

**Unit level training officer**—For all specialized units, the member of that unit who is most appropriate to conduct all unit level training, training for new members of the unit and perform the functions of a “training officer” for new members. The training officer is responsible for establishing a written training program/plan for new members of the unit, lesson plans for all unit specific, in-house training, record keeping of training and coordination with the Education & Training Division if he/she is the training coordinator for the unit. The unit level training officer is selected by the unit commander based on experience, skills, certifications and ability as an effective instructor.

## TRAINING COURSE/SESSION CATEGORIES

1. There are generally three types of training classes or sessions:
  - (a) **Open training**—An instructional, informational or training class available to any member of the Department;
  - (b) **Specialized training**—An instructional, informational or training class available to members with a particular job/duty related need; and
  - (c) **Mandatory training**—An instructional, informational or training class that is required for a member by law, regulation or to maintain job related certification.
2. Some instructional or training courses are “open” to any Department member who has permission from his or her commander to participate or attend. For “open” training courses:
  - (a) The Education and Training Division will notify training coordinators by e-mail of the training course offering, dates, times and any associated requirements for members wishing to attend;
  - (b) The training coordinator is responsible for scheduling all unit members for training in PowerDMS and communicating the scheduled training to the member(s);
  - (c) Once the training class has been booked to capacity it will be removed from PowerDMS by the Education & Training Division; and
  - (d) Any registered member who is unable to attend shall notify the training coordinator immediately of his/her change in circumstances so the training slot may be reassigned if still posted in PowerDMS. If the class has been removed, only the E&TD may assign a replacement, not the member or their unit training coordinator.
3. Those instructional or training courses that are not “open” to all members are specialized to identifiable units or members based on need. The Education and Training Division may apportion or designate a specific number of positions in a dedicated training class to individual Department units. For dedicated training classes:
  - (a) The unit training coordinator shall ensure that all allotted positions for his/her unit in each class or session are filled in PowerDMS;
  - (b) The unit training coordinator may change the member or swap members attending for his/her unit until the class/course is booked and removed.
4. All members assigned to attend training shall attend as scheduled unless excused by their unit commander, the change has been made in PowerDMS and that excusal is communicated to the E&TD.

5. When a member is unable to attend mandatory training, that member shall:
  - (a) Notify his/her immediate supervisor and their unit training coordinator by Departmental e-mail as soon as possible but, no later than one hour prior to the start of training; and
  - (b) Make arrangements through the unit training coordinator to reschedule the required training on an alternate date in PowerDMS.

#### **DAILY TRAINING BULLETINS**

6. Daily training bulletins (DTBs) are created by the Department and recorded in a Web-accessed system (**PowerDMS**). Regular, ongoing training on the New Orleans Police Department regulations (policies, procedures, chapters and rules) and other important topics is made available at the beginning of the month. The number of DTBs may be increased based on changes to Departmental regulations, case law or other Departmental needs.
7. Members assigned to participate in DTBs shall use only the login credentials assigned to them by Policy Standards. Members shall not share their password with anyone and should change their password to protect the security of the system at least quarterly. After each DTB session, members shall log off the system to prevent unauthorized access. The content of the DTBs are restricted material and shall not be shared outside of the Department without written authorization of the Superintendent of Police or his/her designee.
8. Members who are required to participate in the DTB program shall complete each DTB during their shift as directed by their supervisor. Employees should not allow uncompleted DTBs to accrue. Members are required to complete DTBs missed during any extended absences (e.g., vacation, medical leave) as soon as possible upon returning to duty. Although the DTB system can be accessed from any Internet active computer, members should only take DTBs as part of their on-duty assignment, unless approved by a supervisor.
9. Supervisors shall be responsible for monitoring the progress of personnel under their command to ensure timely compliance with this Chapter. A list of members who have been delinquent in completing each previous month's DTBs shall be published by E&TD in the first week of each month. Supervisors shall document and take appropriate corrective action, including discipline, for members who have not completed DTBs in a timely manner.

#### **E&TD COMMANDER'S RESPONSIBILITIES**

10. The Commander of the Education & Training Division is responsible for updating all mandatory training requirements for each class of police officer, sergeant or lieutenant in **the Master Training Plan**.
11. The Commander of the Education & Training Division is responsible for updating all mandatory training requirements for the Department annually and including the updated requirements in the **Master Training Plan**.
12. The Commander of the Education & Training Division, through the training liaison, is responsible for ensuring all commissioned members of the Department have been trained as required by the **Master Training Plan**.



**REIMBURSEMENT FOR TRAINING COSTS**

13. 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 in these costs are:
  - (a) registration or training class fees;
  - (b) travel or mileage;
  - (c) per diem(s) for meals and housing; and
  - (d) books, materials and other associated expenditures, in accordance with City guidelines (**City of New Orleans Policy Memo #9R – Travel and Business Expenses**).

**OUTSIDE TRAINING WITH ADEQUATE ADVANCE NOTICE**

14. Whenever possible, advance funding for the anticipated costs of training provided by an outside vendor or agency shall be secured.
15. Department members desiring to attend or selected to attend authorized outside training with sufficient advance notice shall prepare the appropriate training and travel documents (**City of New Orleans Policy Memo #9R – Attachment**). These documents shall be submitted at least 30 days in advance of the expected training through the member's chain of command for approval and processing.
16. At the conclusion of the authorized training, and within the first week of return to regular duty from 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.

**OUTSIDE TRAINING, INADEQUATE ADVANCE NOTICE**

17. Department members may desire to attend or be selected to attend authorized outside training where there is insufficient notice (less than 30 days) for advanced funding of the anticipated costs.
18. The member may, if willing, attend the training at his or her own expense, without advance funding.
19. Department members desiring to attend or selected to attend authorized outside training with insufficient advance notice shall prepare the appropriate training and travel documents (**City of New Orleans Policy Memo #9R – Attachment**). These documents shall be submitted as soon as possible in advance of the expected training through the member's chain of command for approval and processing.
20. Specific mention shall be made in the Interoffice Correspondence requesting approval that the member is assuming all costs associated with the training, or, if not all costs, which costs he or she is assuming.
21. Specific request and approval through the member's chain of command shall be noted if the member is requesting to be carried "regular working" for payroll purposes or if he/she is requesting approval of "annual leave" for the training. The required forms and authorization for the annual leave request shall be attached to the travel/training paperwork, if necessary.

22. At the conclusion of the authorized training, and within the first week of return to regular duty from the training, the Department member shall provide the necessary documentation of training expenses in accordance with City guidelines and submit same for reimbursement.
23. In those instances with inadequate advance notice, requests for reimbursement of funds may be submitted but reimbursement cannot be guaranteed.

### TRAINING RECORDS

24. The Education and Training Division Commander shall be responsible for maintaining current, accurate training records for all Department members and all training classes provided. All records of training shall be maintained in PowerDMS.
25. The unit training coordinator shall be responsible for maintaining current, accurate training records for all unit members and all training classes provided at the unit level and entering the training records into PowerDMS.
26. All training records should include, at a minimum:
  - (a) Member name and employee ID number;
  - (b) the type of training received;
  - (c) the date(s) of the training;
  - (d) the location of the training;
  - (e) the person/agency providing the training;
  - (f) a copy of any certificates or honors conferred; and
  - (g) any test scores (if applicable).
27. If the training is provided by the NOPD's Education and Training Division, the Education and Training Division Commander shall be responsible for ensuring that the member's training record reflects the training received and entering the training records into PowerDMS.
28. If the training is provided by another unit within the Department, the providing unit's training coordinator or training officer shall be responsible for supplying the Education and Training Division training liaison with the appropriate documentation of the training within one week of the conclusion of the training by departmental email (training documents as a scanned attachment) and entering the training records into PowerDMS.
29. If the training is provided by an outside vendor/entity/agency, the member receiving the training shall be responsible for providing his/her unit training coordinator with the appropriate documentation of the training within one week of return to duty from the training. The unit training coordinator is responsible for forwarding the appropriate documentation to the Education and Training Division training liaison by departmental email (training documents as a scanned attachment) and entering the record of the training into PowerDMS.
30. The Education and Training Division shall utilize a system (**PowerDMS**) that will electronically track, maintain, and report complete and accurate records of current curricula, lesson plan synopsis, 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 commissioned 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.
31. The Education and Training Division Commander shall develop and implement accountability measures, including notifying a member's Commander in a timely manner when disciplinary and non-disciplinary corrective action is required, to ensure that all members successfully complete all assigned or required training programs.
  32. The Education and Training Division shall document all training provided to or received by all Department members, whether mandatory, specialized or open. Members shall sign an acknowledgment of attendance or digitally acknowledge completion of training (e.g. departmental e-mail or **PowerDMS**).
  33. The Commander of the Education & Training Division shall report all training delivered and received in an annual report to the Superintendent of Police and the Training Advisory Committee on or before January 31<sup>st</sup> of each year for the previous year.

#### **TRAINING RECORDS OF COURSES TAUGHT OUTSIDE E&TD**

34. Departmental units, other than the Education and Training Division, that conduct training classes for any Department members shall prepare class records as indicated in this Chapter.
35. All training classes must be conducted using lesson plans approved, in advance, by the Commander of the Education & Training Division and/or the Curriculum Director.
36. The training coordinator or training officer of any unit conducting a training class for Department personnel shall ensure that a class record is provided, within 30 days of completion of the training, to the Education and Training Division training liaison.
37. The class record shall contain all information and documentation outlined in this Chapter and labeled and bound in a single binder or presented in its entirety as an electronic record.
38. An electronic receipt for the class training record will be sent by the Education & Training Division training liaison to the training coordinator or training officer of the unit conducting and/or providing the class training and the instructor(s) who conducted the class training.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 33.4.1

### TITLE: FIRST AID / CPR AND FIELD MEDICAL TRAINING PROGRAM

**EFFECTIVE: 06/02/2019**

**REVISED:**

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#### PURPOSE

The purpose of this chapter is to establish the guidelines for the first aid and CPR training program for Department members to promote the health and welfare of members and the community.

#### POLICY

1. Commissioned members of the NOPD shall successfully complete the Department's First Aid and CPR Certification Course and maintain currency in all certification requirements prior to and while working in any commissioned position unless a waiver has been granted by the Superintendent of Police.
2. Non-commissioned members may be required, as part of his/her assigned duties and responsibilities, to successfully complete the Department's First Aid and CPR Certification Course and maintain currency in all certification requirements for his/her duties and assignment unless a waiver has been granted by the Superintendent of Police.
3. Commissioned members will receive initial training on the use of tourniquets during both basic recruit and in-service first aid training prior to being issued a departmental tourniquet. Re-certification shall take place during the First Aid re-certification and on the same cycle.

#### FIRST AID TRAINING REQUIREMENTS

4. Under Louisiana Revised Statute Title 37, Article 1732, an officer who holds a **valid, current certification** by the American Red Cross or any equivalent training program approved by the Louisiana Department of Health and Hospitals who renders emergency care in the performance of his/her duties is not individually liable to the person for harm unless the act was intentionally designed to harm or was grossly negligent.
5. The Commander of the Education and Training Division shall select the certifying agency for each type of departmentally required field medical training (basic First Aid, CPR, field tourniquet, etc.) to meet the requirements of R.S. 37:1732.

6. The Basic First Aid Course certification and re-certification requirements shall be based on the certifying authority (i.e. American Red Cross, National Safety Council, etc.).
7. The Basic Cardio-Pulmonary Resuscitation (CPR) certification and re-certification requirements shall be based on the certifying authority (i.e. American Red Cross, National Safety Council, etc.).
8. Any other first aid related training (i.e. field tourniquet) course instruction, certification and re-certification requirements, including for the instructor, shall be based on the certifying authority (i.e. Federal law Enforcement Training Center / Basic Tactical Combat Medics Course).
9. Officers shall obtain medical assistance for any person who, during the course of his/her duties, exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. This may require officers to render emergency first aid within the limits of their individual skills, training and available equipment until professional medical care providers arrive on the scene. Any individual exhibiting signs of physical distress should be continuously monitored by the officer involved in the incident or an on-scene assisting officer until medical personnel can assess the individual. NOPD officers shall request medical assistance without delay when a subject has visible injuries or the subject complains of injury.
10. All commissioned members shall successfully complete the re-certification courses for First Aid, CPR and any other Departmental field medical training in the month of, or the month after, his/her birth date bi-annually.
11. Commissioned members shall contact the Commander of the Education and Training Division, or his/her designee, and schedule an attendance date for the re-certification courses for First Aid, CPR and any other Departmental field medical training. Commissioned members failing to successfully complete the required training may be subject to disciplinary action.
12. Deviation from the requirements this chapter shall only be with the written authorization of the Superintendent of Police.

#### **PROTOCOL FOR MANUFACTURED TOURNIQUETS**

13. Departmentally issued tourniquets shall be carried by all commissioned members on their person while on duty and positioned to be readily accessible by either hand.
14. The tourniquet shall be used in a manner consistent with established training.
15. The use of a tourniquet other than one issued or approved by the department is permissible to prevent loss of life in extreme circumstances.
16. Once applied, the tourniquet shall only be removed and disposed of by medical personnel.
17. Any use of a tourniquet shall be recorded by the commissioned member on his/her BWC.
18. If not part of another incident or event, an item number for a signal 24 shall be obtained and the use of the tourniquet noted on an FIC (See: **Chapter 41.12 – Field Interview**

**Card**) indicating the use of the tourniquet and the location on the body of the injury. If the officer has recorded the incident on his/her BWC, the incident shall be marked up "Signal 24, NAT – 1 FIC" with a specific on-air notation as to the use of a tourniquet by the officer. If the officer does not have a BWC or the incident / event is not recorded for whatever reason, he/she shall complete an EPR under the signal 24 detailing all the pertinent information, especially the reasons why the tourniquet was used and the location on the body of the injury. If there is no BWC recording of the incident by the officer, the incident shall be marked up, "24, RTF" with a specific on-air notation as to the use of a tourniquet by the officer. (See also: **Chapter 82.1 – Report Preparation.**)

19. All uses of a tourniquet shall be reviewed by the member's immediate supervisor, including all BWC footage, FIC and/or EPR.
20. Any corrective actions, deficiencies or issues shall be addressed by the reviewing supervisor immediately and documented accordingly.
21. The reviewing supervisor shall insure that the tourniquet is replaced as soon as possible after use if not immediately replaced by NOEMS

#### **FAILURE TO QUALIFY/RE-QUALIFY**

22. Any commissioned member or non-commissioned member whose duties require the training who fails to complete the certification courses for First Aid, CPR and any other Departmental field medical training or fails to maintain his/her recertification is prohibited from performing any medical or first aid related duties (i.e. Naloxone, use of field tourniquet, CPR, etc.) until he/she has qualified.
23. The Education and Training Division Commander shall notify the member's Commanding Officer, in writing prior to the member's next scheduled tour of duty, when any member fails any portion of the certification or re-certification courses for First Aid, CPR and any other required Departmental field medical training.
24. The Commanding Officer shall notify the member, in writing, that he/she is prohibited from performing any medical or first aid related duties until the member successfully completes the course. The member shall have his/her right to work Police Secondary Employment and/or Departmental approved overtime suspended until the member successfully completes the course.
25. The member shall be responsible for scheduling a re-qualification date with the Education and Training Division and notifying his/her Commander of the date.
26. Department members shall be provided 30 working days to successfully complete the certification or re-certification before disciplinary action is taken.
27. The employee shall be compensated as regular working for the duration of the re-qualification by the members unit of assignment.
28. In the event the member fails to certify or re-certify within the 30 working day period, a disciplinary investigation shall be initiated by the member's Commander. The investigation shall determine whether the member is unable to perform his/her assigned duties (Civil Service Rule IX).
29. Police recruits, laterals or reinstatements who fail to successfully complete certification courses for First Aid, CPR and any other Departmental field medical training or fails to

maintain his/her recertification shall be governed by the E&TD training curriculum guidelines as set forth by the Commander of the Education and Training Division. Failure of the training portion may be cause for immediate termination.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 33.4.2

### TITLE: DRIVER TRAINING PROGRAM

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 210**

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#### PURPOSE

The purpose of this chapter is to establish the guidelines for the driver training program for Department members to promote the safe operation of city owned or leased vehicles.

#### POLICY

1. Commissioned members of the NOPD operating a City owned or leased vehicle shall successfully complete the Department's Tactical Police Driving Course prior to driving a city owned or leased vehicle unless a waiver has been granted by the Superintendent of Police.
2. Non-commissioned members operating a City owned or leased vehicle shall successfully complete a Driver Awareness Course sponsored by the Education and Training Division prior to driving a city owned or leased vehicle unless a waiver has been granted by the Superintendent of Police.

#### DRIVER TRAINING REQUIREMENTS

3. The Tactical Police Driving Course minimum score shall be established by the Education and Training Division based upon recommendations by the National Academy of Professional Driving.
4. A member involved in a traffic crash while operating a city owned or leased vehicle shall successfully complete the Crash Avoidance Course to be scheduled by the Education and Training Division upon recommendation by the Crash Review Board and/or the Superintendent of Police. (See: **Chapter 13.22 – Crash Review Board**).
5. Any member required to attend the Crash Avoidance Course shall be compensated as regular working for the duration of the training. The members unit of assignment is responsible for making the necessary payroll notations in the ADP (payroll) system.
6. All commissioned members shall successfully complete the Tactical Police Driving Course in the month of, or the month after, his/her birth date annually.
7. Commissioned members shall contact the Commander of the Education and Training Division, or his/her designee, and schedule an attendance date for the annual Tactical



Police Driving Course. Commissioned members failing to successfully complete the required training may lose their driving privileges and be subject to disciplinary action.

8. Deviation from the requirements this chapter shall only be with the written authorization of the Superintendent of Police.

#### **FAILURE TO QUALIFY/RE-QUALIFY**

9. Any commissioned member who fails to complete any phase of the Tactical Police Driving Course or fails to maintain his/her annual requalification is prohibited from operating a city owned or leased vehicle until they have qualified.
10. Any non-commissioned member who fails to complete the Driver Awareness Course is prohibited from operating a city owned or leased vehicle until they have successfully completed the course. There is no recertification required.
11. The Education and Training Division Commander shall notify the member's Commanding Officer, in writing prior to the member's next scheduled tour of duty, when any member fails any portion of the Tactical Police Driving Course.
12. The Commanding Officer shall notify the member, in writing, that all city owned or leased vehicle driving privileges are suspended until the member successfully completes the course and is certified by the Education and Training Division.
13. The member shall be responsible for scheduling a re-qualification date with the Education and Training Division and notifying his/her Commander of the date.
14. Department members shall be provided seven working days to successfully complete the Driver Training Program before disciplinary action is taken.
15. The employee shall be compensated as regular working for the duration of the re-qualification by the members unit of assignment.
16. In the event the member fails to qualify within the seven working day period, a disciplinary investigation shall be initiated by the member's Commander. The investigation shall determine whether the member is unable to perform his/her assigned duties (Civil Service Rule IX). If the subsequent d
17. Police recruits, laterals or reinstatements who fail to successfully complete any portion of the driver training program shall be governed by the E&TD training curriculum guidelines as set forth by the Commander of the Education and Training Division. Failure of the driver training portion may be cause for immediate termination.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 33.4.3

### TITLE: FIELD TRAINING OFFICER PROGRAM

**EFFECTIVE: 09/02/2018**

**REVISED: Replaces Policy / Procedure 436**

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#### PURPOSE

The Field Training Officer (FTO) Program, or Phase II of the Recruit Training Program, is designed to provide directed field experience to police recruits. It serves as a final step in the officer qualification, evaluation and training process. Its goal is to provide an individually tailored one-on-one program, providing improvement and professional development in performance areas, while simultaneously assuring that each trainee masters a predetermined set of tasks before completion. Its goal is to ensure the new officer transitions from the academic setting of the Education & Training Division to the actual performance of general law enforcement duties.

#### POLICY STATEMENT

1. The FTO program shall comport with the New Orleans Police Department's written Master Training Plan.
2. The FTO program shall follow the Basic Recruit Training Program and shall be at least 16 weeks.
3. All new police officers will be assigned to the structured field training to prepare the new officer to perform in a patrol assignment with the knowledge and skills needed to operate in a safe and professional manner.

#### DEFINITIONS

**Field training coordinator (FTC)**—A supervisory member of the Education & Training Division staff responsible for overseeing the entire FTO Program.

**Field training officer (FTO)**—A commissioned member who has been specially selected based on her/his performance record, who displays an interest in training, and possesses a functional knowledge of Louisiana criminal and motor vehicle codes, criminal procedure, Department rules, regulations, Chapters, policies and procedures, as well as, above average skills in report writing and conducting investigations. All FTOs must satisfactorily complete the structured FTO Program certification before they may train new officers.

**Field training supervisor (FTS)**—A police sergeant or lieutenant who oversees the field training officers in his/her particular District or Division. The FTS will be trained on the FTO Program and their related duties by the Education & Training Division field training coordinator.

**Trainee**—A graduate of the NOPD Basic Recruit Training Program who has passed the

Louisiana P.O.S.T. certification, has been promoted to Police Officer (Probationary) and progressed to the Field Training Program. This can also refer to a lateral police hire Police Officer (Probationary) that is in a modified Field Training Program to familiarize him/her with NOPD policies, procedures, forms and methods before he/she is released to work independently. The terms recruit and trainee are interchangeable for purposes of this Chapter.

**Daily Observation Report (DOR)**—A written evaluation by the FTO on the performance of the recruit or trainee on a daily basis using the Daily Observation Report Form (DOR).

**End of Phase Report or Phase Report**—A written evaluation by the FTO on the performance of the recruit or trainee at the conclusion of each Phase of the FTO Program that summarizes the recruit or trainee's overall performance during that Phase. This evaluation is documented on a standardized End of Phase Report form.

### **FIELD TRAINING OFFICER PROGRAM**

4. Satisfactory completion of the FTO Program will increase the trainee's awareness of local community needs, and increase their ability to handle a wide range of situations with both confidence and insight. Those trainees who are unable to transition from the more academic environment of the academy to field work and properly cope with or master the basic tasks required of today's police officers will be identified in this program and the deficiencies addressed on an individual basis. The degree and amount of remediation to be allowed for any particular deficiency shall be outlined by the Commander of the Education & Training Division based on recommendations by the FTO, FTC and FTS involved.
5. Initially, the recruit functions primarily as an observer (not graded), while the FTO completes his/her daily duties. As the recruit progresses through the FTO program, progressively 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 of a police officer, while the FTO serves as an observer and evaluator.
6. If, in the opinion of the FTO, the district FTS, the district/division Commander, and the FTC, a recruit does not demonstrate a consistent, 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. The Superintendent of Police or his/her designee, as the appointing authority, shall approve or disapprove the recommendation.
7. During the course of the FTO program, a recruit or trainee shall be trained in a variety of geographic areas within the city of New Orleans; on a variety of shifts; and with several FTOs. Generally, the recruit or trainee will spend no more than four weeks with any one FTO in any one district. At the end of each four-week period, the recruit or trainee will be assigned to a new FTO in a different district. If changing districts is not feasible, a change in FTO and shift at each four-week interval is still required.

### **FIELD TRAINING MANUAL**

8. Each recruit in field training shall be issued a Field Training Manual before beginning the field training program.
9. The Field Training Manual will remain in the possession of the recruit and will be made available to the FTO, FTS and FTC as required.
10. This Field Training Manual is an outline of the subject matter and skills deemed

necessary to properly function as an officer with the New Orleans Police Department.

11. The recruit must become proficient with the skills as set forth in the Field Training Manual.
12. For each task or skill outlined in the Field Training Manual, the FTO and the recruit/trainee shall initial and date each task as they are deemed by the FTO to be successfully completed.

#### **DAILY OBSERVATION REPORTS**

13. Daily Observation Reports (DORs) are an important component of the training process and shall be completed as outlined below:
  - (a) Daily Observation Reports will be numbered sequentially to insure completeness and to facilitate administrative control.
  - (b) All DORs, evaluations and documents pertinent to each recruit shall be routed through the Field Training Supervisor to the Field Training coordinator.
  - (c) All DORs are filed electronically in a database accessible to the trainee for review.

#### **FIELD TRAINING OFFICER**

14. 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 his/her previously acquired knowledge and skills.
15. In addition to providing police service within their assigned district, the FTO has the added responsibility of training and evaluating the trainee during field training.
16. The responsibilities and selection process of the FTO are covered in depth in the Field Training Officer's Manual.
17. FTOs' responsibilities will include, but are not limited to ensuring the trainee understands any material provided or task given during each week or Phase of field training and how successful completion is to be judged.
18. FTOs are required to:
  - (a) Complete and submit an evaluation on the performance of their assigned trainee on a daily basis using the Daily Observation Report (D.O.R.);
  - (b) Review, sign and date the DOR at the conclusion of each training shift;
  - (c) Complete a detailed end-of-phase performance evaluation on each assigned trainee immediately upon the conclusion of each phase of field training; and
  - (d) Initial or sign indicating successful completion ("sign off on") all completed topics contained in the Field Training Manual, specifically noting the method of learning and evaluating the performance of the assigned trainee.

#### **FIELD TRAINING SUPERVISOR**

19. The District Commander will forward to the FTC a written nomination for the supervisor he/she has selected to act as the FTS.
20. The nomination shall detail the Commander's reasons for that supervisor to fill the role of the FTS along with:
  - (a) Documentation of an INSIGHT review, to include:
    - i. Any information related to any disciplinary actions;

- ii. Any communications for the public, either positive or negative;
  - iii. Any reported actions that did not rise to the level of an official award or reprimand; and
  - iv. Any documentation that reflects the FTS nominee's relationship with the community.
- (b) A PIB "Short Form" listing any complaints or pending investigations; and
  - (c) A written recommendation from the FTS Nominee's immediate supervisor (if not the District Commander).
21. The FTS will review the information provided on the nomination and, within 14 days of receipt of all required information, will provide the nominating Commander with a written acceptance of the nomination or, if not accepted, the reasoning of the FTC for the disapproval.
  22. The final selection is the responsibility of the FTO/FTS Evaluation & Selection Committee.
  23. The nomination recommendation and all associated documentation of the process shall be maintained by the FTS for three years.
  24. An FTS shall be assigned in each District/Division to which recruits are assigned for field training.
  25. The FTS is responsible for ensuring daily observation reports (DOR) contain the necessary information, including all supporting documents, for each day a trainee is under the FTO Program.
  26. The DORs for each trainee for that week are reviewed each week by the FTS and the FTC via phone or email. The FTS and FTC meet to review and discuss the trainee's status during each Phase of the FTO Program.
  27. In addition to the above duties, the FTS shall explain to the FTC any identified problem(s) the trainee is having which may prevent him/her from successfully completing that phase's requirements. Remedial activities may be determined at that time.

#### **FIELD TRAINING COORDINATOR**

28. The FTC shall be responsible for overseeing the entire FTO Program.
29. The FTC will review the Daily Observation Reports submitted by each FTO through the FTS.
30. The FTC will hold periodic meetings with all FTOs and FTSs to ensure consistency in application, understanding and compliance with the requirements of the Field Training Officer Program.
31. The FTC will hold a process review meeting after the completion of each recruit class' field training with all FTOs and FTSs to discuss any changes which may be needed in the FTO Program.
32. A summary of this meeting, with any recommendations or proposed changes, will be documented and forwarded to the Superintendent of Police, through the chain of command, for review.

**FIELD TRAINING OFFICER / SUPERVISOR EVALUATIONS**

33. FTO and FTS performance shall be reviewed and evaluated annually by the FTC in consultation with the commanding officer of the FTO and FTS. Re-certification shall be dependent on satisfactory prior performance and feedback from the recruits trained and the Education & Training Division staff.

**RECRUIT EVALUATIONS OF TRAINING PROGRAM**

34. The NOPD Education & Training Division shall create a mechanism for trainees to provide confidential feedback regarding the quality of their field training.
35. Trainees will complete a confidential evaluation at the end of each phase of field training and upon conclusion of the FTO Program on all his/her FTO(s) and the overall FTO Program.
36. As part of the End of Phase survey, this feedback shall include:
  - (a) The extent to which his/her field training was consistent with what they learned in the Basic Recruit Training Program or Lateral Officer Program,
  - (b) The trainee's assessment of the coaching and training skills of all of his/her FTOs,
  - (c) The trainee's assessment of the FTO's compliance with the Department's values, policies and regulations, and
  - (d) Suggestions for changes to the Basic Recruit Training Program or Lateral Officer Program based upon his/her experiences in the FTO program.
37. The Commander of the Education & Training Division shall review the provided feedback and document his/her response within 30 days of the submission of the surveys, including the rationale behind any responsive action taken or decision to take no action. This written response shall be submitted through the chain of command to the Superintendent of Police.
38. These evaluations and the written responses shall be maintained by the FTC on file at the Education & Training Division for at least 3 years.

**PROGRAM DOCUMENTATION**

39. All documentation of participants in the Field Training Program shall be retained in the member's training files (either electronic or hard copy) and will consist of the following:
  - (a) Daily Observation Reports for each day/shift the recruit works with an FTO.
  - (b) References to all documentation (electronic versions) produced by the recruit while in the FTO program; i.e. reports, citations, summons, affidavits including a copy of the Daily Trip/Activity Sheet;
  - (c) End of Phase evaluations; and
  - (d) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training and all critical skill requirements.
40. The trainee must successfully complete the Field Training Program to receive his/her P.O.S.T. certification.
41. All administrative training reports on each trainee shall be maintained in an individual training file by the FTC.
42. Active field training files shall be located in the FTC's office. Completed training files

shall be stored off-site in a secure facility designated by the Commander of the Education & Training Division.

43. The field training program records shall be available, as needed, to an FTO, FTO Program personnel, Education & Training Division Instructors and the Field Operations Bureau administrative personnel on an "as needed" basis as determined by the Commander of the Education & Training Division or his/her FTC if designated.
44. Upon successful completion of the member's Police Officer probationary period, all Basic Recruit Training Program, Lateral Officer Program and Field Officer Training Program files for that member shall be placed in secure storage at the Education & Training Division, and will **not** be considered as part of the officer's regular Personnel Jacket.
45. Member training records in secure storage at the Education & Training Division may be accessed or viewed only with written permission of the Commander of the Education and Training Division, the Deputy Chief of the Bureau to which the E&TD is assigned or the Superintendent of Police.
46. These training files shall be maintained for a minimum of seven years after the member is separated from the Department or involved in litigation where the records may be pertinent, whichever is longest. .

#### **FTO AND FTS SELECTION, RE-APPOINTMENT, AND REMOVAL PROCESS**

47. The FTO selection process shall be established and the FTO program implemented to attract the best FTO candidates.
48. Only highly qualified officers shall serve as FTOs and Field Training Supervisors. FTO/FTS appointments shall be subject to annual review for reappointment by the FTC and the Education & Training Division Commander. District/Division commanders, after consultation and concurrence with the Commander of the Education & Training Division, may remove an FTO or FTS from the field training program.
49. The cause for removal and concurrence by the Commander of the Education & Training Division shall be documented in a written interoffice correspondence which shall be kept on file at the Education & Training Division by the FTC.
50. All FTOs/FTSs are assigned to the Field Operations Bureau. While functioning as an FTO/FTS, he/she shall be in a Platoon assignment only (District patrol shift platoons primarily handling calls for service). The following elements shall be evaluated:
  - (a) Demonstrated maturity;
  - (b) Desire to be an FTO/FTS (voluntary program);
  - (c) Demonstrated knowledge of criminal/motor vehicle codes and criminal procedures;
  - (d) Demonstrated above average skills in writing police reports and conducting investigations;
  - (e) Minimum of four years of patrol experience, two of which shall be with this Department;
  - (f) Demonstrated ability as a positive role model;
  - (g) Participate and pass an internal oral interview selection process;
  - (h) Written evaluations/recommendations by supervisors and current FTOs or FTSs;
  - (i) Prior performance evaluations;
  - (j) Previous documented superior performance as a police officer evidenced by awards and/or supervisory recommendations/evaluations;
  - (k) Complaint and disciplinary history review;

- (l) Commendations, letters, or references from citizens;
  - (m) Attendance; and
  - (n) Written recommendation of the applicant's current Commander.
51. The FTO/FTS candidate's application shall be reviewed by criteria outlined in this Chapter by the FTO/FTS Selection and Evaluation Committee, which shall be composed of:
- (a) The FTC;
  - (b) One District FTO selected by the Bureau Chief of the Field Operations Bureau; and
  - (c) One FTS selected by the FTC and not assigned to the same District as the FTO on the Committee.
52. The FTO/FTS Selection and Evaluation Committee shall, for each candidate reviewed, either:
- (a) **Approve** the candidate as a potential FTO/FTS pending successful training;
  - (b) **Disapprove** the candidate stating specific reasons; or
  - (c) **Defer** the candidate until a later date or until a stated deficiency is corrected.
53. The status (approved, disapproved, defer) of each FTO candidate's application shall be specifically noted in the minutes of the Selection Committee meeting and signed by all members of the committee. The Committee records shall be maintained by the FTC.

#### **TRAINING REQUIRED BY FTO / FTC**

54. All current and new FTOs and FTSs shall receive at least 40 hours of initial Field Training Officer Program specific, supervisory-level training, and annual in-service training in the following areas:
- (a) Management and supervision;
  - (b) Community-oriented policing;
  - (c) Effective problem solving techniques; and
  - (d) Field communication (how to communicate effectively with trainees and supervisors in a field situation).
55. FTOs and FTSs shall maintain, and demonstrate, on a regular basis, his/her proficiency in managing recruits and subordinates, practicing and teaching community-oriented policing, and solving problems effectively.
56. All FTOs must complete an FTO update course, the contents of which shall be determined by the Commander of the E&TD and the FTC on an annual basis while assigned to the position of FTO.
57. All documentation of FTS and FTO applications, evaluations and training shall be maintained for a minimum of seven years after the member is separated from the Department or involved in litigation where the records may be pertinent, whichever is longest.
58. FTOs and FTSs shall be among the first officers to attend each new cycle of in-service training.
59. The FTO Manual is posted on NOPD.org under the Resources folder.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 34.2

### TITLE: PROMOTIONS AND PROMOTION COMMITTEE

EFFECTIVE: 11/13/2016

REVISED: 05/23/21

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#### PURPOSE

This Chapter establishes the minimum guidelines for promotion within the Civil Service classifications of Senior Police Officer through Police Captain and the responsibilities of the Promotion Committee as they relate to the promotion of commissioned employees within these Civil Service Classifications.

#### POLICY STATEMENT

1. The New Orleans Police Department recognizes that the promotional process within the organization should be one of fairness and one that truly identifies those well-rounded and qualified persons for leadership positions. Actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group shall not be a motivating factor to any degree in any promotion decision, including the selection or rejection of particular candidates.
2. The Department has established progressive educational and training standards for advancement. The utilization of these standards will increase the level of professionalism, both individually and collectively. The establishment of minimum qualifications for each promotional position was made with careful consideration to ensure that the required educational level matches, as closely as possible, the responsibilities incumbent to the position. By establishing these standards, the Department recognizes and supports the concept and value of lifelong learning.
3. The Department adheres to the practice of giving all qualified officers the opportunity to seek upward mobility within the organization. In assessing the aptitude and suitability of candidates for promotional consideration, a variety of methods may be utilized. These methods may vary from rank to rank and may include, but are not limited to, some or all of the following testing/assessment techniques:
  - (a) Objective Written Tests,
  - (b) Assessment Center Exercises, and
  - (c) Candidate Assessment by the Promotion Committee.

4. This Chapter only applies to the Civil Service commissioned classifications of Senior Police Officer through Police Captain. Police Recruit and Police Officer classifications are exempt from these provisions.
5. For the New Orleans Police Department, the cycle of eligible promotional lists for the classifications of Police Sergeant, Police Lieutenant and Police Captain shall allow the opportunity for commissioned members of NOPD, who meet the requirements of the classified position and successfully pass the testing process, to be placed on the promotional list every two years from the closing of the previous list for the same classification.
6. If, for any unplanned and unanticipated reason(s), beyond the control of the City of New Orleans or the NOPD, the test development process conducted by City Civil Service is hampered and a new promotional test or process cannot be completed and in place in time to meet the two (2) year requirement of the Consent Decree and this Circular Memorandum, the Personnel Director shall state the specific reasons and provide an adjusted time-line for the promotional list. This information shall be immediately conveyed to the Office of the Consent Decree Monitor, the Chief Administrative Officer, and the Superintendent of Police, in writing.
7. The Personnel Director, in agreement with the Superintendent of Police, may extend the promotional list to a maximum of three (3) years if the requirements of #6 above are met and the Civil Service Commission approve. In no cases shall the list be extended or remain in effect for more than three (3) years from the date of original establishment.

## DEFINITIONS

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

**Candidate**—An employee of the New Orleans Police Department who has successfully completed the Civil Service requirements for promotion to a commissioned classification higher than the one he/she currently fills in a permanent classification and is under review by the Promotion Committee.

**Test Register** - a list of employees who already have met the minimum Civil Service requirements for testing for the promotion to the classification. This may, or may not, be the final promotion roster depending on the defined testing process for the classification.

**Civil Service Register**—A promotional register of a list of employees who already have permanent status in a lower class of positions in the same department who have met the Civil Service requirements for promotion to the classification on the promotional register as well as any Promotion Committee evaluation process.

**Deferral**—The action of postponing a recommendation on a candidate for promotion by the Promotion Committee. A deferral of a candidate for promotional consideration must be based on an articulable reason.

**Egregious or serious act of misconduct** – Any act which has an offense range where the penalty is a **Level E** or greater as articulated in **Chapter 26.2.1 – Disciplinary Matrix**.

**Pending disciplinary action**—Refers to a misconduct investigation that has not been concluded because the investigation is ongoing, the disciplinary penalty has not been assessed and/or the penalty has not been served and completed.

**Open investigation**—A misconduct investigation that has not been concluded with a formal

disposition (see **Chapter 52.1.1 – Complaint Investigation**).

**Permanent Status**—An employee of the Department in a classified civil service job who is in active status for at least one year prior to the end of the annual review period and has completed the performance evaluation process becomes eligible for, and may be granted, permanent status in that job classification, provided that the appointing authority (Superintendent of Police) has determined his/her performance merits it.

**Promotion**—A change of an employee in the classified service from a position in one class to a position in another class for which a higher pay grade is provided in the pay plan.

**Subject matter expert**—A member of the New Orleans Police Department deemed to be an authority in a particular area or topic. Necessary skillsets may include, but are not limited to, education; experience; proficiency; and/or professional certifications that demonstrate the member is above average for assessing a like or similar position. The subject matter expert assists Civil Service in the background, research, preparation, evaluation, assessment or presentation of all or part of a structured promotional examination.

**Sustained**—The disposition of a misconduct investigation or disciplinary hearing that determines, by a preponderance of the evidence that alleged misconduct occurred. For purposes of this Chapter, a finding that a violation is sustained requires a letter confirming the disposition from the Superintendent of Police as the final, appointing authority.

## **SENIOR POLICE OFFICER PROMOTIONS**

8. Through the Department of Civil Service, the classification of Senior Police Officer has been established within the New Orleans Police Department.
9. There shall be no supervisory authority for the Senior Police Officer class. Authority of a Field Training Officer over a trainee shall be set forth by guidelines established within the framework of the Field Training Program (see **Chapter 33.4.3 – Field Training Program**).
10. Promotions to Senior Police Officer class shall be made by the Superintendent of Police 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.
  - (a) Qualifications for promotion shall be based on each candidate successfully completing a training program specific to the Civil Service Class of Senior Police Officer. The training program shall be developed by the Education & Training Division. The tenure requirements must be met prior to attending a police officer promotional class. The candidate must have attained Permanent status as a Police Officer and four years of combined experience as a Police Recruit and Police Officer.

## **PROMOTIONAL EXAMINATIONS (POLICE CORPORAL THROUGH AND INCLUDING POLICE CAPTAIN)**

11. The Department of Civil Service shall prepare and administer any required promotional examinations covering the positions of Police Corporal through Police Captain. The Department of Civil Service will announce requirements, sign-up periods, study materials, testing date(s), etc.

12. Employees of the Department of Civil Service are responsible for preparing promotional examinations for the above-listed commissioned positions. The Department of Civil Service may request permission from the Superintendent of Police to contact various ranking officers of the Police Department to obtain subject matter for inclusion in promotional testing. Ranking officers may be contacted and requested to act as subject matter experts (SME) to formulate questions for the test or explain the correct answers for questions included by Department of Civil Service employees.
13. The subject matter experts may be suggested by the Superintendent of Police and the Deputy Chiefs based on their current or past job duties, specialized training or skills and educational background. The Department of Civil Service is responsible for vetting the backgrounds, skills and knowledge base of the candidate SMEs.
14. NOPD members selected or requested to act as subject matter experts shall cooperate with the Civil Service Department, supplying all relevant information requested.
15. Members assigned to assist the Department of Civil Service in the preparation of, or reviewing of promotional examination material, **shall not** be eligible to participate in any aspect of a promotional test as a candidate for a promotion or discuss the test development with any member who does participate in the test development. (i.e. a Deputy Chief whose permanent classified rank is Police Lieutenant taking a promotional test for Police Captain or above cannot participate in any way in the development, review or discussion of the test nor speak to others, including subordinates who assisted or have knowledge of the test development process.)
16. Designated members assigned to assist the Department of Civil Service in the preparation of, or reviewing of promotional examination material, **shall not** impart any testing material, background material or knowledge of testing material to any other member of the Police Department, especially those employees who may be eligible for the promotional examination. The members shall not discuss the nature of the material, questions, examples or any information related to, discussed by or submitted to the members of the Department of Civil Service engaged in any aspect of the test preparation or validation with anyone not already involved in the test preparation or validation until the promotional process has been completed. This confidentiality must be maintained, or the testing process could be compromised and invalidated. Any breach of confidentiality may be handled as a disciplinary violation.
17. Members who have assisted 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/tutors for possible candidates;
  - (b) Supplying study material;
  - (c) Formulating scenarios, or providing responses to scenarios submitted to them by possible candidates;
  - (d) Providing answers to questions posed by possible candidates, whether or not the question provided is part of the examination; and
  - (e) Suggesting to possible candidates that particular material be studied prior to the examination.
18. Members who have assisted the Department of Civil Service in the preparation, or reviewing, of promotional examination material, who are required to provide written correspondence covering testing material, **shall not** keep copies of the correspondence, any testing material, background material or knowledge of testing material either

electronically or printed, anywhere it may be accessible to other members of the Police Department. Security of any material or correspondence between the Department of Civil Service and the member assisting shall include maintaining the items under the member's exclusive control at all times. Any breach of security over materials attributable to the assisting member, even if unintentional or accidental shall be construed as a breach of confidentiality and subject to the disciplinary process.

### **PROMOTION COMMITTEE FOR POLICE SERGEANT AND ABOVE**

19. The Promotion Committee will be composed of no fewer than three Deputy Superintendents. The Deputy Superintendent of Management Services shall be responsible for scheduling Promotion Committee meetings, collecting employee recommendation forms, recording the "minutes" of the Promotion Committee, and notifying the Superintendent of the recommendations made by the Committee. The Chairperson shall be named by the Superintendent of Police.
20. The promotion review process will begin with Civil Service providing the test register of candidates that pass all portions of the promotional exam to NOPD's Human Resources Department.
21. The Director of Human Resources in the Management Services Bureau will forward the names of eligible candidates to all members of the Promotion Committee. Based upon a pre-determined cut-off score, the highest performing candidates on the Civil Service examination will then be invited to submit a promotional packet, similar to the Knowledge, Skills and Abilities packets required for transfers to specialized assignments and/or units. These promotional candidates will then be invited to an in-person interview with the promotional committee. A review of each listed candidate's resume' and cover letter, latest performance evaluations and Employee Summary Report in INSIGHT will be conducted by the Promotion Committee. The results of the review will include all training, complaints, discipline, awards/commendations, secondary employment, an examination of sustained violations of misconduct and any open investigations of complaints of misconduct and all uses of force. A summary report on each candidate's review shall be documented by the Promotion Committee.
22. Once the Committee has reviewed all eligible candidates KSA-style packet and interviews are conducted, they will, as a group, assess each candidate's background and qualifications to determine the order of the promotional list, based upon the best qualified candidates. The recommendations of the Committee will be forwarded, in writing, to the Superintendent of Police for consideration.
23. Any candidates for promotion that have been deemed "ineligible" by the Committee, as a group, will be documented, in writing, indicating the reason for ineligibility and signed by the Chairman for the Committee.
24. Any candidates for promotion that have been recommended for "deferral" by the Committee, as a group, will be documented, in writing, indicating the reason for deferral and signed by the Chairman for the Committee.
25. The Committee shall meet as often as workload requirements necessitate through determination made by the Deputy Superintendent of Management Services or as directed by the Superintendent of Police.
26. The Superintendent of Police is the Appointing Authority and has the discretion to overrule any recommendations made by the Promotions Committee. No promotions are effective until approved, in writing, by the Superintendent of Police.

**PROMOTION COMMITTEE FOR POLICE CORPORAL**

27. The process for convening a Promotion Committee and scoring for the rank of Police Corporal will be the same as Sergeants through Captains, however, the committee will be composed of one member of the rank of Captain or above from each Bureau and three from the Field Operations Bureau, selected by the respective Bureau Chief. The Committee member assigned to Management Services shall be responsible for scheduling Promotion Committee meetings, collecting employee recommendation forms, recording the “minutes” of the Promotion Committee, and notifying the Superintendent of the recommendations made by the Committee. The Chairperson shall be named by the Superintendent of Police. The minimum number of members to constitute a quorum shall be five named members.
28. The Committee shall meet as often as workload requirements necessitate through determination made by the police Commander assigned to Management Services or as directed by the Superintendent of Police.
29. The Superintendent of Police is the Appointing Authority and has the discretion to overrule any recommendations made by the Promotions Committee. No promotions are effective until approved, in writing, by the Superintendent of Police.

**FACTORS TO CONSIDER FOR PROMOTION**

30. The Promotion Committee will consider the following factors when assessing a candidate's promotional eligibility:
  - (a) Effective use of community-policing strategies;
  - (b) Number of sustained and non-sustained complaints;
  - (c) Number and circumstances of uses of force, including any found to be out of policy and use of force complaints.
  - (d) Disciplinary history.
  - (e) Problem-solving skills;
  - (f) Interpersonal skills;
  - (g) Education;
  - (h) Specialized training;
  - (i) Support for departmental integrity measures.
  - (j) Attendance record for the past two years, including leave balances; and
  - (k) Annual performance evaluations for the previous two years.
31. Additional factors may be considered but must be published in writing, to all candidates at least 30 days prior to the commencement of the promotional review process by the Promotion Committee.

**DEFERAL CONSIDERATIONS / INELIGIBILITY**

32. Sustained complaints of misconduct that have resulted in an assessed penalty greater than a Letter of Reprimand or failure to meet or comply with departmental attendance policy, **may** be grounds for a deferral.
33. Candidates with sustained complaints of discrimination, retaliation, excessive use of force or an egregious act of misconduct shall be deemed ineligible for promotion for no less than a period of three years following the completion date of the assessed penalty.

34. Candidates with an open investigation or pending disciplinary action in a matter alleging egregious or serious acts of misconduct where the presumptive penalty is dismissal shall be ineligible for promotion.
35. Military leave will not be considered a lapse in eligibility for promotions.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 35.1.7

### TITLE: NON-DISCIPLINARY RESPONSES TO MINOR VIOLATIONS

**EFFECTIVE: 05/10/2015**

**REVISED: 05/21/2017, 03/18/2018**

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#### PURPOSE

The New Orleans Police Department recognizes that member's behaviors or actions may not always be fully compliant with Department Rules, regulations, Chapters, or policies but are not sufficiently egregious to elevate the behavior or action to a formal disciplinary investigation. These minor behaviors or actions may only require corrective supervisory guidance and not disciplinary action. Supervisors shall address minor violations/infractions through redirection, counseling, or formal discipline (see **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation**) according to this Chapter.

Nothing within this Chapter diminishes or relieves a supervisor of his/her responsibility to refer observed or alleged violations that do not meet the definition of a minor violation/infraction to PIB for a formal disciplinary investigation.

#### DEFINITIONS

Definitions related to this Chapter include:

**Minor violation/infraction**— A violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through redirection, retraining and/or non-disciplinary counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, forgetting to complete an FIC, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be sufficiently minor that it is immediately correctable by minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of similar violations 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 other than a grievance as defined in **CAO Policy Memorandum 4(R)** and **Chapter 25.1 – Employee Grievances**. A supervisor may decide to handle a minor violation/infraction through non-disciplinary means.

**Non-disciplinary counseling**—A non-punitive process used to correct a subordinate's behavior that is not fully compliant with Department rules, regulations, Chapters, or policies but



is not sufficiently egregious to elevate the action to formal discipline. A supervisor must meet with the non-compliant member, explain the manner in which his or her actions are not compliant, and review the relevant policy (or Chapter, rule, or regulation) with him or her. The non-disciplinary counseling shall be documented in the Supervisor Feedback Log.

**Redirection**—Remedial, non-punitive, oral instruction provided by a supervisor to a subordinate member on an individual basis. The purpose of redirection is to immediately resolve the minor issue or problem and remediate the individual's behavior by providing guidance. The member does not experience any loss of rights, remuneration, or benefits. Redirection need not be formally documented. When a member repeatedly (i.e., more than three times within a 12-month period) commits the same minor violation/infraction, the supervisor shall not handle the minor violation/infraction through redirection.

**Remedial training**—Non-punitive training to specifically address a minor violation/infraction that reveals a deficiency in job skills, knowledge or department procedure. Remedial training is an opportunity to better train and instruct members, clarify any issues involving Departmental Rules, Policies, Procedures, or Orders which may not have been clear to the member.

**Supervisor Feedback Log (SFL)**—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to supervisors on NOPD Web Apps under Applications.

#### **ELIGIBILITY FOR REDIRECTION**

1. Supervisors may use redirection to immediately resolve a minor violation.
2. Supervisors are not required to formally document redirection. Supervisors may document redirection in the Supervisor Feedback Log.
3. If a supervisor repeatedly redirects a member for the same or similar minor violation/infraction (i.e., more than three times within a 12-month period), the supervisor shall :
  - (a) Escalate the response to counseling and document the counseling in the Supervisor Feedback Log; or
  - (b) Initiate a formal disciplinary investigation as appropriate.

#### **ELIGIBILITY FOR COUNSELING OR REMEDIAL TRAINING**

4. If a supervisor observes or discovers a minor violation/infraction by a member, and the member's past disciplinary record includes no previous sustained violations or infractions of the same type within twelve months, 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, which shall be documented in the Supervisor Feedback Log.
5. The supervisor must have firsthand knowledge of the behavior that constitutes the minor violation/infraction.
6. A public complaint cannot be handled through non-disciplinary corrective action and requires formal disciplinary investigation, even if the complained-of behavior is, or appears to be, a minor violation/infraction. See **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation**.

7. When a supervisor repeatedly counsels a member for the same or similar minor violation/infraction (i.e., more than three times within a 12-month period), the supervisor shall not handle the minor violation/infraction through a non-disciplinary response. In such circumstances, a formal disciplinary investigation is required and shall be handled according to **Chapter 52.1.1 – Misconduct Intake and Complaint Investigation** and related chapters.
8. Supervisors shall respond to any body-worn camera violations according to **Chapter 41.3.2 – Body-Worn Camera Inadvertent Misuse and Non-Use**.

### **SUPERVISOR RESPONSIBILITY FOR MINOR VIOLATIONS/INFRACTIONS**

9. The supervisor shall document all minor violations/infractions in the Supervisor Feedback Log and provide documented redirection or non-disciplinary counseling, unless the minor violation/infraction was handled through verbal redirection or referred for a formal disciplinary investigation.
10. Supervisors shall respond to any body-worn camera violations according to **Chapter 41.3.2 – Body-Worn Camera Inadvertent Misuse and Non-Use**.
11. Non-disciplinary counseling requires a supervisor to meet with the non-compliant member, explain the manner in which his or her actions are not compliant, and review the relevant policy (or Chapter, rule, or regulation) with him or her.
12. The supervisor shall provide the counseling individually, without other officers present, citing the relevant part of the appropriate Rule, Chapter, Policy, Procedure, or Order violated and the behavior that constitutes the minor violation/infraction. The supervisor should instruct the member how to avoid repeating the same minor violation/infraction in the future and inform the accused officer/employee that repetition of the minor violation/infraction may result in disciplinary action in the future. The supervisor shall inform the officer that a record of the counseling will be entered into the Supervisor Feedback Log.
13. The supervisor shall indicate his/her reviewing supervisor when submitting an SFL entry.

### **REVIEWING SUPERVISOR RESPONSIBILITIES**

14. The reviewing supervisor shall review and accept or reject the supervisory response indicated in the SFL within seven days.
15. If the reviewing supervisor rejects the response indicated in the SFL, the reviewing supervisor shall take appropriate corrective action.

### **EMPLOYEE RESPONSIBILITIES**

16. Members receiving redirection, non-disciplinary counseling or remedial training in response to a minor violation/infraction shall acknowledge the actions taken by the supervisor. The member shall not experience any loss of rights, remuneration, or benefits as a result of such corrective actions.
17. If he or she denies commission of the minor violation/infraction, he/she may indicate his/her denial to the supervisor who will record this fact in the narrative portion of the Supervisor Feedback Log entry.
18. If an employee believes he/she has received any redirection, non-disciplinary counseling

or remedial training of a minor violation/infraction in error, he/she shall notify a supervisor, who can contact NOPDTECH to rectify any errors.

**REVIEW BY PIB**

19. PIB shall review the reports from the Supervisor Feedback Log and ensure the identified minor violation/infraction issues were appropriate for handling under this Chapter.
20. PIB shall discuss any issues with the application or appropriateness of non-disciplinary responses to minor violations/infractions with the supervisor within 15 days of the non-disciplinary response.
21. If PIB determines that the documented behavior constitutes a more serious offense requiring formal disciplinary investigation, PIB shall notify the commanding officer of the involved supervisor and conduct a formal investigation into the alleged minor violation/infraction.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 35.1.9

### **TITLE: INSIGHT: EARLY INTERVENTION SYSTEM**

**EFFECTIVE: 11/13/2016**

**REVISED: 05/21/17; 03/18/18; 11/15/19; 12/12/21**

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#### **PURPOSE**

INSIGHT is a New Orleans Police Department Human Resources and Personnel Management system and data warehouse which can be accessed by Department supervisors to receive and integrate member information to facilitate close and effective supervision of members as well as identify any patterns or series of incidents that may indicate at-risk behavior. The INSIGHT Data Warehouse System contains **Personally Identifiable Information (PII)** and **Health Insurance Portability and Accountability Act (HIPPA)** protected data as well as each member's name, badge number, shift assignment, supervisor, race/ethnicity, and gender.

#### **DEFINITIONS**

Definitions relevant to this Chapter include:

**At-Risk Behavior**—Any behavior exhibited by a member that represents actual or potential risk to the individual member(s), the Department, or the community.

**Data warehouse**—A large store of secure, reliable data captured and accumulated from a wide, diverse range of sources within the New Orleans Police Department and used for reporting, data analysis and to guide management decisions.

**INSIGHT**—A New Orleans Police Department Human Resources and Personnel Management system and data warehouse that streamlines and integrates twelve existing NOPD IT systems or source databases (See: **Appendix A – INSIGHT Source Databases**) into a data warehouse and a single customized, next-generation police support system. INSIGHT promotes chain-of-command communication and intervention by assisting Departmental supervisors and management in becoming more effective in assessing member performance and in making management decisions.

**INSIGHT Executive Committee**—This Committee is responsible for:

- (a) Reviewing Peer groups, Threshold measures, Threshold levels for potential change/update.
- (b) Responding to recommendations from the Early Intervention Unit regarding changes to INSIGHT.
- (c) Reviewing the overall utilization and effectiveness of available member interventions to tailor available intervention options and provide additional intervention options as necessary.

- (d) Working with mental health professionals to assess the array of available interventions.
- (e) Reviewing and/or correcting incorrect or disputed information; and
- (f) Reviewing reports as necessary.

The Committee shall be chaired by the Deputy Superintendent of Management Services and be comprised of:

- (a) 3 Captains from the Department named by the Deputy Chief of Field Operations for a term of one year.
- (b) The Early Intervention Unit Director.
- (c) The Information Technology Section Director; and
- (d) The Superintendent's Chief of Staff (or Deputy Chief of Staff as designated by the Superintendent).

**Intervention**—Leadership engagement with members based on their status as having deviated from the statistical norm in the INSIGHT system or based on a supervisory-driven effort with the purpose of impacting behavior that could potentially lead to problems for a member and the Department. Intervention may take the form(s) of re-training, meeting with a supervisor, meeting with the Captain, assignment change, other supervised, monitored, and documented action plans, or “no action.”

**Mentoring**—Efforts by a supervisor to personally engage, as an advisor, with a subordinate for the purpose of training, teaching, or advising to positively influence at-risk behavior or improve job performance.

**Peer Group**—A grouping of Department personnel based on the similarity of the work they perform and similarity in work related characteristics or circumstances that allow INSIGHT to make meaningful and statistically valid comparisons. (See: **Appendix B - NOPD INSIGHT Peer Groups.**)

**Threshold Alert/Event**—An INSIGHT initiated alert action that results from a member statistically deviating from the established statistical norm (a “threshold”) of other members in his/her Peer Group. Threshold alerts notify a Captain that a member's actions have significantly and statistically deviated (measured in standard deviations) from the baseline behavior in his/her Peer Group. This behavior may be either “negative” or “positive.” Threshold alerts are intended to notify and engage a member's Captain and direct supervisor in a discussion about the behavior and whether intervention may be warranted. INSIGHT also includes count-based thresholds for which a threshold event results when a member exceeds a count-based threshold. A list of thresholds is included in **Appendix C – INSIGHT Thresholds.**

**Manual Employee Review**—An INSIGHT review process that is initiated by a member's supervisor.

**Threshold Measures**—A set of comparative data points selected to measure a member's actions. Thresholds are expressed in the form of a count or a ratio. A complete list of Thresholds appears in **Appendix C – INSIGHT Thresholds.**

## **POLICY STATEMENT**

1. INSIGHT shall be utilized to review, monitor, evaluate, and audit the work history and performance of Department members.
2. INSIGHT accesses existing Department data including, but not limited to, Electronic Police Reports, Field Interview Cards, member assignment, promotion history, attendance, discipline, awards and commendations, training, uses of force, vehicle

pursuits, and other source databases listed in **Appendix A – INSIGHT Source Databases**.

3. The use of information contained in INSIGHT shall be in compliance with all applicable laws and Department regulations and shall be regarded as **confidential**. Each member shall be allowed to view his/her own information as well as the information contained on any subordinate under his/her command.
4. The software, responsibility for entry, timeframe for entry, when the data will be available in the INSIGHT warehouse for viewing and reference Chapters are all outlined in **Appendix F – NOPD Data Entry Protocol – Insight** attached to this Chapter.
5. INSIGHT conducts comparative data analysis on Peer Groups to determine if pre-designated thresholds were exceeded thereby necessitating supervisory review. The reviewing supervisor may recommend an appropriate intervention to modify or mitigate the identified behavior.

### **INSIGHT SYSTEM ANALYSIS AND INTERVENTION OPTIONS**

6. When an event or other particularized information is entered into one of the source systems listed in **Appendix A**, INSIGHT will conduct comparative data analysis within peer groups as defined in **Appendix B – INSIGHT Peer Groups**.
7. Peer groups are not utilized to capture temporary work such as Mardi Gras assignments and other temporary internal re-assignments. If an individual has been temporarily re-assigned for thirty (30) days or more, the member's "permanent" assignment should change in ADP. The temporarily reassigned member's Captain is responsible for ensuring the reassignment is changed in ADP as soon as it takes place.
8. Once INSIGHT conducts a comparative data analysis, the system will determine if that member's actions have exceeded the established threshold(s) that requires a supervisory review. A list of all thresholds in INSIGHT are noted in **Appendix C – INSIGHT Thresholds**.
9. During the supervisory review, the identified member's immediate supervisor may recommend an intervention to correct the identified behavior. Supervisors shall select one or more listed interventions. The recommended interventions shall be supported by a narrative and additional comments should be added to the intervention documentation during the course of the intervention and after the conclusion of an intervention to document its effectiveness. Interventions available include:
  - (a) **No further action:** Selected when, after the supervisory assessment, no pattern of at-risk behavior was identified OR appropriate action was taken prior to the activation of the threshold (e.g., training provided, informal meeting with supervisor). This may not be selected in combination with any other intervention.
  - (b) **Commendation:** Selected when, after the supervisory assessment, the behavior is deemed worthy of Department recognition. This may not be selected in combination with any other intervention.
  - (c) **Informal meeting with supervisor:** Selected when, after the supervisory assessment, the supervisor meets with the member and conducts an informal meeting that does not result in any further action.
  - (d) **Training:** Selected when the supervisory assessment identifies a need for training. The supervisor shall document the type of training and reason for the training in the narrative section of INSIGHT. It is the supervisor's responsibility to contact the Early Intervention Unit (EIU) to schedule the required training. All training shall be entered into the Departmental training database (SABA) by the training provider.
  - (e) **Supervisory evaluation period:** Selected when the supervisory assessment

- determines that the member needs mentoring and a dedicated monitoring period by the supervisor. The supervisor will select an appropriate review period (i.e., 30, 60, or 90 days) and will document the status and efficacy of the mentoring in a cumulative final assessment at the conclusion of the review period.
- (f) **Modified duties:** Selected when the supervisory assessment identifies the need for a modification of the member's duties.
  - (g) **Meeting with the Captain:** Selected when the supervisory assessment determines that the member needs a formal meeting with the member's Captain.
  - (h) **Re-assignment/Transfer:** Selected when the supervisor's assessment determines that the member should be removed from his/her present duties and placed into a different duty assignment. If an internal transfer (within the same Command) is deemed appropriate, the member's Captain shall be responsible for determining the new assignment. If a transfer outside their command is deemed appropriate, the member's Captain shall confer and request authority from the respective Bureau Chief(s) concerned.
  - (i) **OAP consultation:** Selected when the supervisory assessment identifies that the member would benefit by referral for counseling services. The supervisor shall mark the document(s) "**Confidential**" at the top of the narrative section. The member shall be responsible for contacting the Officer Assistance Program. (See: **Chapter 22.2.6 – Officer Assistance Program: Employee Mental health Services** and **Chapter 22.2.7 – Officer Assistance Program: Critical Incident Stress Management**).

#### INSIGHT SYSTEM DESIGN AND FUNCTIONALITY (WORKFLOW)

10. INSIGHT receives data from the source systems (Appendix A) nightly. Once the data is received, INSIGHT automatically conducts a comparative data analysis and identifies any thresholds which have been exceeded.
11. INSIGHT facilitates the routing of information to the appropriate members based on the workflow described below.
12. When an INSIGHT threshold is exceeded, INSIGHT provides a pre-determined set of information to facilitate a comprehensive review of the INSIGHT threshold event and member by a supervisor.
13. INSIGHT has built-in audit logs that track all user actions to ensure the integrity of the information in the system.
14. Members have access to their own information, as well as any subordinates in their chain of command.
15. The Early Intervention Unit shall administer personnel groups with access to the following:
  - (a) Awards and commendations: Entered by Department supervisors.
  - (b) Personnel Jacket application: Synchronized from ADP records with added demographic information entered by MSB staff.
  - (c) Threshold administration: Administered by the Early Intervention Unit.
  - (d) Threshold interventions: Coordinated and tracked by the Early Intervention Unit based on determinations made by the employee's direct Supervisors.
16. INSIGHT threshold events are monitored by the Early Intervention Unit and shall follow the workflow and timelines below. If timelines are not met, the INSIGHT system generates a reminder to the appropriate Captain and the delinquent supervisor to complete the activity. Any further delay may result in disciplinary action.
17. Workflow with timelines:

- (a) INSIGHT threshold event alerted automatically by system or manually by a member's supervisor, notification sent to member's Captain.
- (b) Member's Captain or the Captain's administrative staff assigns the event to a particular Supervisor.
  - i. **Time to complete action:** 5 days after assignment.
- (c) Assigned Supervisor reviews materials.
- (d) The Supervisor shall meet with the affected Member. After meeting with the Member, the Supervisor shall finalize the recommendation and submit it through his/her chain of command for approval.
  - i. **Time to complete action:** 10 days after receiving the assignment  
(Meeting with Member must take place during this period.)
- (e) The supervisor's chain of command reviews the information and approves or rejects his/her recommendation.
  - i. If the chain of command rejects the recommendation, the event goes back to the Supervisor and step (c) begins again.
  - ii. If the chain of command approves the recommendation, the recommendation is sent to the Captain for final approval.
  - iii. **Time to complete action:** 8 days from receipt of the recommendation from the Supervisor.
- (f) Once the Captain approves the Reviewing Supervisor's recommendation, the recommendation is sent back to the Reviewing Supervisor for follow-on action, unless "No Further Action" is the approved recommendation.
- (g) The Supervisor should assist the member in scheduling and appearing for follow-on actions if necessary.
  - i. **Time to complete action:** 7 days from Captain's approval of intervention strategy.

18. Interventions available to Supervisors, and time to complete intervention strategies include:

- (a) **No further action:** Workflow is complete.
- (b) **Commendation:** Supervisor recommends a commendation through the INSIGHT Awards and Commendation system.
  - o **Time to complete action:** 7 days from receipt of assignment.
- (c) **Informal meeting with Supervisor:** Workflow is complete as a result of the meeting between the Member and Supervisor.
  - o **Time to complete action:** 15 days from Intervention approval by Captain.
- (d) **Training:** The supervisor shall schedule and coordinate the required training. Once the member completes the training, the supervisor shall ensure SABA is accurate. Trainings hosted by the Academy will show in Insight once the Academy awards the corresponding certificate to the member in SABA. For trainings that are not hosted by the Academy, the member's supervisor shall create a SABA certificate for the training and award the certificate to the member.
  - o **Time to complete action:** 150 days from Intervention approval by Captain.
- (e) **Supervisory monitoring period:** The Captain and Supervisor shall determine a period of monitoring (i.e., 30, 60, or 90 days) and enter monitoring reports and/or a summary report to close the item. The EIU shall monitor for system documentation and completion.
  - o **Time to complete action:** monitoring period (30-90 days) from Intervention approval by Captain.
- (f) **Modified duties:** The Supervisor, in coordination and with the authority of the Captain shall modify the employee's duties.
  - o **Time to complete action:** 7 days from Intervention approval by Captain.



- (g) **Meeting with the Captain:** The Captain shall schedule a meeting with the member.
- o **Time to complete action:** 14 days from Intervention approval by Captain.
- (h) **Re-assignment: Internal Reassignment:** The Captain shall re-assign the member and work with Personnel to update the assignment information in the member's file. **External Reassignment:** The Captain shall formally request a Transfer of the Member through the appropriate Bureau Chief.
- o **Internal Re-assignment Time to complete action:** 7 days from Intervention approval by Captain.
  - o **External Re-assignment Time to complete action:** 21 days from Intervention approval by Captain.
- (i) **OAP Consultation Recommendation:** The Supervisor shall notify the Officer Assistance Program Director of the determination that a consultation is recommended. Once the Supervisor has recommended OAP to the affected member and contacted OAP, he/she must mark the Intervention Strategy from 'planned' to 'complete.'
- o **Time to complete action:** 7 days from Intervention approval by Captain.

## CAPTAIN RESPONSIBILITIES

19. Captains are responsible for reviewing INSIGHT reports of members under their command regularly and must review broader, pattern-based reports (see Appendix E) at least quarterly. For the quarterly reviews, Captains shall review the supervisor dashboard and threshold reports to identify any trends meriting concern or commendation. If a Captain identifies areas of concern at any time, the Captain shall initiate a manual employee review, monitor the intervention, and may remark upon the results of the intervention in the employee's annual performance evaluation. Manual employee reviews in Insight shall be handled in the same manner as all other INSIGHT threshold events in accordance with this chapter and departmental policy.
20. Captains shall review INSIGHT records, with special attention to the INSIGHT "Employee Activity Report" and the "Employee Summary Report" of all members upon transfer to their command.
21. Captains are responsible for:
- (a) Assigning INSIGHT threshold events to the appropriate Direct Supervisor for review.
  - (b) Approving or rejecting the reviewing Supervisor's recommendations.
  - (c) Completing their specific responsibilities for all interventions.
  - (d) Ensuring the timely completion of all INSIGHT reviews of members under their command.
  - (e) Maintaining accurate chain-of-command through ADP Enterprise.

## MEMBER RESPONSIBILITIES

22. Members are responsible for monitoring their INSIGHT information on a regular basis to ensure the completeness and accuracy of the information contained within the system.
23. Members are also responsible for the completion of all assigned, specific actions or instructions outlined by the reviewing Supervisor in the time provided for interventions described above.

24. If, during the member's regular review of their own INSIGHT information, he/she discovers any INSIGHT information that should be corrected, the member should follow the steps described in the "Incorrect or Disputed Information" section below.
25. If a member disagrees with the Supervisor's documentation of an INSIGHT threshold event, employee review, or a subsequent recommendation, the member shall present the disagreement to his/her chain of command.

### **SUPERVISOR RESPONSIBILITIES**

26. INSIGHT driven meetings between supervisors and members are NOT internal investigations. Supervisors should treat any meetings with subordinates as generalized welfare and member issue discussions. They should not ask specific questions which would require the member to report on an ongoing investigation, trigger a member's Fifth Amendment rights or violate the Louisiana's Police Officer Bill of Rights (La. R.S. 40:2351, "Rights of Law Enforcement Officers While Under Investigation.") They may focus on the surrounding issues that do not touch on ongoing investigations. INSIGHT meetings are not disciplinary, and their goal is not to elicit statements relative to discipline or misconduct.
27. Supervisors are responsible for the timely completion of all actions and interventions assigned to them as described above in the workflow.
28. When making a recommendation, Supervisors shall thoroughly review all information provided by INSIGHT. During their review, Supervisors should consider the member's peer group, the nature of the assignment, and the specific details of the INSIGHT threshold event.
29. The Supervisor shall include a narrative supporting their recommendation in INSIGHT. The narrative should include any information obtained from their review of the materials provided by INSIGHT, as well as from their personal observations as the member's supervisor.
30. If the Supervisor must meet with the member during their review, they must do so in the time allotted and in a private location. The Supervisor shall ensure the employee has an opportunity to discuss the issue under review.
31. Supervisory review of INSIGHT is integral to providing close and effective supervision. Supervisors are responsible for regularly reviewing INSIGHT reports of members under their command and must review broader, pattern-based reports (Appendix E) at least quarterly. For the quarterly reviews, supervisors shall review the supervisor dashboard and threshold reports to identify any trends meriting concern or commendation. If a supervisor identifies areas of concern at any time, the supervisor shall initiate a manual employee review, monitor the intervention, and may remark upon the results of the intervention in the employee's annual performance evaluation. Manual employee reviews shall be handled in the same manner as all other INSIGHT threshold events in accordance with this chapter and departmental policy.
32. Supervisors shall use INSIGHT, especially the "Employee Activity Report" and the "Employee Summary Report", for assistance in conducting member performance evaluations. Supervisors shall review interventions and other performance indicators while conducting performance evaluations.
33. Supervisors shall notify their Captain if the chain-of-command needs to be updated in ADP Enterprise.

### **MANAGEMENT SERVICES BUREAU RESPONSIBILITIES**

34. The Deputy Superintendent of the Management Services Bureau shall provide approval

of any change in a member's access rights to the INSIGHT system if the employee is receiving viewing rights outside of their chain of command. This includes those members with ad-hoc reporting access. Only members authorized by the Deputy Chief of the Management Services Bureau may view INSIGHT threshold event or member-level information for all Department members.

### **PERFORMANCE STANDARDS AND ACCOUNTABILITY BUREAU RESPONSIBILITIES**

35. The Performance Standards and Accountability Bureau may review and compile ad-hoc reporting of data from INSIGHT as necessary to demonstrate compliance with the Consent Decree, conduct internal audits of the Department, or otherwise improve Department performance.

### **EARLY INTERVENTION UNIT (EIU) RESPONSIBILITIES**

36. The EIU, with support from the NOPD Information Technology Section, is responsible for:
- (a) Managing all access to INSIGHT, under the direction of the Deputy Chief of the Management Services Bureau.
  - (b) Managing INSIGHT roles and privileges as determined by the Deputy Chief of MSB.
  - (c) Managing standard and ad-hoc reporting.
  - (d) Providing INSIGHT "Help Desk" type support to all Department members.
  - (e) Coordinating delivery of INSIGHT – driven training at the Education and Training Division.
  - (f) Provisioning data from INSIGHT to the Department as necessary.
  - (g) Administering INSIGHT threshold events, threshold levels, peer groups, and intervention categories if the INSIGHT Executive Committee approves a change.
  - (h) Monitoring the workflow and ensuring the stable operation of the system.
  - (i) Monitoring the timely completion of all interventions and making necessary notifications to Command staff when necessary.
  - (j) Assessing the effectiveness of interventions for individual members, supervisors, and units, provided information pertaining to the interventions is not restricted by HIPPA.
  - (k) Evaluating the consistency (similar cases being treated similarly) and appropriateness (intervention matches seriousness of issue) of interventions across the department.
  - (l) Regularly review thresholds and recommend additional thresholds or improvements to existing thresholds to the INSIGHT Executive Committee.

### **INSIGHT EXECUTIVE COMMITTEE RESPONSIBILITIES**

37. The INSIGHT Executive Committee shall meet every quarter to:
- (m) Support the overall management of Insight and address issues raised by EIU
  - (n) Review Peer groups, Threshold measures, Threshold levels for potential change/update.
  - (o) Review the overall utilization and effectiveness of available member interventions to tailor available intervention options and provide additional intervention options as necessary.
  - (p) Review reports as necessary.

### **INSIGHT SYSTEM TRAINING**

38. All members shall receive initial training from the Education and Training Division covering the protocols of INSIGHT to facilitate proper understanding and use of the system.
39. Supervisors, including Captains, shall be trained in the use of INSIGHT to complete the duties and functions required of them.
40. Supervisors, including Captains, shall be trained in evaluating and making appropriate comparisons to identify any significant individual or group patterns.

#### **AUTHORIZED REPORTING OF DATA FROM INSIGHT**

41. Data from INSIGHT may be used for conducting review of INSIGHT threshold events, facilitating close and effective supervision of members, and conducting performance evaluations.
42. All members are responsible for the security of the information and reports provided by INSIGHT and its source database systems. Release of information outside of that permitted under this Chapter is not authorized unless approved, in writing, by the Superintendent of Police or the member's respective Deputy Chief.
43. Reports from INSIGHT may be distributed electronically via e-mail, but only to those with access rights to the information to be sent. Supervisors shall not distribute reports of subordinates to other subordinates, outside the Department or outside of their chain-of-command without express written consent of a Deputy Superintendent.

#### **INCORRECT OR DISPUTED INFORMATION**

44. A member may dispute any information in his/her INSIGHT reports originating from the source systems (see Appendix A) through use of the **INSIGHT Data Correction Form**, which is available in the INSIGHT application. The form shall include a thorough description of the disputed information, with all supporting documentation attached.
45. The Early Intervention Unit shall coordinate the **INSIGHT Data Correction Form** workflow and shall ensure all such forms are processed.

#### **INSIGHT RECORD KEEPING**

46. All information about a member shall be maintained in INSIGHT for at least five years following the member's separation from the Department except when otherwise prohibited by law.
47. INSIGHT shall keep information for statistical analysis indefinitely.
48. All INSIGHT data shall be maintained in a secure and confidential manner.

**APPENDIX A: INSIGHT SOURCE SYSTEMS**

Information from the following systems is loaded into the INSIGHT data warehouse nightly and forms the basis for intervention analytics:

<b>ADP – NOPD Human Resources and Timekeeping system</b>
<b>EPR – NOPD Electronic Police Reports system</b>
<b>FIC – NOPD Field Interview Cards system</b>
<b>CAD – Orleans Parish Communications District dispatch system</b>
<b>IAPro – NOPD Public Integrity Bureau internal affairs system</b>
<b>SFL – Supervisor Feedback Log</b>
<b>SABA – NOPD Training and Certification system</b>
<b>K9 – NOPD Canine deployment application</b>
<b>InTime – Secondary Employment/Detail tracking system</b>
<b>Inventory – NOPD property inventory tracking system</b>
<b>Awards and Commendations – NOPD digital awards and commendations workflow and tracking</b>

**APPENDIX B: NOPD INSIGHT PEER GROUPS**

<b>Peer Groups</b>
Patrol - 1st Platoon (PO/Sgt./Lt.)
Patrol - 2nd Platoon (PO/Sgt./Lt.)
Patrol - 3rd Platoon (PO/Sgt./Lt.)
All NOPD (All Ranks/Positions)
District Investigations/Detectives
District DIU Task Force
HQ Investigative
Special Enforcement (Narcotics/Gang/Tac.)
Mounted
Canine
Traffic Enforcement
Restricted Duty/Admin/Special Assignment/Other
Reserve
Captains and Majors
Civilian
Lieutenants
Sergeants

**APPENDIX C: INSIGHT THRESHOLDS/MEASURES**

<b>Threshold Measure</b>	<b>Type</b>
Positive: Citizen Positive Report	Count
Positive: Squad Low Citizen Complaint to Arrest	Ratio
Arrest with Additional Charges with Use of Force	Count
Citizen Complaints	Count
Citizen Complaints to Arrests	Ratio
Citizen Complaints to Reports	Ratio
Civil Lawsuits	Count
Civil Lawsuits to Reports	Ratio
Decline-to-Prosecute to Arrest	Ratio
K9 Bite to Deployment	Ratio
Protective Orders Filed	Count
Sick Leave Hours Used	Count
Squad Use-of-Force to Arrest	Ratio
Use-of-Force to Arrest (Non-Major Crimes)	Ratio
Use-of-Force to Arrest (Violent Crimes)	Ratio
Vehicle Accidents	Count
Vehicle Pursuits	Count

## APPENDIX D: INSIGHT THRESHOLD ALERT AND MANUAL EMPLOYEE REVIEW WORKFLOW

Process Step	Action	Timer
Start	System (threshold alert) or supervisor initiates review process (manual employee review)	0 days
Step 1	The Captain assigns review to supervisor	5 days
Step 2	Reviewing supervisor determines course of action and makes recommendations.	10 days
Step 3	Reviewing supervisor's chain of command reviews supervisor's course of action and recommendations	6 days
Step 4	Captain approves course of action and recommendations	2 days
Step 5	Reviewing supervisor updates follow-on actions	7 days
End	Process complete	30 Days



**APPENDIX E: EMPLOYEE ACTIVITY REPORT – ACTIVITY COUNTS**

<b>Activity Counts</b>					
<b>Activity Type</b>	<b>Employee Count</b>	<b>Management Services Bureau Average</b>	<b>All NOPD Average</b>	<b>All NOPD without ADD Average</b>	<b>Civilian Average</b>
Awards & Commendations	0.000	0.000	0.097	0.102	0.007
Field Interviews	0.000	0.111	57.189	58.526	0.099
Arrests	0.000	0.000	21.422	22.178	0.048
CAD Items	0.000	0.000	420.722	428.245	0.815
Citations	0.000	0.056	17.503	17.498	0.024
Police Reports	0.000	0.000	84.701	82.288	6.003
Complaints	0.000	0.056	0.456	0.454	0.130
Use of Force	0.000	0.000	0.983	1.008	0.017
In-Custody Injuries	0.000	0.000	0.013	0.014	0.000
Civil Lawsuits	0.000	0.000	0.001	0.001	0.000
Criminal Proceedings	0.000	0.000	0.000	0.000	0.000
Protection Orders	0.000	0.000	0.001	0.001	0.000
Pursuits	0.000	0.000	0.033	0.035	0.000
Collisions	0.000	0.000	0.152	0.150	0.031
Loss of Property	0.000	0.000	0.001	0.001	0.000
Interviews or Interrogations in Violation of NOPD Policy	0.000	0.000	0.000	0.000	0.000
Decline to Prosecute	0.000	0.000	0.002	0.002	0.000
Sick Leave Usage	0.000	1.222	13.704	9.016	12.346
Insight Employee Reviews	0.000	0.056	0.880	0.881	0.630
Average Number of Employees	N/A	18	1510	1411	292

## Appendix F: NOPD Data Entry Protocol – Insight

CD 320:

a) all uses of force, including critical firearm discharges, both on-duty and off-duty

<b>Software</b>	BlueTeam (IAPro)
<b>Who enters the data?</b>	Supervisors of officers that use force and the Force Investigation Team
<b>When do they enter the data?</b>	Supervisors are required to initiate a BlueTeam by ETOD or their next TOD (Ch 1.3.6)
<b>When does Insight show the data?</b>	Two days after supervisors initiate the BlueTeam report and list the involved officers and indicate the force types used.
<b>Where stated in policy?</b>	Chapter 1.3.6.

b) the number of ECW units in use (This also the member assigned, date, etc.?)

<b>Software</b>	Property App
<b>Who enters the data?</b>	Academy staff assigned to ECWs
<b>When do they enter the data?</b>	When they make a new ECW assignment or a change to an ECW assignment
<b>When does Insight show the data?</b>	When the new assignment is made in the property app
<b>Where stated in policy?</b>	Internal to MSB's Education & Training Division

c) each canine officer's canine bite ratio

<b>Software</b>	Blue Team (IAPro)
<b>Who enters the data?</b>	Special Operations Division Supervisors
<b>When do they enter the data?</b>	Supervisors are required to initiate a BlueTeam by ETOD or their next TOD (Ch 1.3.6)
<b>When does Insight show the data?</b>	Two days after supervisors initiate the BlueTeam report and list the involved officers and indicate the force types used.
<b>Where stated in policy?</b>	Chapter 41.22 – Canine, Chapter 1.3.6. – Reporting Use of Force

d) all injuries to persons in-custody, including in-custody deaths

<b>Software</b>	EPR
<b>Who enters the data?</b>	Officers making arrests and supervisors approving arrest reports
<b>When do they enter the data?</b>	Officers are required to submit the EPR to their supervisors by the end of the shift. Supervisors are required to review the report in a timely manner (Ch 82.1).

<b>When does Insight show the data?</b>	Two days after the supervisor approves the EPR indicating an offender was injured or died in custody
<b>Where stated in policy?</b>	Chapter 1.24 – In-Custody Deaths & Chapter 1.3.6 – Reporting UOF & Chapter 1.3.2 - FIT

e) all instances in which force is used and a subject is charged with obstructing or resisting an officer, interfering with a law enforcement investigation, or similar charges

<b>Software</b>	Blueteam (IAPro)
<b>Who enters the data?</b>	Supervisors of officers that use force and the Force Investigation Team
<b>When do they enter the data?</b>	Supervisors are required to initiate a BlueTeam by ETOD or their next TOD (Ch 1.3.6)
<b>When does Insight show the data?</b>	Two days after supervisors initiate the BlueTeam report and list the involved officers, the force types used and list the arrested subjects' charges
<b>Where stated in policy?</b>	Chapter 1.3.6 – Reporting UOF & Chapter 1.3.2 - FIT

f) all misconduct complaints (and their dispositions)

<b>Software</b>	IAPro
<b>Who enters the data?</b>	Complaint Intake Personnel
<b>When do they enter the data?</b>	Within 14 days of receiving the complaint form
<b>When does Insight show the data?</b>	Two days after the allegation is entered into IAPro and an officer is listed at the accused
<b>Where stated in policy?</b>	Chapter 52.1.1 – Misconduct Complaint Intake and Investigation & PIB SOP

g) data compiled under the stop data collection mechanism

<b>Software</b>	Field Interview Card (FIC)
<b>Who enters the data?</b>	Officers and their Supervisors
<b>When do they enter the data?</b>	Officers are required to submit the FIC to their supervisor by the end of the shift. Supervisors are required to review the FIC within 72 hrs.
<b>When does Insight show the data?</b>	Two days after the FIC is created
<b>Where stated in policy?</b>	Chapter 42.12 - FIC

h) [part 1] all **criminal proceedings** initiated against an officer

<b>Software</b>	IAPro
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<b>Who enters the data?</b>	PIB Staff
<b>When do they enter the data?</b>	As soon as they are informed of the criminal proceeding, which may include receiving a completed Form 349 from the accused/involved officer
<b>When does Insight show the data?</b>	Two days after the charges of the criminal proceeding are entered into IAPro
<b>Where stated in policy?</b>	Chapter 52.1.1 – Misconduct Complaint Intake and Investigation & PIB SOP

h) [2] ...all **civil lawsuits** served upon, the City and/or its officers or agents, resulting from NOPD operations or the actions of NOPD personnel

<b>Software</b>	IAPro
<b>Who enters the data?</b>	Complaint Investigators and Public Integrity Bureau staff
<b>When do they enter the data?</b>	As soon as they are informed of the lawsuit, which may include receiving a completed Form 349 from the accused/involved officer and the New Orleans Law Department provides the Public Integrity Bureau with a quarterly list of lawsuits that are then entered into IAPRO.
<b>When does Insight show the data?</b>	Two days after the civil lawsuit is entered into IAPro
<b>Where stated in policy?</b>	Rule 5 and Form 349

i) all judicial proceedings where an officer is the subject of a protective or restraining order

<b>Software</b>	IAPro
<b>Who enters the data?</b>	Complaint Investigators and PIB staff
<b>When do they enter the data?</b>	As soon as they are informed of the protective or restraining order
<b>When does Insight show the data?</b>	Two days after the protective or restraining order is entered into IAPro
<b>Where stated in policy?</b>	Rule 5 and Form 349

j) [1] all vehicle pursuits

<b>Software</b>	IAPro
<b>Who enters the data?</b>	MSB Fleet
<b>When do they enter the data?</b>	When they receive the pursuit report
<b>When does Insight show the data?</b>	Two days after it is entered into IAPro

<b>Where stated in policy?</b>	Chapter 41.5 – Vehicle Pursuits & MSB/Fleet management SOP
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j) [2] all...traffic collisions involving NOPD equipment

<b>Software</b>	IAPro
<b>Who enters the data?</b>	MSB Fleet
<b>When do they enter the data?</b>	When they received the accident report
<b>When does Insight show the data?</b>	Two days after it is entered into IAPro
<b>Where stated in policy?</b>	Chapter 13.22 – Crash Review Board & Chapter 17.3 – Department Owned and Personal Property

k) all loss or theft of NOPD property or equipment in the custody of the employee, including currency, firearms, force instruments, and identification cards;

<b>Software</b>	Property App
<b>Who enters the data?</b>	<ul style="list-style-type: none"> <li>• E&amp;TD staff are the Property App users for CEWs and firearms</li> <li>• SOD staff are the Property App users for special tactical equipment</li> <li>• MSB staff are the Property App users for IDs and Credentials</li> <li>• NOPDTECH are the Property App users for computers and cell phones</li> <li>• EIU staff are the Property App users for all other types of property. EIU also enters Property App data for those who have not been trained to enter data.</li> </ul>
<b>When do they enter the data?</b>	As soon as he/she, the Property App user, learns of the missing property. PSAB tracks EPRs indicating lost or stolen NOPD property.
<b>When does Insight show the data?</b>	When the missing currency is entered into the Property App
<b>Where stated in policy?</b>	Chapter 17.3

l) all interviews or interrogations in violation of NOPD policy

<b>Software</b>	IAPro
<b>Who enters the data?</b>	PIB Intake Personnel
<b>When do they enter the data?</b>	Within 14 days of learning of the complaint.

<b>When does Insight show the data?</b>	Two days after an allegation is attributed to an officer in IAPro, the directive of the allegation contains “miranda” or “interrogat,” and the allegation is Sustained
<b>Where stated in policy?</b>	Chapter 52.1.1 – Misconduct Complaint Intake and Investigation & PIB SOP

m) [1] all instances in which NOPD learns or is informed by a prosecuting or judicial authority that a declination to prosecute any crime was based upon concerns about the credibility of an NOPD employee

<b>Software</b>	SFL
<b>Who enters the data?</b>	The supervisor of the officer whose charges were refused due to credibility concerns
<b>When do they enter the data?</b>	When they learn of the refused charges from the FOB Lt who receives the refusals from the DA. Additionally, a PSAB PSS supervisor contacts the DA monthly in writing inquiring about credibility refusals.
<b>When does Insight show the data?</b>	When the SFL with Issue “Decline to Prosecute” is accepted by the reviewing supervisor
<b>Where stated in policy?</b>	Chapter 52.1.1 – Misconduct Complaint Intake and Investigation, PIB SOP, Chapter 42.15 – Arrest Case Management and District Attorney Screening, Chapter 1.2 – Disclosure Obligations

m) [2] all instances in which... a motion to suppress evidence was granted on the grounds of a constitutional violation by an NOPD employee

<b>Software</b>	SFL
<b>Who enters the data?</b>	The supervisor of the officer whose evidence was suppressed
<b>When do they enter the data?</b>	When they learn of the suppressed evidence. Additionally, a PSAB PSS supervisor contacts the DA monthly in writing inquiring about suppressed evidence.
<b>When does Insight show the data?</b>	When the SFL with Issue “Evidence Suppressed” is accepted by the reviewing supervisor
<b>Where stated in policy?</b>	Chapter 1.2 – Disclosure Obligations

n) all disciplinary action taken against employees

<b>Software</b>	IAPro
<b>Who enters the data?</b>	PIB’s Quality Assurance Unit
<b>When do they enter the data?</b>	After the disciplinary hearing
<b>When does Insight show the data?</b>	Two days after the discipline is entered into IAPro
<b>Where stated in policy?</b>	Chapter 52.1.1 – Misconduct Complaint Intake and Investigation & PIB SOP

o) all non-disciplinary corrective action required of employees

<b>Software</b>	SFL
<b>Who enters the data?</b>	Supervisors
<b>When do they enter the data?</b>	After they redirect or counsel a subordinate
<b>When does Insight show the data?</b>	When the reviewing supervisor accepts the SFL entry
<b>Where stated in policy?</b>	Chapter 52.1.1 – Misconduct Complaint Intake and Investigation, Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations

p) all awards and commendations received by employees

<b>Software</b>	Insight
<b>Who enters the data?</b>	Any NOPD member, Captains, and PIO
<b>When do they enter the data?</b>	Any NOPD member can make a nomination. The member's Captain approves/disapproves the nomination. PIO updates the nomination based on the Awards Committee's decision. PIO adds the award date after the awards ceremony.
<b>When does Insight show the data?</b>	When the nomination is created
<b>Where stated in policy?</b>	Chapter 35.1.9 – INSIGHT

q) training history, including firearm qualification and other weapon certifications, for each employee

<b>Software</b>	SABA
<b>Who enters the data?</b>	Academy Personnel
<b>When do they enter the data?</b>	When they receive the attendance list from the course instructor.
<b>When does Insight show the data?</b>	After the course is listed as completed in SABA
<b>Where stated in policy?</b>	Chapter 33.1 – Training & Career Development

r) sick leave usage

<b>Software</b>	ADP
<b>Who enters the data?</b>	Employees, Supervisors, and MSB's Payroll Unit
<b>When do they enter the data?</b>	Every other week by the payroll deadline.

<b>When does Insight show the data?</b>	2-6 weeks after data entry in ADP
<b>Where stated in policy?</b>	Chapter 22.4 - Sick Leave





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 35.1.10

### TITLE: EARLY INTERVENTION UNIT (EIU)

**EFFECTIVE: 11/13/16**

**REVISED: 12/12/21**

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#### PURPOSE

It is the policy of the New Orleans Police Department to provide members with the necessary support and training to ensure the finest personnel possible. The Early Intervention Unit (EIU) will manage and monitor outcomes and tracking of the INSIGHT System police management tool, designed to reduce risk of member misconduct by coordinating non-disciplinary, non-punitive interventions.

#### POLICY STATEMENT

1. The EIU will act as the coordination point for Department intervention and member support, including intervention management and tracking, reporting, liaison with Department units, IT system updates and changes to Thresholds, Peer Groups, and algorithms. The EIU will drive intervention strategies and liaison with other authorized early intervention stakeholders.

#### DEFINITIONS

**At-Risk behavior**—Any behavior exhibited by a member that represents actual or potential risk to the individual member(s), the Department, or the community.

**INSIGHT**—A New Orleans Police Department Human Resources and Personnel Management system and data warehouse that streamlines and integrates twelve existing NOPD IT systems or source databases (See: **Appendix A – INSIGHT Source Databases**) into a data warehouse and a single customized, next-generation police support system. INSIGHT promotes chain-of-command communication and intervention by assisting Departmental supervisors and management in becoming more effective in assessing member performance and in making management decisions.

**INSIGHT Executive Committee**—This Committee is responsible for:

- (a) Reviewing Peer groups, Threshold measures, Threshold levels for potential change/update.
- (b) Responding to recommendations from the Early Intervention Unit regarding changes to INSIGHT.
- (c) Reviewing the overall utilization and effectiveness of available member interventions to tailor available intervention options and provide additional intervention options as necessary.
- (d) Reviewing and/or correcting incorrect or disputed information; and

- (e) Reviewing reports as necessary.

The Committee shall be chaired by the Deputy Superintendent of Management Services and be comprised of:

- (a) 3 Captains from the Department named by the Deputy Chief of Field Operations for a term of one year.
- (b) The Early Intervention Unit Director.
- (c) The Information Technology Section Director; and
- (d) The Superintendent's Chief of Staff (or Deputy Chief of Staff as designated by the Superintendent).

**Intervention**—Leadership engagement with members based on their status as having deviated from the statistical norm in the INSIGHT system or based on a supervisory-driven effort with the purpose of impacting behavior that could potentially lead to problems for a member and the Department. Intervention may take the form(s) of re-training, counseling, assignment change, other supervised, monitored, and documented action plans, or “no action.”

**Mentoring**— Efforts by a supervisor to personally engage, as an advisor, with a subordinate for the purpose of training, teaching, or advising to positively influence at-risk behavior or improve job performance.

**Non-disciplinary corrective action**—Remedial and non-punitive instruction given by a supervisor to a subordinate employee or member 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 Supervisor Feedback Log (SFL).

**Peer Group**—A grouping of Department personnel based on the similarity of the work they perform and similarity in work related characteristics or circumstances which allow INSIGHT to make meaningful and statistically valid comparisons. (See: **Chapter 35.1.9 - Appendix B - NOPD INSIGHT Peer Groups.**)

**Threshold Measures** - a set of comparative data points selected to measure a member's actions. Thresholds are expressed in the form of a count or a ratio. A complete list of Thresholds appears in **Chapter 35.1.9 - Appendix C.**

**Threshold Alert/Event**—An INSIGHT initiated alert action that results from a member statistically deviating from the established statistical norm (a “threshold”) of other members in his/her Peer Group. Threshold alerts notify a Commander that a member's actions have significantly and statistically deviated (measured in standard deviations) from the baseline behavior in his/her Peer Group. This behavior may be either “negative” or “positive.” Threshold alerts are intended to notify and engage a member's Captain and direct supervisor in a discussion about the behavior and whether intervention may be warranted. INSIGHT also includes count-based thresholds for which a threshold event results when a member exceeds a count-based threshold. A list of thresholds is included in **Chapter 35.1.9 - Appendix C – INSIGHT Thresholds.**

## STAFFING

2. The Early Intervention Unit will be a part of the Management Services Bureau. Unit analysts will be under the direct supervision of the Early Intervention Unit Director who shall report directly to the Deputy Chief of MSB.
3. The office will be staffed during regular business hours to best communicate with other Departmental administrative support personnel and units.

**EARLY INTERVENTION UNIT STAFF RESPONSIBILITIES**

4. EIU staff shall:
  - (a) Monitor INSIGHT alerts and actions to ensure they are properly addressed to completion.
  - (b) Ensure members identified for intervention complete recommended actions.
  - (c) Coordinate with the INSIGHT Executive Committee to effect necessary assignment changes.
  - (d) Coordinate with the Education & Training Division to ensure refresher trainings are offered and attended as required through INSIGHT findings.
  - (e) Monitor, track and recommend adjustments to INSIGHT algorithms to ensure that the system and process are effectively meeting the needs of the Department without unduly generating Alerts.
  - (f) Collaborate with the Deputy Chief of MSB to ensure that the New Orleans Police Department is effectively supporting members in a manner that prevents acts/omissions which could lead to discipline.
  - (g) Communicate program aggregates and produce reports as directed by the Deputy Chief of MSB.
  - (h) Ensure that the ADP Personnel/Payroll System is properly maintained in terms of personnel assignment, budget codes, direct supervisor, and chain of command, as the INSIGHT system functionality is directly dependent on this information to function properly.
  - (i) Assess the effectiveness of interventions for individual members, supervisors, and units, provided information pertaining to the interventions is not restricted by HIPPA.
  - (j) Evaluate the consistency (similar cases being treated similarly) and appropriateness (intervention matches seriousness of issue) of interventions across the department.
  - (k) Manage INSIGHT roles and privileges as determined by the Deputy Chief of MSB.
  - (l) Regularly review thresholds and recommend additional thresholds or improvements to existing thresholds to the INSIGHT Executive Committee.
  - (m) Provide INSIGHT "Help Desk" type support to all Department members.
  - (n) Administer INSIGHT threshold events, threshold levels, peer groups, and intervention categories if the INSIGHT Executive Committee approves a change.
  - (o) Monitor the workflow and ensuring the stable operation of the system.

**EARLY INTERVENTION UNIT – UNIT ANALYST RESPONSIBILITIES**

5. EIU Unit Analysts shall:
  - (a) Serve under the direction of the Early Intervention Unit Director.
  - (b) Ensure confidentiality and maintain INSIGHT data and information on a "need to know" basis.
  - (c) Perform research and deliver reports as directed.
  - (d) Provide input and analysis for the Early Intervention Executive Committee.
  - (e) Create and deliver INSIGHT/Early Intervention reports as directed by the EIU Director.
  - (f) Engage and coordinate Department Interventions to ensure that directed activities and assignments are completed and noted in the INSIGHT system.
  - (g) Perform quality checks to ensure that the ADP system is maintained in terms of correct Budget codes and direct supervisor data, thereby maintaining the programmatic chain of command used by INSIGHT.
  - (h) Coordinate with the City of New Orleans Finance Department, ITI, NOPD IT Director and other authorities to ensure proper functioning and maintenance of the INSIGHT system and Data Warehouse.

- (i) Perform regular quality checks on INSIGHT feeder systems and work with the New Orleans Finance Department, ITI, NOPD IT Director and other authorities to address issues including:
  - i. Use of Force data through BlueTeam workflow to the PIB IAPro system.
  - ii. Canine data.
  - iii. Orleans Parish District Attorney data.
  - iv. SABA data.
  - v. EPR/FIC data.
  - vi. Orleans Parish Communications District CAD System.
  - vii. New Orleans Office of Police Secondary Employment (OPSE) for InTime details data.
- (j) Convene and supervise monthly INSIGHT intervention reviews to:
  - i. Review new cases since the last monthly review.
  - ii. Update progress on open intervention cases.
  - iii. Review and formally close all completed cases.
- (k) Update INSIGHT threshold event information for “Training” and “Counseling” interventions when the appropriate notification and documentation is received.

### **EARLY INTERVENTION UNIT DIRECTOR RESPONSIBILITIES**

- 6. The Director of the Early Intervention Unit shall report to the Deputy Chief of MSB and shall be responsible for the following:
  - (a) Serve as a member of the Early Intervention Executive Committee.
  - (b) Supervise and direct Early Intervention Analysts.
  - (c) Ensure confidentiality and maintain INSIGHT data and information on a “need to know” basis.
  - (d) Act as steward of NOPD INSIGHT Data Warehouse and approve access only as authorized, in writing, by the Deputy Chief of MSB.
  - (e) Supervise creation and delivery of INSIGHT/Early Intervention reports.
  - (f) Supervise Department interventions to ensure that directed activities and assignments are completed and noted in the INSIGHT system.
  - (g) Supervise and direct quality checks to ensure that the ADP system is maintained in terms of correct Budget codes and direct supervisor data, thereby maintaining the programmatic chain of command used by INSIGHT.
  - (h) Supervise Coordination with the Officer Assistance Program for INSIGHT-driven counseling recommendations.
  - (i) Coordinate with the City of New Orleans Finance Department, ITI, NOPD IT Director and other authorities as needed to ensure proper functioning and maintenance of the INSIGHT system and Data Warehouse.
  - (j) Supervise and direct quality checks on INSIGHT feeder systems and work with the City of New Orleans Finance Department, ITI, NOPD IT Director and other authorities as needed to address issues including:
    - i. Use of Force data through BlueTeam workflow to PIB IAPro system.
    - ii. Canine data.
    - iii. Orleans Parish District Attorney data.
    - iv. SABA data.
    - v. EPR/FIC data.
    - vi. Orleans Parish Communications District CAD System.
    - vii. New Orleans Office of Police Secondary Employment (OPSE) for InTime details data.
  - (l) Convene and supervise monthly INSIGHT intervention reviews to:
    - i. Review new cases since the last monthly review.
    - ii. Update progress on open intervention cases.
    - iii. Conduct a summary review and formally close all completed cases.
  - (m) Working with mental health professionals to assess the array of available interventions.

**INSIGHT EXECUTIVE COMMITTEE**

7. The INSIGHT Executive Committee shall meet on the first Tuesday of every quarter to reviewing:
  - (a) Peer Groups, Threshold Measures, and Threshold Levels for potential changes and/or updates,
  - (b) The overall utilization and effectiveness of available member interventions to tailor available intervention options and provide additional intervention options as necessary,
  - (c) Forward incorrect or disputed information and recommend corrections to Deputy Chief of MSB for approval,
  - (d) Review reports as necessary.
  
8. The INSIGHT Executive Committee shall be chaired by the Deputy Superintendent of the Management Services Bureau (MSB) and be comprised of:
  - (a) 3 Captains from the Department named by the Deputy Chief of Field Operations for a term of one year,
  - (b) The Early Intervention Unit Director,
  - (c) The Information Technology Section Director, and
  - (d) The Superintendent's Chief of Staff (or Deputy Chief of Staff as designated by the Superintendent).

**THRESHOLD ALERT INTERVENTION**

9. Threshold Alert Intervention Options – are as follows:
  - (a) **No further action:** The Alert is closed, no further action
  - (b) **Commendation:** Submit member for consideration for an Award/Commendation in the INSIGHT system
  - (c) **Informal meeting with supervisor:** Supervisor will meet with member to offer counsel and informal training on the perceived area of concern; results documented in INSIGHT.
  - (d) **Training:** The member identified by an alert will be referred to remedial/re-training in the area of concern
  - (e) **Supervisory monitoring period:** Supervisor will closely monitor the member identified by an alert during an evaluation period to note improvement/ongoing problems in the area concerned.
  - (f) **Modified duties:** The member identified by an alert will be re-assigned within the same command under the authority of the Captain
  - (g) **Meeting with the Captain:** The member identified by an alert will meet in a one-on-one session with the Captain with the intent to modify and improve member performance.
  - (h) **Re-assignment/Transfer:** The member identified by an alert may be transferred out of Command under the authority of the Superintendent to improve performance and lower risk to the Department
  - (i) **Counseling:** The member identified by an alert will be scheduled to meet with the Officer Assistance Program Director of the determination that counseling is required.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.1

### TITLE: DISTRICT PATROL FUNCTION

**EFFECTIVE: 01/14/2018**

**REVISED: 11/15/19**

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#### PURPOSE

The purpose of this Chapter is to define the principal functions of the Field Operations Bureau police Districts to ensure intra-organizational cooperation and information sharing.

#### GENERAL DISTRICT PATROL FUNCTIONS

1. District patrol officers shall:
  - (a) Patrol in clearly marked vehicles.
  - (b) Patrol assigned geographic areas of the City of New Orleans.
  - (c) Identify community needs.
  - (d) Provide support and assistance to the community.
  - (e) Respond to calls for service and assistance.
  - (f) Act as a visible deterrent to crime.
  - (g) Enforce state and local laws as directed by regulation or supervisors.
  - (h) Respond to emergencies 24 hours a day, seven days a week.
  
2. District patrol officers shall provide services within the limits of available District resources. These include:
  - (a) Patrol directed at the prevention of criminal acts.
  - (b) Patrol directed at the prevention and enforcement of traffic violations and traffic crashes.
  - (c) The maintenance of public order.
  - (d) The discovery of hazardous situations or conditions.
  - (e) Crime prevention activities and community presentations.
  - (f) Calls for service, both routine and emergency.
  - (g) Investigation of both criminal and non-criminal acts.
  - (h) The apprehension of criminal offenders.
  - (i) The sharing of information between the patrol and other bureaus within the Department, as well as other government agencies.
  - (j) 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.
  - (k) Traffic direction and control.

**INCIDENT REPORTS (EPR)**

3. An incident report (EPR) may be completed by any officer who receives criminal information. The report shall be processed and forwarded through the officer's regular supervisor approval and to the appropriate Bureau responsible for follow-up investigation (see: **Chapter 82.1 – Report Preparation**).
4. Incident Reports (EPR) will be completed, reviewed and approved by a supervisory officer as per **Chapter 82.1 - Report Preparation**.

**DISTRICT ROLL CALL AND ASSIGNMENTS**

5. District Platoon supervisors shall conduct Roll Call prior to the beginning of the tour of duty in accordance with **Chapter 41.2 – Roll Call**.
6. Distribute patrol assignments and vehicles.

**DISTRICT STAFFING AND ASSIGNMENT COVERAGE**

7. The Deputy Chief of the Field Operations Bureau or his/her designee shall utilize those members under his command, when necessary and designated as support units, to enhance city-wide coverage and assist district patrol units during days and times deemed necessary consistent with the principles of Unity of Command. (See also: **Chapter 11.0.1 – Duties and Responsibilities of District Commanders, Supervisory Members and Officers**).

**GEOGRAPHIC DIVISION OF FOB DISTRICTS**

8. The New Orleans Police Department divides the City of New Orleans geographically into eight (8) Police Districts each District commanded by a commissioned member of the rank of Police Captain.
  - (a) Each Police District Commander will assign supervisory and patrol officers, in the form of platoons, to maintain 24-hour-per-day coverage to their area of responsibility.
  - (b) District Commanders will ensure sufficient patrol personnel and supervisors are assigned each day to adequately cover their area of responsibility (within limits of assigned staffing levels).
  - (c) Non-emergency requests for annual leave by District members shall be submitted through the chain of command with 30-day notice to allow adequate scheduling of personnel.
  - (d) Regular days off (A.W.P. days) will be scheduled to ensure sufficient staffing coverage each day (within limits of assigned staffing levels).
  - (e) District Commanders will ensure each platoon begins their tour of duty with a formal roll call as specified and outlined in **Chapter 41.2 – Roll Call**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.1.1

### TITLE: UNUSUAL OCCURRENCES

**EFFECTIVE: 04/08/2018**

**REVISED: Replaces Policy/Procedure 400**

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#### PURPOSE

The purpose of this Chapter is to provide guidance to ensure intra-organizational cooperation and information sharing when dealing with unusual occurrences such as protests, demonstrations, civil disturbances, and terrorism.

#### DEFINITIONS

**Civil Protest/Demonstration**—A person or persons who overtly take a public action to physically demonstrate their/his/her views concerning the support, contradiction or other statement or 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.

**Terrorism**—The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives.

#### POLICY STATEMENT

1. 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(I) and R.S. 14:128.1.
2. The goal of the New Orleans Police Department is to make every reasonable effort to accurately and appropriately gather and report any information that may relate to assessing the hazards associated with and possible resource needs of incidents relating to crowds, events and gatherings.

#### THREAT LEVELS

3. The following threat levels provide a relative guide to facilitate clear communication between members when evaluating and assessing the hazards associated with and possible resource needs of incidents relating to crowds, events and gatherings.



**(a) LOW LEVEL:**

- i. The threat is vague and indirect;
- ii. Information within the threat is inconsistent, implausible or lacks detail;
- iii. Threat lacks realism; and
- iv. Content suggests group / person is unlikely to carry it out.

**(b) MEDIUM LEVEL:**

- i. Threat is more direct and more concrete than a LOW LEVEL threat;
- ii. Wording suggests threatening group / person has given some thought to how the act will be carried out;
- iii. General indication of a possible place and time (but not a detailed plan); and
- iv. Strong indication the threatening group / person has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to that possibility.

**(c) HIGH LEVEL:**

- i. The threat is direct, specific and plausible;
- ii. Threat suggests concrete steps have been taken toward carrying it out.

**THREAT TYPES**

4. The following threat types provide a relative guide to facilitate clear communication between members when classifying the hazards associated with and possible resource needs of incidents relating to crowds, events and gatherings:
  - (a) **DIRECT THREAT** – Identifies a specific act against a specific target and is delivered in a straightforward, clean and explicit manner.
  - (b) **INDIRECT THREAT** – Has a tendency to be vague, unclear, or ambiguous.
  - (c) **VEILED THREAT** – Strongly implies but does not explicitly threaten violence.
  - (d) **CONDITIONAL THREAT** – Warns that a violent act will happen unless certain demands or terms are met.

**HOMELAND SECURITY ISSUES AND TERRORISM**

5. District patrol officers shall advise a supervisor as soon as practicable of any activity believed to be civil protest / demonstration, civil disturbance or terrorism related and shall document such incidents in an incident report.
6. The notified supervisor shall ensure that the ISB - Specialized Investigations Division Commander is notified via Communications Services of all civil protest / demonstration, civil disturbance or terrorism field reports as soon as possible. ISB – Specialized Investigations Division shall coordinate the exchange of information and resource requests with local, regional, state and federal partners as appropriate.
7. All incident reports relating to possible activity believed to be civil protest / demonstration, civil disturbance or terrorism related shall be reviewed, corrected and approved prior to the member's end tour of duty (ETOD).
8. The reviewing and/or approving supervisor shall, upon approval of the report in EPR, notify the Commander of the ISB - Specialized Investigations Division and the Special Operations Division, Homeland Security Unit by departmental email of the incident gist and item number.
9. The Special Operations Division, Homeland Security Unit shall review all terrorism-related incident reports as soon as possible 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.

**UNPLANNED CROWDS, EVENTS AND GATHERINGS**

10. District patrol officers may encounter gatherings of people, including but not limited to:
  - (a) Civil protest / demonstrations,
  - (b) Civil disturbances, and
  - (c) Un-permitted parades (those not granted permit by City thru Special Events Section of FOB).
11. District patrol officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present.
12. A District patrol supervisor shall be notified of the event once discovered and when it becomes reasonably foreseeable that such an event may require increasing monitoring, contact or intervention.
13. District patrol officers responding to an event or gathering that warrants law enforcement involvement or intervention shall:
  - (a) Notify his/her supervisor.
  - (b) Carefully balance the speech and association rights of those present with applicable public safety concerns before deciding to take enforcement action.
  - (c) Seek review and approval of enforcement action from his/her supervisor (if not on-scene) before taking action.
  - (d) Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.
14. District patrol 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 requests for voluntary compliance with the law is not achieved.
15. Absent exigent circumstances, District patrol officers shall request the presence of a supervisor on scene, brief the supervisor of conversations and actions already taken and obtain supervisory approval before taking enforcement action.

**RESPONSE TO PLANNED CIVIL DISTURBANCES**

16. ISB - Specialized Investigations Division - Intelligence Section members will conduct an analysis of all known / planned protest events in advance and will provide a written "Threat Assessment."
17. The Threat Assessment will be distributed to the:
  - (a) Commander of the ISB - Specialized Investigations Division,
  - (b) Deputy Chief of the Investigations and Support Bureau (ISB),
  - (c) Deputy Chief of the Field Operations Bureau,
  - (d) Affected District Commander(s), and
  - (e) The Special Operations Division Commander.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.1.2

### TITLE: UNIFORMED PATROL: PLATOON STRUCTURE, ASSIGNMENTS, AWP DAYS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 470**

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#### PURPOSE

The purpose of this Chapter is to establish a general guideline for assigning officers to district platoon shifts, area assignments, and days off (AWP days).

#### DEFINITION

**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, for 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. Usually referred to as AWP days or absent with pay days.

**District Platoon Shifts**—Those normally reoccurring consecutive hours within a police district where uniformed officers, assigned to a platoon, are responsible for routine patrol and responding to calls for service.

#### POLICY STATEMENT

1. Assignment of personnel within a District or Division shall be at the discretion of the Commander.
2. Commanders shall ensure an adequate number and distribution of officers are deployed to ensure core operations support community policing and problem-solving initiatives, that all neighborhoods have a regularly assigned officer who is familiar with the geographic area, its issues, problems, and community leaders; engages in problem identification and solving activities with the community members around the community's priorities; works proactively with other city departments to address quality of life issues; and is not assigned to answer calls to service absent exigent circumstances.

3. Assignments shall be made on an impartial basis. However, individuals possessing special policing skills, expertise or instruction may be utilized in areas which maximize the benefit to the Department.
4. Work assignments and working hours are subject to change as directed by orders from the Superintendent of Police, the Deputy Chief of Field Operation Bureau, the member's District Commander or his/her assigned supervisor or any Special Event Orders. Nothing in this Chapter shall prevent the modification of working days, working hours, or scheduling to address special events or circumstances (example: Mardi Gras, Super Bowl, natural or man-made disasters, visiting dignitaries, etc.).
5. 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. **(Unity of Command)**
6. District Platoon Patrol supervisors shall be assigned to the same platoon as the officers they supervise.
7. District supervisors shall be assigned to supervise no more than eight officers.

#### **DISTRICT PLATOON STRUCTURE**

8. District commanders shall establish a platoon system where patrol officers and supervisory personnel are assigned consecutive hours each day for routine patrol, responding to calls for service and the delivery of basic police services to the community.
9. District commanders shall establish a platoon system where officers assigned to responding to calls for service and the delivery of basic police services to the community work 8 hours and 35 minutes each day.

#### **DISTRICT PLATOON ASSIGNMENTS**

10. A working week shall begin on a Sunday and conclude on Saturday. However, the individual days of the week in which platoon personnel work or are off-duty may change each week. Commanders shall ensure a single method of assigned days off (AWP) scheduling is implemented between platoons and followed consistently.
11. Unless specifically approved by the Deputy Superintendent of the Field Operations Bureau, District platoons shall not rotate their shift working hours on a regular basis.
12. The allocation of personnel within a platoon will ensure marked police units, assigned to patrol duties, are responsible for ensuring police protection and patrol to the entire district.
13. Areas of responsibility for individual patrol units may be allocated or modified on a day to day basis to accommodate staffing and resource limitations.
14. During roll call, platoon supervisors shall inform patrol officers of any modification to their normal patrol duties, special assignments or duties.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.2

### TITLE: ROLL CALL

**EFFECTIVE: 12/10/2017**

**REVISED: 10/25/20**

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#### PURPOSE

Roll call provides an opportunity for an important exchange of information between employees and supervisors.

#### POLICY STATEMENT

1. Roll call is generally conducted at the beginning of the officer's assigned shift. Commanders shall ensure that each platoon begins their tour of duty with a formal roll call as specified herein.
2. A supervisor will conduct roll call.
3. 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 Orders or changes in Departmental Orders or regulations.
  - (d) Reviewing recent incidents for training purposes.
  - (e) Providing training on a variety of subjects.
  - (f) Evaluating officer readiness to assume patrol. Including inspections of all uniforms and equipment required and carried on duty.
  - (g) Instruct officers to complete the Daily Training Bulletins (DTBs) prior to the end of the month.
  - (h) Ensure the Information Clipboard is up-to-date and information distributed.
  - (i) Any item that may be appropriate for discussion.
4. District patrol supervisors, DIU investigative sergeants and District special unit sergeants shall share crime and investigative information as much as reasonably possible in real time. All supervisors and/or officers shall be provided an opportunity to share information through daily patrol roll call or by departmental email.

#### INFORMATION CLIPBOARD

5. The District platoon / shift roll call clipboard shall be maintained in the District roll call

room and shall be available for review by all officers within the Department.

### ROLL CALL TRAINING

6. Roll-call training is a technique to supplement all other officer training and is an important component of department training. Roll-call training, as any training, is enhanced when supervisors provide useful information through proper planning and use of appropriate and effective training techniques and methods.
7. Roll call training shall be provided at the beginning of each shift and shall include special topics selected by the Education & Training Division Commander or District Commander that includes but is not limited to:
  - (a) Officer safety.
  - (b) Readiness.
  - (c) Community concerns.
  - (d) Review and discussion of new or updated Departmental regulations, Chapters or General Orders.
  - (e) Presentation and discussion of the proper application of existing guidelines to routine and unusual daily activities.
  - (f) Reviewing recent incidents for training purposes.

### PREPARATION OF MATERIALS

8. The Commander of the Education and Training Division should formulate monthly training plans to be disseminated on a Department wide basis on issues noted within the Department and issues noted with other law enforcement agencies.
9. 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.
10. 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.
11. All training materials utilized and developed by the supervisor conducting the training shall be maintained in the unit files for a period of at least one year from the date of training.
12. Any training conducted by a non-supervisor with particular expertise shall include the credentials of the trainer with the training materials and shall be maintained in the unit training file.
13. To ensure that all NOPD officers are abiding by **Chapter 1.4 - Authorized Firearms** and **Chapter 1.4.1 - Authorized Ammunition**, randomized weapon and ammunition inspections will be conducted throughout the Department on at least a quarterly basis. This does not restrict the supervisor from conducting an inspection of an officer's equipment, weapon or ammunition at any time.
14. To fulfill this requirement, the NOPD Weapon and Ammunition Inspection Reference Guide has been posted on the **NOPD.org / Resources** folder. Supervisors conducting the inspections shall be able to readily identify department approved duty weapons and ammunition covered in the guide. In consideration of the safety of the supervisor conducting the inspection, as well as the officer being inspected and those in the immediate vicinity, **at no time during this inspection should an officer remove**

**his/her weapon from its holster or eject the round already loaded in the chamber.**

The Performance Standards Section shall randomly select the date of the inspections and the officers and units to conduct the weapon and ammunition inspections and notify the supervisors by Departmental email.

15. Inspecting supervisors shall conduct the inspection during roll call on the day he/she was notified by Performance Standards, document his/her inspections on the **Firearm and Ammunition Inspection Form # 354**, and submit the findings to the Performance Standards Section of the Compliance Bureau by the end of the tour of duty.
16. In any instance in which an officer is found to be carrying an unauthorized weapon or unauthorized ammunition, the inspecting supervisor shall initiate a disciplinary investigation and place the officer on desk duty for the remainder of the shift, or until an authorized weapon and/or ammunition can be provided. Photographs of the unauthorized weapon and/or ammunition shall be taken and attached to the disciplinary investigation.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.1

### TITLE: OPIOID OVERDOSE – USE OF NALOXONE

**EFFECTIVE: 10/22/2017**

**REVISED: 06/24/2018**

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#### PURPOSE

The purpose of this policy is to set forth guidelines with respect to the appropriate field administration of Naloxone (Narcan) kits by members of New Orleans Police Department in suspected opiate / opioid overdose incidents.

#### POLICY STATEMENT

1. Commissioned members of the NOPD are often the first emergency responders to the scene of a medical, suspected medical and overdose incident. Recognizing this, the NOPD has adopted this Chapter with the following goals:
  - (a) To provide a framework for training in the field use of Naloxone,
  - (b) To provide a framework on the proper field administration of Naloxone, and
  - (c) To facilitate life-saving intervention in suspected opiate / opioid overdose incidents where NOPD officers are the first to arrive on the scene.
2. All commissioned and/or civilian members who have been trained in the use and administration of the department's Naloxone nasal administration kits for suspected opiate / opioid overdose incidents are authorized to carry, use and administer the kits.
3. All members responding to medical calls, including suspected opioid overdoses, shall use universal precautions.

#### DEFINITIONS:

Definitions related to this Chapter include:

**Administration**—Nasal administration of approved Naloxone 2mg kits with atomizer; 1mg (1/2 dose) to be administered in each nostril.

**Naloxone**—A narcotic analgesic antagonist, used in the reversal of acute narcotic analgesic respiratory depression. Naloxone is effectively an antidote to opioid overdose and may completely reverse the effects of an opioid overdose if administered in time.

**Naloxone Kit**—Department approved Naloxone 2mg pre-filled syringe with atomizer adaptor for nasal administration.



**Opiate**—Alkaloid compounds found naturally in the opium poppy plant *Papaver somniferum*. The psychoactive compounds found in the opium plant include morphine, codeine, and the baine. The term *opiate* should be differentiated from the broader term *opioid*, which includes all drugs with morphine-like effects, including opiates and semi-synthetic opioids derived from opiates.

**Opioid**—Any of a group of endogenous neural polypeptides (as an endorphin or enkephalin) that bind especially to opiate receptors and mimic some of the pharmacological properties of opiates—called also *opioid peptide*. Examples of opiates and semi-synthetic opioids include:

- (a) Heroin (various forms),
- (b) Codeine (only available in generic form),
- (c) Fentanyl (Actiq, Duragesic, Fentora),
- (d) Hydrocodone (Hysingla ER, Zohydro ER)
- (e) Hydrocodone / acetaminophen (Lorcet, Lortab, Norco, Vicodin),
- (f) Hydromorphone (Dilaudid, Exalgo),
- (g) Meperidine (Demerol),
- (h) Methadone (Dolophine, Methadose),
- (i) Morphine (Astramorph, Avinza, Kadian, MS Contin, Ora-Morph SR),
- (j) Oxycodone (OxyContin, Oxecta, Roxicodone),
- (k) Oxycodone and acetaminophen (Percocet, Endocet, Roxicet),
- (l) Oxycodone and naloxone (Targiniq ER)

**Opiate/Opioid Overdose and Symptoms**—An acute condition due to excessive ingestion / co-ingestion of opioids. Due to their effect on part of the brain which regulates breathing, opioids in high doses can cause respiratory depression and death. An opioid overdose can be identified by a combination of three signs and symptoms referred to as the “opioid overdose triad.” The symptoms are:

- (a) Pinpoint pupils,
- (b) Unconsciousness, and
- (c) Respiratory depression.

Combining opioids with alcohol and sedative medication increases the risk of respiratory depression and death, and combinations of opioids, alcohol and sedatives are often present in fatal drug overdose. Death following opioid overdoses is preventable if the person receives basic life support and the timely administration of the opioid antagonist Naloxone. Naloxone, which is effectively an antidote to opioid overdose, will completely reverse the effects of an opioid overdose if administered in time. Naloxone is effective when delivered by intravenous, intramuscular, subcutaneous, and intranasal routes of administration. Naloxone has virtually no effect in people who have not taken opioids.

## TRAINING

4. All commissioned members of this department shall attend an approved training provided by the New Orleans Emergency Medical Services and/or certified NOPD instructors in the Naloxone kit use prior to carrying or administering Naloxone kits while on-duty, while working an approved police secondary employment, while acting within his/her scope of employment, or while operating a city-owner vehicle.
5. The training, at a minimum, shall cover all of the following:
  - (a) Techniques on how to recognize symptoms of an opioid-related overdose.
  - (b) Standards and procedures for the storage and administration of an opioid antagonist.
  - (c) Emergency follow-up procedures.
6. Officers must re-certify every two years after initial training to continue to carry and use

the Naloxone kits.

### **DOSE AND CONSECUTIVE ADMINISTRATION**

7. Officers on the scene of a suspected overdose incident shall initially administer a single approved Naloxone 2mg dose (1 mg or ½ dose) in each nostril. In the event no response is achieved and emergency medical personnel have not yet arrived, one additional 2 mg kit may be administered.

### **LEGAL AUTHORITY**

8. Under Louisiana Revised Statute Title 37, Article 1732, an officer who holds a **valid, current certification** by the American Red Cross or any equivalent training program approved by the Louisiana Department of Health and Hospitals who renders emergency care in the performance of his/her duties is not individually liable to the person for harm unless the act was intentionally designed to harm or was grossly negligent.
9. Under Louisiana Revised Statute Title 14, Article 403.11, first responders (officers), trained in safely and properly administering an opioid antagonist to an individual who they believe to be undergoing an opioid overdose, shall have the authority to administer, without prescription, opiate antagonists when encountering an individual exhibiting signs of an opiate overdose. Any first responder administering an opiate antagonist in a manner consistent with this Chapter shall not be liable for any civil damages as a result unless the damage was caused by willful or wanton misconduct or gross negligence.

### **APPROPRIATE FIELD USE OF NALOXONE 2 mg KIT**

10. Members encountering any medical condition consistent with opiate / opioid overdose shall summon emergency medical services by contacting Communication Services on the primary dispatch channel for the District where the incident is taking place.
11. Members shall advise Communication Services of the actual administration or use of the Naloxone kit. This includes each time a dosage is administered. Members shall also inform EMS and NOFD responders who arrive on the scene of the use of the Naloxone kit and each dosage administered. This is done to track the treatment and dosages.
12. Members encountering any medical condition consistent with opiate / opioid overdose shall use a probable cause standard when deciding on the appropriate administration of Naloxone, such as a witness to opiate / opioid use, indicia of opioid use, e.g., needle marks, paraphernalia (needles, spoons / lighters, cutting agents, bundled cigarette filters and other ephemera, opiate / opioid prescription bottles), or a known history of opiate / opioid abuse dependence.
13. Members encountering a medical emergency consistent with opiate / opioid overdose absent any witness, indicia of opioid use, e.g., needle marks, or paraphernalia may determine appropriate administration of Naloxone by identification of the "opioid overdose triad": pinpoint pupils, unconsciousness, and respiratory depression.

### **ISSUE AND STORAGE OF APPROVED KITS**

14. Naloxone kits and associated carrying case shall be issued, as available, only to trained members. Kits should be worn on duty belt when feasible by uniformed members or immediately available in the officer's unit.
15. All members who are issued Naloxone kits shall ensure that the kits are not exposed to

high temperatures (the active agent is most stable between 59-86 degrees Fahrenheit).

16. Officers shall monitor the expiration date or shelf life of the Naloxone and not utilize any agent past its expiration date.
17. All Naloxone shall be replaced three months prior to its expiration date by returning the unused agent to the MSB – Supply Room and signing for a replacement agent. The officer who is seeking replacement or the unit representative shall sign for the replacement agent and indicate the receiving officer's name.
18. It is the responsibility of the officer to whom the Naloxone kit is issued to maintain the safety and security of the kit at all times. The kit shall not be left in an unsecure location or in the police unit when the officer is off duty.
19. Officers shall seek replacement of the Naloxone agent as soon as possible after a kit is used.

#### **REPORTING USE OF NOLOXONE KIT**

20. Officers who utilize the Naloxone kit on a suspected overdose shall record the incident or event on his/her BWC.
21. An item number under a signal 24-N shall be obtained if the suspected overdose was not part of another incident.
22. The incident shall be documented on an FIC (See: **Chapter 41.12 – Field Interview Card**), indicating it was a suspected opiate / opioid overdose. If the officer has recorded the incident on his/her BWC, the incident shall be marked up "Signal 24-N, NAT – 1 FIC" with a specific on-air notation as to how many doses were administered by the officer.
23. If the officer does not have a BWC or the incident / event is not recorded for whatever reason, he/she shall complete an EPR under the signal 24-N (overdose) detailing all the pertinent information, especially the reasons why the Naloxone kit was used and the number of doses administered. If there is no BWC recording of the incident by the officer, the incident shall be marked up "24-N, RTF" with a specific on-air notation as to how many doses were administered by the officer.

#### **SUPERVISORY REVIEW**

24. All uses of Naloxone kits shall be reviewed by the member's immediate supervisor, including all BWC footage, FIC and/or EPR.
25. Any corrective actions, deficiencies or issues shall be addressed by the reviewing supervisor immediately and documented accordingly.
26. The reviewing supervisor shall insure that the Naloxone agent is replaced as soon as possible after use.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.2

### TITLE: BODY–WORN CAMERA (“BWC”) INADVERTENT MISUSE AND NON-USE

**EFFECTIVE: 05/15/2016**

**REVISED: 03/18/2018**

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#### PURPOSE

This Chapter provides non-disciplinary measures to correct unintentional failures by members to comply with **Chapter 41.3.10 – Body-Worn Camera**. To promote full compliance with the BWC policy, supervisors may use documented non-disciplinary counseling to correct non-compliance when discipline is otherwise not appropriate.

#### POLICY STATEMENT

1. The New Orleans Police Department recognizes that activating BWCs timely and obtaining complete audio and video recordings of members' contacts with the public can sometimes be challenging, especially in high-stress situations that require immediate action to preserve and promote public safety. For that reason, discipline may not be appropriate for unintentional failures to activate BWCs as required by **Chapter 41.3.10**.
2. This Chapter applies only to inadvertent (i.e., unintentional) misuse or non-use of BWCs, and it applies only to incidents that do not involve uses of force, criminal allegations, or public complaints. All allegations of intentional misuse or non-use of BWCs, and all incidents in which a use of force or criminal activity is alleged, or in which a public complaint has been lodged, shall not be eligible for documented non-disciplinary counseling and must be subject to a formal disciplinary investigation.

#### DEFINITIONS

**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.

**District/Division System Administrator (“DSA”)**—Supervisor assigned to the district or division who is responsible for inventory control and operational maintenance of the body-worn camera system equipment at a District/Division level.

**Exigent circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Non-disciplinary counseling**—A non-punitive process used to correct a subordinate’s behavior that is not fully compliant with Department rules, regulations, Chapters, or policies but is not sufficiently egregious to elevate the action to formal discipline. A supervisor must meet with the non-compliant member, explain the manner in which his or her actions are not compliant, and review the relevant policy (or Chapter, rule, or regulation) with him or her. The non-disciplinary counseling shall be documented in the Supervisor Feedback Log.

**Supervisor Feedback Log (SFL)**—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to supervisors on NOPD Web Apps under Applications.

### **GENERAL—ELIGIBILITY**

3. Supervisors who become aware of an alleged BWC policy violation shall determine whether the alleged violation is eligible for documented non-disciplinary counseling under the terms of this policy. An alleged BWC violation is not eligible for non-disciplinary counseling if it is associated with:
  - (a) Any alleged use of force (see **Chapter 1.3 – Use of Force**);
  - (b) Any alleged criminal act on the part of the officer;
  - (c) Any other violation of NOPD rules, regulations, or policies; or
  - (d) Any public complaint (see **Chapter 52.1.1 – Misconduct Complaint Intake and Investigation**).
  
4. An alleged BWC violation is not eligible for non-disciplinary counseling if the misuse or non-use of a BWC is intentional. The supervisor must interview the allegedly non-compliant member and assess whether the alleged violation was intentional, considering all factors, including but not limited to:
  - (a) The member’s statement and credibility;
  - (b) The member’s history of compliance with, or violations of, see **Chapter 41.3.10 – Body-Worn Camera**;
  - (c) The member’s disciplinary history in general;
  - (d) The member’s experience, i.e. length of service with the Department;
  - (e) The existence of exigent circumstances;
  - (f) The likelihood of equipment malfunction or non-operation (allegations of equipment failure may require inspection of the equipment, review of any repair requests, and/or consultation with the DSA); and
  - (g) The nature of the event or encounter that was not recorded.
  
5. Each member is entitled to a maximum of three instances of documented counseling for alleged BWC misuse or non-use in a one-year period (a rolling 12-month period) (see **“Timeline and Allotment”** section below). However, one additional, unintentional BWC violation during the period may be eligible for non-disciplinary counseling if it is reported by the member to his or her supervisor (see **“Safe Harbor”** provision below). The supervisor must review the allegedly non-compliant member’s personnel file to determine whether he or she has exceeded his or her maximum allotment.

### **DOCUMENTATION OF NON-DISCIPLINARY COUNSELING**

6. Once a supervisor determines that a BWC violation is eligible for non-disciplinary counseling, he or she must meet with the non-compliant member and explain the violation. The supervisor must explain how the member’s actions did not comply with policy, review the relevant policy provisions with the offending member (such as the **“Required Activation of the BWC”** provision of **Chapter 41.3.10**), and explain how the

member can correct himself or herself in the future.

7. The supervisor must document every instance of non-disciplinary counseling in the Supervisor Feedback Log, using the “BWC: Inadvertent Misuse/Nonuse” option in the drop-down menu under “Occurrence.” The Supervisor Feedback Log entry shall include:
  - (a) The member’s name, rank, and assignment;
  - (b) The date and nature of the violation;
  - (c) A statement explaining how and why the violation was inadvertent, according to the member and supervisor;
  - (d) A statement explaining how the supervisor became aware of the violation (a self-reported violation must be identified as such).
  - (e) The number of previous alleged violations by the member, and the number of previous documented non-disciplinary counselings on his/her behalf; and
  - (f) The date and explanation of the non-disciplinary counseling.

### TIMELINE AND ALLOTMENT

8. Every member may be given up to three instances of documented non-disciplinary counseling for BWC violations within one year (a rolling 12-month period), not including a self-reported violation (see “**Safe Harbor**” provision below). The supervisor shall refer to the date of infraction(s) – and not the date of corrective action(s) – when determining whether non-disciplinary counseling is an appropriate response according to the guidelines of this chapter.
9. For example, a member who unintentionally failed to activate his or her BWC on June 1, 2016, might be eligible for his/her first documented non-disciplinary counseling as of that date. A second and third instance could then be eligible anytime before June 1, 2017. However, a fourth instance during that one-year period would automatically be subject to a formal disciplinary investigation (see **Chapter 52.1.1 – Misconduct Complaint Intake and Investigation**).
10. A sustained disposition for an inadvertent misuse or non-use of a BWC is considered one instance of non-disciplinary counseling for the purposes of this Chapter.
11. Once a formal disciplinary investigation of an alleged intentional BWC violation results in a sustained disposition, a member becomes ineligible for non-disciplinary counseling until he or she completes three years of service without a subsequent violation that results in a sustained disposition (see **Chapter 26.2.1**). For example, a member who receives a suspension for a first offense on an intentional BWC misuse or non-use that occurred on January 1, 2016 would be eligible for non-disciplinary counseling again on January 1, 2019 if he or she does not receive a sustained violation for a second or third offense before that date.

### SELF REPORTING

12. Members are encouraged to report their own BWC violation(s) to their supervisor(s). A self-reported violation may avoid discipline, provided that the violation is inadvertent and meets the criteria established in this Chapter. One self-reported violation that is eligible for non-disciplinary counseling is not counted against the member’s three allotted instances.
13. When a supervisor documents counseling for a self-reported violation, he or she must specify that the violation was self-reported and therefore is not counted among the three instances of allowable non-disciplinary counseling for BWC violations. For example, if a member has three previous BWC violations for which he or she received documented

non-disciplinary counseling within a one-year period, he or she could be eligible for non-disciplinary counseling if a fourth violation is self-reported.

14. The self-reporting provision applies only once per year (rolling 12-month period). A subsequent self-reported, unintentional BWC violation shall be counted against the member's three allotted instances eligible for non-disciplinary counseling.

#### **RESPONSIBILITIES OF THE PUBLIC INTEGRITY BUREAU (PIB)**

15. PIB is responsible for tracking all documented cases of non-disciplinary counseling for BWC violations and reviewing them. When PIB determines that a member has exceeded his or her allotment of documented non-disciplinary counseling for BWC violations, or that non-disciplinary counseling was not appropriate in a specific case, PIB shall immediately initiate a formal disciplinary investigation and inform the reporting supervisor.
16. PIB shall track repeat BWC violations, compile and analyze data to identify trends, issue monthly Status Conference reports, and make recommendations for policy modifications accordingly.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.3

### TITLE: SEAT BELTS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 1022**

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#### PURPOSE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a motor vehicle crash. This Chapter 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 crash. This Chapter will apply to all members operating or riding in department vehicles.

#### DEFINITIONS

**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; 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; R.S. 32:1(62.1)).

#### WEARING OF SAFETY RESTRAINTS

1. All members 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 member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.
2. Officers who are responding to a Code 2 or 3 call for service or a crime in progress call may un-clip or remove his/her seatbelt prior to coming to a full stop but not until the vehicle is moving less than 5 mph or they are within 100 feet of the call.

#### TRANSPORTING CHILDREN

3. To be restrained properly as required in this Chapter, 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 (R.S. 32:295(A)).
4. 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 arrange alternative transportation.

### **TRANSPORTING PRISONERS**

5. 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. (See: **Chapter 71.1 – Prisoner Transportation and Guarding.**)

### **INOPERABLE SEAT BELTS**

6. No department vehicle shall be operated if the seat belt for the driver's is inoperable.
7. In any vehicle equipped with seat belts, no person shall be transported if an operable seatbelt is not available.
8. No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belt system, except for certified vehicle maintenance and repair staff, who shall do so only with the express authorization of the Superintendent of Police or his/her designee. All members shall hook seatbelts properly around themselves and not behind his/her back or in a way that does not provide the designed protection.
9. Members who discover an inoperable restraint system shall promptly report the defect to his/her supervisor and the NOPD Fleet Manager, and find other means of transportation.
10. The vehicle shall be removed from service until action is taken to replace or repair the system.

### **VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

11. Specialized vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.4

### TITLE: PERSONAL COMMUNICATION DEVICES

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 702**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for the use of department-issued mobile telephones (cell phones), personal communication devices, and the on-duty use of such devices owned by members.

#### POLICY STATEMENT

1. The use of any computer, Internet service, telephone service or other wireless service, including member-owned devices and services, to send or receive information that may be related to departmental or public business **may be subject to review or disclosure**.

#### DEFINITIONS

**Emergency**—An unforeseen combination of circumstances or the resulting condition that calls for immediate action; an urgent need for assistance or relief.

**Personal Communication Device (PCD)**—Includes all mobile telephones, Personal Digital Assistants (PDAs) and other wireless two-way communications and/or portable Internet access devices. A department-issued two-way police radio is not a PCD.

#### PRIVACY POLICY

2. Any member utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the New Orleans Police Department or City of New Orleans acknowledges and agrees that the use of such service, whether for department business or personal use, has **no expectation of privacy** that the member, sender, and recipient of any communications utilizing such device or service might otherwise have, including the content of any such communications.

#### DEPARTMENT-ISSUED PCD

3. Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the property of the Department and shall be subject to inspection and monitoring (including all related records and content).
4. The Commander of the Technology Section shall ensure a regularly updated database

is maintained containing all department-issued PCD numbers.

5. The database shall contain:
  - (a) The PCD number,
  - (b) Name of the member assigned the PCD and their place of assignment.
6. This database shall not be distributed for general use.
7. Members assigned to Communications Services shall have access to the database.
8. Members with personally owned PCDs and are on a call-out basis, may supply Communications Services with their PCD number.
9. Appropriate security measures shall be developed and implemented by each respective Deputy Chief, or his/her authorized designee to ensure confidentiality of all department and individually owned PCD information for members under his/her command. The type and nature of the security measures, as well as access to the information shall be detailed in the Bureau/Division/Section/Unit Standard Operating Guidelines.
10. 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.

#### **INDIVIDUALLY OWNED PCD**

11. Members 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 all or part of an official investigation **UNLESS** exigent circumstances exist, important evidence is being destroyed and no official method of documentation is available in time (*ex: a member, without access to a departmental camera, is first on the scene of a violent crime and the scene is being washed away by a heavy rain so the member attempts to document the scene using his/her cell phone camera before it is washed away*). In these cases, the member must immediately transfer the photographs to his/her departmental email and delete them from the PCD.
  - (d) The PCD 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.
12. Members wishing to carry an individually owned PCD while on duty must supply the PCD number on his/her **Form 150 – Immediate Family Designation** form maintained at their Bureau/ Division/Section/Unit level. This form shall be maintained by the Commander of that Bureau/ Division/Section/Unit office to which the member is assigned. Officers are required to update all information each time they change their individually-owned PCD number.

#### **RESTRICTED USE OF PCD**

13. Use of PCDs while on-duty should only be for legitimate department business except as

provided for below.

- (a) Members may use a PCD to communicate with other members in those situations where the use of the radio is either impractical or not feasible. PCDs shall never be used to replace regular radio communications.
- (b) 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 carrier that has been approved by the Department.
- (c) 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).
- (d) Members are prohibited from using a PCD for personal use while:
  - Handling a call for service.
  - In the presence of a victim, complainant, or witness.
  - Taking law enforcement action, except as provided in this directive.
  - In the performance of any official duty, except as provided in this directive.
  - Conducting traffic control and/or Mardi Gras parade route duties unless it is in an emergency or directed by an NOPD supervisor.
- (e) Uniformed and plain clothed members 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.
- (f) Members shall not receive calls for service or give dispositions to the dispatcher via PCDs, except as provided in this directive.
- (g) Members shall not contact complainants, victims, or witnesses via mobile telephone prior to, after being dispatched, or while in route to a call for service. If additional information is needed from the complainant, victim, or witness by officers responding to a call for service, request shall be made through Communications Services via normal radio protocol.
- (h) Members working undercover assignments shall refrain from carrying a PCD when doing so may jeopardize the safety of others or the success of an operation. In such assignments, consideration should be given to whether or not the PCD should be operated in silent or vibrating mode, depending on the circumstances and direction given in the planning / briefing session.

#### **USE WHILE DRIVING**

14. Officers operating department vehicles should restrict the use of these devices while driving to communication matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device.
15. Except in the case of an emergency, members who are operating a Department vehicle shall not use cellular telephones or other PCDs while driving for the purpose of text messaging.

#### **VEHICLE MODIFICATIONS**

16. Employees are prohibited from installing any PCD in any vehicle leased or owned by the City of New Orleans unless specifically authorized by the Superintendent of Police. Any authorized vehicle modifications shall be coordinated with the Management Services Bureau.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.8

### TITLE: IN CAR CAMERA

**EFFECTIVE: 03/08/2015**

**REVISED: 03/26/2017, 9/24/2023**

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#### 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 **Chapter 41.3.10 - Body Worn Camera**, nor does compliance with **Chapter 41.3.10 - Body Worn Camera** satisfy a members' obligation to comply with this Chapter.

#### POLICY STATEMENT

1. The New Orleans Police Department (NOPD) is committed to the belief that video/audio documentation of an officer's enforcement and investigative activities is an important and valuable resource for law enforcement. NOPD also is committed to respecting individuals' reasonable privacy expectations, including but not limited to medical and health privacy.
2. All Departmental vehicles primarily utilized for calls for service, self-initiated activity or prisoner transport 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 and community member 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 an individual's reasonable expectations of privacy.
3. Audio or video recordings of enforcement or investigative actions may be evidence and subject to Departmental policies, municipal, state, and federal laws regarding disclosure.
4. The In-Car Camera system is designed to assist and complement officers in the performance of their duties. The In-Car Camera system records certain activities by creating an objective visual and/or audio record of the event and a possible supplement to the officer's report (La. R.S. 32:365(B)).
5. NOPD members shall complete authorized training regarding In-Car cameras and Department policy on their use prior to using an In-Car Camera in an operational setting. This training shall be conducted by the Education & Training Division for new members and by the District/Division System Administrator (DSA) for any member transferred from a unit without the required training.

6. The In-Car Camera system will be used to capture events and preserve recordings in a digital storage facility. NOPD shall not alter the original recordings.
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;
  - (c) To enhance the public trust by documenting officer interactions with the public;
  - (d) To preserve visual and audio information for use in current and future investigations, as well as courtroom preparation and presentation;
  - (e) To provide an objective means for self-critique and field evaluation during officer training;
  - (f) To assist supervisors with close and effective supervision; and
  - (g) To be utilized by the Education & Training Division to enhance 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**—NOPD incident Item Number associated with the event 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 buffered period to be retained and made a part of the active recording.

**Display Name**—The geographic location (i.e. municipal address) where an event 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, such as activating emergency lights, the vehicle collision sensor, or by manual activation.

**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 portion 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.

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

9. Officers shall manually stop the recording once the event has concluded. The type of event must be manually classified by the officer based on the training specific to whichever ICC system the vehicle is equipped with.

### REQUIRED ACTIVATION OF THE IN-CAR CAMERA

10. 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 event. The In-Car Camera shall be activated only for legitimate law enforcement purposes.

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

12. While the system is designed to activate automatically, officers shall ensure the activation has occurred by manually verifying the system is recording as soon as the circumstances permit the officer to safely do so.

13. 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:

- Emergency responses;
- Arrests;
- Suspicious vehicles;
- Terry Stops;
- Victim and witness interviews, including, but not limited to, missing persons and child welfare;
- Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, suspicious vehicles and all crime interdiction stops);
- Vehicle pursuits, including when NOPD is supporting another agency's pursuit;
- Vehicle searches (includes requests for consent and deployment of drug-detection canines);
- DWI investigations including field sobriety tests;
- Transportation of non-Department members and/or prisoners;
- Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording; and

- Anticipated physical or verbal confrontations or use of force in view of the in-car camera.
- (b) Any situation in which the officer, through training and experience believes that the recording of an event would serve a legitimate law enforcement purpose. In exercising this discretion, officers should be aware of and sensitive to the individual's reasonable privacy expectations.

#### **PROHIBITED IN-CAR CAMERA RECORDINGS BY EMPLOYEES**

14. 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.
15. 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 individual.
16. The ICC shall not be used to record non-work-related personal activity.
17. Department members shall not use the ICC to make covert recordings of conversations with other Department members except with a court order, 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 the Deputy Chief of PIB.

#### **CESSATION OF RECORDING**

18. Once the In-Car Camera system is activated it shall remain on and shall not be turned off until the event has concluded. **For purposes of this Chapter, conclusion of an event has occurred when all arrests have been made and arrestees have been transported, or the officer has cleared the scene of a reported incident.**
19. In any instance in which cessation of the recording prior to the conclusion of the event may be required, the officer shall 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 system the reason for termination of the recording prior to deactivation of the In-Car Camera and efforts made to obtain supervisory approval.

#### **OWNERSHIP OF IN-CAR CAMERA RECORDINGS**

20. 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.
21. NOPD members are prohibited from copying or reproducing any In-Car Camera recordings for any purpose not allowed by NOPD regulations. 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 without authorization of the Superintendent or his / her authorized designee.



**OFFICER RESPONSIBILITIES**

22. 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.
23. Officers, while conducting their pre-tour inspection of their vehicles, must activate the system and create a brief recording, categorizing this video as a Test Video. 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.
24. It is the responsibility of the officer to ensure the In-Car Camera is working properly throughout the entire shift. This includes ensuring the In-Car Camera is connecting to the network for download.
25. 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 recordings to the In-Car Camera server.
26. 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.
27. Officers shall immediately report malfunctioning, missing, or damaged In-Car Camera equipment to his/her supervisors
28. Officers shall immediately report when any event required to be recorded by this Chapter is not recorded or when an accidental recording takes place to his/her supervisor.

**DESIGNATING IN-CAR CAMERA RECORDINGS FOR USE AS EVIDENCE**

29. Department members shall properly categorize each In-Car Camera video made, according to their training and the system being utilized.
30. Department members shall categorize all In-Car Camera videos uploaded to "Evidence.com" as follows:
  - (a) **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).
  - (b) **CATEGORY:** Choose the applicable category(s) from the dropdown list (miscellaneous shall be used only where the activity does not reasonably fall within another category).
  - (c) **EVENT:** Replace the "AXON Fleet Video" label with the address of the incident.

**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 memory storage for In-Car Camera systems by departmental email to their respective District/Division System Administrator (DSA) and copy the District/Division Captain. In addition, the supervisor shall document the In-Car Camera malfunction on his/her daily activity report.
33. Supervisors shall determine whether 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 an interoffice correspondence (Form 105) and transmit that memo to the supervisor's respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Captain. If the vehicle is not placed into service, the supervisor shall ensure the vehicle is available for needed repairs.
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 event 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 supervisor shall be responsible for ensuring a copy of any report or correspondence related to the contact is forwarded to their respective District/Division Captain, Bureau Deputy Superintendent, and the Deputy Superintendent of the Public Integrity Bureau.
35. Supervisors shall regularly perform a random review of their subordinates' ICC recordings to assess officer performance and ensure proper use of the ICC is enforced, including the proper categorization of any videos. Reviews shall be conducted according to **Appendix A – BWC and ICC Review Guidelines**.
36. 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.
37. 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 NOPD member whose recording was reviewed; and
  - (c) The identifying video number (item number or otherwise);
  - (d) The date and time the recording was produced.
38. Supervisors shall re-direct, counsel or recommend disciplinary actions for any officer found to fail to properly use or care for their assigned In-Car Camera.
39. When a situation 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" of the video by submitting a request, in writing, to the MSA. The duplicated copy shall be made part of the administrative report.

**DISTRICT/DIVISION SYSTEM ADMINISTRATOR**

40. The DSA shall ensure all NOPD officers that use an 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 with the Master System Administrator (MSA) assigned to the Information Technology Section.
41. In the event of a malfunction preventing wireless transfer of the videos, the DSA will submit a request through the In-Car Camera repair log, requesting repair of the In-Car Camera.
42. When the DSA has been notified of a malfunctioning In-Car Camera system or component, he/she shall notify the MSA within 24 hours, using the In-Car Camera Repair log, and make arrangements to have the equipment repaired. The DSA shall follow up on any vehicles that have been sent for repairs.
43. 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 following proper usage guidelines for the system; and
  - (c) Ensuring officers are stopping recordings at the end of events.
44. The DSA shall maintain the inventory and current status for all In-Car Camera equipment in his/her District/Division. The DSA shall provide the Field Operations Bureau and the Mobile Video Unit (MVU) with a monthly 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.
45. The DSA shall notify the ICC System Administrator and MSA, 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.
46. 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 via the In-Car Camera repair log. The DSA shall ensure every effort is made to prevent further damage to the In-Car Camera by its exposure to the elements, until the exposed equipment can be 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.

**FLEET SERVICES SECTION RESPONSIBILITIES**

47. The NOPD Fleet and Equipment Services section 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 Information Systems 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# and Car#, along with an inventory of the In-Car Camera equipment removed from the vehicle.
48. The Fleet Services Section 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)**

49. 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.
50. 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**

51. 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.
52. 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 PIB guidelines.
53. Any requests for a certified copy of a video must be submitted on an ICC Request Form (Form 204) and be forwarded to the Mobile Video Unit. Any requests from outside NOPD must also be submitted through the NOPD Records Section.
54. Digital recordings shall be preserved in a manner consistent with the **City of New Orleans Chief Administrative Office Policy Memorandum No. 127, Records Management** 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.

## APPENDIX A – BWC and ICC Review Guidelines

***These guidelines do not address a supervisors' mandatory obligations to review videos required by Departmental policy on such matters as reviewing uses of force, misconduct investigations, vehicle pursuits, and injuries to a prisoner or an officer.***

Clarifying the **discretionary review** process for BWC and ICC will help the Department accomplish the following goals:

- Making sure supervisors conduct timely, accurate and complete performance evaluations of their subordinates;
- Facilitating supervisors' ability to provide helpful feedback to their officers concerning their performance;
- Making sure officers "are working actively to engage the community and increase public trust and safety" (See, Para. 306, Consent Decree); and
- Making sure supervisors "review recordings regularly... to incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers" (See, Para. 328(f), Consent Decree).

### **Sergeant's Responsibilities:**

- Each platoon sergeant should review at least one in-car or body-worn camera video of officers under his/her supervision, on average, each work day, for a total of at least 21 per month. Circumstances may prevent sergeants from reviewing video on a daily basis, but supervisors may make multiple reviews on less busy days in order to meet the monthly goal.
- The video reviews should not be solely of one category (BWC or ICC) but should be a combination of the two.

### **Lieutenant's Responsibilities**

- Each platoon lieutenant should review at least one BWC or ICC video, on average, each work day, for a total of at least 21 per month.
- At least six of these reviews should be of their subordinate sergeants' interaction with persons other than officers. The other reviews should be of videos already reviewed by sergeants of officers' activities. This ensures that lieutenants are exercising close and effective supervision of the subordinate sergeants and officers the lieutenants are charged with supervising.

### **Suggested Topics of Discretionary BWC/ICC Reviews:**

- Quality of officer interaction with persons (non-enforcement related);
- Terry Stops/Investigatory Stops;
- Crisis Intervention incidents;
- Arrests; and
- General Officer Performance.

### **Length of Video Reviews (on average):**

- It is not necessary to review an entire video of a particular call for service. The length of the review should be long enough for lieutenants to meaningfully assess the quality of the issue under consideration (quality of Terry Stop or arrest; quality of officer interaction with citizens, etc.).

- The review should not include an assessment of the sergeant's or officer's travel time, unless the lieutenant is critiquing the sergeant's or officer's driving habits or involves a mandated review of alleged misconduct.
- The video review should assess the officer's actions once he or she has arrived on the scene.

#### **Additional General Comments**

- District Captains may direct their subordinates to review additional BWC/ICC videos over the course of a month.
- All reviews of BWC/ICC videos must be logged in the Department's "L" Drive in compliance with Department policy.
- District Platoon and DIU supervisors are charged with the responsibility of ensuring that all platoon personnel are initiating BWC and ICC videos as outlined in Chapters 41.3.8 (In-Car Camera) and 41.3.10 (Body-Worn Camera).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.9

### TITLE: LICENSE PLATE RECOGNITION SYSTEM

**EFFECTIVE: 01/15/2017**

**REVISED: Replaces Policy/Procedure 462**

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#### PURPOSE

The purpose of this Chapter is to provide officers with guidelines on the proper use of license plate recognition (LPR) systems, also commonly known as license plate reader systems.

#### POLICY STATEMENT

1. The availability and use of LPR systems have provided many opportunities for the enhancement of productivity, effectiveness, and officer safety. It is the policy of this agency that all members abide by the guidelines set forth herein when using LPR systems.
2. LPR systems (Fixed, Mobile and Portable) and associated equipment and databases are authorized for official public safety purposes. Misuse of this equipment and associated databases, or data, by members of the New Orleans Police Department may result in disciplinary actions.
3. LPR systems and LPR data and associated media are the property of the New Orleans Police Department and intended for use in conducting official business with limited exceptions noted elsewhere in this Chapter.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**FOUO**—An acronym meaning *For Official Use Only*

**LPR**—License Plate Recognition / License Plate Reader

**OCR**—Optical Character Recognition

**Read**—Digital images of license plates and vehicles and associated metadata (e.g., date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the LPR system.

**Alert**—A visual and/or auditory notice that is triggered when the LPR system receives a potential “hit” on a license plate.

**Hit**—A read matched to a plate that has previously been registered on an agency’s “hot list” of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation, or which has been manually registered by a user for further investigation.

**Hot list**—License plate numbers of stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER Alerts that are regularly added to “hot lists” circulated among law enforcement agencies. Hot list information can come from a variety of sources, including stolen vehicle information from the National Insurance Crime Bureau and the National Crime Information Center (NCIC), as well as national AMBER Alerts and Department of Homeland Security watch lists. Departments of motor vehicles can provide lists of expired registration tags, and law enforcement agencies can interface their own, locally compiled hot lists to the LPR system. These lists serve an officer safety function as well as an investigatory purpose. In addition to agency supported hot lists, users may also manually add license plate numbers to hot lists in order to be alerted if and when a vehicle license plate of interest is “read” by the LPR system. Hot lists are created to enhance law enforcement officers’ abilities to conduct investigations and provide for officer safety, the contents of hot lists are not disseminated to the public.

**Fixed LPR system**—LPR cameras that are permanently affixed to a structure, such as a pole, a traffic barrier, or a bridge.

**Mobile LPR system**—LPR cameras that are affixed, either permanently (hardwired) or temporarily (e.g., magnet-mounted), to a law enforcement vehicle for mobile deployment.

**Portable LPR system**—LPR cameras that are transportable and can be moved and deployed in a variety of venues as needed, such as a traffic barrel or speed radar sign.

#### **LPR SYSTEM ADMINISTRATION - GENERAL**

4. The Commander of the Special Investigations Division (SID) has administrative oversight for the LPR system (Fixed, Mobile and Portable) deployment and operation and is responsible for the following:
  - (a) Establishing protocols for access, collection, storage, and retention of LPR data and associated media files;
  - (b) Establishing protocols to preserve and document LPR reads and “alerts” or “hits” that are acted on in the field or associated with investigations or prosecutions;
  - (c) Establishing protocols to establish and ensure the security and integrity of data captured, stored, and/or retained by the LPR system;
  - (d) Selecting the personnel approved to operate the LPR system and maintaining an adequate number of trained operators;
  - (e) Maintaining records identifying approved LPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to LPR usage; and
  - (f) Authorizing any requests for LPR systems use or data access according to the guidelines of this Chapter.
  
5. The Commander of SID, as administrator of the LPR system, should also:
  - (a) Stay abreast of legal trends and case law in the area of LPR and other electronic forms of public surveillance;
  - (b) Monitor the use of the LPR system and ensure periodic audits;
  - (c) Ensure the LPR system is only used for appropriate department business and in keeping with this Chapter;
  - (d) Manage the compilation of “hot lists”; and



- (e) Annually review and suggest necessary updates to the LPR Chapter.
6. Personnel assigned by the Commander of SID shall check LPR system equipment on a regular basis to ensure functionality and camera alignment. Any equipment that falls outside expected functionality shall be removed from service until deficiencies have been corrected.
  7. LPR system repairs, hardware or software, shall be made by Department authorized sources only.

### **LPR SYSTEM USAGE**

8. Only members who have been properly trained in the use and operational protocols of the LPR systems shall be permitted to use it.
9. At the start of each shift authorized users must ensure that the LPR system has been updated with the most current "hot lists" available.
10. Prior to initiation of a stop based on an LPR Alert or Hit, the user (officer) must:
  - (a) Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both the alphanumeric characters of the license plate and the state of issuance.
  - (b) Verify the current status of the plate through MDT query when circumstances allow.
11. **Mere receipt of an alarm is not sufficient probable cause to warrant an arrest.**
12. In each case in which an alert or a hit is triggered, the user should record the disposition of the alert and the hit into the LPR system.
13. "Hot lists" may be updated manually if the user enters a specific plate into the LPR system and wants to be alerted when that plate is located. Whenever a plate is manually entered into the LPR system, the officer shall document the reason.
14. LPR use during special or covert operations or during highly sensitive criminal investigations must be approved, in writing, by the Commander of SID. Investigations which use information obtained through the LPR database shall document the fact that LPR data was used in the investigative case report.
15. LPR reads shall not be cross-checked to obtain ownership information except for legitimate and officially sanctioned law enforcement investigations.
16. Searches of historical data within the LPR system shall be done by authorized members of SID in accordance with SID Standard Operating Guidelines (SOG's).

### **LPR DATA SHARING AND DISSEMINATION**

17. LPR systems and associated equipment and databases are authorized FOUO (public safety purposes). Use of this equipment, associated databases, or data in a manner outside the scope of this Chapter may subject the member to disciplinary action.
18. When LPR data are disseminated **outside the Department or cooperating agencies who are sharing LPR data under existing MOU/CEA's**, it shall be documented in a Secondary Dissemination Log maintained by the Commander of SID. This log shall

clearly indicate what was shared, why it was shared, and when and who authorized the sharing.

19. Information sharing among law enforcement agencies shall be dictated in accordance with existing memoranda of understanding (MOU), cooperative endeavor agreements (CEA) or established departmental policies.

#### **LPR SYSTEM DATA AND RECORD RETENTION**

20. LPR system data, related records, logs and MOU/CEA shall be retained according to the Departmental schedule maintained by the records and Identification section of MSB. Absent specific a specific schedule, the data shall be purged after 180 days.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.10

### TITLE: BODY–WORN CAMERA (“BWC”)

EFFECTIVE: 04/05/15

REVISED: 11/22/15; 11/6/16; 07/28/19; 12/06/20; 05/23/21

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#### 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**. (See also: **Chapter 41.3.2 – Body Worn Camera Inadvertent Misuse or Non-Use** and **Chapter 82.1.1 – Records Release and Security**). 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 enhance transparency and public trust by preserving factual representations of officer-citizen interactions in the form of audio/video recordings.
- (b) To promote officer safety.
- (c) To document statements and events during the course of an incident.
- (d) 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.
- (e) To preserve audio/video information for use in current and future investigations.
- (f) To provide an impartial measurement for self-critique and field evaluation during officer training.

#### POLICY STATEMENT

1. The New Orleans Police Department is committed to the belief that audio/video documentation of a Department member’s daily encounters is an important and valuable resource for law enforcement. The New Orleans Police Department is also 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 BWC systems manufactured by Axon International, Inc. 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. Using this equipment can be expected to promote officer safety, result in greater transparency, more effective prosecution, and

increased accuracy of findings in investigations of complaints. 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 audio/video record of the incident and a supplement to the officer's report. Audio/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.
4. Officers are encouraged but not required to advise members of the public when they are being recorded by body-worn camera.

## DEFINITIONS

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

**Audio/Video**—When used in this Chapter, this phrase may refer to audio only, video only or both audio and video recordings.

**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. The models of BWC systems in use by the New Orleans Police Department are manufactured by Axon International, Inc. and can be either: 1) Self-contained / clip-on audio/video recording device; or 2) Variable mount audio/video recording device that includes a cable tethered camera/DVR attached to a controller.

**Controller Switch (Axon Body 2)**—Master on/off power switch located on the top left, outward-facing corner of the BWC device.

**Power Button (Axon Body 3)** – Located on the top right, outward-facing corner of the BWC. Press and hold to turn the camera's power on or off.

**Critical Incident**—An event in which an officer:

- (a) Uses force resulting in hospitalization or death;
- (b) Intentionally discharges his or her firearm at a person(s);
- (c) Strikes someone in the head with an impact weapon, whether intentional or not;
- (d) Engages in a police vehicle pursuit which results in death or an injury of a person(s) requiring hospitalization; or
- (e) Has an arrested or detained subject who dies while in the custody of an officer.

**District/Division System Administrator (“DSA”)**—Supervisor assigned to the district or division who is assigned responsibility for inventory control and operational maintenance of the Body Worn Camera and In-Car Camera systems 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.

**Signal Performance Power Magazine (SPPM)**—A transmission device that will send a signal to all BWC within a 30-foot range of the transmitter for 30 seconds. BWCs receiving this signal will be activated to “recording mode.” The officer must manually stop the BWC according to Chapter guidelines.

**Remote Camera/DVR**—Cable tethered camera/DVR affixed to an approved AXON mounting device unique to the variable mount audio/video recording device system. Accessories provided with the variable mount audio/video recording device 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

5. Department members who have completed authorized training sanctioned by the NOPD Education & Training Division shall be the only personnel authorized to use a BWC in an operational setting. Department members assigned these devices are only authorized to audio/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.
6. 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*.
7. 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.
8. 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.
9. BWC equipment will be assigned according to the priorities established in **Appendix A**. When a member is transferred, the following shall apply:
  - (a) If the member is transferred to a command that also utilizes a BWC, the equipment shall be relocated with the member.
  - (b) If a member equipped with a BWC is transferred to a command that **does not** utilize a BWC per **Appendix A**, the member must return his/her BWC to the BWC Office on his/her next Tour of Duty. If the member is unable to return the BWC personally, the DSA of the unit from which the member is being transferred shall make arrangements to return the member’s BWC. This includes members transferred to ADD.
  - (c) If the member is transferred from a unit that does not utilize a BWC, the member **must** obtain a BWC from the BWC Office **prior** to reporting to his/her new assignment. If the member is unable to obtain a BWC personally, arrangements shall be made with the DSA of the unit to which the member is being transferred to ensure a BWC will be available for that member.
10. 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**

11. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians' reasonable expectations of privacy. The BWC shall be manually only activated for legitimate law enforcement purposes.

Manual 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) Execution of all Search Warrants (including No-Knock) and Arrest Warrants;
  - (r) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
  - (s) Engages in mass civil demonstrations and / or riot control;
  - (t) Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate; and
  - (u) All calls for service.
12. Notwithstanding the above directives on Manual Activation requirements, when officers are conducting strip searches or body cavity searches, they shall follow the requirements of **Chapter 1.2.4 – Search & Seizure** regarding consent and recording requirements.
13. 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.
14. Department members have discretion whether to manually activate a BWC during consensual contacts of a non-criminal nature.
15. The BWC may be automatically activated when the signal performance power magazine of a Taser is activated. (See: **Chapter 1.7.1 – CEW**). BWCs receiving this signal will be activated to "recording mode." The officer must manually stop the BWC according to Chapter guidelines. All automatically triggered recordings will still have to be reviewed and labeled as appropriate to the incident recorded and within the guidelines of this Chapter.

## CESSATION OF RECORDING

16. The BWC shall be utilized by any Department member assigned this device during all investigative or enforcement contacts. 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, including marking up the final disposition of the item and any supervisor approved signal changes. 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, and has completed transport of a civilian or an arrestee.
17. 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. The reasons for the cessation and the approval must be clearly stated on the BWC before termination. If the reasons and approval are not recorded, an interoffice correspondence shall be generated from the approving supervisor to the member's Commander within 24 hours of the event. The 105 shall be maintained in unit files for a minimum of three years from the date of the event. If supervisory approval cannot be reasonably obtained, officers must document on the BWC the reason for termination and the reason they could not obtain supervisor approval of the recording prior to deactivation of the BWC. In such circumstances, the officer shall notify the supervisor as soon as practicable, and the supervisor shall review the decision to terminate within 24 hours of the event. An interoffice correspondence explaining whether the termination was acceptable shall be generated from the reviewing supervisor to the member's Commander within 24 hours of the event. The 105 shall be maintained in unit files for a minimum of three years from the date of the event.
18. When handling calls for service or incidents involving the treatment of individuals at a medical facility, Department members shall be cognizant of the privacy rights afforded under the Health Insurance Portability and Accountability Act (HIPAA) for the suspect and other patients. Officers shall turn off their BWCs immediately prior to entering a medical facility or emergency room and shall document the deactivation in the incident report, if a report is required. Immediately upon concluding the drop off or treatment, and upon exiting the medical facility, officers shall resume operation of the BWC until the incident or event is concluded. **However, any critical incident taking place within a medical facility, whether a call for service or initiated within the facility while officers are otherwise present, SHALL require the immediate activation of the BWC. The BWC, once activated for a critical incident, shall remain on until the incident is concluded.**

## PROHIBITED AUDIO/VIDEO RECORDING

19. The BWC shall not be used to record non-work-related personal activity.
20. 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.

21. 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.
22. 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 Professional Standards and Accountability Bureau, and the Deputy Superintendent of the Management Services Bureau.
23. 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 or uses of force.

#### **OFFICER RESPONSIBILITIES**

24. 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 departmental training. If problems are encountered with any component of the system, the malfunctioning BWC equipment shall not be used. As part of the inspection process, the officer who is assigned or using the BWC shall record a 30 second "test video". The test video shall have a neutral background and audio. The audio shall consist of the officer's full name, badge, assignment, date and time.
25. Members shall immediately report malfunctioning BWC systems to their immediate supervisor. After reporting a malfunctioning BWC to his/her immediate supervisor, the member and supervisor shall make a reasonable effort to secure a functioning and charged BWC prior to the member resuming service. If no BWC can be obtained, the supervisor shall make specific note of that fact in his/her daily report.
26. 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 test the equipment prior to use according to departmental training guidelines and testing procedures. Members shall immediately report malfunctioning BWC systems to their immediate supervisor.
27. 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.



28. 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 or accessories shall be documented in an incident report. See also: **Chapter 17.3 - Department Owned and Personal Property**).
29. It is the Member's responsibility to ensure that the view of the camera is unobstructed by clothing or uniform accessories. Body-worn cameras, when worn by District members in uniform patrol functions (i.e. officers and rank), shall be worn at chest height, pointing in front of the officer and horizontal to the ground. Mounting options for SOD personnel in tactical gear or officers in plainclothes shall provide for a frontal view in accordance with uniform specifications (i.e., helmets or other protective gear).
30. Department members issued a BWC shall place the device in the **Recording (Event) Mode** before arriving on the scene, if possible, or as soon as it is possible and safe to do so at the onset of a given situation. Once in the **Recording (Event) Mode**, Department members shall continue to record until the completion of the event, or until they have left the scene. Additional arriving units to a scene shall place their BWCs in the **Recording (Event) Mode before arriving on the scene** (if so equipped), and continue to record until the completion of the event, or they have left the scene.
31. 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. Officers shall not use the BWC to circumvent the requirements of **Chapter 42.11 – Custodial Interrogations**.
32. 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**

33. If a member makes a supervisor aware that a recording 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 complaint is warranted, details of the contact shall be documented via departmental email. 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.
34. Supervisors shall issue and inspect BWC equipment when initially issued to assigned personnel to ensure proper operability per testing protocols provided under departmental training. Non-functioning BWC systems shall not be placed into service and the equipment malfunction shall be immediately reported in writing, via departmental email, 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.

35. Supervisors shall review any BWC recording that may have been automatically activated when the signal performance power magazine of the Taser is activated. (See: **Chapter 1.7.1 – CEW**). All automatically triggered recordings will have to be reviewed by a supervisor, labeled as appropriate to the incident recorded and within the guidelines of this Chapter.
36. Supervisors shall regularly perform a random review of their subordinates' BWC recordings to assess officer performance and ensure proper use of the BWC is enforced. Reviews shall be conducted according to **Appendix B – FOB BWC and ICC Review Guidelines**.
37. Supervisors shall ensure all members with malfunctioning or non-functioning BWC replace their BWC before answering any Calls for Service (except for Code 2 priority calls) by obtaining a replacement BWC from:
  - (a) The District DSA first; then
  - (b) The Body Worn Camera Office of Information Systems Section during normal working hours (9 am to 4 pm Monday through Friday excluding holidays).
38. Supervisors shall ensure any officer working under their supervision and working in a field assignment listed in **Appendix A** wears a BWC while working in a proactive capacity. This includes but is not limited to: traffic checkpoints, directed patrols, and/or traffic enforcement overtime shifts.
39. 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 member's BWC and maintain a chain of custody. The chain of custody shall be maintained until the BWC digital recordings have been uploaded, properly labeled and entered into EVIDENCE.COM.

#### **AUTHORIZATION TO NOT WEAR A BODY-WORN CAMERA**

40. The Superintendent of Police may authorize an officer who would be required to wear a BWC by this Chapter to be exempt from the requirement when requested and approved in advance in writing by the officer's Commander. The request shall state:
  - (a) The operational / tactical / safety reasons (i.e. undercover, covert assignment, surveillance, etc.) why the BWC should not be worn;
  - (b) The specific limitations of the authorization such as for a particular named operation or for a set duration; and
  - (c) The name(s) of the officer(s) exempted from the BWC requirement.
41. The exception is limited to the specific provisions authorized in the approved request; the exception is not a blanket authorization beyond the specific provisions of the written authorization.
42. Officers exempted from the use of a BWC in accordance with these provisions shall comply with all applicable regulations except those dealing only with the specific operation of the BWC as outlined in this Chapter.

**MASTER SYSTEM ADMINISTRATOR (MSA)**

43. 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.
44. 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 if complaints made by officer;
  - (e) Coordinating with the District/Division System Administrators; and
  - (f) Serving as liaison to AXON International representative on operational equipment related matters.

**TRAINING**

45. All members who are authorized to use BWC equipment must complete mandatory departmental familiarization training provided by the Education & Training Division for new members and by the District / Division DSA when the BWC is issued for members transferred from units that did not require a BWC to familiarize themselves with the audio/video recording system and Departmental procedures prior to its use.

**BODY-WORN CAMERA MODES OF OPERATION**

46. **Ready (Event) Buffering Mode:** Device feature through which the camera continuously records and holds the most recent 60 seconds of video and audio 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 camera is powered off.
47. **Recording (Event) Mode:** In this mode, the BWC device saves the buffered video and continues recording audio and video for up to twelve 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 BWC 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.
48. **Operation LED:**
- (a) Solid Red LED - Device Boot up / powering down
  - (b) Blinking Green LED – Device Buffering
  - (c) Blinking Red – Device Recording
  - (d) Blinking Yellow – Remote Camera/DVR Disconnect / Other Device Malfunction(Flex 2); Low Battery or Error (Body 3)

**CATEGORIZING BWC VIDEOS**

49. Department members shall properly categorize each BWC video made. Department members shall categorize a BWC video as follows:
- (a) **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-12345-21).

- (b) **CATEGORY:** Choose the applicable category(s) from the dropdown list. (miscellaneous shall be used only where the activity does not reasonably fall within another category).
- (c) **TITLE:** Replace the "AXON Body Video" label with the address of the incident.

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

#### **DELETION OF UNINTENTIONAL RECORDINGS**

- 51. 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.
- 52. 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.
- 53. 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**

- 54. At the end of their shift, Department members issued a BWC shall place the device into an open slot on the Axon Dock 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.
- 55. 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 dock until media or data has been uploaded and the battery has been fully recharged. When a Body 3 camera on the dock is fully charged, both the Operation LED and the Triad LED are solid green. Dock status LEDs light up solid green on the Body 2 and Flex 2 when they are on the dock and fully charged, 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**

- 56. 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.
- 57. 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.

58. A Department member involved in or witness to 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.
59. 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 Professional Standards and Accountability 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.
60. 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.
61. If the supervisor determines during his/her review of an incident that NOPD should revisit policy, tactics, training, or strategy related to the incident, the supervisor shall document that in a PRR Form #358. The supervisor submitting a PRR form #358 is responsible for thoroughly completing the form's "Request" section. The supervisor shall make a digital copy of the form and email it to PSAB@nola.gov . The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions, if any, from the PSAB reviewer
62. 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).
63. 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.
64. Given emerging technologies, NOPD will not implement new biometric technologies (such as facial recognition software) not currently in use by NOPD without revisiting this policy to balance the impact of such technologies and the protection of privacy rights. (See: **Chapter 51.1.1 - Use of Surveillance Technology and Facial Recognition for Criminal Investigations.**)

**APPENDIX A – List of selected field assignments required to have a Body-Worn Camera in accordance with this policy**

- All District Platoon 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 Unit
  - Traffic Section
  - V.O.W.S.
  - Tactical Teams
  - SOD Situational Response Team
  - RTA Section
- All District Platoon Sergeants
- Other officers who routinely engage in patrol
- Any other officers designated by the Superintendent.

## APPENDIX B – BWC and ICC Review Guidelines

***These guidelines do not address a supervisor’s mandatory obligations to review videos involving reviewing uses of force, misconduct investigations, vehicle pursuits, and injuries to a prisoner or an officer.***

Clarifying the **discretionary review** process for BWC and ICC will help the Department accomplish the following goals:

- Ensuring supervisors conduct timely, accurate and complete performance evaluations of their subordinates;
- Making sure officers “are working actively to engage the community and increase public trust and safety”; and
- Ensuring supervisors “review recordings regularly... to incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers”.

### Sergeant’s Responsibilities

- Each **platoon** shall review at least one in-car or body-worn camera video of officers under his/her supervision each work day, on average, for a total of at least 30 per month. Circumstances may prevent individual sergeants from reviewing video on a daily basis, but supervisors may make multiple reviews on less busy days in order to meet the overall, platoon monthly goal.
- The videos reviewed shall not be solely one category (BWC or ICC) but should be a combination of the two.

### Lieutenant’s Responsibilities

- Each platoon lieutenant should review at least two BWC or ICC videos of different officers each work week, on average and at least one BWC for each subordinate supervisor weekly.
- Lieutenants shall review videos to assess the performance of sergeants and officers.
- Each month lieutenants shall review multiple videos that have been reviewed by sergeants to ensure close and effective supervision of officers by their sergeants.

### Suggested Topics of Discretionary BWC/ICC Reviews

- Quality of officer interaction with persons during non-enforcement related contacts;
- Constitutionality of and tactics used during Terry Stops/Investigatory Stops;
- Victim centered approach and asking risk questions during Domestic Violence call;
- Recognizing signs of person in crisis and treating them with dignity during Crisis Intervention incidents;
- Constitutionality of and tactics used during Searches, and Arrests; and
- Showing respect toward and acting professionally in dealing with the public (General Officer Performance).
- De-escalation efforts in critical confrontational situations

### Length of Video Reviews (on average)

- 7-10 minutes.
- It is not necessary to review an entire video of a particular call for service. The length of the review should be long enough for lieutenants to meaningfully assess the quality of the issue under consideration (quality of Terry Stop or arrest; quality of officer interaction with citizens, etc.).

- The review should not include an assessment of the member's travel time, unless the supervisor is critiquing the member's driving habits, or involves a mandated review of alleged misconduct.
- The 7-10-minute video review should assess the officer's actions once he or she has arrived on the scene.

#### **Additional General Comments**

- District Commanders may direct their subordinates to review additional BWC/ICC videos over the course of a month.
- All reviews, of officers' BWC/ICC videos must be logged in the Department's "L" Drive in compliance with Department policy.
- All reviews by the Lieutenant of subordinate sergeants' BWC shall be noted in the Supervisor Feedback Log (SFL) as a random review and can be entered as "neutral" (Note), "negative" (Redirection/Counseling), or "positive" (Compliment).
- District Platoon and DIU supervisors are charged with the responsibility of ensuring that all platoon personnel are initiating BWC and ICC videos as outlined in Chapters 41.3.8 (In-Car Camera) and 41.3.10 (Body-Worn Camera).





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.3.11

### TITLE: DEPARTMENT TECHNOLOGY USE

**EFFECTIVE: 05/13/2018**

**REVISED: (Replaces Policy 342)**

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#### PURPOSE

This Chapter describes the use of department computers, software, hardware, and technology systems.

#### DEFINITIONS

**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 members.

**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.

#### PRIVACY POLICY

1. Any member 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 member, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications.
2. The Department also expressly reserves the right to access and audit all communications, including content that is sent, received and/or stored through the use of such service.

**SYSTEM INSPECTION OR REVIEW**

3. 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.
4. 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 member or related to the member'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.

**UNAUTHORIZED DUPLICATION OF SOFTWARE**

5. Members 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, members are not permitted to install personal copies of any software onto the computers owned or operated by the Department.
6. No member 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.

**PROHIBITED AND INAPPROPRIATE USE**

7. 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 members 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.
8. 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.
9. 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.
10. Members shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

**PROTECTION OF DEPARTMENT SYSTEMS AND FILES**

11. All members 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 member damages a system or electronic device, then he/she will be personally liable for the repair and/or replacement of said

system or device.

12. It is expressly prohibited for a member to allow an unauthorized user to access the system at any time or for any reason.
13. Members must keep their system access information (username and password) confidential and shall not share this information with others.
14. No member may modify or alter a document, authored by another member, without the express approval of the original author. Such approval must be memorialized in writing, specifically identify the information changed and the identity and authority of the member changing it. The authorizing document shall become part of the original document as an attachment.

#### **ASSISTANCE WITH INFORMATION SYSTEM HARDWARE AND SOFTWARE**

15. 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 ServiceDesk at 658-7800 or [ServiceDesk@nola.gov](mailto:ServiceDesk@nola.gov). ServiceDesk 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 ServiceDesk personnel will direct you to this office for assistance.
16. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.4

### TITLE: FOOT PURSUITS

**EFFECTIVE: 12/6/15**

**REVISED: Replaces Policy 458**

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#### PURPOSE

Foot pursuits are inherently dangerous and require legal justification, sound tactics, and heightened officer safety awareness. This Chapter governs officers' decisions to initiate or continue the pursuit of suspects on foot by balancing the objectives of protecting the safety of the public, police officers, and the suspect with enforcing the law and apprehending the suspect.

#### POLICY STATEMENT

1. The safety of Department personnel and the public shall be the primary consideration when determining whether officers should initiate or continue a foot pursuit. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Exigent circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Foot Pursuit**—An incident where an officer chases (on foot) a person who is evading a legal detention or arrest.

#### DECISION TO PURSUE ON FOOT

2. Officers may be legally justified in initiating a foot pursuit of any individual whom an officer has probable cause to believe has violated a law or ordinance or when the officer has met the requirements for a Terry Stop (see **Chapter 1.2.4.1 – Terry Stops / Investigatory Stops**).
3. Officers must continually reevaluate the decision to pursue in light of changing circumstances during the pursuit.
4. Mere flight by a subject who is not suspected of criminal activity shall not serve as the sole justification for engaging in a foot pursuit.

5. Deciding to initiate or continue a foot pursuit often is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. Foot pursuits may place Department members and the public at risk. An objectively reasonable assessment of risk is a legitimate factor in determining whether to initiate or continue a foot pursuit.
6. Surveillance and containment are generally the safest tactics for apprehending fleeing persons and shall be utilized when circumstances reasonably permit.
7. Other reasonable alternatives that officers must consider in deciding whether to initiate or continue a foot pursuit include:
  - (a) Availability of aerial support;
  - (b) Containment of the area;
  - (c) Canine search;
  - (d) Saturation of the area with patrol personnel; and
  - (e) 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 foot pursuit.

#### **GUIDELINES FOR FOOT PURSUIT**

8. The pursuing officer(s) shall terminate a foot pursuit if so instructed by a supervisor.
9. Unless the officer reasonably believes that exigent circumstances exist (e.g., an immediate, serious threat to the safety of Department members or the public), officers should consider alternatives to engaging in or continuing a foot pursuit.
10. A **risk factor** is any attribute, characteristic or exposure that increases the likelihood of injury and/or compromises the safety of the public and Department personnel. Officers shall consider the following risk factors when deciding whether to initiate or continue a foot pursuit:
  - (a) The officer is acting alone.
  - (b) 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, a single officer should keep the suspect in sight from a safe distance and coordinate the containment effort.
  - (c) The officer is unsure of his/her location and direction of travel.
  - (d) Pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspects should a confrontation occur.
  - (e) The physical condition of the officers renders them incapable of controlling the suspect if apprehended.
  - (f) The officer loses radio contact with Communications Services or with backup officers.
  - (g) 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.

- (h) The officer becomes aware of unanticipated or unforeseen circumstances that substantially increase the risk to officers or the public.
- (i) The officer reasonably believes that the danger to the pursuing officers or public outweighs the necessity for immediate apprehension.
- (j) The officer loses possession of his/her firearm or other essential equipment.
- (k) 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.
- (l) The suspect's location is no longer definitely known.
- (m) The identity of the suspect is established or other information exists that will allow for the suspect's probable apprehension at a later time, and it reasonably appears that there is no immediate threat to Department members or the public if the suspect is not immediately apprehended.
- (n) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

## **RESPONSIBILITIES IN FOOT PURSUITS**

### **INITIATING OFFICER'S RESPONSIBILITIES**

- 11. The initiating officer shall be responsible for coordinating the progress of the pursuit unless relieved by another officer or a supervisor.
- 12. Officers must ensure that they activate their body worn cameras throughout the foot pursuit.
- 13. 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.
- 14. Commencing with a request for priority radio traffic and advisement of a foot pursuit, the initiating officer should provide the following information to Communication Services on the primary communications channel of the District in which the request to pursue is made:
  - (a) Unit identifier;
  - (b) Location and direction of travel;
  - (c) Reason for the foot pursuit;
  - (d) Number of suspects and description; and
  - (e) Whether the suspect is known or believed to be armed.
- 15. Officers shall make reasonable efforts to update their location and direction of travel during the pursuit.
- 16. Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.
- 17. 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 by on scene members and alternatives considered based upon the circumstances and available resources.

18. When a foot pursuit terminates, the officer will notify as quickly as practicable 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.

### **ASSISTING OFFICER RESPONSIBILITIES**

19. 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 talk group (channel).
20. Any officer positioned to intercept a fleeing suspect or to 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.

### **SUPERVISOR'S RESPONSIBILITIES**

21. Upon becoming aware of a foot pursuit, the supervisor shall direct that radio traffic is restricted, decide as soon as possible whether the foot pursuit should continue and make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control, and coordination of the foot pursuit.
22. The supervisor should not allow the foot pursuit to continue if the foot pursuit violates provisions of this Chapter or related Department regulations, policies, or training and:
  - (a) There are at least two officers working in tandem and there is a reasonable belief that the suspect(s) has committed an act that would permit the officer to detain the suspect; or
  - (b) There is a reasonable belief that the suspect(s) pose an immediate threat to the safety of the public or other officers.
23. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines and shall direct that officers terminate a foot pursuit at any time the supervisor concludes that the danger to pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.
24. The supervisor should respond to the area when possible but does not need to be physically present to exercise control over the pursuit. The supervisor should exercise control via radio when not present.
25. Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to assert post-pursuit discipline, direct the post-pursuit activity, and conduct any investigations relating to Use of Force, if necessary (see **Chapter 1.3.6 – Reporting Use of Force**).

### **COMMUNICATION SERVICES RESPONSIBILITIES**

26. Upon being notified or becoming aware that a foot pursuit is in progress, Communications Services personnel shall ensure that a District supervisor is immediately notified of the foot pursuit and provided all available information.

27. Communications Services personnel are also responsible for:
- (a) Clearing the radio channel of non-emergency traffic;
  - (b) Repeating the transmissions of the pursuing officer as needed;
  - (c) Ensuring that a District supervisor is notified of the pursuit;
  - (d) Relaying all pertinent information to responding personnel;
  - (e) Contacting additional resources as indicated or requested; and
  - (f) Coordinating response of additional resources to assist with the foot pursuit.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.4.1

### TITLE: RESPONSE TO POLICE CALLS

**EFFECTIVE: 10/01/2017**

**REVISED: 01/13/2019**

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#### PURPOSE

This purpose of this Chapter is to define and control the safe and appropriate response to emergency and non-emergency situations, whether dispatched or self-initiated, to minimize the risk of bodily injury and property damage.

#### POLICY STATEMENT

1. Traffic laws are designed to promote safe driving practices. Officers shall obey these laws when on patrol or responding to a call for service or responding to a request for assistance, unless circumstances clearly dictate otherwise and it is safe to do so. A true emergency, compelling urgency, or tactical necessity must exist before officers may disregard traffic and parking regulations intentionally.
2. This policy does not change the guidance and restrictions on Vehicle Pursuits contained in **Chapter 41.5-Vehicle Pursuits**.
3. When operating a vehicle, the officer's primary responsibility is the safe operation of the vehicle. Use of the MDT, radios, cell phones, and other equipment is always of secondary importance, and the officer should consider the need to safely stop the vehicle before using the MDT, radios, cell phones, and other equipment if the use is going to divert the officer's attention from the safe operation of the vehicle. Operating the MDT, radios, cell phones, and other equipment is not a valid excuse for having a crash.

#### DEFINITIONS

**Code 1**—A routine, safe driving response to calls without the use of emergency lights or siren while obeying all traffic laws.

**Code 2**—A prompt, safe driving response, with the use of emergency lights and/or intermittent siren, to calls that require law enforcement presence at an actual or suspected emergency. This response is limited to reasonable speeds and consideration for all traffic-control devices. Intersection controls may be disregarded in a Code 2 response 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. On multiple-lane streets, the police officer

shall travel in the furthest left lane, when possible.

**Code 3**—An immediate, emergency driving response that requires the continuous use of emergency lights and siren. This response is used only for critical or life-threatening situations demanding emergency response.

**Authorized emergency vehicle/emergency vehicle**—A marked or unmarked vehicle of the New Orleans Police Department so designated or authorized by that Department and operated by commissioned members. It shall be equipped with a siren capable of emitting a sound audible under normal conditions from a distance not less than 500 feet and signal lights capable of displaying alternating flashing red or blue lights, displaying to the front (at a minimum) and visible at 500 feet in normal daylight.

**Emergency response**—Non-routine response to a call for service or request for support from a field unit that would generally require a Code 2 or Code 3 response.

### **CONTROLLED RESPONSE TO CALLS**

4. 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 to a call for service that has been assigned to them by the Communications Services Dispatcher or a supervisor in his/her chain-of-command and limit other conversation to the minimum necessary.
5. Units shall not respond to a call for service without authorization from a supervisor in his/her chain-of-command or a Communications Services Dispatcher.
6. Officers shall receive a call for service based on a classification and prioritization set by Communication Services unless assigned by a supervisor. Three possible response classifications exist:
  - (a) Code 1,
  - (b) Code 2, and
  - (c) Code 3.
7. A field supervisor may upgrade or downgrade the response status of a call for service based on specific and articulable reasons. Any supervisor doing so shall advise the officer(s) responding and the Communications Services Dispatcher of the response upgrading or downgrading over the primary dispatch Talk Group for that area.

### **CODE 1**

8. Officers responding to a Code 1 call for service shall proceed directly to the scene obeying all traffic laws; use of emergency lights and sirens are not authorized.
9. A Communications Services Dispatcher who becomes aware that a call for service has deteriorated to the point of requiring an upgrade to a Code 2 or Code 3 shall advise the responding officer(s) and supervisor(s) of the upgrade and the reason for the upgrade.

### **CODE 2**

10. Officers receiving a Code 2 call for service shall respond immediately to the scene with the use of emergency lights and/or intermittent siren sufficient to warn motorists of their approach, as required by state law (*see* La. R.S. 32:24). Although emergency lights must remain activated while in Code 2 status, officers shall have the option of using the

siren only when conditions require the officer to legally take the right-of-way at intersections or other locations when necessary to ensure safe passage.

11. 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 (see La. R.S. 32:24).
12. Officers shall respond to a call as a Code 2 only when so dispatched or when responding to circumstances the officer reasonably believes involve the potential for immediate danger to persons or property.

### **CODE 3**

13. Officers responding to a Code 3 call shall use emergency lights and sirens. These calls involve incidents in which danger to human life is imminent or an officer requests emergency assistance (e.g., a Signal 108, or Signal 10-55).
14. Vehicle operation will remain reasonable for the existing conditions (e.g., weather, roadway, traffic, pedestrian, police vehicle capability, etc.) and the officer will exercise due caution at all intersections by slowing and/or stopping prior to entering the intersection. However, in no case shall an officer exceed the posted speed limit by **10 MPH** on an undivided street or **20 MPH** on a divided highway (see La. RS 32:1 for definition of divided highway).

### **REQUESTING EMERGENCY ASSISTANCE**

15. Officers may request assistance/emergency assistance when they reasonably believe a threat to the safety of officers is imminent, or assistance is needed to prevent imminent serious harm to a citizen or officer.
16. If circumstances permit, the requesting officer shall give the following information to the dispatcher:
  - (a) The unit number;
  - (b) The location;
  - (c) The reason for the request, type of emergency, and any specialized type of response requested (e.g., CIT); and
  - (d) The number of units required.
17. When a situation has stabilized and assistance/emergency assistance is no longer required, the requesting officer shall promptly notify the dispatcher.

### **ELEVATING EMERGENCY CALL RESPONSE**

18. If an officer believes an elevated (Code 2, Code 3) response to a call for service is appropriate, the officer shall immediately notify the dispatcher on the primary (Dispatch) Talk Group for that area. When elevating a response, officers should articulate on air their reasons to justify their escalation and notify Communication Services when time or circumstances permit. Officers may be required to provide additional justification or explanation to their supervisor if the decision to escalate is challenged.

### **RESPONDING OFFICER RESPONSIBILITIES**

19. Responding officers may discontinue emergency response to a call if, in the officer's judgment, the roadway conditions or traffic congestion do 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 and obeying all traffic laws. In such an event, the officer should immediately notify the dispatcher on the primary Talk Group for that area. An officer also shall discontinue an emergency response to a CFS when directed by a supervisor or as otherwise appropriate.

20. Upon determining an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.
21. The first officer arriving at the scene should determine whether to increase or reduce the level of the response for any additional units and notify the dispatcher of his/her determination on the primary Talk Group for that area. 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.
22. Units responding to a call for service must advise Communications Section Dispatcher for the primary Talk Group of the District in which they are working of their arrival (10-97) on a scene. Use of the Mobile Data Terminal is not sufficient as there may be a delay or signal interruption and officer safety requires that Communications and all units working in that District are aware of the arrival and officer's location in the event emergency assistance is requested or the officer becomes unresponsive (10-50).

#### **CALLS FOR SERVICE WITH DELAYED REPORTING / REASSIGNMENT**

23. Once officers have arrived on the scene of a call-for-service (CFS), they shall complete the handling of the incident unless:
  - (a) Another incident of higher priority arises;
  - (b) No one on the scene is at risk from physical harm or requires medical treatment;
  - (c) The aggressor or perpetrator is not on the scene or likely to return; and
  - (d) There are no other responding units available to respond to the higher priority incident or the first responding officer is a supervisor.
24. The initial responding officers shall complete the required reporting for the incident in all other instances.
25. If the initial responding officers have cleared the scene and requested a follow-up unit to handle the reporting requirements, he/she shall advise his/her supervisor and Communications Section Dispatcher for the primary Talk Group of the District in which they are working that the call was returned to the dispatch queue for the next available unit. The supervisor must confirm approval with Communications. The CFS that was returned to the dispatch queue shall be classed as a Code 1C, unless additional information raises the response level.
26. Officers shall not initiate a new signal or item number for the follow-up response. All responses shall be categorized under the original item number.
27. The reporting officer should contact the initial responding officer to obtain relevant information gained from the initial response to the scene, including personal observations, physical evidence, and all facts learned from witnesses or other persons supplying information, and which would be relevant to the investigation of the incident and assessing any pattern of conduct over time.

**COMMUNICATION SERVICES RESPONSIBILITIES**

28. A dispatcher shall request that assisting units provide acknowledgment and response 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.

**SUPERVISORY RESPONSIBILITIES**

29. Upon being notified that a request for an emergency response (e.g., signal 10-55, signal 108) has been initiated, a field supervisor shall verify the following:
- (a) The proper response has been initiated;
  - (b) No more units than those reasonably necessary under the circumstances are involved in the response; and
  - (c) Affected outside jurisdictions are being notified as practicable.
30. The requesting officer's 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 that additional units be assigned to the emergency response, the supervisor may do so.
31. It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances and to place officers back in service once it is determined that sufficient units / officers are on the scene.
32. When making the decision to authorize an emergency response, the Platoon Commander or the district supervisor should consider the following:
- (a) The type of call or crime involved;
  - (b) The necessity of a timely response;
  - (c) Traffic and roadway conditions;
  - (d) The location of the responding units and their distance from the call for service; and
  - (e) The availability of resources.

**FAILURE OF EMERGENCY EQUIPMENT**

33. If any of the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue the response on a Code 1. Once the CFS is concluded, the officer will communicate the equipment failure to his/her supervisor to determine if the unit will remain in service or changed out.
34. The officer shall notify the dispatcher or his/her supervisor on the primary (Dispatch) Talk Group for that area, of the equipment failure so that another unit may be assigned to the emergency response.

**ESCORTS OF PRIVATE VEHICLES**

35. Escorts of private vehicles by an authorized emergency vehicle with the use of emergency lights and/or siren are not authorized, unless approved by the Superintendent of Police, the Superintendent's designee or the officer's immediate supervisor in emergency situations. Officers shall not authorize a driver of any private vehicle to exceed the speed limit, to ignore stop signs or signals, or to otherwise violate

traffic regulations except as authorized in this Chapter.

36. When the Commander of the SOD-Traffic Section has made the determination that it is in the interest of public safety that an authorized emergency vehicle escort a private vehicle (e.g. Mardi Gras float movements, permitted oversize loads, funeral caravans, wedding caravans, etc.), the Commander shall communicate the authorization to the escorting units, and the escorting units shall use emergency lights and/or siren to facilitate the safe movement of vehicles,.
37. It is the responsibility of the Commander of the SOD-Traffic Section, the senior officer conducting the escort and the officers conducting the escort that the safety of the officers and public remain the primary concern at all times. The intentional deviation from normal traffic regulations to facilitate the safe movement shall be kept to a minimum.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.4.2

### TITLE: ALTERNATIVE POLICE RESPONSE

**EFFECTIVE: 06/18/2017**

**REVISED: Replaces Policy/procedure 317**

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#### PURPOSE

This Chapter governs the use of an Alternative Police Response (APR) to address certain calls for service. APR is intended to allow district officers to remain in the areas to which they are assigned to work with the community and engage in proactive policing activities while maintaining procedures for reporting and addressing law enforcement issues that do not require a physical response to the scene.

APR will enhance the level of emergency police services available in the community by handling low priority calls via telephone or other means not requiring the physical presence of an officer, without lessening the quality of law enforcement services provided by the New Orleans Police Department.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to:
  - (a) Provide an immediate response to calls for service involving a threat to life, serious bodily harm or major property damage/loss.
  - (b) Dispatch a police officer to the scene of a call for service only if the incident warrants.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Alternative Police Response**—A strategic response to low-priority calls for service (such as a “Code 0” complaint) that do not require an immediate response to the scene.

**Complainant**—For purposes of this Chapter only, a complainant is any person, including a community member, a nonresident, or a sworn or civilian member of NOPD, who calls the PSAP or “911” to request police assistance or services.

**CAD**—Computer-aided dispatch.

**Public Safety Answering Point (PSAP)**—Official name for the “911 Call Center,” the Orleans Parish Communications District, which includes both emergency and non-emergency call requests for Police, Fire, and EMS.

## APR UNIT ORGANIZATION AND STAFFING

2. The APR unit shall be a part of the Field Operations Bureau. The APR unit may be staffed as necessary under the direction of the Deputy Superintendent of the Field Operations Bureau. The unit may include commissioned members or civilians.
3. When no APR officers are working, PSAP shall direct APR calls to the District of occurrence for intervention and shall be assigned to the on-duty District Desk Officer when available or dispatched as a call for service if the District Desk Officer is not available.
4. APR officers shall report directly to the designated APR supervisor. The APR supervisor shall coordinate day-to-day operations of the unit, including reviewing reports and conducting satisfaction surveys.
5. The APR supervisor shall ensure that personnel assigned to the APR unit have been properly trained in the use of APR applications prior to being assigned as an APR officer.

## CLASSIFICATION OF CALLS FOR SERVICE

6. The Deputy Superintendent for Field Operations Bureau shall be responsible for initiating internal policies for classifying incoming complaint calls.
7. Calls for service signals identified in the attached Appendix (Appendix "A") shall be serviced by APR when APR is working. If APR is not working, these CFS shall be sent to the District for handling.
8. In addition to the call signals identified in Appendix A, the APR supervisor and/or the District supervisor may direct a CFS to APR if a police response to the scene is not required. This may include calls that are not in progress and not currently endangering life or property. However, a CFS listed in Appendix A should not be handled by APR where suspects are known or the preservation of evidence is required. These CFS shall be redirected to the District for a response by the call taker, dispatcher, APR member or an APR or District supervisor.
10. Calls that may be eligible for APR include, but are not limited to:
  - (a) Nuisance complaints;
  - (b) Thefts, including bicycles, shoplifting and fuel drive-off;
  - (c) Property loss reports (e.g., credit cards, license plates, cell phones); and
  - (d) Civil matters (e.g., business/customer disputes, contract disputes).
11. Calls that APR **shall not** service include, but are not limited to:
  - (a) Calls in which life or property are in danger;
  - (b) Calls involving domestic violence or sexual assault;
  - (c) Calls warranting an immediate in-person response;
  - (d) Calls involving injured persons;
  - (e) Calls involving NOPD personnel; and
  - (f) Calls involving Orleans Parish or other government property.

## APR MEMBER RESPONSIBILITIES

12. APR members shall complete all required incident reports (electronic police reports) per current Departmental policy and shall provide the complainant with the item number upon completion of the interview.



13. APR members shall complete a Daily Activity Report (Form #31) detailing each APR incident or call handled and its disposition.
14. APR members shall complete and submit all reports taken before the end of their authorized work shift. No reports shall be held over for the member's following shift and later shifts without the express approval of the APR supervisor.
15. APR members are also responsible for conducting callbacks within 24 hours of the disposition of the CFS for all UCR and domestic violence calls for service that have an initial disposition by District officers of gone on arrival (GOA). If contact is made, a District unit will be dispatched. If no contact is made, the attempt and result will be noted on the APR activity report.

#### **REASSIGNMENT OF APR CALLS**

16. For those APR-eligible incidents in which a caller insists on physical response by an officer, the APR member shall consult with his/her supervisor and determine whether it is appropriate to redirect the incident via CAD as a call for service.
17. If an APR member determines that the incident does not fit APR response guidelines, he/she shall reassign the call via CAD as a call for service and notify his/her supervisor in writing by notation in the call log.
18. Platoon officers are not authorized to request the PSAP or 911 Call Center to change a dispatched call for service to an APR response CFS. If they believe the call warrants an APR response, they shall contact their platoon supervisor to make the request.
19. Only Platoon Supervisors may direct dispatchers to forward pending calls for service for APR response provided the call meets the criteria for an APR response.

#### **APR SUPERVISOR RESPONSIBILITIES**

20. The APR supervisor shall be responsible for:
  - (a) Monitoring all APR calls that the District redirected for APR response,
  - (b) Verifying that all APR reports are recorded and approved by a supervisor in the authorized Department application (i.e., Electronic Police Reports).
21. The APR supervisor shall conduct satisfaction surveys on a cycle or frequency to be determined by the Deputy Chief of the Field Operations Bureau to ensure quality of service. The random surveys shall include:
  - (a) Random victim/complainant satisfaction "callbacks" on calls handled by officers assigned to the APR unit, and
  - (b) Random reviews of recorded telephone lines used by, or designated to, the APR unit.
22. The APR supervisor shall be responsible for maintaining data on the following:
  - (a) Names of officers assigned to the APR unit;
  - (b) Number of calls addressed;
  - (c) Number of reports completed;
  - (d) Number of calls redirected from APR to calls;
  - (e) Statistical results of random satisfaction surveys;
  - (f) A record of all callbacks for UCR and Domestic Violence calls for service with a gone on arrival disposition.

23. The APR supervisor shall be responsible for preparing a weekly MAX report for the APR unit.

**ON-SCENE ASSISTANCE, DISTRICT STATION ASSISTANCE AND WALK-INS**

24. Members of the public that call to report crimes should not be burdened or inconvenienced in doing so. Once an officer is on the scene the CFS and/or report shall be handled by the officer. Walk-in complaints to District Stations shall **not** be referred to an APR officer and shall be handled by the District desk officer unless the complaint requires an on-scene investigation, in which case a District officer shall be dispatched.

**APPENDIX A—Eligible Calls for Service**

The following **Eligible Calls for Service** should be dispatched to APR directly:

- All Priority 0 calls
- 21P – Lost Property
- 67 – Theft
- 67A – Auto Theft
- 67B – Bicycle Theft
- 67C – Theft from exterior of auto
- 67P – Pickpocket
- 67S – Theft by Shoplifting



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.4.3

### TITLE: PROPERTY LOSS REPORT – SIGNAL '21P'

EFFECTIVE: 02/05/2017

REVISED: 01/14/2018

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#### PURPOSE

The purpose of this Chapter is to provide guidelines for documentation, supervisory review and follow-up requirements governing complaints specific to property loss reporting, signal '21P'.

#### REPORTING

1. Methods of reporting include:
  - (a) **Alternative Police Response Unit (APRU)** – Telephone Reporting (preferred method)
  - (b) **Citizen Self-Reporting Portal (CSRP)** – NOPD Website Direct / Internet On-line
  - (c) **In-Person Reporting** – In-person at NOPD District Station
  - (d) **District Response** – Calls-For-Service / Dispatch
2. Department members initiating a report 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. A signal '21P' cannot be marked up as Necessary Action Taken (**NAT**).
3. The reporting member 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. The officer should determine if the incident requires a unit be dispatched for proper investigation.

#### SUPERVISOR REVIEW

4. Supervisors reviewing and approving property loss (**21P**) reports shall closely scrutinize the facts and circumstances as reported. Should he/she determine that the reported incident has been misclassified, the supervisor shall initiate the appropriate corrective action to address the deficiencies.
5. Should it become 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 (**Chapter 82.4 – Complaint Signals – Changing of Item Signals or Dispositions**).

6. Supervisors assigned to APRU shall be responsible for reviewing and approving property loss (**21P**) reports filed by telephone directly with APRU or via NOPD's Citizen Self-Reporting Portal in accordance with the requirements above.

#### **APRU ADMINISTRATIVE FOLLOW-UP RESPONSIBILITIES**

7. APRU shall conduct initial administrative follow-up investigations on all property loss (**21P**) reports, including any report filed through the Citizen Self-Reporting Portal or those initiated by Field Operations Bureau members.
8. A listing of property loss reports is available to APRU members on the NOPD intranet via **21P Callback Log** (on NOPD Web Applications under Command Reports Site / FOB under APR Unit).
9. APRU shall contact the reporting person within three (3) calendar days of the initial report to gather additional information which may have been learned since the date of the reported loss or information on identifiable property not available when the report was initially filled.
10. A supplemental report shall be written documenting follow-up efforts in all cases, including when contact with the reporting person yields no additional information. If APRU is unable to contact the reporting person, a supplemental report shall be written documenting the date, time and manner used to reach the reporting person. At least two attempts to contact the reporting person should be made and documented in any supplemental report.
11. Should APRU's administrative follow-up provide information indicating that a crime has occurred, APRU shall generate a supplemental report using the appropriate offense classification and submit a signal change form (**Form 226**) in accordance with the requirements specified under **Chapter 82.4 – Complaint Signals – Changing of Item Signals or Dispositions**. An APRU supervisor shall refer the reclassified incident to the appropriate District via email to the District Commander, DIU Commander, and DIU Property Crimes Sergeant for further follow-up the same day the supplemental report is approved.

#### **DATA ANALYSIS**

12. The Analytics Unit of the Field Operation Bureau shall be responsible for evaluating trend data on all property loss (**21P**) reports to determine possible patterns or serial offenses which may be occurring in a particular geographic area or during specific events.
13. Should a pattern be identified or suspected, Analytics, in consultation with the Deputy Chief of Field Operations, shall coordinate, recommend and implement an appropriate enforcement response.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.4.4

### TITLE: ONLINE NON-EMERGENCY CRIME REPORTING

**EFFECTIVE: 04/08/2018**

**REVISED:**

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#### PURPOSE

This Chapter governs the use of online non-emergency crime reporting to allow members of the public to report non-emergency crimes that may require a police report but do not require a physical response by an officer to the scene.

Online non-emergency crime reporting will enhance the level of emergency police services available in the community by allowing the public to report non-emergency crimes via web-based reports not requiring the physical presence of an officer, without lessening the quality of law enforcement services provided by the New Orleans Police Department.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to:
  - (a) Provide an immediate response to calls for service involving a threat to life, serious bodily harm, or major property damage/loss.
  - (b) Dispatch a police officer to the scene of a call for service if the incident warrants and/or the caller insists.
  - (c) Provide for a convenient, cost-effective mechanism for members of the public to report non-emergency crimes to the police department.

#### DEFINITIONS

**Alternative Police Response (APR)**—A strategic response to low-priority calls for service (such as a “Code 0” complaint) that do not require an immediate response to the scene.

#### ONLINE POLICE REPORT PROCESS ORGANIZATION AND STAFFING

2. The online non-emergency crime police report process shall be a part of the Field Operations Bureau and part of the duties and responsibilities of the APR unit. The APR Unit may be staffed as necessary to meet the requirements of this Chapter under the direction of the Deputy Superintendent of the Field Operations Bureau.
3. Members of the public who wish to file an online non-emergency crime police report for incidents that do not require the presence of an officer, may choose to use the **NOPD Online Non-Emergency Crime Reporting** process at:

<https://www.nola.gov/nopdonline/>. The Superintendent's Office shall promote the use of the online reporting process.

4. Only incidents that meet the restrictions posted on the online non-emergency crime police report web site may be filed online. All others may be referred to the APR Unit or for dispatch as a call for service by the appropriate police District.
5. The APR member and supervisor shall ensure that all reports filed by a member of the public on the online non-emergency crime police report web site are reviewed for appropriateness, completeness, clarity and follow-up if required.
6. Any false or inaccurate reports are subject to criminal prosecution.
7. The following template will be used for the item numbers associated with the online non-emergency crime police report only:

January	M-####-##
February	N-####-##
March	O-####-##
April	P-####-##
May	Q-####-##
June	R-####-##
July	S-####-##
August	T-####-##
September	U-####-##
October	V-####-##
November	W-####-##
December	X-####-##

#### **CLASSIFICATION OF CALLS FOR SERVICE**

8. The Deputy Superintendent for Field Operations Bureau shall be responsible for initiating internal policies for designating the complaint signals / calls that are can be reported on the online non-emergency crime police report web site.
9. Calls for service signals identified in the attached **Appendix A** are eligible to be reported on the web-based application. **Cases which involve firearms CANNOT be reported online.**

#### **APR MEMBER RESPONSIBILITIES**

10. APR members shall review all online non-emergency crime police reports assigned to them per current Departmental policy guidelines for report preparation and content requirement (See: **Chapter 81.2 – Report Preparation**). An automated email shall be generated to the complainant/writer with the NOPD item number.
11. If a crime bulletin is required (See: **Chapter 82.8 – Crime Bulletins**) the reviewing APR member shall ensure the required bulletin is sent and a copy is included in the final, approved report.
12. Online auto theft reports shall meet the requirements of **Chapter 42.2.10 – Auto Theft Investigations**.

13. APR members shall complete a Daily Activity Report (Form #31) detailing each online non-emergency crime police report reviewed and its disposition.
14. If the online non-emergency crime police report is deficient, the reviewing member of APR shall make a minimum of two call back attempts to contact the reporting person on different, consecutive, working days. If no contact is made with the online reporting person after two attempts, the online non-emergency crime police report shall not be approved and may be deleted or assigned for a dispatch follow-up by the District of occurrence if the APR supervisor deems it necessary.
15. The APR member who approved an online non-emergency crime police report shall refer the report to the appropriate District Investigative Unit commander by email within 48-hours of approval so that any issues that identify a crime trend or pattern or require investigative follow-up may be handled. The email shall provide the item number of the incident.

#### **APR SUPERVISOR RESPONSIBILITIES**

16. The APR supervisor shall be responsible for:
  - (a) Monitoring all online non-emergency crime police report for APR review and approval.
  - (b) Verifying that all APR online non-emergency crime police report reviews are recorded and approved by an APR member and an APR supervisor in the authorized Department application (i.e., Electronic Police Reports).
  - (c) Ensuring the person filing the online non-emergency crime police report receives an email with the NOPD incident item number once the report is approved.
  - (d) Ensuring that each approved online non-emergency crime police report is referred to the appropriate District Investigative Unit commander by email within 48-hours of approval so that any issues that identify a crime trend or pattern or require investigative follow-up may be handled. The email shall provide the item number of the incident.
17. The APR supervisor shall conduct satisfaction surveys on a cycle or frequency to be determined by the Deputy Chief of the Field Operations Bureau to ensure quality of service. The random surveys shall include:
  - (a) Random online reporting person satisfaction "callbacks" on online non-emergency crime police report filed and assigned to the APR unit; and
  - (b) Random reviews of online non-emergency crime police reports that required follow-up calls by a member of the APR unit.
18. The APR supervisor shall be responsible for preparing a weekly MAX report for the APR unit detailing the volume and type of online non-emergency crime police reports handled, as well as the handling times (time online report filed, time assigned to APR member for review, time of completion of member review, time of approval by supervisor), the number and type of reports that required call-back and the number and type that are found deficient.



**APPENDIX A—Eligible Calls for Service**

The following are **Eligible Calls for Service** that can be subject to online reporting:

- All Priority 0 calls
- 21P – Lost Property
- 67 – Theft
- 67A – Auto Theft (See: **Chapter 42.2.10 – Auto Theft Investigations**)
- 67B – Bicycle Theft
- 67C – Theft from exterior of auto
- 67P – Pickpocket
- 67S – Theft by Shoplifting
- Simple Burglary (Vehicle)
- Criminal Damage to Property

**All cases which involve firearms cannot be reported online.**



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.5

### TITLE: VEHICLE PURSUITS

**EFFECTIVE: 12/06/15**

**REVISED: 08/11/2019**

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#### PURPOSE

1. This policy governs vehicle pursuits in order to protect the safety of involved officers, the public, fleeing violators, and property.
2. This Department's response to those who unlawfully flee from law enforcement action shall stress a balance between the importance of apprehending offenders and the high-risk nature of vehicle pursuits. Therefore, officers may engage in a pursuit only when they have a reasonable suspicion that a fleeing suspect has committed or has attempted to commit a **crime of violence** as defined by this Chapter and the escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person. Pursuits for property offenses, misdemeanor offenses, traffic, or civil infractions are prohibited. Officers must receive supervisory approval prior to initiating the pursuit. Officers are not authorized to engage in a vehicle pursuit in order to subdue an escaping suspect who presents no imminent threat of death or serious injury. Vehicle pursuits may never be used for the protection of property.

#### DEFINITIONS

**Authorized Emergency Vehicle**—A properly equipped vehicle, owned and operated by or for a government agency, to protect and preserve life and property for a planned or unplanned response, in accordance with state laws regulating emergency vehicles.

**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 is not authorized by this Department.**

**Caravanning**—The practice, during a vehicle pursuit, of more than two authorized emergency vehicles following each other in a relative single file, usually with less than sufficient reactionary distance between the vehicles to adjust for sudden movement or actions by the preceding vehicles.

**Crash**—Refers to a motor vehicle crash as defined by the State of Louisiana and NOPD regulations. More commonly, “the unintended collision of one motor vehicle with another, a stationary object, or person, resulting in injuries, death and/or loss of property.”

**Crime of Violence**— a felony involving the infliction or threatened infliction of serious bodily injury or death.

**Department**—Means the New Orleans Police Department.

**Emergency Equipment**—All emergency equipment available, to include red and/or blue emergency flashing lights and siren.

**Exigent circumstances**— A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Express approval or express disapproval**—Express approval or disapproval is the verbal acknowledgment by a platoon supervisor either approving or disapproving a vehicle pursuit. This approval/disapproval shall be made on the radio 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) and shall be broadcast as soon as possible. **Vehicle pursuits without express approval are not authorized by this Department.**

**Paralleling**—Participating in the pursuit by proceeding in the same direction and maintaining approximately the same speed while traveling on an alternate street or highway that parallels the pursuit route. **Paralleling is not authorized by this Department.** **Tire deflation**

**Platoon Supervisor**—For purposes of this policy, any supervisory ranking officer of the New Orleans Police Department who is assigned to, detailed to or working on a platoon handling calls for service in the district in which the pursuit authorization is requested.

**Police Motorcycle**—An Authorized Emergency Vehicle which is a 2- or 3-wheeled motorcycle distinctively marked, and equipped with emergency lighting and a siren.

**Primary Unit**—The initiating pursuing unit unless relieved by another unit.

**Pursuit Intervention**—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. **Pursuit intervention 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 of control and come to a stop. **PIT is not authorized by this Department.**

**Pursuit Supervisor**—An on-duty supervisor assigned to the NOPD District platoon for the district of occurrence of a vehicle pursuit (e.g. 610, 530, 420, etc.).

**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 a deadly force technique. **Ramming is not authorized by this Department.**

**Reasonably Necessary**—The immediate danger to the public created by the pursuit is less than the immediate risk to the public should the pursuit not continue.

**Roadblocks**—A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or immovable object in the path of the violator's vehicle. **Roadblocks are not authorized by this Department.**

**Secondary Unit**—The second Authorized Emergency Vehicle in a pursuit.

**Terminate** (relative to a pursuit) —To discontinue or stop pursuing a vehicle. A pursuit shall be considered to have terminated when the primary and assigned backup officers turn off all emergency equipment, and the primary and any backup officers turn their police vehicles in another direction of travel away from where the suspect's vehicle was last seen heading, or pull to the side of the road if on a limited access roadway, and inform Communications Section of this fact along with their location.

**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.**

**Trail**—To follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment.

**Unmarked Police Vehicle**—An Authorized Emergency Vehicle used primarily by plainclothes police officers. It is not conspicuously marked and may be of any color. It is equipped with emergency lighting and a siren.

**Vehicle pursuit**—An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle. This may include using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, and 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.

## LEGAL REQUIREMENTS UNDER STATE LAW

3. A vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with a siren and proper emergency lighting. The officer shall ensure that they have given the suspect they are attempting to stop both a visual and an audible signal to stop by activating their vehicle's emergency lights and siren (see. La. R.S. 14:108.1).
4. The officer driving an emergency vehicle may, when in pursuit of a suspect (La. R.S. 32:24):
  - (a) Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - (b) Exceed the speed limit so long as the officer does not endanger life or property.
  - (c) Disregard regulations governing direction of movement (**however, movement against traffic flow is not authorized by this Department**) or turning in specified directions as long as the officer does not endanger life or property.
  - (d) Park or stand in a roadway, irrespective of traffic regulations.
5. Officers shall drive with due regard for the safety of all persons. The failure to drive with due regard for the safety of all motorists can lead to disciplinary action, civil and even criminal charges. No call is of such importance and no task shall be expedited at such speeds or lack of reasonable driving that the principles of safety become secondary. Life

is more important than property and protecting and preserving life must be placed above all other considerations.

#### WHEN A PURSUIT IS NOT INITIATED

6. If no vehicle pursuit took place, because the officer declined to request permission, OR the permission was refused, the officer **must** complete the areas indicated on the Vehicle Pursuit Form after checking the appropriate box indicating that a pursuit did not take place. The required fields in the Vehicle Pursuit Report will become outlined in red.
7. Officers shall also change the signal to a 10-28NP (no pursuit). The only allowable disposition for this signal is "NAT" (Necessary action taken).
8. Officers who engage in unapproved vehicle pursuits are in violation of this Chapter, which can lead to disciplinary action, civil and even criminal charges.
9. Supervisors who become aware of unapproved vehicle pursuits shall notify PIB and initiate disciplinary action immediately (see **Chapter 52.1.1 – Complaint Investigation**).

#### WHEN A PURSUIT MAY BE INITIATED

10. Upon express supervisory approval, officers are authorized to initiate a pursuit **ONLY** when:
  - (a) an officer can articulate that a suspect is attempting to evade arrest or detention for a **crime of violence** as defined by this Chapter;
  - (b) the escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person; and
  - (c) the suspect is fleeing in a vehicle after having been given a signal to stop by a commissioned member who has identified themselves as a police officer (e.g., in uniform, in a marked police unit, showing badge and ID. – see: definition of Professional Presence **Chapter 1.3 – Use of Force**).
11. Officers must receive supervisory approval prior to initiating the pursuit. **Pursuits for misdemeanor offenses, traffic, or civil infractions are prohibited.** Dangerous driving during a pursuit does not justify a continued pursuit.
12. 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 of violence** as defined by this Chapter 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 apprehension against the risks to officers, innocent motorists and others.
  - (c) The nature of the fleeing suspect (e.g., whether the suspect represents a serious, ongoing threat to public safety. Reckless driving during the pursuit does not justify a continued pursuit).
  - (d) The identity of the suspect has been verified and there is 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 and type of authorized emergency vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources (e.g., helicopter, airplane, drone, etc.).
- (l) The police unit is carrying passengers other than on-duty police officers (e.g., ride-along, emergency transport of civilians, prisoners, etc.). **Pursuits shall not be undertaken with a passenger in the pursuit vehicle.**

### WHEN A PURSUIT SHOULD BE TERMINATED

- 13. Pursuits should be terminated whenever the totality of the circumstances, known or which ought to be known to the officer or supervisor during the pursuit, indicate the present risk of continuing the pursuit appears to outweigh the risk resulting from the suspect's escape. While the Department has restricted pursuits to violent crimes, there are situations where conditions require these pursuits to be terminated.
- 14. The following factors should also be considered when deciding 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 (visual contact is lost).
  - (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to operate.
  - (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for authorized emergency vehicle status.
  - (e) The hazards to uninvolved bystanders or motorists.
  - (f) When the identity of the offender is known and it does not reasonably appear 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.
  - (g) When directed to terminate the pursuit by the pursuit supervisor or a higher ranking supervisor.
  - (h) When the pursuit is futile, such as when the suspect continues to flee and there is no plan to get him or her to stop.

### PURSUIT UNITS

- 15. The number of authorized emergency vehicles (units) engaged in a pursuit should be limited to two vehicles (Primary and Secondary Units). However, the number of authorized emergency vehicles involved in the pursuit will vary with the circumstances during the course of the pursuit. **Supervisors involved in the actual pursuit shall not be classified or function as the "pursuit supervisor."**
- 16. 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(s) or affect the arrest with a minimal use of force. All other officers shall refrain from participating in the pursuit but, should remain alert to its progress and location. Any officer who “drops out” or discontinues participating in a pursuit may then, if necessary, proceed to the termination point of the pursuit at legal speeds, following all appropriate traffic laws.

17. Distinctively marked authorized emergency vehicles (e.g. patrol vehicles) equipped with emergency lighting and sirens should replace unmarked vehicles involved in a pursuit as soon as practicable.
18. All officers shall activate their Body Worn Cameras (BWC) immediately upon becoming involved in a vehicle pursuit. The use of the In Car Camera (ICC) does not relieve the officer of this responsibility.

### **POLICE MOTORCYCLES**

19. The use of motorcycles in pursuits is discouraged and allowed only in the most serious cases. Supervisors must consider terminating any pursuit in which a motorcycle is involved for the safety of the officer. If a pursuit involving a motorcycle is approved, then a distinctively marked authorized emergency vehicle (e.g., patrol vehicle, sedan or SUV) equipped with emergency lights and siren should replace a police motorcycle as the primary and/or secondary pursuit unit as soon as practicable.

### **VEHICLES WITHOUT EMERGENCY EQUIPMENT**

20. Vehicles (marked or unmarked) not equipped with or with malfunctioning 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.

### **PRIMARY PURSUIT UNIT RESPONSIBILITIES**

21. The officer initiating the pursuit or initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless, the primary pursuit unit is unable to continue in that capacity due to mechanical failure of the vehicle or emergency equipment, or the officers lose sight of the suspect vehicle.
22. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable risk to themselves or others. Commencing with a request for priority radio traffic and the request to initiate a vehicle pursuit, the primary unit should provide the following information to Communication Services on the primary communications channel of the District in which the request to pursue is made:
  - (a) The nature of the suspected “**crime of violence**” which underlies the reason for the pursuit.
  - (b) The location and direction of travel of the suspect vehicle.
  - (c) The speed of the fleeing vehicle.
  - (d) The description of the fleeing vehicle and license number, if known.
  - (e) The number of occupants, if known.
  - (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.

- (j) The type of authorized emergency vehicle being utilized by the requesting officer (e.g. marked unmarked, motorcycle, etc.)
23. Unless relieved by a supervisor or secondary unit, the officer(s) in the primary unit shall be responsible for broadcasting the progress (e.g., change of locations, direction of travel, roads, speeds, etc.) of the pursuit. Unless circumstances 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 operator to concentrate on safe pursuit tactics.

### SECONDARY PURSUIT UNIT RESPONSIBILITIES

24. The secondary unit in the pursuit is responsible for:
- (a) Immediately notifying Communication Services (Dispatcher) on the primary communications channel of the District in which the pursuit is taking place of their entry into the pursuit.
  - (b) Maintaining a safe distance (reactionary gap) behind the primary unit unless directed to assume the role of primary unit (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 suspect vehicle has been stopped. In some cases, the secondary officer may be in the best position to apprehend the suspect due to the effects of adrenalin and stress on the primary officer.

### PURSUIT DRIVING TACTICS

25. The decision to use specific pursuit driving tactics requires the same assessments outlined in the factors to be considered for pursuit initiation and termination. The following are tactics for officers / units involved in the pursuit:
- (a) Officers shall critically evaluate their driving skills and their vehicle's performance capabilities.
  - (b) Officers will distance themselves and their vehicles from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
  - (c) Intersections present increased risks and 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.
  - (d) Officers shall not follow a pursued vehicle that is driving the wrong way on a roadway by also driving the wrong way. **Movement against traffic flow is not authorized by NOPD.**
  - (e) In the event the pursued vehicle does so, tactics to consider include:
    1. Maintaining visual contact with the pursued vehicle by driving parallel on the correct side of the roadway or on a parallel roadway. The emergency lights of the pursuing vehicles may distract oncoming traffic and consideration should be given to terminating the pursuit.
    2. Requesting other units to observe exits available to the suspect.
    3. Requesting assistance from an air unit when available.



- (f) Notifying other law enforcement agencies if it appears the pursuit may enter their jurisdiction.
- (g) Officers involved in a pursuit should not attempt to pass other pursuit units unless a specific situation indicates otherwise or they are requested to do so by the primary unit. A clear understanding of the maneuver process to be used must exist and be communicated between the involved officers / units.

### TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

- 26. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.
- 27. Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing all traffic laws.
- 28. The primary unit and secondary unit should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit by a supervisor.
- 29. The following actions or tactics are **expressly prohibited** in a vehicle pursuit:
  - (a) Roadblocks
  - (b) Caravanning
  - (c) Blocking or vehicle intercept (boxing)
  - (d) PIT maneuvers
  - (e) Ramming a suspect vehicle with an authorized emergency vehicle.
  - (f) Following a vehicle the wrong way on a street or highway (driving against traffic).
  - (g) Intentionally placing or positioning oneself in the path of a suspect vehicle during a pursuit
  - (h) Reaching inside the pursued vehicle while it is moving or under the control of the suspect
- 30. Officers should not use deadly force in self-defense when the only deadly force used by the other person is an automobile. The suspect's 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 rarely has a safe or effective shot at a moving vehicle. The officer must consider the consequences of stray shots endangering innocent parties and must consider the consequences of the vehicle losing control at a high rate of speed. **The guidelines of Chapter 1.3 – Use of Force / Prohibited Actions / Shooting at or from moving vehicles are controlling in this area.**
- 31. Where possible (unless trapped by walls, fences, and other stationary objects) the officer shall attempt to move out of the path of a moving vehicle rather than discharge their weapon to stop the vehicle. Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle. **The guidelines of Chapter 1.3 – Use of Force / Prohibited Actions / Shooting at or from moving vehicles are controlling in this area.**

### PURSUIT TRAILING

- 32. In the event the initiating unit (primary pursuit 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.

33. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient separation and distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

### **SUPERVISORY CONTROL AND RESPONSIBILITIES OF A PURSUIT**

34. Supervisory and management control will be exercised over all vehicle pursuits involving officers from the NOPD.
35. The platoon supervisor from the district where the pursuit initiated or, if unavailable, any other supervisor of the same district shall be responsible for the following:
  - (a) Upon becoming aware of a pursuit, immediately notifying involved officers and Communications Services of their supervisory presence on the primary communications channel of the District in which the pursuit is taking place.
  - (b) Ascertaining all available information about the pursuit from the primary unit or Communications.
  - (c) Continuously assessing the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within Department guidelines.
  - (d) Providing on-scene supervision.
  - (e) Exercising management and control of the pursuit.
  - (f) Ensuring that no more than the required number of law enforcement units needed are involved in the pursuit.
  - (g) Terminating the pursuit if, in the supervisor's judgment, the pursuit is not justified or safe to continue.
  - (h) Ensuring the proper radio communications channel is being used.
  - (i) Ensuring outside law enforcement agencies are notified and/or coordinated if the pursuit either leaves or is likely to leave Orleans Parish or enter another agency's jurisdiction.
  - (j) Controlling and managing NOPD units when a pursuit enters another jurisdiction.
  - (k) Completing the Vehicle Pursuit Report (Form 216). This will include a post-pursuit critique and analysis of the pursuit.
36. The pursuit supervisor shall not actively engage in the pursuit and remain the pursuit supervisor.

### **PLATOON COMMANDER RESPONSIBILITIES**

37. Upon becoming aware a pursuit has been initiated, the District Platoon Commander of the District in which the pursuit originates, shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The platoon commander, at their discretion, can assume the role of pursuit supervisor. They must expressly do so on the primary communications channel of the District in which the pursuit is taking place.
38. The Platoon Commander shall review all pertinent reports for content and forward them through the chain-of-command as directed for each report.

### **PURSUIT COMMUNICATIONS**

39. Pursuit communications will be conducted on the primary working channel for the district in which the pursuit was initiated.

**COMMUNICATIONS SERVICES RESPONSIBILITIES**

40. Upon notification a pursuit has been initiated, Communications Services will be responsible for:
  - (a) Coordinating pursuit communications of the involved units and personnel.
  - (b) Notifying and coordinating with other involved or affected agencies as directed by Communications protocols or the pursuit supervisor.
  - (c) Ensuring a platoon supervisor of the district in which the pursuit is initiated is notified of the pursuit and acknowledges the notification over the radio.
  - (d) Assigning an NOPD item number and logging all pursuit activities under that item number. This includes specific references to all related NOPD incident item numbers that may be related to the vehicle pursuit (e.g. crashes related to the pursuit, criminal incident reports, injury reports, etc.).
  - (e) Broadcasting pursuit updates as well as other pertinent information, as necessary, on any required channel(s).
  - (f) Notifying the Platoon Commander of the district in which the pursuit is initiated as soon as possible.
41. The Command Desk shall be notified immediately by the District dispatcher if a pursuit request is neither approved nor disapproved by a district supervisor or higher ranking supervisor.
42. In the absence of a district supervisor to manage a pursuit, or at the disapproval of a pursuit request by a district supervisor, the Command Desk shall instruct the dispatcher to order the officers to terminate the pursuit. The pursuit is considered ongoing until the order to terminate is acknowledged over the radio by all involved units.

**LOSS OF CONTACT WITH PURSUED VEHICLE**

43. When contact with the pursued vehicle is lost, the primary unit should broadcast pertinent information (last known direction, description of vehicle, description of occupants, etc.) 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.
44. Once contact is lost with the suspect / pursued vehicle, units involved in the pursuit should immediately return to a "normal" driving mode, obeying all traffic laws and deactivating their emergency equipment.

**JURISDICTIONAL CONSIDERATIONS**

45. An officer may only initiate a pursuit while within the jurisdiction of this Department (Orleans Parish). If an officer begins an authorized pursuit in this jurisdiction, the officer may continue the pursuit into another jurisdiction unless terminated by a supervisor.
46. When a pursuit enters another jurisdiction, the primary officer or pursuit supervisor should determine whether to request another agency with jurisdiction assume the pursuit, taking into consideration the distance traveled unfamiliarity with the area and other pursuit initiation / termination factors. The primary officer or pursuit supervisor shall request that Communications Services notify each outside jurisdiction into which the pursuit is reasonably expected to enter of the nature of the pursuit, units involved and any other requested information, regardless of whether such jurisdiction is expected to assist.

47. A pursuit that has commenced within, and has continued outside, the jurisdiction of this Department (Orleans Parish) shall be terminated immediately once the pursuing officer has lost visual contact with the vehicle being pursued or has lost communications capability with this Department.

#### **ASSUMPTION OF PURSUIT BY ANOTHER AGENCY OUTSIDE OF ORLEANS PARISH**

48. New Orleans Police Department officers will discontinue the pursuit outside of Orleans Parish when another agency has assumed pursuit responsibility, unless the continued assistance of the New Orleans Police Department is expressly requested by the agency assuming the pursuit, and the pursuit fits within the policy of the New Orleans Police Department.
49. Upon terminating the pursuit, the primary unit may proceed at normal speeds without emergency equipment, upon request and at the direction of a supervisor, to the termination point of the pursuit to assist in the investigation. The pursuit supervisor or a higher ranking supervisor, who accepts the responsibility, should coordinate with the agency managing the termination point to determine the NOPD's pursuit supervisor's need to respond or otherwise assist in the investigation. The pursuit supervisor should obtain any information necessary for inclusion in any reports from the agency managing the pursuit termination point.
50. The role and responsibilities of officers at the termination of a pursuit initiated by this Department shall be coordinated by the pursuit supervisor or higher ranking supervisor who has assumed the responsibility with the units from the agency assuming the pursuit.
51. Notification of a pursuit in progress shall not be construed as a request to join the pursuit.
52. Requests to or from another agency to assume a pursuit should be specific. A request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit.
53. Should the agency decline assumption of the pursuit, the NOPD pursuit supervisor shall be responsible for determining whether to continue the pursuit.

#### **PURSUIITS ENTERING ORLEANS PARISH OR ORIGINATING FROM ANOTHER AGENCY IN ORLEANS PARISH**

54. When a pursuit leaves another jurisdiction and enters Orleans Parish or originates by another law enforcement agency with jurisdiction within Orleans Parish, and a request for assistance is made to this Department, the other agency should relinquish control. Should the agency not relinquish control of the pursuit to NOPD, NOPD officers will not assist in the pursuit but may assist with follow-up as directed by an NOPD supervisor.
55. 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 and upon approval by an NOPD supervisor.

56. When a request is made for this Department to assist or take over a pursuit that has entered this jurisdiction, the NOPD supervisor shall determine that the pursuit meets the “**crime of violence**” threshold required for an NOPD pursuit and consider whether to assist or assume the pursuit based on these additional factors:
- (a) The crime of violence as defined by this Chapter for which the pursuit is being conducted;
  - (b) The requesting department's ability to maintain the pursuit;
  - (c) Whether the communicated circumstances warrant continuing the pursuit;
  - (d) Whether adequate staffing is available to continue the pursuit;
  - (e) The public's safety within this jurisdiction; and
  - (f) The safety of the pursuing officers.
57. A supervisor or the Platoon Commander should review a request for assistance from another agency as soon as possible. The Platoon Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit. This decision should be communicated to the requesting agency and our Communications Section immediately over the primary communications channel of the District in which the pursuit activity is taking place or the channel on which the request is made.
58. Assistance to a pursuing outside agency by officers of this Department will terminate at Orleans Parish limits provided the pursuing officers have sufficient assistance from other agencies. Ongoing participation from this Department may continue only until sufficient assistance is present and after specific authorization by an NOPD supervisor.
59. In the event that a pursuit from another agency terminates within this jurisdiction, NOPD 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 reports or any other assistance requested, needed, or directed by an NOPD supervisor.

### **CAPTURE OF SUSPECTS INVOLVED IN A PURSUIT**

60. Unless relieved by a supervisor, the primary pursuit unit's 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. Officers shall use only that amount of force reasonably necessary under the circumstances and in compliance with the **Chapter 1.3 - Use of Force** to properly perform their lawful duties. It must be stressed that the apprehension of a suspect at the conclusion of a pursuit requires restraint.

### **PURSUIT REPORTING AND REVIEW REQUIREMENTS**

61. Responsibilities for all reports required by a pursuit are:
- (a) The primary pursuit unit's officer shall complete the NOPD incident reports related to and surrounding the vehicle pursuit. This includes specific references to all related NOPD incident item numbers that may be related to the vehicle pursuit (e.g. crashes related to the pursuit, criminal incident reports, injury reports, etc.).
  - (b) The pursuit supervisor shall complete the Vehicle Pursuit Report (**Form #216**). This will include a post-pursuit critique and analysis of the pursuit and forward through reviewer's chain-of-command to the Commander and after approval by the Commander to the pursuit review officer in the Performance Standards

Section within 5 days of the occurrence (pursuit). The narrative portion of the report shall include, at a minimum:

1. the violation that prompted the pursuit;
2. the officer(s) involved in the pursuit;
3. the rank and name of the supervisor authorizing the pursuit;
4. the outcome of the pursuit;
5. any officer, suspect, or bystander injuries or deaths;
6. property damage;
7. related criminal or civil legal actions;
8. the item numbers of all reports related to the pursuit;
9. an enumeration of all BWC or ICC recordings and their file numbers;
10. an express statement by the supervisor that they have reviewed all the recordings related to the pursuit;
11. an express statement reflecting the reporting supervisor's opinion if the pursuit meets the Department's guidelines;
12. any issues with training, skill of the officer, policy or violations observed or noted.

(c) After receiving copies of the Vehicle Pursuit Report and all related reports, logs and other pertinent information (e.g. communications tapes, BWC or ICC video, etc.), the pursuit reviewing officer in the Performance Standards Section (PSS) shall review the information and conduct a post-pursuit review. This post pursuit review shall be documented in the Pursuit Review Form to the Deputy Chief of the Bureau to which the primary pursuit unit's officer is assigned and forwarded within five days of the receipt of the Vehicle Pursuit Report and all required documentation from the Commander of the primary pursuit unit's officer.

(d) The documentation reviewed by the Deputy Chief of the Bureau to which the primary pursuit unit's officer is assigned shall forward the information and documents reviewed, along with a copy of their post-pursuit review to the Deputy Chief of PIB and copied to the Performance Standards Section within five days of receipt of the Pursuit Review Form from the PSS. The completed review of the pursuit shall be maintained by the Public Integrity Bureau.

(e) A copy of the Vehicle Pursuit Report will be forwarded to the Education and Training Division for training needs review and the NOPD Risk Management supervisor for data collection and submission to the Crash Review Board if required within five days of the review by the Deputy Chief of the Bureau to which the primary pursuit unit's officer is assigned.

62. Annually, the Superintendent shall direct PIB to conduct a documented review and analysis of Department vehicle pursuits to minimally include: policy suitability, policy compliance and training needs. The findings, data and analysis shall be included in the Early Warning System and in NOPD's Use of Force Annual Report. In the event that an incident has been designated as a vehicle pursuit and the involved officer's Commander believes otherwise, an interoffice correspondence (105), a copy of the audio recording, of the incident, BWC and ICC recordings shall be submitted to the involved member's Bureau Deputy Chief within five (5) working days. Upon review and approval, a copy of the 105 and all related recordings shall be sent to the Deputy Chief of PIB for review. Once reviewed and approved by the Deputy Chief of PIB, a copy of the 105 shall be sent by PIB to the Risk Management Section and the Education and Training Division for their review and analysis.

63. Any vehicle pursuit resulting in death, serious physical injury or injuries requiring treatment at a hospital are treated as a Level 4, serious use of force, pursuant to **Chapter 1.3 – Use of Force** and will be investigated and reported by PIB FIT. The other reporting aspects of this Chapter are suspended and ALL reporting and review will be handled and processed by FIT, including the Vehicle Pursuit Report. The Vehicle Pursuit

Report will be forwarded to the Risk Management Section and the Education and Training Division at the conclusion of the FIT investigation. The NOPD Fatality Investigation Unit will handle the investigation, documentation and related conclusions of the CRASH (vehicle crash) portion of the overall investigation but, under the direction of the commander of PIB FIT who retains overall responsibility for the investigation and subsequent reporting of any pursuit under this paragraph.

#### **REGULAR AND PERIODIC PURSUIT REVIEWS**

64. The Performance Standards and Accountability Bureau will conduct, at least bi-annually, reviews of CAD signal data, 10-28NP signals, In Car Camera videos and Pursuit Review Form reports to determine if officers are following the guidelines of this Chapter relating to vehicle pursuit thresholds and reporting requirements. Results of the reviews shall be shared with the Command Staff and Education and Training Division for corrective actions or training as required.

#### **REGULAR AND PERIODIC PURSUIT TRAINING**

64. In addition to initial training on vehicle pursuits provided to recruits and lateral entry officers by the Education and Training Division, officers will participate in supplemental pursuit training annually. This training will address the Department's policy, the importance of safe driving and protecting the public at all times. Training will include recognition of the need to balance the known or suspected offense and the need for immediate capture against the risks posed by any vehicle pursuit to officers and others.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.6.1

### TITLE: IMMIGRATION STATUS

**EFFECTIVE: 02/28/2016**

**REVISED: 09/25/2016**

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#### PURPOSE

The purpose of this Chapter is to set forth the policy of the New Orleans Police Department (NOPD) to provide police services to all persons within New Orleans ("the City") regardless of their immigration status.

#### POLICY STATEMENT

1. Members 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 Constitutions. 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 the NOPD will not lead to an immigration inquiry.
2. Members shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest, or any other field contact.
3. NOPD members shall not make inquiries into an individual's immigration status, except as authorized by this Chapter.
4. The enforcement of civil federal immigration laws falls exclusively within the authority of the United States Immigration and Customs Enforcement agency (ICE).
5. This policy is to be construed in accordance with 8 U.S.C. §1373(a) which provides "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [ICE] information regarding the citizenship or immigration status, lawful or unlawful, of any individual."
6. The NOPD shall not engage in, assist, or support immigration enforcement except as follows:
  - In response to an articulated, direct threat to life or public safety; or
  - When such services are required to safely execute a criminal warrant or court order issued by a federal or state judge.



- Sending to ICE, or receiving from ICE, information regarding the citizenship or immigration status of an individual as provided in Paragraph 5.
7. Except as provided in Paragraph 6, members are not permitted to accept requests by ICE or other agencies to support or assist in civil immigration enforcement operations, including but not limited to requests to establish traffic perimeters related to immigration enforcement. In the event a member receives a request to support or assist in a civil immigration enforcement action he or she shall report the request to his or her supervisor, who shall decline the request and document the declination in an interoffice memorandum to the Superintendent through the chain of command.
  8. Nothing in this provision shall prohibit NOPD members from assisting victims or witnesses in obtaining U Visa/T Visas, where appropriate.
  9. In State v. *Sarrabea*, 2013-1271 (La. 10/15/13), the Supreme Court of Louisiana found La. R.S. 14:100.13 unenforceable. Accordingly, members shall not enforce La. R.S. 14:100.13, which states: "No alien student or nonresident alien shall operate a motor vehicle in the state without documentation demonstrating that the person is lawfully present in the United States."

#### **DEFINITIONS:**

Definitions related to this policy include:

**Administrative warrant**—For purposes of this Chapter, this term refers to administrative removal warrants used by Immigrations and Customs Enforcement officers to arrest non-citizens who have committed immigration violations. An administrative warrant is not a criminal warrant signed by a judge, and it shall not be used by NOPD as the basis to detain or arrest a person or persons.

**Immigration Status**—Refers to an individual's status with respect to federal immigration law and/or citizenship. For example, a person who enters the United States without legal permission may be considered an "undocumented person." Another person who is legally granted permission to reside in the United States permanently may be considered a "lawful permanent resident."

**ICE**—The United States Immigration and Customs Enforcement is the federal law enforcement agency under the Department of Homeland Security responsible for enforcement of federal laws related to border control, customs, trade and immigration.

#### **REQUEST FOR IDENTIFYING INFORMATION**

10. While it may often be necessary to determine the identity of a victim or witness, consistent with applicable law, members shall not question, investigate, or inquire about the immigration status of any person, including a victim or witness. Accordingly, Members are permitted to request identification from an individual only as authorized by NOPD policy.
11. Persons are not required to prove their citizenship status. Members shall not request identification for the purpose of determining an individual's citizenship status.
12. When identification is requested, members shall accept presentation of a photo identity document issued by a non-government organization or a verbal statement of the person's full name and date of birth. Members shall not require that a person produce a

foreign passport or non-U.S. driver's license as evidence of identity.

13. Although not required as evidence of identity or citizenship, a driver's license is required for operation of a motor vehicle, regardless of a person's immigration status (see La. R.S. 32:52 and La. R.S. 32:402). Members may request the driver of a motor vehicle to produce a driver's license. The failure of a motor vehicle operator to produce a driver's license upon request after a moving violation or traffic stop may subject the operator to the appropriate charge (i.e. driving without a license).

#### **U VISA/T VISA NONIMMIGRANT STATUS**

14. Under certain circumstances, federal law allows victims and witnesses of certain qualifying crimes to obtain temporary immigration benefits (See 8 U.S.C. § 1101(a) (15) (U), 8 U.S.C. § 1101(a) (15) (T)). Upon the request of a victim or witness for assistance in obtaining such benefits, 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 (1 -918 or 1-914) by law enforcement. The declaration/certification must include information detailing how the individual has been, is being, or is likely to be helpful in a criminal investigation or prosecution.
15. Any request for assistance in applying for U Visa/T Visa status shall be directed to the NOPD Victim/Witness Unit. The Investigation and Support Bureau Commander or his/her designee shall do the following:
  - (a) Consult with the assigned detective to determine the current status of any related case(s) , and assess whether further documentation is warranted;
  - (b) Review the instructions for completing the declaration/certification. Instructions for completing Forms 1-918/1-914 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 that the declaration/certification has not already been completed and to assess whether a declaration/certification is warranted;
  - (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner;
  - (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor; and
  - (f) Include a copy of the any completed certification in the case file.

#### **USE OF NCIC DATABASE INFORMATION**

16. NOPD members shall take no action against an individual in response to an ICE administrative warrant. When the NCIC database indicates an individual may be subject to an immigration related warrant, the Member shall contact the NOPD NCIC unit. If the NOPD NCIC unit determines the warrant is administrative, the NOPD NCIC unit shall advise the Member of that fact, and the NOPD Member shall take no further action on the basis of the administrative warrant.
17. If the NOPD NCIC unit cannot determine whether the warrant is administrative or criminal, the NOPD NCIC unit shall contact ICE at the number provided in the NCIC database to verify whether the individual has an outstanding criminal warrant. If there is no outstanding federal, state or local criminal warrant, the officer shall immediately release the individual. If NOPD NCIC is unable to promptly determine the nature of the

warrant, the individual shall be released. If the member receives verification of an outstanding criminal warrant, normal arrest procedures shall be followed.

### **TRAINING**

18. The Education and Training Division shall ensure that all members in the Recruit Basic Training Program receive training on this Chapter and that all members receive appropriate training on this Chapter as part of their annual In-Service training.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.8

### TITLE: AFFIDAVIT AND SUMMONS (NON-TRAFFIC)

**EFFECTIVE: 03/01/2018**

**REVISED: 01/09/2022**

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#### PURPOSE

This Chapter governs the release of arrested persons upon the issuance of a non-traffic summons.

#### POLICY STATEMENT

1. The New Orleans Police Department (NOPD) encourages the use of summons in lieu of custodial arrest when appropriate and when the safety of the public is not threatened.
2. NOPD will release an arrested person on a non-traffic summons as provided in the Louisiana Code of Criminal Procedure and the Municipal Code of the City of New Orleans.
3. In those cases when a summons cannot be issued for a misdemeanor offense under the ordinances of the City of New Orleans, a municipal affidavit shall be issued, and the arrested person shall be booked and incarcerated.

#### DEFINITIONS

**Affidavit (Municipal)**—A sworn statement of the complainant, or the law enforcement officer, filed with the Municipal Court of the City of New Orleans on a form approved by the court concerning the commission of a misdemeanor offense and covered under the ordinances of the City of New Orleans. The City Council of the City of New Orleans has designated, by ordinance, certain police officials who have the power to take oaths and verify affidavits filed by other members of the New Orleans police department.

**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/her. (La. C. Cr. P. Art. 201)

**Attachment**—The act or process of taking, apprehending, or seizing persons, by virtue of a writ, summons, or other judicial order, and bringing the same into the custody of the law; used for the purpose of bringing a person before the court, to compel an appearance or to furnish security for costs. Also, the writ or other process for the accomplishment of the purposes above enumerated, this being the more common use of the word. Also, a writ issued by a court of

record, commanding the sheriff to bring before it a person who has been guilty of contempt of court, either in neglect or abuse of its process or of subordinate powers.

**Custodial Arrest**—Synonymous with “**Arrest**” but referring to maintaining physical custody and control of the arrested person and booking at a jail facility rather than any form of release by the officer such as a summons or traffic citation.

**Citation**—Issued to a person to notify him/her that he/she is required to appear at a specific time and place. Officers issue citations for minor offenses, especially for traffic violations. The citation that an officer gives to a violator states the charge and requires an appearance before a judge on a specified date, subject to punishment for failure to appear. **For purposes of the NOPD regulations, the term “citation” refers to traffic citations only.**

**Contraband** - Any property that it is illegal to acquire, trade, carry, produce or otherwise have in one’s possession under a statute, rule or that has determined by a court to be contraband, because of its use in an unlawful activity or manner, of its nature, or if the circumstances of the person who acquires or possesses it.

**Felony**—In Louisiana, any crime for which an offender may be sentenced to death or imprisonment at hard labor. It is the possible punishment that makes a crime a felony, NOT the actual sentence served or imposed. (La. Rev. Stat. § 14:2.)

**Habitual Offender**—Any person with a criminal history of two or more felony convictions or five or more felony or misdemeanor arrests for any offense.

**Misdemeanor**—In Louisiana, any crime other than a felony. (La. Rev. Stat. § 14:2.)

**Summons**—A written notification to an arrested person to appear in the indicated court at the specified date and time to answer to the charges stated under penalty of law (contempt or warrant of arrest) for failure to appear. A summons is issued by an officer for a minor (misdemeanor) offense rather than a custodial arrest and booking, but only on a written promise to appear by the arrested person.

## SUMMONS AND RELEASE

4. Unless one of the prohibitions outlined in this Chapter are present, an officer **shall** issue a summons instead of effectuating a custodial arrest when the offense suspected is:
  - (a) A misdemeanor, including:
    - i. Issuing worthless checks, theft, and illegal possession of stolen things when the thing of value is less than \$1,000, **and**
    - ii. The officer has ascertained that the person has no prior criminal convictions.
  - (b) **All** the following exist:
    - i. The officer has reasonable grounds to believe that the person will appear upon the summons. **Note:** In making such a determination, the arresting officer should look for those community ties the arrested party has that would substantiate a belief that he or she was reasonably likely to appear for court. Such ties would include those individuals who are residents of the state of Louisiana and those who reside out of state but who are either employed within the state or attend school within the state. Under these circumstances, the issuance of a misdemeanor summons would be proper;
    - ii. The officer has no reasonable grounds to believe the person will cause injury to him/herself or another, cause damage to property or continue in the same or a similar offense unless immediately arrested and booked;
    - iii. There is no necessity to book the person to comply with routine

identification procedures. **Note:** An officer shall make all reasonable efforts to verify the person's identity. If the person does not produce identification but is able to provide his/her name and date of birth, and the provided information or physical identification can be verified by the officer (e.g. distinctive physical characteristics, scars, marks or tattoos, etc.), this information is satisfactory evidence of identification.

5. When an officer detains or stops a person who is discovered to have an outstanding warrant for a misdemeanor or an attachment for failing to comply with a summons to appear in court on a municipal misdemeanor in Orleans Parish, the officer **shall** issue a summons and release the person, unless the offender also has an outstanding felony warrant or the warrant or attachment involved one of the following, in which case the officer must make a custodial arrest (see C.CR. P. 211.1):
  - (a) The operation of a vehicle while intoxicated.
  - (b) The illegal use or possession of a weapon.
  - (c) 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.
  - (d) Any offense or bench warrant issued involving the failure to pay a legal child support obligation.
  - (e) All domestic violence related crimes.
  
6. When an order of contempt or an attachment of arrest for **failing to appear** has been issued by an Orleans Parish Court, the officer shall follow the guidelines of **Chapter 74.3.1 – Failure to Appear**.

## PROHIBITIONS

7. An officer **shall not** issue a summons in lieu of arrest if **any** of the following factors are present:
  - (a) The officer is unable to verify the person's identity, despite having made all reasonable efforts to do so;
  - (b) The person makes a statement or exhibits actions indicating an intent to disregard the summons;
  - (c) The person or, in the case of a juvenile, the parent, caretaker, or guardian refuses to sign the summons;
  - (d) The person acts in a violent or destructive manner;
  - (e) The person makes a statement indicating that he/she intends to inflict injury to themselves or another;
  - (f) The person makes a statement indicating that he/she intends to damage property of another; or
  - (g) Based on the circumstances, an officer determines that it is absolutely necessary to make an arrest. Officers must be prepared to substantiate their reasons for making an arrest.

## SUPERVISORY APPROVAL REQUIRED

8. Supervisors shall respond to the scene and must approve any custodial arrest (not summons) issued for the following offenses occurring **outside the 8<sup>th</sup> District**:
 

(a) Disturbing the Peace	(City Code 54-103;	LSA-R.S. 14:103)
(b) Criminal Trespass	(City Code 54-153;	LSA-R.S. 14:63)
(c) Obstructing Public Passages	(City Code 54-40;	LSA-R.S. 14:100.1)
(d) Begging/Vagrancy	(City Code 54-411;	LSA-RS. 14:107)
(e) Aggressive panhandling	(City Code 54-412)	<b>Only in DDD</b>
(f) Aggressive solicitation	(City Code 54-419)	<b>Only in Vieux Carre'</b>

**SUMMONS REQUIREMENTS**

9. Any summons issued **shall** (see: C. Cr. P. 208; C. Cr. P. 211.1):
  - (a) Be in writing.
  - (b) Be signed by the officer.
  - (c) State the offense charged (correct title and corresponding number).
  - (d) Include the name of the alleged offender (name shall be verified).
  - (e) Instruct the alleged offender to appear before the designated court at the time and place stated on the summons.
  - (f) Be signed by the alleged offender (the signature of the offender is his/her promise to appear at the date and time specified in lieu of being physically arrested) or, in the case of a juvenile, the parent, caretaker, or guardian.
10. After determining that a summons may be issued in lieu of custodial arrest, officers shall ensure that the person or, in the case of a juvenile, the parent, caretaker, or guardian acknowledges and understands that his/her signature is his/her written promise to appear on the date, time and place specified for appearance.
11. Cases involving felony and misdemeanor charges will not be separated. If a misdemeanor charge is part of a felony arrest, it will be charged as a state law violation. (Example: If a suspect is arrested for armed robbery (a felony) and is in possession of a small amount of marijuana (State misdemeanor), the officer shall book with RS14:64 and RS40:966.)
12. All summonses that are issued as a **state misdemeanor** charge with no additional or related felony or municipal charges shall be documented in an EPR.

**MUNICIPAL SUMMONS CASES**

13. Summons (summons and release) cases shall be set **thirty (30) days** from the date of issuance, excluding Saturdays, Sundays, and holidays. Officers shall refer to the "**Traffic and Municipal Court Schedule**" for the current year in the Resource folder of NOPD.org for all court holidays. If the calculated date is on a date the court is "closed," it shall be set for the next available court date.
14. Officers shall set the appearance as 11:00 am in Room 100. In the area of the form for Court Appearance information, the officer shall write or type "**REPORT ON MM/DD/YYYY TO ROOM 100 AT 11:00 AM.**"
15. All information shall be printed and signed in a black or blue ink ballpoint pen.
16. 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."
17. Every space requesting information shall be completed.

**SIMPLE POSSESSION OF MARIJUANA AND/OR SYNTHETIC CANNABINOIDS**

18. Officers **shall not arrest, summons or cite for simple possession of marijuana**, under either the Municipal or State Law. This does not preclude possession with intent to distribute marijuana if the officer has clear evidence of the additional elements. All arrests (State charges) for Possession with Intent to Distribute Marijuana must be

approved by the arresting officer's supervisor prior to leaving the scene of the arrest absent clear, articulable safety reasons.

19. All marijuana discovered during a stop or arrest is still contraband and shall be confiscated and placed on the books at Central Evidence and Property under the original item number, and an EPR written. If the person has been arrested or charged with an offense and the marijuana relates to the reasonable suspicion or probable cause for the search that recovered other evidence, it shall be placed on the books as evidence.

### **MUNICIPAL ARREST CASES**

20. Officers shall print "**ARRESTED**" in the area of the affidavit form (printed or electronic) for the court appearance date/time if the suspect was arrested and booked.
21. All information shall be printed and signed in a black ink ballpoint pen.
22. 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."
23. Every space requesting information shall be completed.

### **OFFICER'S RESPONSIBILITIES**

24. 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.

### **SUPERVISOR'S RESPONSIBILITIES**

25. The issuing officer's supervisor shall review the completed summons form to ensure the information contained is complete and correct.
26. After the supervisor completes the review, he/she shall administer an oath as ex-officio notary, print his/her name clearly as the person administering the oath, and sign in the space provided.

### **DISTRIBUTION OF PAPER SUMMONS FORMS**

27. All summonses shall be distributed as follows:
  - (a) Hard White Copy – given to violator cited or, in the case of a juvenile, the parent, caretaker, or guardian.
  - (b) Yellow Copy – remains in the officer's book.
  - (c) Pink Copy – given to unit desk officer prior to end of issuing officer's duty.
  - (d) Two White Copies – given to unit desk officer prior to end of issuing officer's duty.



28. All paper non-traffic summonses shall be listed on the Daily Receipt of 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.

### **DISTRIBUTION OF PAPER AFFIDAVIT FORMS**

29. All municipal arrest (affidavit)s shall be distributed as follows:
  - (a) Hard White Copy – given to violator cited.
  - (b) Yellow Copy – remains in the officer's book.
  - (c) Pink Copy – complete arrest information on back, leave at Central Lock Up.
  - (d) Two White Copies – complete witness information on back, leave at Central Lock Up.

### **E-CITATION PROCESS**

35. Officers who have access to the digiTICKET or eCitation application found on the NOPD Web Applications page and have been trained in the use of the application, may utilize this process for the issuance of municipal affidavits and summonses.
36. Text notifications to remind violators of his/her court dates will be automatically sent when the phone number box on the digiTicket or eCitation is utilized. The citation contains a box at the bottom, below the signature line that reads, ***“I agree to receive text notifications regarding upcoming court dates.”*** Officers shall ask the violator being cited if they wish to be notified via text message of upcoming court dates and if “yes”, they must provide a cell phone number for inclusion on the eCitation.
37. Officers who have conducted a criminal history / warrant check on the subject being summonsed or arrested and who have found warrants for failure to appear in Traffic or Municipal Court shall include those charges (FTA) on the eCitation. Up to six charges, including failure to appear warrants, may be documented on one eCitation form. (See: **Chapter 74.3.1 – Failure to Appear**).
38. Officers completing eCitations shall contact his/her supervisor upon completion on the primary radio talk group for the District or unit and advise the supervisor of the issuance.
39. Once notified by an officer that an eCitation has been issued by a subordinate officer, the supervisor shall access the program through the NOPD Web Application to review and approve the summons or affidavit.
40. Once approved by a supervisor, the eCitation is automatically forwarded to the Court for processing.
41. In cases of a failure of technology when utilizing the eCitation and a paper affidavit or summons is issued, the issuing officer and supervisor shall list voided affidavits and summonses on the Daily Receipt of 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.

### **CARE FOR DEPENDENTS OR ANIMALS**

42. In the event an arrested person is determined to be a caretaker for any child (age 17 and under) or dependent adult, refer to **Chapter 44.9 - Child and Dependent Adult**

**Safety.**

43. 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.
44. With the owner's consent, relatives or neighbors may be contacted to care for the animals.
45. If no persons can be found or the owner does not consent, the appropriate animal control authority shall be notified through Communication Services. This information shall be documented in any report (EPR) or on the electronic FIC.

**REPORTING**

46. The New Orleans Police Department will prepare quarterly reports indicating the number and reasons for custodial arrests made and the number and reasons for summonses issued for violations of the Municipal Code of the City of New Orleans.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.10

### TITLE: UNIFORM SPECIFICATIONS

**EFFECTIVE: 04/15/2018**

**REVISED: 08/07/2018, 09/14/2018, 02/01/2019, 06/27/2019, 11/15/19, 04/22/20**

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#### PURPOSE

The uniform standards of the New Orleans Police Department are established to ensure that uniformed, special assignment and civilian members will present a professional appearance and be readily identifiable to the public through the proper use and wearing of department uniforms.

#### POLICY STATEMENT

1. The police uniform readily identifies the member as the law enforcement authority in our community. The uniform also serves to identify the wearer as a source of assistance in an emergency, crisis or other time of need.
2. The uniform shall be worn as a whole, and all parts shall conform to the uniform specifications contained in this Chapter. Brand names, style numbers, and other identifying information are listed in this Chapter. Complete technical uniform specifications are maintained in the Compliance Bureau – Policy Standards Section.
3. Members shall not make uniforms and/or uniform parts available to anyone not a member of the New Orleans Police Department. Members 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 non-uniform clothing or disposal.
4. Unless otherwise directed by the Superintendent of Police or his/her designee, commissioned officers may wear either the class "A" (winter uniform) or the class "B" (summer uniform) year-round. Directions on the appropriate uniform for a particular duty assignment or unit may be issued by Bureau Chiefs, Commanders or by an Operations Order.

#### WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

5. Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat and clean and appear professionally pressed.
6. All commissioned officers of this department shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed field duty at all times.

7. Members shall wear only the uniform specified for their rank and assignment.
8. Members shall not permit his/her uniform to be reproduced or duplicated.
9. The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications found in this chapter.
10. All supervisors shall perform periodic inspections of subordinates to ensure compliance with these regulations.
11. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
12. Uniforms are only to be worn while on-duty, working approved police secondary employment, or while in transit to or from work, duty related court appearances, special assignments, or at official department functions or events.
13. While off-duty, members shall not display any uniform parts or accessories which identify them as police officers or wear the badge exposed **unless acting in an official capacity**.
14. Employees are **PROHIBITED** from purchasing or drinking alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
15. The official NOPD patch shall be worn on both sleeves of all uniform shirts, jackets, and sweaters. An illustration of the proper placement of the NOPD patch can be found in at [www.nopd.org](http://www.nopd.org) under "Resources."
16. 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. Brass detective badges are authorized for non-uniform wear only.
17. Sunglasses and eyeglasses shall have conservatively colored frames and shall not be hung from any uniform part when not in use.

#### **POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM**

18. Unless specifically authorized in writing by the Superintendent of Police, NOPD members 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; cause to be posted, published or displayed the image of another member; or identify him/herself as a member of the New Orleans Police Department in furtherance of 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.

#### **DEPARTMENT ISSUED IDENTIFICATION**

19. The Department shall issue each member an official department identification card bearing the member's name, identifying information and photo likeness.

20. Members shall be in possession of their department-issued identification card at all times while on-duty and/or when carrying a concealed weapon as a commissioned member of the department.
21. Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
22. Officers working undercover assignments may be excused from the requirements regarding the possession and display of identification when directed by their Bureau Chief.

#### **CIVILIAN PERSONNEL**

23. Badges and department identification cards issued to civilian members shall be clearly marked to reflect the position of the assigned member (e.g. Clergy).
24. Civilian members shall not display any department badge except as a part of his/her designated uniform, while on-duty or otherwise acting in an official capacity.
25. Civilian members shall be permitted to wear clothing suitable to their respective assignments as determined by their commanding officer or supervisor.
26. Civilian personnel shall not display any department badge/insignia or represent him/herself either on or off-duty in a manner which would cause a reasonable person to believe that he/she is a commissioned police officer.
27. Department badges are issued to authorized members for official use and display only.
28. 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 his/her authorized designee.

#### **OFFICIAL NOPD UNIFORM – GENERAL DESCRIPTION**

29. The below listed items comprise the official NOPD uniform:
  - (a) Uniform shirt with authorized badge and name plate (badge and name plate to be worn on outermost garment unless replaced with patches as authorized in this Chapter)
  - (b) Uniform 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) Magazines with pouches
  - (g) Handcuffs with case
  - (h) Authorized footwear with black or navy-blue socks
  - (i) Police whistle (black, chrome or brass as appropriate to rank)
  - (j) Flashlight (not to exceed 13 inches, black or chrome/silver in color)
  - (k) Black/blue ink pen and notebook
  - (l) Authorized duty firearm and ammunition
  - (m) Identification cards and folder
  - (n) Police handheld radio with carrying case and/or belt attachment
  - (o) PR 24 police baton and ring holder or expandable baton with authorized carrying case
  - (p) TASER with approved holster

- (q) Authorized reflective vest
- (r) Knife (Buck brand or similar), or a multipurpose tool with four-inch maximum lock blade and smooth black leather case with flap

#### **CLASS A – WINTER UNIFORM**

- (a) Long sleeve uniform shirt, authorized tie with miniature star and crescent tie tack.
- (b) Authorized jacket or windbreaker
- (c) Authorized sweater
- (d) Authorized scarf worn around neck under winter uniform jacket (optional)
- (e) Mock turtleneck (optional, not authorized for the rank of Captain and above, special events, court appearances, or other times as dictated by the Superintendent of Police)
- (f) Garrison cap with frontispiece
- (g) Authorized gloves (Weighted gloves are **PROHIBITED**)
- (h) Badge and nameplate must be worn on the outermost garment
- (i) Authorized trousers

#### **CLASS B – SUMMER UNIFORM**

- (a) Short-sleeve uniform shirt (T-shirt cannot be visible through open collar)
- (b) Garrison cap with frontispiece
- (c) Authorized trousers

#### **CLASS C – DRESS UNIFORM**

- (a) Long-sleeve uniform shirt, authorized tie with miniature star and crescent tie tack
- (b) Authorized dress uniform trousers
- (c) Authorized dress coat
- (d) Garrison cap with frontispiece
- (e) Authorized dress shoes

30. The dress coat is approved as optional wear for the grade of Police Officer I through Lieutenant. The Superintendent of Police will dictate when the coat will be mandatory which may include, but not limited to:
- (a) Funerals
  - (b) Award ceremonies
  - (c) Memorial Mass or other memorial ceremonies (depending on temperature)
  - (d) Police Officer weddings (if desired by the officer (optional)
  - (e) Any other time the Superintendent or his/her designee dictates.
31. While attired in the dress coat, officers are exempt from wearing the full duty rig but must be armed with his/her duty weapon utilizing a paddle/belt holster or “off duty” hip holster (ankle and shoulder holsters are **PROHIBITED**). Once the dress coat is removed, the officer (except Captain and above) must wear the full duty rig.

#### **COLLAR INSIGNIA**

32. Uniformed members (except for Captains and above) shall wear collar insignia, in chrome or brass color as appropriate to his/her rank, as indicated below:

<b>Assignment</b>	<b>Insignia</b>
First through Eighth Districts	Appropriate Numeral (1-8)
Traffic Personnel	T
Special Operations Division	SOD

Canine Personnel	K-9/SOD
Mounted Division	MTD
Field Operations Bureau	FOB
Investigations & Support Bureau	ISB
Management Service Bureau	MSB
Public Integrity Bureau	PIB
Superintendent's Office/PSAB	HQ
Senior Police Officer	SPO
Police Officer	PO

### WEARING OF GARRISON HAT

33. Members are required to have the uniform garrison hat available at all times when in uniform. When wearing the uniform garrison hat, the hat is to be placed evenly positioned atop the member's head, the bill centered on the forehead, above the eyebrows. The hat shall not be worn at excessive angles, resting atop the rear of the head with the bill pointing upward about the forehead.
34. The uniform garrison hat shall be worn by members attired in Class A, B or C uniform in the following circumstances:
- Attending ceremonial functions, including parades.
  - Directed by General Order, Operations Order or when directed by a supervisor.
  - Working a high visibility assignment or a walking beat (e.g. Bourbon Street Promenade; Magazine Street Enhancement Unit; Magazine Street Promenade) or other venue as designated by a supervisor.
35. The uniform garrison hat need not be worn by members attired in Class A or Class B uniform when:
- Inside Department facilities
  - Operating or a passenger in a vehicle
  - Death or serious injury notifications to next of kin;
  - While eating or drinking
  - Sitting at a table or otherwise conducting business while sitting
  - Attending to personal necessities or uniform maintenance
  - Inside 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 when a ceremony dictates otherwise
36. Members are not required to wear the uniform garrison hat when responding to routine calls for service or conducting self-initiated activity.
37. Members are not required to wear the uniform garrison hat when responding to emergencies, unless directed by a supervisor.
38. Authorized baseball style caps may be worn by:
- Members assigned motorized two-wheel vehicles **when not in operation**,
  - Mounted officers when their authorized **helmets are removed**, and
  - Officers (other than mounted and two wheel) working the French Quarter Supplemental Police Patrol (FQSPP) area coverage.
  - Members operating motorized two-wheel vehicles or mounted officers seated in the saddle **shall wear their authorized helmets**.

39. The authorized fur trooper cap (a.k.a. Fargo cap) may be worn by commissioned members in Class A Winter Uniform, with the NOPD frontispiece attached to the front unless otherwise stated in an Operations Plan or Order.

### **GRADE DESIGNATIONS**

40. 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.
41. Supervisors of 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.
42. 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.
43. The Deputy Chief 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.
44. All other commissioned Deputy Chiefs shall wear military style metal insignia consisting of two stars centered on the jacket epaulets with 1/4 inch spacing between stars.
45. The Superintendent shall wear military style metal insignia consisting of four stars on the jacket epaulets.

### **MOURNING BANDS**

46. Members of the Department may wear black mourning bands upon the death of another Department member.
47. Mourning bands shall be black elastic bands, approximately one-half inch wide, 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).
48. Mourning bands shall be worn to honor the deceased member for the following time periods only:
  - (a) Active Department member, line of duty death: from the time of the death until midnight on the 14th day after the death.
  - (b) Active Department member, not line of duty death: from the time of death until midnight on the 7th day after the death.
  - (c) Retired Department member (on the day of funeral services until midnight).
  - (d) While attending the Annual Memorial Mass or Memorial Service.

### **SERVICE STARS AND STRIPES**

49. Commissioned officers may wear service stripes and stars (optional) on the left sleeve of the long sleeve uniform shirts as illustrated on NOPD.org under Resources and in



accordance with the following guidelines for completed years of service:

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

50. Additional service stars shall be added for each additional four year service period completed.

### SPECIAL ASSIGNMENT INSIGNIAS AND AWARDS

51. Members authorized to wear special assignment insignias or awards shall wear those insignias centered over the right pocket of the uniform shirt as illustrated at [www.nopd.org](http://www.nopd.org) under "Resources".
52. Members are **PROHIBITED** from wearing more than one special assignment insignia. In addition, members may wear the EPIC (Ethical Policing is Courageous) pin; wearing the EPIC pin does not count against this limit.
53. Special assignment insignias and awards not currently authorized shall be submitted to the Uniform Committee for recommendation and the approval of the Superintendent of Police.
54. Members who have been awarded Department Commendations and/or Merit Awards (pins) 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 NOPD 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 at [www.nopd.org](http://www.nopd.org) under "Resources.")
55. Departmental Medals of Merit and Valor shall be worn below the badge on the left pocket flap (as illustrated at [www.nopd.org](http://www.nopd.org) under "Resources"). No more than two medals shall be worn at a time.
56. 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** (Form #189 found at [www.nopd.org](http://www.nopd.org) under "Forms") must be completed by the requesting member and approved by the member's immediate supervisor prior to the purchase or wearing of the stripes/pins.
57. Commissioned members who are graduates of the FBI National Academy may wear their FBI - National Academy Pin over their name tag, above the right shirt pocket.
58. An illustration of the proper wearing of special assignment insignias and awards can be found at [www.nopd.org](http://www.nopd.org) under "Resources".

### POLICE RECRUIT UNIFORM

59. Police Recruits reporting to the Education and Training Division or assigned to units of the Department awaiting the commencement of a Recruit Class shall wear civilian clothes suitable to their respective assignments as determined by his/her Commanding Officer or supervisor.
60. Police Recruits, while assigned to the Education and Training Division and during training, shall wear apparel as designated by the Commander of the Education and Training Division.
61. 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 Recruit uniforms and to authorize clothing suitable to the training being conducted.

#### **CLOTHING - PLAIN CLOTHES AND CIVILIANS**

62. There are two classes of uniforms for plain clothes members:
  - (a) **CLASS D – DRESS CLOTHING** - This attire shall consist of business formal attire. Duty weapon, holster, extra ammunition, handcuffs, and badge shall be worn but concealed when in view of the public.
  - (b) **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.

#### **CLOTHING – DETECTIVES**

63. Commissioned members of the rank of Senior Police Officer, Police Corporal, Police Sergeant or Police Lieutenant designated as detectives and receiving the detective special rate of pay shall wear the Class D - Dress Clothing.

#### **MOTORCYCLE OFFICER**

64. The below listed items may be worn by commissioned members assigned to Motorcycle Duty:
  - (a) Authorized motorcycle/mounted breeches
  - (b) Authorized motorcycle raincoat
  - (c) Authorized motorcycle footwear
  - (d) Authorized motorcycle insignia and competition pins in accordance with this chapter
  - (e) Authorized department issue DOT approved motorcycle helmet
  - (f) Authorized baseball cap, open faced ski mask
  - (g) Motorcycle gloves, black leather
65. The authorized baseball cap may be worn by officers assigned to the Motorcycle Division only when officers are not in operation of the motorcycle.

#### **CANINE OFFICER**

66. The listed items may be worn or omitted by commissioned members assigned to Canine duty:
  - (a) Tie is optional with winter uniform.
  - (b) Authorized Canine insignias.

- (c) Authorized T.D.U.'s, black in color with subdued patches and insignias and fatigue trousers during training or field duties.

### **MOUNTED OFFICER**

67. The below listed items may be worn by commissioned members assigned to the Mounted Section:
- (a) Authorized mounted/motorcycle riding breeches
  - (b) Authorized mounted raincoat
  - (c) Authorized riding boots
  - (d) Authorized Mounted insignia;
  - (e) Riding crop, black leather;
  - (f) Spurs - U.S. Cavalry riding spur;
  - (g) Authorized department issue helmet
  - (h) Authorized baseball cap, open faced ski mask

### **BICYCLE PATROL UNIFORM**

68. The below listed items may be worn by commissioned members assigned to bicycle patrol duties:
- (a) Authorized bicycle patrol shirt
  - (b) Authorized bicycle shorts
  - (c) Authorized jacket
  - (d) Authorized duty gun belt
  - (e) White or black ankle socks
  - (f) Shoes, black bicycle type
  - (g) Authorized helmet: black and uniform blue bicycle helmet (mandatory while riding)
  - (h) Authorized baseball cap (while not riding)
  - (i) Reflective ankle straps, international orange color
  - (j) Black or blue (matching shirt color) cycling gloves, padded
  - (k) Badge worn on gun belt

### **SEARCH AND RESCUE UNIT OFFICERS**

69. The below items may be worn by commissioned members assigned to Search and Rescue duties:
- (a) Authorized Search and Rescue Unit insignia.
  - (b) Any equipment necessary as authorized by the Search and Rescue Unit Commander.

### **SPECIAL OPERATIONS DIVISION – TACTICAL OPERATIONS SECTION**

70. The uniform for commissioned members assigned to the Special Operations Division - Tactical Operations Section shall be specified by the Commander of the Special Operations Division and approved by the Deputy Chief of the Field Operations Bureau.
71. The Commander of the Special Operation Division 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 regulations relative to those uniforms shall apply.
72. Commissioned members of the Special Operation Division - Tactical Operations Section shall be authorized to utilize whatever equipment is authorized by the Commander of the Special Operations Division.

**COMMAND STAFF**

73. The below items are authorized for Command Staff (Captain and above) members:
- (a) Authorized NOPD garrison cap with appropriate designation for grade on brim (caps worn by Deputy Superintendents and the Superintendent shall additionally be affixed with gold Mylar trim around brim)
  - (b) Uniform shirt: long sleeve and short sleeve, white. 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.
  - (d) Uniform tie: slip on, Velcro, or the "four in hand"
  - (e) Uniform trousers
  - (f) Footwear with black or dark navy-blue socks
  - (g) Uniform belt worn through the trousers' belt loops. The full utility duty 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 NOPD shoulder patch to be on both sleeves one inch from the shoulder of garment
  - (k) Overcoat
  - (l) Sweater (shoulder boards to be worn)
  - (m) Windbreaker or leather coat (metal insignia to be used)
74. The Command Staff shall wear the appropriate soft shoulder board grade designation on both shoulder epaulets of the uniform shirt (long and short sleeve).
75. The Command Staff shall wear the appropriate soft shoulder board grade designation on both shoulder epaulets of the uniform overcoat.
76. 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.
  - (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) Deputy Chiefs 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 Chief.
  - (d) 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.
77. The Command Staff shall wear official shoulder patches on both sleeves of all overcoats and uniform jackets.
78. Captains and above shall wear no collar insignia. The authorized NOPD badge shall be

worn, as per NOPD regulation, on the outermost garment, with the exception of the uniform overcoat.

79. 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 in this regulation.

### WORK UTILITY UNIFORM

80. Navy blue trousers, shirt and jacket by Lion Uniform "Fire Service 24 Hour Station Wear" or Sears Work Uniform.

### DRESS UTILITY UNIFORM

81. 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
  - (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

### TASK FORCE / EMERGENCY OPERATIONS OR HURRICANE UNIFORM

82. The uniform for commissioned members assigned to a Task Force (See: **Chapter 42.3 – Task Forces**) and/or hurricane duties shall be the authorized Tactical Duty Uniform, also known as the 5.11 T.D.U., the Propper B.D.U. and First Tactical V2 Uniforms.

### S.C.I.S. – (CRIME LAB) CRIME SCENE TECHNICIANS

83. SCIS (Crime Lab) civilian crime scene technicians are approved to wear the authorized uniform listed in the Uniform Specifications Index of this procedure for Police Technicians.
84. Crime Scene Technicians are **not authorized** to have the sewed-on fabric NOPD badge above the left pocket.
85. Commissioned officers assigned as Crime Scene Technicians shall wear the Class A or B uniform or the authorized 5.11 T.D.U. Task Force style uniform.

### POLICE TECHNICIAN UNIFORM

86. All uniform parts and accessories shall conform to the uniform specifications in this Chapter. Each member shall be responsible for the maintenance of all uniform parts.
- (a) **Trousers:** 100% Polyester, 11.5-12 oz. Tropical Weave, color navy blue, manufactured by Tact Squad Uniform Company, Item Number 7002E (Men's) – 7002NWE (Women's)
  - (b) **Shirt:** 65% Cotton / 35% polyester, Heavy Duty 4.5 oz. Poplin Weave, color light blue, manufactured by Tact Squad Uniform Company, Item Number 8300LB (Men's Long Sleeve) 8301LB (Men's Short Sleeve) – 8300LW (Women's Long Sleeve) 8301LW (Women's Short Sleeve)

- (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 in color (Female employees may wear a neutral shade of stockings)
  - (e) **Footwear:** Black in color, 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, navy blue in color;
  - (h) **Jacket:** 100% Nylon Shell, Water Repellant, color dark navy, matching color snaps, Item Number 1111N
  - (i) **Name tag:** Traditional "Serving Since" polished or brushed finished, gold in color for supervisory technicians, chrome in color for non-supervisory technicians, and blue lettering centered on top of the right shirt pocket
  - (j) **Collar Brass:** Police Technicians shall wear collar brass corresponding to the place of assignment
  - (k) The official NOPD shoulder patch shall be worn on both sleeves of all uniform sweaters and shirts, centered 1 inch from the top of the shoulder seam
87. 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
  - (e) Tunic: Milliken Visa, 100% textured polyester, color navy blue, manufactured by Edwards Garment Company, style #7277

#### **CLOTH NAME STRIP**

88. A cloth name strip is optional and may only be worn on sweaters and jackets (excluding leather jackets). The name strip must be sewn and not adhered with Velcro. Full specifications for the cloth name strip are located below in the uniform specifications.
89. 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.

## APPENDIX A - UNIFORM SPECIFICATION

### AUTHORIZED SHIRTS

- (a) Leventhal Brothers "CONQUEROR," LIGHT BLUE
- (b) Male, short sleeve: model #9677 (White for Captains and above)
- (c) Female, short sleeve: model #L967 (White for Captains and above)
- (d) Male, long sleeve: model #9675 (White for Captains and above)
- (e) Female, long sleeve: model #L966 (White for Captains and above)
  
- (f) Elbeco "First Responder,"
- (g) Male, short sleeve: style # 6013, medium blue, (White for Captains and above #6010)
- (h) Male, long sleeve: style #6003, medium blue, (White for Captains and above #6000)
- (i) Female, short sleeve: style 6033LC, medium blue, (White for Captains and above #6030)
- (j) Female, long sleeve: style #6023LC, medium blue, (White for Captains and above #6020LC)

### 5.11 Tactical Dress Uniform/Task Force/Hurricane:

- (a) Style 72002 or 72002T for sizes 2X to 6X (Long Sleeve) 724 Dark Navy; 65%/35% poly/cotton, rip stop
- (b) Style 71001 or 71001T for sizes 2X to 6X, 724 Dark Navy; 65%/35% poly/cotton, rip stop
- (c) Standard NOPD shoulder patches at top of both sleeves. (Only SWAT and Canine personnel shall be allowed to use the subdued colored shoulder patches)
- (d) **Left Chest:**
  - 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
- (e) **Right Chest:**
  - 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
- (f) **Rear View:**
  - Four inches 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.

### Propper BDU Shirt:

- (a) Propper BDU (Short Sleeve) F5456; LAPD Navy; 65% Polyester; 35% Cotton Rip Stop
- (b) Propper BDU (Long Sleeve) F5452; LAPD Navy; 65% Polyester; 35% Cotton Rip Stop
- (c) Standard NOPD shoulder patches at top of both sleeves. (Only SWAT and Canine personnel shall be allowed to use the subdued colored shoulder patches)
- (d) **Left Chest:**
  - (a) Sewed on fabric NOPD badge above left pocket; gold tone for supervisory personnel; white tone for police officers
  - (b) Navy blue one quarter inch lettering "NEW ORLEANS POLICE" on crescent

**(e) Right Chest:**

- 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

**(f) Rear View:**

- Four inches 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

- (g) Sewn on chevrons for sergeants will be worn on both sleeves; Lieutenants and above will wear cloth rank epaulets on the shoulder tabs.

**First Tactical V2 Alternative Hurricane – Task Force Shirt:**

- (a) Male, short sleeve: style number 112007, Midnight Navy Blue
- (b) Male, long sleeve: style number 111006, Midnight Navy Blue
- (c) Female, short sleeve: style number 122007, Midnight Navy Blue
- (d) Female, long sleeve: style number 121006, Midnight Navy Blue
- (e) All shirts shall be embellished the same as the 5.11 TDU and Propper BDU shirts.

**Civilian Crime Scene Techs:**

- (a) Standard NOPD shoulder patches at top of both sleeves
- (b) **Right Chest:**
  - 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
- (c) **Left Chest:**
  - 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
- (d) **Rear View:**
  - 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

**Bicycle Unit Shirts:**

- (a) Mocean #0402
- (b) Royal blue top; dark navy bottom
- (c) 5.95 oz. 97.5% polyester/2.5% X-STATIC® silver nylon
- (d) 3M® reflective trim around arms and across chest
- (e) Reflective NOPD shoulder patches on both arms
- (f) Reflective Star and Crescent on front
- (g) Reflective "NEW ORLEANS POLICE" on back



**District Investigations Unit - Short Sleeve Polo Shirt:**

- (a) Propper I.C.E. Performance Polo
- (b) Men - Style #F5341
- (c) Women – Style #F5327
- (d) 94% Polyester; 6% Spandex; 100% Polyester Underarm Mesh for Ventilation
- (e) 2 Pen Pockets on Left Sleeve
- (f) Mic Tabs on Left and Right Shoulders
- (g) Approved Colors - Cobalt Blue and LAPD Navy
- (h) **Left Chest:**
  - One 2&1/2-inch Star and Crescent Badge impression with the words “New Orleans Police” Gold for Rank; White for Officers
- (i) **Right Chest:**
  - Embroidered; First Initial and Last Name in Caps (Example – D. KNIGHT); Gold for Rank; White for Officers

**AUTHORIZED TROUSERS:**

- (a) Uniform Male Trousers: Blauer Style 8650; Navy Blue
- (b) Uniform Male Trousers: Leventhal Style T4900; Navy Blue
- (c) Uniform Male Trousers: Leventhal Style T490E Action Option Waistband; Navy Blue
- (d) Uniform Male Trousers: Horace Small Style HS2331; Dark Navy
- (e) Dress Uniform Male Trousers: Fechheimer Brothers #34291; Navy Blue
- (f) Trousers 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
- (g) Uniform Female Trousers: Blauer Style 8650W; Navy Blue
- (h) Uniform Female Trousers: Leventhal Style F4900; Navy Blue
- (i) Uniform Female Trousers: Leventhal Style F490E Action Option Waistband; Navy Blue
- (j) Uniform Female Trousers: Horace Small Style HS2481; Navy Blue
- (k) Uniform Female Trousers: Horace Small Style H2432; Dark Navy
- (l) Dress Uniform Female Trousers: Fechheimer Brothers #35291; Navy Blue
- (m) Uniform trousers 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
- (n) Work Utility Trousers: Lion Uniform, Inc.; Fire Service 24-Hour Station Wear
- (o) Task Force/Hurricane Coverage/Civilian Crime Lab Tech Pants: Unisex; 5.11 Style TDU74280; Dark Navy; 6.14oz 65%/35% cotton rip stop, Teflon treated cargo pant with built in dividers
- (p) Propper BDU Trousers to be worn with Propper BDU Shirt.
- (q) First Tactical V2 Male Trousers, Style # 114011 and Female Trousers Style # 124011, Midnight Navy Blue to be worn with the First Tactical Shirts
- (r) Unisex F5205; LAPD Navy; 65% Polyester; 35% Cotton Rip Stop
- (r) 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)**

**Bicycle Unit Shorts:**

- (a) Mocean #1090B, 4.7 oz., 96% polyester and 4% Lycra® Spandex®
- (b) Pants, Mocean #2098Z, zip off leg revert to shorts (Optional)
- (c) Two (2) zippered back pockets; side cargo pockets with pen pockets
- (d) 2" wide waistband with draw cord

**AUTHORIZED JACKETS:**

- (a) Gerber:
- (b) Model 71N1
- (c) Navy Blue
- (d) Gerber Thriller SX Reversible Jacket:
- (e) Model 71DX1/L; Midnight Navy (Outer Shell)
- (f) HI VIZ Lime-Yellow (Lining Shell)
- (g) ANSI-107 Class III
- (h) Badge holder eyelets
- (i) NOPD Shoulder Patch on each shoulder
- (j) Shoulder Epaulets
- (k) Drop in hood (THE DROP IN HOOD FEATURE IS NOT TO BE WORN WHILE ON DUTY)
- (l) Lining Side Front:
- (m) **Left Chest:**
  - NOPD Heat Press STAR& CRESCENT 2-1/2"; Dark Navy in color
- (n) **Right Chest:**
  - Name Strip; 1-3/8" Lime; Officers rank in 1/4-inch block font ("OFFICER" for P/O and Senior P/O; 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
- (o) **Lining Side Rear View:**
  - Heat Press NOPD STAR & CRESCENT; 8 -1/2 inch; (Centered and 4-1/2 inches below collar seam); Dark Navy in color
- (p) 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
- (q) Gerber Thriller SX Reversible Jacket Fleece Liner (approved as an optional stand-alone uniform part)
- (r) Model 71DX1/L
- (s) NOPD shoulder patch on each shoulder
- (t) **Left Chest:**
  - NOPD Sewn STAR& CRESCENT Patch 2-1/2"
  - Silver in color for non-supervisory personnel
  - Gold in color for supervisory personnel
- (u) **Right Chest:**
  - Name Strip; 1-3/8" Dark Navy
  - 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 (Silver in color for non-supervisory personnel; Gold in color for supervisory personnel)
  - Embroidery sewn

**Leather Wear:**

- (a) Taylor Model 4771

**Sweater:**

- (a) Blauer Model 225; Dark Navy
- (b) "Commando" Fleece Lined
- (c) V-Neck
- (d) Badge tab
- (e) Name tab and epaulets

**Windbreaker:**

- (a) Blauer Model 6045; Dark Navy
- (b) "Ike-Length" reversible to high visibility yellow

**Blauer SUPERSHELL Jacket with Crosstech (OPTIONAL FOR TRAFFIC OFFICERS ONLY):**

- (a) Style #9970-1; Dark Navy with HI-VIS Yellow;
- (b) ANSI-107-2010 Class II
- (c) Badge tab
- (d) **Rear View:**
  - ✓ NOPD Heat Press 8 ½ inch diameter STAR & CRESCENT with 3/4 inch; lettering "New Orleans Police".

**Bicycle Unit Waterproof Bike Jacket with Removable Liner:**

- (a) Mocean Tech #6070R, Royal Blue/Navy
- (b) 100% Supplex nylon shell
- (c) Fleece vest liner
- (d) 2 slash front pockets
- (e) Chest zipper pockets
- (f) Inside patch pockets and pen pockets on each side
- (g) 3M® reflective tape around chest and back
- (h) **Right Chest:**
  - ✓ 7/8" dark navy name tape with name in 1/2" white or gold Velcro attachment
- (i) **Left Chest:**
  - ✓ NOPD Star & Crescent 3" reflective Velcro attachment
- (j) **Left Sleeve:**
  - ✓ Official NOPD Patch reflective Velcro attachment
- (k) **Right Sleeve:**
  - ✓ Official NOPD Bike Patrol Patch reflective Velcro attachment
- (l) **Rear View:**
  - ✓ 4" x 10" NEW ORLEANS POLICE" reflective Velcro attachment

**Dress Coat:**

- (a) Fechheimer Brothers
- (b) Patrol Dress Coat #34891
- (c) Serge Weave
- (d) Navy Blue in color

**Police Officer:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and silver "City of New Orleans" buttons

**Senior Police Officer:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and silver "City of New Orleans" buttons

**Police Sergeant:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment
- (b) Gold "City of New Orleans" buttons
- (c) Military style Sergeants chevrons (gold) hard shoulder boards (D/81222-PNBPR) shall be worn on each shoulder of the coat; both sleeves shall bear one 1/4-inch gold piping band
- (d) Both sleeves shall bear one 1/4-inch gold braid

**Police Lieutenant:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment; gold "City of New Orleans" buttons
- (b) military style insignia designating the grade of Lieutenant (gold) United States Navy Ensign style insignia hard shoulder boards (D/87542-PNBPR) shall be worn on each shoulder of the coat
- (c) Both sleeves shall bear one 1/2-inch gold braid

**Police Captain:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and gold "City of New Orleans" buttons
- (b) Military style insignia designating the grade of Captain (gold United States Navy Lieutenant style insignia) hard shoulder boards (D/83202-PNBPR) shall be worn on each shoulder of the coat
- (c) Both sleeves shall bear two 1/2-inch gold piping bands

**Police Major:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and silver "City of New Orleans" buttons
- (b) Military style insignia designating the grade of Major (gold oak leaf United States Navy Lieutenant Commander style insignia) hard shoulder boards (D/85142-PNBPR) shall be worn on each shoulder of the coat
- (c) Both sleeves shall bear three 1/2-inch gold piping bands

**Deputy Chief:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and gold "City of New Orleans" buttons
- (b) Military style insignia designating the grade of Deputy Chief (two gold stars; United States Navy Rear Admiral (Upper Half) style insignia) hard shoulder boards (D/89242-PNBPR) shall be worn on each shoulder the coat
- (c) Both sleeves shall bear four 1/2-inch gold piping bands.

**Deputy Chief (designated as Second in Command):**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and gold "City of New Orleans" buttons
- (b) Military style insignia designating the grade of Superintendent (three gold stars; United States Navy Vice Admiral style insignia) hard shoulder boards (D/89252-PNBPR) shall be worn on each shoulder the coat
- (c) Both sleeves shall bear four 1/2-inch gold piping bands

**Superintendent of Police:**

- (a) Official NOPD shoulder patch to be on both sleeves one inch from the shoulder of the garment and gold "City of New Orleans" buttons
- (b) Military style insignia designating the grade of Superintendent (four gold stars; United States Navy Admiral style insignia) hard shoulder boards (D/89262-PNBPR) shall be worn on each shoulder the coat
- (c) Both sleeves shall bear four 1/2-inch gold piping bands and one gold star positioned above the top piping band

**Command Staff Overcoat:**

- (a) Taylor Leather Wear Model 4497Z

**Command Staff Trench Coat:**

- (a) Anchor Uniform Company "Darien" Style
- (b) Men's Model Number 761MT
- (c) Women's Model Number 761LT
- (d) 60% Cotton/40% Polyester; Navy Blue in Color

- (e) Police Captains thru Superintendent shall wear military style metal insignia consistent with their grade centered on the epaulet from the shoulder seam of the coat
- (f) The trench coat shall be worn with the standard NOPD name plate and badge; no shoulder patches

### **AUTHORIZED SAFETY VEST**

- (a) Blauer Safety Vest:
- (b) Model 340; V-Neck
- (c) High visibility florescent yellow
- (d) Shoulder/side breakaway
- (e) Adjustable waist
- (f) Microphone tabs
- (g) Printed stripe - 2inch 3M reflective with ¼ black edge (top and bottom, front and back)
- (h) **Front View:**
  - NEW ORLEANS - 1" Arial Font; POLICE - 2 5/8" Arial Font; Dark Navy in color; between two printed 3M reflective strips
- (i) **Left Chest:**
  - NOPD STAR & CRESCENT 3" Font; Dark Navy in color; Above top vertical 3M reflective strip
- (j) **Right Chest:**
  - First Initial - Last Name - 1/2" Arial Font; Dark Navy in color; half inch above top vertical 3M reflective strip
  - Rank: PO and Senior PO - "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
- (k) **Rear 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
- (l) Gerber High Visibility Vest:
- (m) Model 50V3/L; 100% Polyester mesh
- (n) Lime-Yellow in color
- (o) Reflective bands; ANSI 107/207 compliant
- (p) Adjustable waist front band and adjustable length
- (q) Microphone tabs
- (r) **Left Chest:**
  - One 2½-inch Dark Blue Star and Crescent Badge impression with the words "New Orleans Police"
- (s) **Right Chest:**
  - One 1½-inch-high visibility Grosgrain Polyester Ribbon name stripe sewn onto vest
  - Name stripe consist of two lines
  - Top line consists of officer's actual rank
  - Bottom line consist of the officer's first initial, a period, and last name
- (t) **Rear View:**
  - One 8½-inch Dark Blue Star and Crescent Badge impression with the words "New Orleans Police" centered between the two vertical strips 5 inches from the nape of the neck.

### **AUTHORIZED HATS**

#### **Garrison Cap:**

- (a) Midway Cap Company "Five Star Uniform Cap" \* Adjustable version is acceptable

**MOUNTED HAT:**

- (a) Stratton Hat, Inc.
- (b) #F-40 Felt (winter) Stratton Hat, Inc.
- (c) #S-40DB (summer) Stratton Hat, Inc.

**Bicycle Unit Helmet:**

- (a) Schwinn Intercept Adult Helmet Model #SW135
- (b) Black and uniform blue in color
- (c) Mongoose Intercept Adult Micro Bicycle Helmet Model #MC75419-2pk
- (d) Black and uniform blue in color

**Baseball Cap:**

- (a) Navy Blue, Solid cloth construction (no mesh)
- (b) Six panel with six rows of stitching on brim
- (c) Inside perspiration band one- and three-quarter inch thick and black in color
- (d) Two inch embroidered "star and crescent" badge on front
- (e) #524 gold for supervisory personnel
- (f) #800 white for patrol officers
- (g) The rear of the cap shall have "NOPD" embroidered in "Times New Roman" font, three quarters of an inch up from the bottom of the cap; parallel

**Fur Trooper Cap**

- (a) Midway Cap Company Fur Trooper Cap
- (b) Model 196 / Code MC\_VINYL;
- (c) Black in color

**Watch Cap**

- (a) 100% Piltrol, made to the Department of Defense Specifications
- (b) Black in color
- (c) Silver NOPD badge patch on front for police officers
- (d) Gold NOPD badge patch on front for ranking officers
- (e) NOTE: Members are not authorized to wear the watch cap when required to wear the garrison cap and shall not wear it underneath the garrison cap. This headgear shall be authorized during cold weather only, and shall not be worn simply for the purpose of covering unauthorized hair styles

**AUTHORIZED RAIN WEAR****Coat - Blauer:**

- (a) Style 733 ANSI III (with added 2" reflective stripe above hem)
- (b) Blue star and crescent logo on back

**Coat - Gerber:**

- (a) Style 70C3/L
- (b) Blue star and crescent logo on back

**Jacket - Blauer:**

- (a) 233R ANSI III (with added 2" reflective stripe above hem)
- (b) Blue star and crescent logo on back

**Jacket - Gerber:**

- (a) Style 70J3/L
- (b) Blue star and crescent logo on back

**Rain Pant - Gerber:**

- (a) Style 70D3/L

**Garrison Hat Cover - Blauer:**

- (a) Style 107
- (b) Black, reversible to high visibility yellow

**SOD Traffic Rain Jacket - Blauer:**

- (a) Style 26950-1 all-purpose rain jackets
- (b) High visibility yellow with blue star and crescent logo on back

**SOD Traffic Rain Pant - Blauer Defender Rain Pant**

- (a) Model 134
- (b) High visibility yellow

**Mounted Rain Slicker - Muddy Creek**

- (a) Model #MPC-001
- (b) Black in color
- (c) 4X12" reflective "POLICE" patch on back
- (d) Eight-and-a-half-inch reflective star and crescent logo centered on back one inch above the "POLICE" patch
- (e) 600 candlepower 3M reflective tape running on front and back trim

**AUTHORIZED HOLSTERS****Leather Holster:**

- (a) Safariland Level 3 Model 070
- (b) Safariland Level 2 Model 295
- (c) Safariland Level 3 Model 6070
- (d) Safariland Level 2 Model 6280
- (e) Safariland Level 3 Model 6360
- (f) Safariland Level 3 Model 6365

**Task Force Alternative Holster:**

- (a) Bianchi Accumold/Ballistic or Cordura counterparts

**AUTHORIZED FOOTWEAR**

- (a) Black plain toe, "Military Style", leather
- (b) Black plain toe "Military Style"; Corfam
- (c) Black plain toe, "Wellington Style"
- (d) Black plain toe "Military Combat Style" leather boot
- (e) Black plain toe rubber rain boots

**MISCELLANEOUS****Duty Belt Alternate:**

- (a) Safariland Leather/laminate Duty Belt
- (b) Model 9443V-3-2-50
- (c) Plain Black in Color
- (d) Coplok shatter resistant 3-point polymer buckle

**Tie:**

- (a) Dark navy blue, "Uniform by Cravats" clip-on "4 in hand"
- (b) French end construction
- (c) Custom made tie tacks shall be submitted to the Office of Compliance for approval by the Superintendent.

**Handcuffs:**

- (a) Smith and Wesson Model 100
- (b) Nickel or blue finish
- (c) Peerless Model 700 (or equivalent)
- (d) Nickel or blue finish with universal size key

**Whistle:**

- (a) Acme Thunderer #30, #60, (BNP58.5); W-3 or equivalent

**Scarves:**

- (a) Dark blue in color
- (b) No patches or fringes

**Mock Turtleneck:**

- (a) Style "Padala #103"
- (b) 100% cotton, 6oz.
- (c) Dark Navy, containing "NOPD" (white for officers/gold for supervisors)  $\frac{3}{4}$ " tall font located  $\frac{1}{4}$ " off centerline of collar on left side

**Cloth Name Strip for Sweaters and Jackets:**

- (a) 4" x 1  $\frac{1}{4}$ "
- (b) 100% Polyester
- (c) Midnight Navy Twill
- (d)  $\frac{1}{16}$ " wide merrowed border True Navy in color
- (e)  $\frac{9}{16}$ " Helvetica Text (all caps)
- (f) First initial, last name (example – D. KNIGHT)
- (g) White lettering for Officer
- (h) Gold lettering for Supervisor

**Small Sergeants Stripe:**

- (a) A slightly smaller version of the sergeants' insignia is approved for use by those sergeants that wear a smaller short sleeve uniform shirt. The smaller insignia gives a better fit on the short sleeve shirt and eliminates the bottom of the stripes from extending to the bottom of the short sleeve. The smaller sergeants' insignia specifications are as follows: 3" H X 2- $\frac{1}{2}$ " W
- (b) The background color of the insignia shall match the color of the Uniform Shirt and there shall be three (3) #523 Gold stripes with a thickness of  $\frac{3}{16}$ "
- (c) Each stripe shall have a  $\frac{1}{16}$ " thick White border
- (d) The overall thickness of each stripe with the border shall be  $\frac{5}{16}$ "
- (e) The overall width of the stripes shall be 2-  $\frac{1}{16}$ "
- (f) The stripes shall be spaced  $\frac{1}{8}$ " apart
- (g) Light Blue merrowed border on the outside edge to match the color of the Uniform Shirt

**Unisex Outer Body Armor Vest Carrier:**

- (a) Conqueror style 6256 manufactured by Leventhal Ltd.
- (b) Outer Shell - 65% Dacron Polyester 35% Combed Cotton
- (c) Blue in color for the rank of Police Officer I through Lieutenant
- (d) White in color for the rank of Captain and above
- (e) Inside Shell – 100% Polyester with Stretch Pro-Style Mesh
- (f) **Outer Front Panel:**
  - The outer shell front panel shall consist of two separate panels sewn together to give the same appearance as the authorized NOPD uniform shirt
  - The front shall have a minimum of four 19-Ligne pearlescent buttons with corresponding buttonholes
  - The top two buttons and buttonholes are functional to accommodate the Body-Worn Camera
  - The front panel shall also have two functioning pockets, two functioning shoulder straps, and a functioning badge attachment in the same style as the authorized NOPD uniform shirt.
- (g) **Inner Front Panel:**
  - The lower panel shall be made of same fabric as the outer front
  - The upper panel is to be made of stretch breathable mesh
- (h) The Unisex Outer Body Armor Carrier Vest shall be maintained in a neat and clean condition with an appearance of being professionally pressed
- (i) All other authorized uniform shirt parts shall be worn on the carrier as would be worn on the regular authorized NOPD uniform shirt



**Elbeco BodyShield External Vest Carrier:**

- (a) Elbeco Model V3114B
- (b) Dark Navy in Color
- (c) Loop on front Panel
- (d) Two functioning pockets on front panel
- (e) Front Panel Zipper for Body Worn Camera Mount
- (f) All authorized uniform shirt parts shall be worn on the carrier as would be worn on the regular authorized NOPD uniform shirt.

**Optional (all or none) Sewn On Additions for Elbeco BodyShield External Vest Carrier:****Left Chest:**

- NOPD fabric badge patch (2&1/2" diameter) sewn above left pocket; gold tone for supervisory personnel, white tone for police officers; navy blue one quarter inch block font lettering "NEW ORLEANS POLICE" on crescent

**Right Chest:**

- First initial and last name in one half inch block font lettering; gold tone for supervisory personnel; white tone for police officers on sewn midnight navy blue background patch located over the right pocket measuring one inch by five- and one-half inches

**Rear View:**

- Four inches by ten-inch blue background sewn on emblem on the rear of the carrier
- 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
- Lieutenants and above will wear cloth rank epaulets on the shoulder tabs.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.11

### TITLE: BODY ARMOR

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 1024**

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#### PURPOSE

The purpose of this Chapter is to provide officers with guidelines for the proper use of body armor.

#### POLICY STATEMENT

1. 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.
2. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

#### ISSUANCE OF BODY ARMOR

3. Body armor shall be issued to all officers.
4. The department issued body armor shall meet or exceed the **NIJ 0101.06 – Armor Protection Level standards of the National Institute of Justice (NIJ)** for threat protection Level IIA or higher.
5. Body armor shall be issued when an officer begins field service with the New Orleans Police Department.
6. 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.

#### GENERAL INFORMATION ON LEVELS OF PROTECTION

7. The current existing Levels of Protection of NIJ 0101.06 rated body armor are:
  - (a) **Level IIA**—Tested to stop 9mm and .40 S&W ammunition fired from short barrel handguns. No rifle ammunition protection.
  - (b) **Level II**—Tested to stop 9mm and .357 Magnum ammunition fired from short barrel handguns. No rifle ammunition protection.
  - (c) **Level IIIA**—Tested to stop .357 SIG and .44 Magnum ammunition fired from

- longer barrel handguns. No rifle ammunition protection.
- (d) **Level III**—Tested to stop 7.62mm FMJ lead core rifle ammunition.
  - (e) **Level IV**—Tested to stop .30cal steel core armor piercing rifle ammunition.

### **USE OF BODY ARMOR**

- 8. 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 SOD Units (SWAT, VOWS, and Narcotics Division) while executing warrants, will be governed by rules promulgated by the respective commands and in accordance with best practice and NIJ standards.
  - (i) 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).
  
- 9. The Superintendent of Police or his/her designee, may order the issued body armor to be worn by all officers or any specific unit, at any time.

### **INSPECTIONS OF BODY ARMOR**

- 10. Supervisors shall ensure that issued body armor is worn and maintained in accordance with this Chapter through routine observation and periodic, documented inspections.
- 11. Annual, unit level inspections of body armor shall be conducted by an authorized designee (inspector) for fit, cleanliness and signs of damage, abuse and wear.
- 12. The annual issued body armor inspections shall be documented in writing to the Division or District Commander by the designated inspector and maintained at the unit level.

### **CARE AND MAINTENANCE OF SOFT BODY ARMOR**

- 13. Officers shall 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.
- 14. Officers are responsible for reporting any damage or wear to the ballistic panels or cover to the Commander of the Education and Training Division.

15. 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.
16. 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.
17. Soft body armor shall not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

#### **REPLACEMENT OF SOFT BODY ARMOR**

18. Body armor damaged during normal use will be replaced by the Department.
19. Replacement for body armor damaged due to abuse or neglect must be paid for by the officer.
20. The Commander of the Education and Training Division or his/her designee shall make the determination when body armor shall be replaced.

#### **EDUCATION AND TRAINING DIVISION RESPONSIBILITIES**

21. 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 issued to and used by department members.
  - (b) Assess weapons and ammunition currently in use by local law enforcement and criminals and the suitability of the currently approved body armor to protect against those threats.
  - (c) If the class weapons and ammunition assessed exceeds the rated capability of the departmental issued body armor, immediate recommendation for an upgrade to an adequate level of protection shall be made to the Superintendent.
  - (d) Provide training that educates officers about the department policy on the proper use, care and the safety benefits of wearing body armor.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.12

### TITLE: FIELD INTERVIEW CARDS

**EFFECTIVE: 04/28/2019**

**REVISED: 12/20/20**

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#### PURPOSE

The New Orleans Police Department is committed to constitutional and bias-free policing. To ensure that the Department and its members adhere to these principles, Department members document stops and certain other discretionary interactions with the public in Field Interview Cards (FICs), and supervisors review FICs to support constitutional and bias-free policing.

#### POLICY STATEMENT

1. Officers shall use accurate and specific descriptive language and not rely solely on “boilerplate” or “pat” language in any reports documenting stops, detentions, or searches. Articulation of reasonable suspicion and probable cause shall be specific and clear.
2. The investigating officer of the primary unit on the scene shall document the following occurrences in a Departmental FIC whether or not a report, citation or summons is completed:
  - (a) Stopping a vehicle to issue a traffic citation (see **Chapter 1.2.4.1 – Stops, Chapter 1.2.4.3 – Vehicle Stops** and **Chapter 61.3 – Traffic Citations**).
  - (b) Stopping a vehicle to issue a verbal traffic warning (see **Chapter 1.2.4.1 – Stops, Chapter 1.2.4.3 – Vehicle Stops** and **Chapter 61.3 – Traffic Citations**).
  - (c) A self-initiated investigatory stop of a suspicious vehicle (see **Chapter 1.2.4.1 – Stops** and **Chapter 1.2.4.3 – Vehicle Stops**).
  - (d) A self-initiated investigatory stop of a suspicious person (see **Chapter 1.2.4.1 - Stops**).
  - (e) Any pat-down or search conducted without a search warrant, except **documented** searches incident to arrest and administrative/inventory searches (See **Chapter 1.2.4 – Search and Seizure**).
  - (f) The issuance of a Juvenile Warning Notice (see **Chapter 44.3 – Juvenile Warning Notice and Summons**).
  - (g) The use of a Naloxone kit on an individual with a suspected opiate/opioid overdose (Signal 24-N; see **Chapter 41.3.1 – Opioid Overdose – Use of Naloxone**).
  - (h) A Law Enforcement Assisted Diversion (L.E.A.D.) pursuant to **Chapter 1.2.6 – Alternatives to Arrest - Diversion**.
  - (i) Providing a public safety ride (see **Chapter 10.1 – Public Safety Rides**).

3. **Many arrests** (State, municipal, traffic) start as an “investigatory stop” and as such **need an FIC** even if other paperwork (EPR, Affidavit, summons, citation) is also completed. This does not, however, mean that all arrests must be documented in an FIC.
4. A motor vehicle crash, including crashes resulting in citations, does **not** require an FIC.
5. Unless it involves one of the categories in this Chapter that requires an FIC, a dispatched call for service (CFS) **does not automatically require an FIC**. Officers may document any legal actions or activity on their part in an FIC if they believe it is in the best interest of law enforcement and / or public safety, even if not specifically required by this Chapter.

## DEFINITIONS

**Public Safety Ride** – the voluntary transport of a person or persons from one location to another as a public service, for example, when giving a stranded tourist a ride or when transporting someone who has been involved in an investigative stop or Call For Service which has already been concluded for their safety. Public Safety rides are not part of a detention and may be refused for any reason.

**Field Interview Cards (FICs)**—The method the NOPD utilizes to document stops and other discretionary interactions between a member of the NOPD and individual members of the community.

**Investigatory Stop**—The temporary involuntary detention and questioning of a person and/or vehicle and its occupants to investigate potential criminal conduct. To conduct an investigatory stop, the officer must have reasonable suspicion that the individual or vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct.

**Stop**—A brief, minimally intrusive detention of a subject, including pedestrians, bikers, and/or the occupants of a vehicle, during which a reasonable person in the subject’s position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1 (1968).

**Vehicle Stop**—The involuntary detention of a motor vehicle and its occupants. Vehicle stops may be conducted (1) where there is probable cause to believe that the driver has committed a traffic violation or (2) where there is reasonable suspicion that a vehicle occupant has engaged, is engaging, or is about to engage in criminal conduct.

**Supervisor Feedback Log (SFL)**—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to supervisors, the Compliance Bureau, and the Public Integrity Bureau on NOPD Web Apps under Applications.

## GENERAL GUIDELINES

6. The investigating officer of the primary unit on the scene shall be responsible for completion of an FIC. Only one FIC entry should be made for each incident.
7. Supervisors shall review all FICs entered by members of their unit to ensure that officers are complying with Departmental regulations regarding legal stops and that the Field Interview Cards are completed using accurate and specific descriptive language.
8. All FICs shall be completed via Mobile Data Terminal (MDT), if available. If no MDT is available to the investigating officer, FICs 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.

9. All FIC entries shall be completed prior to the end of the officer's tour of duty.
10. FIC entries for incidents that occur outside of regular duty times (e.g., during police secondary employment) must be made no later than the officer's next regular tour of duty and shall contain the date and time of the incident, and the date and time of the entry.
11. The template for FIC entries made on Mobile or Computer Data Terminals is the same as the template for FIC entries made on computer network terminals. The date and time will automatically be entered by the computer based on the time of entry but should be changed, if necessary, to reflect the actual time of the stop or action, not the time of entry into the system.
12. The following information shall be required on all FICs:
  - (a) Date and time of the stop / incident.
  - (b) Location of the stop / incident.
  - (c) Duration of the stop / incident.
  - (d) Officer name, badge # and employee ID#.
  - (e) If a vehicle stop, presence and number of any passengers and the apparent race, ethnicity, gender, and age of each passenger. (See **Chapter 1.2.4.3 – Vehicle Stops**).
  - (f) If a vehicle stop, whether the driver or any passenger was required to exit the vehicle and the justification for that action.
  - (g) If a non-vehicle stop (e.g., pedestrian or bicycle), the number of individuals stopped and apparent race, ethnicity, gender, and age of each person. (See **Chapter 1.2.4.1 – Stops**).
  - (h) Reason for the stop, including a clear and specific articulation of the facts creating reasonable suspicion or probable cause.
  - (i) Whether any individual was asked to consent to a search and whether such consent was given. Consent to search documentation shall be completed prior to the search according to **Chapter 1.2.4 – Search and Seizure**.
  - (j) If a pat-down or frisk was performed on any individual, the officer shall document the specific facts creating articulable reasonable suspicion that the person was armed and dangerous, and a description of any items of contraband or weapons found (see **Chapter 1.2.4 – Search and Seizure**).
  - (k) If a probable cause search was performed on any individual, the officer shall document the facts creating probable cause and a brief description of any items of contraband or weapons found see **Chapter 1.2.4 – Search and Seizure**).
  - (l) If a strip search was requested, the officer who requested the search, and the supervisor who approved or disapproved the request to strip search and signed Form 353 – Strip Search Authorization. If the item number of the EPR documenting the incident and the strip search is different than the item number for the FIC, include it in the FIC. (See **Chapter 1.2.4 – Search and Seizure**).
  - (m) Disposition of the stop, including whether a citation or summons was issued to, or an arrest was made of, any individual, including all subsequent related NOPD item numbers (i.e., if an officer conducts a stop-and-frisk and does the FIC under one item number, closes that item number and obtains an additional item number for a subsequent arrest report related to the stop, both item numbers should be referenced).
  - (n) If a Public Safety Ride was offered, and a "Limited Consent Search" was performed on any individual, the reason the officer believed the individual may be armed. (See **Chapter 10.1 – Public Safety Rides**).

13. Each field on the Field Interview Card is labeled. Enter the appropriate, required information into each field. If a field does not apply, do not enter any information into that field. All fields that apply to the stop or incident shall be entered. The Field Interview Card shall be completed as completely as possible depending on the nature of the stop or incident or action taken.
14. The FIC manual is available on NOPD.org under Resources.

#### **SUPERVISORS SHALL APPROVE ALL FIC DOCUMENTATION**

25. After receiving a submitted FIC, a supervisor of the submitting officer's unit shall review the FIC to determine if each stop, frisk, or search was supported by documentation of reasonable suspicion or probable cause; whether it is consistent with NOPD regulations, policy, and federal and state law; and whether it showed a need for corrective action or review of agency policy, strategy, tactics, or training. Supervisors shall make every reasonable effort to complete this review within 12 hours of receiving the submitted FIC, and in all cases shall complete the review within 72 hours.
26. If a supervisor finds the FIC documentation to be inaccurate or insufficient, that supervisor shall require that the officer supplement the documentation before the end of that officer's present tour of duty and/or take corrective action according to the following paragraph.
27. If the actions reviewed appear not to be supported by the required reasonable suspicion or probable cause, or are not consistent with this Chapter, federal and state law, the supervisor, in consultation with the shift commander (if present), shall document and establish a strategy to remediate the situation. The supervisor shall document any corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**), by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**), or, as appropriate, shall recommend a review of agency policy, strategy, tactics, or training.

#### **RECORDS**

30. The NOPD Technology Section shall be responsible for the maintenance of the FIC database.
31. The records stored in the FIC database shall be maintained in the active files for five years from the date of entry.
32. After five years from the date of entry, the individual(s) personal identifying information will be purged. Only demographic and information relating to legal justification and circumstances (reasonable suspicion, probable cause, etc.) shall be maintained for statistical analysis and reporting.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.13

### TITLE: BIAS-FREE POLICING

**EFFECTIVE: 07/10/2016**

**REVISED:**

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#### PURPOSE

The purpose of this Chapter is to ensure that members of the New Orleans Police Department discharge their duty to serve the community in a bias-free manner.

#### POLICY STATEMENT

1. NOPD strives to provide police services that are equitable, respectful, and bias-free in a way that helps promote broad-based community engagement and bolsters confidence in the Department. Actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group shall not be a motivating factor to any degree in any law enforcement decision, including the decision to take no action, or in the selection or rejection of particular tactics and strategies.
2. Bias-based policing is strictly prohibited. Bias-based policing degrades the public's confidence in the Department and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Department's ability to enforce the law.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Bias-based policing**—An inappropriate reliance, to any degree on characteristics, whether actual or perceived, such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide any form or type of service. Inappropriate reliance includes selecting an individual for law enforcement contact or police action, including a stop, use of force, detention, search, issuance of citation, or arrest, based on any of the characteristics listed above as well as the selective enforcement or non-enforcement of the law, i.e. discriminatory policing or “profiling.”

Inappropriate reliance on the listed characteristics **does not** include using race, ethnicity, or any other status as part of a reliable and individual-specific description for purposes of identification.

**Explicit bias**—Bias that reflects a person’s consciously held belief or attitude. In contrast to implicit bias, an explicit bias is one that a person is or can be aware of.

**Gender**—Refers to the attitudes, feelings, and behaviors that a given culture associates with a person’s biological sex. Behaviors that are viewed as incompatible with these cultural associations may be considered gender non-conforming.

**Implicit bias**—Bias that results from an unconscious stereotype, association, feeling, perception, or attitude. Unlike explicit bias, an implicit bias may exist without a person’s awareness and can contradict that person’s stated beliefs.

**Pat-down search/frisk**—An external examination of the outer garments of an individual. It is limited to what is necessary to detect weapons and must be based on reasonable, articulable suspicion that the person is armed and dangerous. Pursuant to the “plain-feel doctrine,” police may seize contraband discovered in the course of a frisk, but only if the contraband’s identity is immediately apparent. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.

**Probable cause**—The facts and circumstances, known to the officer at the time, which would justify a reasonable person in believing the suspect committed or was committing an offense.

**Reasonable suspicion**—Specific, objective, articulable facts, within the totality of the circumstances, that, taken together with rational inferences, create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage, in criminal conduct.

**Stop/Terry stop**—A brief, minimally intrusive detention of a subject, including the occupants of a vehicle, during which a reasonable person in the subject’s position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1. To justify a stop, the officer must have reasonable suspicion. For purposes of this Chapter, the terms “stop” and “Terry stop” are used interchangeably, and shall include detentions, investigatory stops, seizures, and field interviews. The stop must be based on what the officer knew before the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot provide the justification for the original stop.

## **BIAS-BASED POLICING PROHIBITED**

3. Bias-based policing is strictly prohibited. Law enforcement and investigative decisions must be based upon observable behavior or specific and reliable information.
4. Employees who engage in, ignore, or condone bias-based policing will be subject to discipline, up to and including termination.
  - (a) It is not a violation of this policy for an officer to consider factors such as actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group in combination with other legitimate factors (i.e., weight, age, height, dress, etc.) in reference to the description of a specific suspect, witness, person of interest or perpetrator of a crime for whom the officer is searching at that time.

- (b) Officers may only consider factors such as actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group if it forms part of a description that is:
- i. specific;
  - ii. from a reliable source;
  - iii. tied to a particular incident or event; and
  - iv. tied to the individual's known or suspected whereabouts or the time frame of the criminal activity.
5. Officers may never rely solely on generalized descriptions of an individual's actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group, even if such factors purport to represent a suspect description. Such factors may only be considered in combination with other legitimate factors that form a specific, reliable description that meets the criteria above.
6. Officers shall not record an individual's actual or perceived sexual orientation or gender identity in written reports. In providing descriptions of individuals for the purposes of identification, officers shall not include information about individuals' actual or perceived sexual orientation or gender identity. For example, officers shall not describe a person as "a gay man," "a lesbian," or "a transgender woman," or use similar terms to describe a person as a male, a man, a female, a woman, or as gender nonconforming. Officers are permitted to refer to an individual's actual or perceived sexual orientation or gender identity in the narrative portions of written reports when that information is reasonably relevant to the crime or incident about which the report is written, or when it is necessary to accurately reflect the statement of a witness, victim, or person interviewed about the crime or incident.
7. Laws shall not be selectively enforced, or not enforced, based to any degree on actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.
8. Officers are prohibited from selecting or rejecting particular policing tactics, strategies, or locations based to any degree on actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.

#### **AVOIDING THE PERCEPTION OF BIAS**

9. In an effort to prevent perceptions of bias, officers shall use the following measures whenever reasonably possible when conducting consensual contacts, investigative detentions, traffic stops, arrests, and searches and seizures of property:
- (a) Be professional and polite.
  - (b) Provide a self-introduction and explain to the subject the reason for the contact as soon as practical, unless providing this information will compromise the investigation or the safety of officers or other persons. In ordinary vehicle stops, this information shall be provided before asking for driver's license, vehicle registration, and proof of insurance or other identification.

- (c) Ensure that the length of the detention is no longer than reasonably necessary to take appropriate action for the known or suspected offense, as well as any offense which is legitimately discovered during the course of the investigation.
- (d) Ensure that the purpose of reasonable delays is explained to the person contacted.
- (e) Answer any questions the person contacted may have, including explaining options for the disposition of a traffic citation, if relevant.
- (f) Provide name and badge number when requested, verbally, in writing, or on a business card.
- (g) If the reasonable suspicion for the stop is dispelled or the stop was made in error, explain why the error was made and apologize for any inconvenience.

### STOPS AND SEARCHES

- 10. Officers detaining any person shall be prepared to articulate and document sufficient reasonable suspicion to justify any detention independent of the actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.
- 11. Under no circumstances shall officers frisk or search any person solely for the purpose of determining that person's biological gender or to view or touch the person's genitals. At no time shall an officer refuse to search someone based on his/her actual or perceived gender identity or sexual orientation. (See Chapter 41.13.1, "Interactions with LGBTQ Persons.")
- 12. Officers shall adhere to the guidelines of **Chapter 1.2.4, Search and Seizure**. When same-gender searches are required by law, officers shall respect the gender identification expressed by the individual to be searched.

### MEMBER RESPONSIBILITIES

- 13. 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 bias-based policing to a supervisor before the end of the shift during which they become aware of the incident.
- 14. Except as part of a reliable and specific description of an individual's identity, linking the individual to an event or location, an individual's actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or any combination thereof shall not be a factor in determining the reasonable suspicion for a stop, probable cause for an arrest, or asset seizure and forfeiture efforts.
- 15. If a violation of law has occurred, and the individual is not to be custodially arrested and booked, the officer shall complete the required citation, summons, or Field Interview Card (FIC) 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, he/she 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, race, and/or age 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.

16. No person shall be discouraged from, intimidated from, or coerced into filing a complaint alleging profiling by any member (commissioned or civilian employee) of this Department. Officers, upon request, shall provide information about how to file a complaint (see Chapter 52.1.1, Misconduct Complaint Intake and Investigation).
17. If a person alleges bias-based policing, the officer shall call a supervisor to provide assistance with filing a misconduct complaint if requested (see Chapter 52.1.1, Misconduct Complaint Intake and Investigation). For purposes of this policy, an allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a person complains that an officer treated him, her, or someone else differently because of actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.

#### **SUPERVISOR RESPONSIBILITY**

18. Supervisors are responsible for monitoring those individuals in their command for any behavior that may conflict with the purpose of this Chapter and shall address any alleged or observed violation of this Chapter in accordance with **Chapter 52.1.1, Misconduct Complaint Intake and Investigation**. Supervisors shall discuss any issues with any involved officer and his/her supervisor in a timely manner.
19. Recordings that a supervisor believes capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes in accordance with NOPD's approved records retention schedule (see La. R.S. 14:411).
20. Supervisors shall ensure that no retaliatory action is taken against any member of this department who discloses information concerning bias-based policing.

#### **ADMINISTRATION**

21. The Deputy Superintendent of the Public Integrity Bureau shall annually assess and report on 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 actual or perceived race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, or housing status.
22. The assessment shall include but not be limited to whether there is discrimination with respect to the following:
  - (a) misconduct complaints involving discrimination;
  - (b) use of force;
  - (c) motor vehicle and pedestrian stops;
  - (e) arrests; and
  - (e) whether particular geographic deployment tactics or strategies may have been

selected or rejected based upon stereotypes or biases.

23. The assessment shall be based on accurate, complete and reliable data, including:
- (a) misconduct complaints and data contained in the Early Warning System;
  - (b) stop and detention data;
  - (c) use of force analysis;
  - (d) crime trend analysis in relation to population demographics;
  - (e) enforcement practices based on community concerns; and
  - (f) operations plans and after-action reports.

## **TRAINING**

24. Training on techniques to eliminate bias-based policing shall be conducted as directed by the Education, Training and Recruitment Division in Police Recruit Training and Annual In-service Training, including four hours of comprehensive training as well as four hours annually thereafter, based on developments in Louisiana or federal law and NOPD policy. This training shall address:
- (a) Methods and strategies for more effective policing that rely upon non-discriminatory factors;
  - (b) Police and community perspectives related to discriminatory policing;
  - (c) Constitutional and other legal requirements related to equal protection and unlawful discrimination;
  - (d) The protection of civil rights as a foundation of effective policing;
  - (e) The existence and impact of arbitrary classifications, stereotypes, and bias, including unconscious or implicit bias;
  - (f) Methods and strategies for identifying stereotypes and implicit bias in officer decision-making;
  - (g) Instruction in the collection of information required for standard reporting, citation, summons, affidavit, or Field Interview Card (FIC);
  - (h) Identification of key decision points at which discrimination can take effect; and
  - (i) Methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived discrimination or bias.
25. As part of, or in addition to, bias-based policing 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)).

## **HATE CRIMES**

26. State law creates penalty enhancements for identified crimes motivated because of actual or perceived race, age, gender, color, religion, creed, disability, national origin, sexual orientation or ancestry of the victim or victims or because of membership, service or employment with an organization (La. R.S. 14:107.2). Please refer to Chapter 42.12, Hate Crimes.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.13.1

### TITLE: INTERACTIONS WITH LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING PERSONS

**EFFECTIVE: 03/12/2017**

**REVISED: 04/15/2018**

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#### PURPOSE

This policy governs police interactions with members of the Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) community.

#### POLICY STATEMENT

1. Members shall respect and treat all individuals equally regardless of gender identity, gender expression, or sexual orientation.
2. Members shall recognize that gender identity, gender expression, and sexual orientation do not constitute reasonable suspicion or evidence that a person has engaged in any crime.
3. Members are advised that confiscating, citing, and invoicing condoms as evidence for any prostitution-related offenses may compromise public health by creating a disincentive to carry, distribute, share, receive, or keep condoms in order to engage in safer sex practices.
4. This policy should be read in conjunction with **Chapter 41.3 – Bias-Free Policing**.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Chosen name, title, and pronoun**—The forms of address preferred by a transgender or gender non-conforming individual.

**Gender**—Refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behaviors that are viewed as incompatible with these cultural associations may be considered gender non-conforming.

**Gender expression**—External manifestations of one's gender identity. Common examples include one's name, pronouns, clothing, haircut, behavior, voice, and body characteristics.

**Gender identity**—A person’s internal, deeply held sense of gender. This internal sense of gender may be different from the sex a person was assigned at birth or the person’s physiology or biological sex (i.e., a person may have been assigned the gender of male at birth but may have an internal, deeply held sense of being female). Gender identity may or may not be visible to others or expressed outwardly through a person’s chosen pronouns, clothing, haircut, behavior, voice, and body characteristics. Gender identity is an innate characteristic of each person’s personality.

**Gender non-conforming**—An umbrella term used to describe a wide range of variations in physical appearance, characteristics, behaviors, and internal, deeply held senses of gender that do not conform to traditional societal expectations of male or female. This includes non-binary gender identities, meaning an individual identifies as androgynous (both male and female), between male and female, neutral, or not having a gender identity. A gender non-conforming person may use gender neutral pronouns (i.e., they, them, and theirs.)

**Intersex**—An umbrella term used to describe a wide range of natural bodily variations. Intersex people are born with or develop characteristics that do not seem to fit the conventional definitions of male or female. These characteristics can include chromosomes, genitals, hormones, and more. People with intersex conditions should not be assumed to be transgender. Note that the term “hermaphrodite” is offensive and should not be used.

**LGBTQ**—An umbrella term meant to refer to individuals who self-identify as Lesbian (L), Gay (G), Bisexual (B), Transgender (T), or Questioning (Q) their sexual orientation.

**Pat-down search/frisk**—An external examination of the outer garments of an individual. It is limited to what is necessary to detect weapons and must be based on reasonable, articulable suspicion that the person is armed and dangerous. Pursuant to the “plain-feel doctrine,” police may seize contraband discovered in the course of a frisk, but only if the contraband’s identity is immediately apparent. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.

**Sex/biological sex/sex assigned at birth**—Refers to a person’s biological or anatomical status as male, female, or intersex. Indicators of biological sex include sex chromosomes, hormones, gonads, internal reproductive organs, and external genitalia.

**Sexual orientation**—An enduring emotional, romantic, or sexual attraction to other people. A person may be attracted to members of the same, opposite, or both sexes. Examples of sexual orientation include heterosexual, bisexual, gay, and lesbian.

**Stop/Terry stop**—A brief, minimally intrusive detention of a subject, including the occupants of a vehicle, during which a reasonable person in the subject’s position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1. To justify a stop, the officer must have reasonable suspicion. For purposes of this Chapter, the terms “stop” and “Terry stop” are used interchangeably, and shall include detentions, investigatory stops, seizures, and field interviews. The stop must be based on what the officer knew before the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot provide the justification for the original stop.

**Transgender or “trans”**—An umbrella term used to describe a person whose gender identity and/or gender expression is different from those typically associated with the sex they were assigned at birth. “Trans” is shorthand for “transgender.” Some transgender people may undergo surgery and/or take hormones to change their bodies, but not all transgender people can or will take those steps, and a transgender identity is not dependent on medical procedures. “Transitioning” is a term often used to describe the period when transgender individuals begin



publicly living and identifying as the gender consistent with their gender identity. The term “transgender” should only be used as an adjective—i.e., it is appropriate to say “a transgender individual” or “transgender people,” but saying “a transgender” or “some transgenders” would often be viewed as disrespectful.

**Transgender man**—A person who transitions from female to male, meaning a person who was assigned female at birth but identifies and lives as male or as a man. Unless the individual prefers different pronouns, a transgender man should be addressed using masculine pronouns (i.e., he, him, his).

**Transgender woman**—A person who transitions from male to female, meaning a person who was assigned male at birth but identifies and lives as female or a woman. Unless the individual prefers different pronouns, a transgender woman should be addressed using feminine pronouns (i.e., she, her, hers).

### **LGBTQ PERSONS-GENERAL PROVISIONS**

5. Members shall treat **ALL** persons with courtesy, professionalism and respect, regardless of gender, gender identity, gender expression, or sexual orientation.
6. Domestic calls involving LGBTQ persons shall be handled as per NOPD domestic violence policy (see **Chapter 42.4 – Domestic Violence**).
7. Officers are specifically prohibited from using demeaning, harassing, intimidating, or derogatory language regarding or toward LGBTQ individuals. In general, officers shall refrain from using language that references a person’s sexual orientation, gender identity, or gender expression (other than appropriate pronouns), except as provided in this policy.
8. Officers will accept an individual’s gender expression or self-expressed identity and interact with the individual in accordance with NOPD policy for the individual’s gender identification. For example, an individual who self-identifies as a female will be treated in accordance with the search and seizure policies as they apply to females. Respectful treatment includes:
  - (a) Officers are required to use a person’s chosen name, title, and pronoun, whether or not the individual’s chosen forms of address are consistent with the individual’s legal name or gender. Officers should note that legal name and gender changes can be difficult or impossible to obtain for some people due to their age, ability to pay, personal safety, barriers posed by government officials and regulations, or a variety of practical considerations. When the individual does not self-identify and his/her gender is not clear to a reasonable person, or the officer is uncertain, the officer may professionally and discreetly ask the subject what name and, if necessary, gender pronoun he or she uses.
  - (b) Officers should be aware that individuals’ names may change between one interaction and the next, and use the name currently preferred by the individual.
  - (c) When individuals self-identify as transgender or state his/her gender identity, officers shall not question this identity.
  - (d) Officers shall not demean or retaliate against anyone for clarifying the name or pronouns that he/she would prefer officers to use.
9. Officers shall not require proof (i.e. identification or certificate of a name change) of an individual’s identity to use that person’s chosen name, title, or pronoun.

10. Officers shall not request identification, or otherwise initiate a contact, with any person solely on the basis of actual or perceived sexual orientation or actual or perceived gender identity.
11. Officers shall not fail to respond to a call for service or complaint on the basis of the caller's or complainant's actual or perceived gender identity or sexual orientation.

## STOPS AND SEARCHES

12. When identification is requested, officers shall accept presentation of a photo identity document issued by a non-government organization or a verbal statement of the person's self-expressed identity or gender expression and shall use the preferred identity and/or pronoun while interacting with an LBGTQ individual.
13. Although not required as evidence of identity, an operator's or driver's license is required for operation of a motor vehicle (see La. R.S. 32:52 and La. R.S. 32:402). Officers may request the driver of a motor vehicle to produce a driver's license. The failure of a motor vehicle operator to produce a driver's license upon request after a moving violation or traffic stop may subject the operator to the appropriate charge (i.e. driving without a license).
14. Any individual being detained or arrested shall provide officers with his/her legal name. Officers shall not charge and/or arrest an individual for falsely identifying himself/herself when a subject advises the officer he/she wished to be referred to under a different pronoun and name from his/her legal name.
15. All paperwork (i.e., report, citations, GIST, etc.) shall be completed using a subject's legal name. If a person's chosen name, title, or pronoun differs from his or her legal name, that information shall be recorded as "name and pronoun used" on all reports or documents. Officers shall not use "aka" ("also known as") to indicate this distinction.
16. Under no circumstances shall officers frisk or search any person solely for the purpose of determining that person's biological sex or to view or touch the person's genitals. At no time shall an officer refuse to search someone based on his/her actual or perceived gender identity or sexual orientation.
17. Officers shall adhere to the guidelines of **Chapter 1.2.4 – Search and Seizure**. When same-gender searches are required by law, officers shall respect the gender identification expressed by the individual to be searched.
18. Absent exigent circumstances, two officers shall be present for strip searches of transgender individuals. The officers shall be of the same gender as the individual's self-identification (see **Chapter 1.2.4 – Search and Seizure**).
19. In accordance with **Chapter 1.2.4**, an officer (or officers) of the same gender as the self-expressed gender of a transgender individual shall conduct any search of that individual. However, when exigent circumstances do not exist and the person to be searched expresses a preference for an officer of a different gender to conduct the search, the officer shall make a reasonable effort to summon an officer of that gender to conduct the search in accordance with **Chapter 1.2.4**. Officers shall follow the following instructions:
  - (a) For *Terry* frisks, officers must take into account the reasonableness of any delay created by waiting for another officer. If an officer of the identified gender is not available within a reasonable amount of time, officers shall proceed with the search.
  - (b) When in doubt regarding any searches of a transgender individual, officers should consult a supervisor prior to searching.

- (c) Officers shall record any search of a transgender individual (other than a strip search) on body-worn camera in accordance with NOPD policy (see **Chapter 41.3.10 – Body-Worn Camera** and **Chapter 1.2.4 – Search and Seizure**).
20. Officers shall not refuse to search or frisk a transgender individual merely because the person identifies as transgender.
21. Officers shall not subject transgender persons to more invasive or more frequent frisk procedures due to actual or perceived gender identity.
22. Requests to remove items related to a person's appearance, such as prosthetics, wigs, and cosmetics, shall be consistent for non-transgender and transgender persons while subjects are in police custody.
23. Officers should be aware that a transgender person's possession of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession or use, or of possession of drug paraphernalia.
24. Officers are advised that mere possession of a condom or condoms does not establish reasonable suspicion or probable cause of a prostitution or sex-related offense. Accordingly:
- (a) Officers shall not cite or rely on the mere presence or possession of condoms to any degree as the sole basis for reasonable suspicion or probable cause to believe that an individual has engaged or intends to engage in any prostitution-related offense.
- (b) Members shall not seize unused condoms except where the items are evidence in a criminal investigation.
25. Nothing in this Chapter shall require any officer to document a contact that would not otherwise require reporting.

### **BATHROOM USE**

26. Individuals shall not be stopped, questioned, or arrested for using a gender-segregated restroom on the basis that officers believe the individual's gender expression does not match the gender designation of the gender-segregated restroom.
27. Individuals shall not be stopped, questioned, or arrested for using a single-sex public restroom, including in bus stations or in shelters, solely on the basis of gender identity or expression.
28. When safe and appropriate under the circumstances and while in NOPD custody, transgender, intersex and gender-nonconforming individuals shall be allowed to use the restroom in accordance with their gender identity. If, however, an individual has safety concerns with using the restroom, that individual may use the restroom he or she feels will be safest for that person.

### **ARREST PROTOCOL**

29. Information about an individual's transgender status should be kept on a need-to-know basis to ensure the privacy of the individual is respected. However, all information the arresting officer obtains (including pronoun preference and preferred name) concerning the arrested person should be discretely passed on to the transporting officers and backup or any officer who is interacting with the individual.

30. All prescription medications, including hormone medication, shall be turned over to Central Lock-Up when the subject is placed in its custody.

### **TRANSPORTATION OF TRANSGENDER ARRESTEES**

31. When transporting a transgender, intersex, and/or a gender nonconforming individual together with other individuals suspected or accused of committing separate crimes, officers shall transport the individual with other arrestees of the same gender identity and expression unless the individual has expressed a safety concern and wishes to be transported alone or with people of a different gender.

### **JUVENILES**

32. Officers shall respect the privacy of juveniles and shall not disclose information about their gender identity or sexual orientation to their parents or guardians. Officers should be aware that disclosing this information to parent or guardians may put the juvenile at increased risk for violence or rejection in the home.

### **MEDICAL TREATMENT**

33. Whenever an LGBTQ person 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.
34. When a request is made for medical attention for an illness or injury, including injuries or perceived injuries made during an arrest, officers shall contact Communication Services and request EMS or transport the subject, if under arrest, to a medical facility.

### **DISCRIMINATION COMPLAINTS**

35. If a person alleges bias-based or discriminatory policing, the officer shall call a supervisor to the scene to review the circumstances and determine an appropriate course of action. For purposes of this policy, an allegation of bias-based or discriminatory policing occurs whenever, from the perspective of a reasonable officer, a person complains that an officer treated him, her, or someone else differently because of gender, actual or perceived gender identity, or actual or perceived sexual orientation.
36. Officers shall attend yearly training on this policy and other matters related to the LGBTQ community in New Orleans, in accordance with best practices and using relevant information collected by community members. This training shall be incorporated into the Department's bias-free policing training (see **Chapter 41.13**). Training on LGBTQ issues shall also be incorporated into training on arrests, stops, searches, and seizures. In-service training should be supplemented by roll-call training, and bias-free policing shall be reinforced in operations orders for special events.
37. An NOPD LGBTQ liaison should solicit feedback from members of the LGBTQ community on relevant training materials on an annual basis.
38. Comments on, and review of, this Chapter shall be solicited from the relevant community partners and members of the LGBTQ community annually. An NOPD LGBTQ Liaison may solicit this feedback through meetings, surveys, email, or similar methods.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.21

### TITLE: MOUNTED PATROL

**EFFECTIVE: 04/15/2018**

**REVISED: 09/02/2018**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for the use of mounted patrol officers. Mounted patrol officers provide police protection to the community, further community policing, and provide deterrence and high visibility.

#### POLICY STATEMENT

1. Police mounts can be used as a force tool either intentionally or unintentionally. In all cases, the Mounted Officers and the use of the mounts fall under the guidelines of **Chapter 1.3 – Use of Force** and **Chapter 1.3.6 – Reporting Use of Force**.
2. The guidelines for the use of force expressed in **Chapter 1.3 – Use of Force** shall be adhered to by supervisors and officers when planning and utilizing mounted patrol in crowd control situations to ensure adequate egress for disbursement of crowds.

#### DEFINITIONS

**Mounted Patrol Officer**—NOPD Officers who have successfully completed and maintained currency in the NOPD mounted certification course and are authorized to ride police horses.

**Mount**—A horse, owned or utilized, by the City of New Orleans.

**Inclement Weather**—A temperature reading of 32 degrees (or lower) or its equivalent considering wind chill factor; heavy rain or rain accompanied by lightning and high winds; or heat index of 100 degrees Fahrenheit or higher.

#### MOUNTED PATROL OFFICER DUTIES

3. Duties of Mounted Patrol Officers shall include, 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) Crowd control during special events, demonstrations and/or protests;
  - (d) Conducting tours of the police stable for groups authorized by the Superintendent of Police or his/her designee; and
  - (e) Assisting Districts and divisions within the police department when required.

4. Mounted Patrol Officers shall be knowledgeable about his/her mount and equipment to include:
  - (a) Maintaining a well-groomed mount.
  - (b) Controlling his/her mount.
  - (c) Answering questions from the public concerning their respective mount.
5. Mounted Patrol Officers should keep in mind their community policing / public relations role when dealing with community members and tourists. Mounted Patrol Officers shall assist citizens and tourists in a professional and courteous manner at all times.
6. Officers assigned to mounted patrol duties shall adhere to the **Mounted Patrol Manual** with regard to care of horses and maintenance of equipment.
7. All members assigned to mounted patrol duties are allowed one hour at the beginning and end of his/her tour of duty to prepare and care for his/her mounts.

#### **POLICE STABLE STAFFING**

8. The NOPD Stables shall be staffed 24 hours a day, seven days a week.

#### **WEATHER RESTRICTIONS**

9. The commander of the Mounted Unit shall 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 may only be conducted in the late afternoon or evening hours unless otherwise directed by the Deputy Chief of Field Operations Bureau or the Commander of the Eighth District.
10. If a mounted patrol assignment is cancelled due to inclement weather or hazardous conditions, mounted officers will be assigned marked vehicles for enforcement duties or given other special assignments as directed by the commander of the Mounted Unit.

#### **MOUNTED UNIT**

11. Supervisors and Mounted Instructors of the Mounted Unit shall conduct routine, periodic inspections of all mounted tack (saddles, saddle pads, bridles, bits, etc.) for continued serviceability.
12. The inspections shall be documented by the inspecting member and kept in a file maintained by the commander of the Mounted Unit until the individual item is discarded or replaced.

#### **RECORDS**

13. The principal Mounted Instructor shall maintain updated records of all bills (feed, hay, and shavings), farrier bills, purchase orders and equipment pertaining to the operation of the Mounted Patrol Unit.
14. Veterinary care records for each mount shall be maintained for one year after the mount is no longer in service.
15. The principal Mounted Instructor shall maintain training records, certifications and schedules for re-certification for every member trained, even if not assigned to the

Mounted Unit. These records shall be maintained for seven years after the member separates from service with the NOPD (for any reason).

## INJURIES

16. In the event an injury caused by an NOPD Mount is sustained by a community member or tourist, the following shall take place:
  - (a) The Mounted Patrol Officer shall be responsible for providing timely aid or assistance to the injured person(s).
  - (b) A supervisor, assigned to the Mounted Unit shall be notified by Communications Services immediately and respond to the scene.
  - (c) The Mounted Officer shall complete an incident report (EPR).
  - (d) The responding Mounted Unit supervisor shall ensure all necessary report forms are completed before the end of his/her tour of duty.
  - (e) The Mounted Unit supervisor shall notify the unit Commander, Deputy Chief of FOB, Deputy Chief of PIB and the Superintendent of Police of the incident by Departmental email as soon as possible.
17. In the event an injury is sustained by a mount, the mounted officer shall:
  - (a) Administer first aid to the mount.
  - (b) Contact the Mounted Unit principal instructor (on call 24/7) and brief him/her on the injury. The principal Mounted Unit instructor shall determine if the on call veterinarian is needed.
  - (c) Transport the injured mount to the police stables or veterinarian, if possible and instructed to do so by the principal Mounted Unit instructor and/or veterinarian.
  - (d) Contact his/her on duty supervisor who shall ensure all necessary report forms are completed before the end of his/her tour of duty.
  - (e) Complete an incident report (EPR) documenting the circumstances.

## RESTRICTIONS

18. The authorized leather riding crop shall only be used to control the mount and shall not be used on persons.
19. Mounted Unit officers are prohibited from allowing their mounts to enter buildings or businesses unless:
  - (a) The action is necessary in a life threatening situation, or
  - (b) He/she is ordered to do so by an on-scene supervisor.

## PART-TIME RIDER PROGRAM

20. The Mounted Unit - Part-Time Rider Program is comprised of NOPD officers who have successfully completed the mounted certification course but are not assigned to the 8<sup>th</sup> District - Mounted Unit.
21. Part-time riders may be assigned to supplement Mounted Unit officers during special events by the Deputy Chief of FOB or Superintendent of Police.
22. Officers who are participating in the part time rider program in the Districts but do not participate in the Annual Mounted Mardi Gras Training **must recertify annually**.
23. All mounted certified officers who wish to retain their certification and who are NOT assigned to the Mounted Unit must contact the Mounted Unit's lead instructor for a recertification date and time at least two months prior to his/her annual recertification training date.

24. The annual recertification shall consist of a written examination and a performance appraisal in the mounted certification course by the assigned Mounted Unit instructor.
25. All records of initial mounted training and all subsequent recertification of part-time riders shall be maintained in the same manner and for the same duration as mounted officers assigned to the Mounted Unit.

### **EQUIPMENT OPERATION**

26. Only officers assigned to the Mounted Unit or who have maintained mounted certification may operate vehicles and animal trailers assigned to the Mounted Unit unless specifically authorized by the commander of the Mounted Unit.
27. All members operating specialized vehicles (trucks, animal trailers, etc.) assigned to the Mounted Unit must receive skills training on the proper operation of the vehicles and demonstrate competence in the proper handling of the vehicles. The training and testing shall be documented and maintained in the member's training records at the Mounted Unit in the same manner and for the same duration as the mounted training records.

### **RECERTIFICATION**

28. All Mounted Unit and part-time rider officers are required to participate and successfully complete the mounted recertification training annually.
29. Mounted Unit and part-time rider officers that participate in the Annual Mounted Mardi Gras Training are re-certified for that calendar year.
30. All mounted certified officers who wish to retain his/her certification and who are NOT assigned to Mounted Unit must contact the mounted unit's lead instructor for a recertification date and time at least 2 months prior to his/her annual recertification training date.

### **MOUNTED POLICE SECONDARY EMPLOYMENT**

31. Only officers who have successfully completed the mounted certification course and have recertified within the current calendar year are authorized to work mounted patrol police secondary employment through the Office of Police Secondary Employment (OPSE).
32. All requests for officers to work mounted police secondary employment SHALL be referred to and are governed by the guidelines and policies of the Office of Police Secondary Employment. (See also: **Chapter 22.08 – Police Secondary Employment.**)

### **NOPD MOUNT BREEDING PROGRAM**

33. The mount breeding program will be maintained by the mounted unit instructors on a daily basis. This includes all training of the foals (handling, weaning, breaking, etc.), handling and scheduling the studs and broodmares for breeding purposes (live cover breeding, artificial insemination, and collection of semen), and storing semen for future breeding purposes. The mounted instructors will also handle the purchasing of additional studs and/or broodmares for breeding purposes.



**ACQUISITION AND RETIRING OF NOPD MOUNTS**

34. The acquisition of mounts, through purchase and/or donation shall be coordinated by the Mounted Unit instructors. The inspection (size, temperament, health, etc.) of a mount to be purchased or donated shall be conducted by one of the Mounted Unit instructors.
35. If the mount is deemed suitable, it will be accepted into the unit on a provisional basis. The mount will be tested for up to 90 days. If the mount proves to be a viable for the NOPD Mounted Unit, it will accepted into the unit on a full time basis.
36. The retiring of an NOPD mount requires the authorization of the Mounted Unit principal instructor with concurrent approval through the chain-of-command to the Superintendent of Police.
37. The decision to retire a mount shall be based on the mount's health, age, temperament and physical condition as well as the recommendation of the mount's assigned veterinarian.
38. If approved for retirement, a suitable retirement home will be located, evaluated, inspected and approved at the time of retirement by the Mounted Unit principal instructor.
39. The necessary title transfer and donation papers will be completed by the Mounted Unit commander, submitted to the Chief Administrative Officer of the City of New Orleans, and executed and approved as required by City regulation for public property.
40. All records of donation, sale, or transfer of ownership of any publically owned mount shall be maintained by the Mounted Unit for at least seven years after the mount is separated from service.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.22

### TITLE: CANINE

**EFFECTIVE: 08/23/2015**

**REVISED: 12/06/2015, 04/01/2018**

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#### PURPOSE

The purpose of this Chapter is to regulate the use of NOPD canines. It sets out the duties and responsibilities of supervisors and canine handlers for use, approval, and deployment of Department canines. The use of canines requires adherence to procedures that control their use of force potential and that direct their specialized capabilities into legally acceptable crime detection, prevention, and control activities.

#### POLICY STATEMENT

1. A police canine is primarily a locating tool, using its extraordinary olfactory skills to find a concealed subject. The use of the canine as a force tool, that is to bite a suspect at the time the suspect is located, may or may not be necessary or justified.
2. When a canine is used in an attempt to apprehend a suspect, it is an instrumentality of force and shall only be used consistent with **Chapter 1.3 – Use of Force**, applicable laws, and current professional standards as set out in this Chapter. **Chapter 1.3 – Use of Force** requires that officers shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. As applied to canines, the reasonable-necessity standard means a dog bite is justifiable, lawful force **if and only if** the threat to officers or the public is serious—the need for force must be sufficient to justify the injury of a dog bite.
3. Canine teams will be trained and will demonstrate proficiency such that the handler has total control over the canine's actions.

#### DEFINITIONS

**Apprehension**—Apprehension shall mean the arrest, capture, or taking into custody of a person.

**Bite**—Physical contact between a canine's teeth and a person or animal. This physical contact does not need to result in broken or punctured skin to be a bite.

**Canine Apprehension**—Where articulated facts demonstrate that a canine played a clear 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 Bite Ratio**—The number of canine apprehensions that result in a bite, divided by the number of canine apprehensions. Accidental and/or unintentional bites shall be included in the numerator.

**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. This includes all instances in which a canine is removed from the police car; or when a suspect gives up immediately after an announcement is made that if the suspect does not surrender, the canine will be released; or when a canine search is conducted in an effort to apprehend a suspect.

**Canine Handler**—A sworn member of the Department who has been certified by the Department's canine trainer as meeting all requirements of the Department's canine certification program.

**Canine Trainer**—A member of the Department who possesses a current Master K9 Trainer certification from a nationally recognized police canine trainer certification association.

**Contact**—For purposes of this Chapter, contact shall mean an actual physical touching of a person or a person's clothing by the canine during a Canine Deployment. This does not include controlled training, public exhibitions or casual touching by officers or members of the canine handler's family. A contact is considered a Level 3 use of force for reporting purposes.

**Crime of Violence**—A felony involving the infliction or threatened infliction of serious bodily injury or death.

**Non-Tactical Use of Canine**—The non-aggressive work of a canine when used to search for evidence or missing persons, to guard buildings or equipment, or to detect human remains.

**Serious Felony**—An offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. See **R.S. 14:2 (B)** for list of crimes that would be a serious felony.

**Serious Use of Force**—Includes the following: **(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 CEW. 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 CEW application for longer than 15 seconds, whether continuous or consecutive, and; **(h)** any strike, blow, kick, CEW application or similar use of force against a handcuffed subject

**Tactical Deployment of Canine**—An on- or off-leash search for a suspect conducted by a canine team in an effort to apprehend a suspect. Off-leash searches for suspects may only be conducted when the suspect is wanted for a **crime of violence** or is reasonably suspected to be armed based upon individualized information specific to the subject, conducted by a canine team in an effort to apprehend a suspect.

## **GUIDELINES FOR THE USE OF CANINES**

4. A handler shall be available for call-out under conditions specified by the Canine Unit Commander.

5. Police canines are a multi-functional asset that may be used in appropriate circumstances to assist officers in the search for criminal suspects; the detection and location of narcotics and/or explosives; and the location of missing adults or juveniles. Because of their potential to bite, the use of canines by this Department requires adherence to procedures that properly control their use of force potential and that channel their specialized capabilities into legally acceptable activities.

### DEPLOYING A CANINE

6. Each deployment of a canine must be approved by the canine unit supervisor (sergeant or higher), a specially trained SOD supervisor or, if none of those supervisors are available, by a platoon commander prior to deployment. The only exception to the requirement that supervisor approval be obtained prior to a canine deployment is under exigent circumstances when the handler is unable to contact a supervisor and, using sound judgment, deems it necessary to deploy the canine to protect himself or herself, other police officers, or citizens, from an immediate threat of serious bodily injury. However, a supervisor shall be notified at the first practicable moment. In such circumstances, the handler will provide a detailed explanation of the exigency in his/her deployment report.
7. Off-leash canine deployments, searches, and other instances when there is an increased risk of a canine bite to a suspect shall be restricted to instances in which the suspect is wanted for a crime of violence and the suspect poses an imminent danger of death or serious bodily injury to the officer or to another person.
8. **Off-leash tactical canine deployments**, searches, and other instances in which there is an increased risk of a canine bite shall be used only in instances in which the suspect is wanted for a **crime of violence** as defined in this Chapter or is reasonably suspected to be armed based upon individualized information specific to the subject. Officers are not authorized to deploy a canine off leash in order to subdue a suspect who presents no imminent threat of death or serious injury. Off-leash tactical deployment of a canine is never authorized for the protection of property.
9. **On-leash tactical deployments** may be authorized:
  - (a) To locate, apprehend or control suspects in instances in which the suspect is wanted for a felony, e.g., a burglary where the suspect is concealed; OR
  - (b) When the behavior of the suspect who is fleeing otherwise involves conduct that presents a serious potential risk of physical injury to the officer or others.
10. For all tactical uses of a canine to locate a suspect, the canine shall be called off at the instant that a suspect no longer poses a threat.
11. Canines shall not be used to apprehend suspects known to be juveniles who also pose no immediate threat of serious injury to the officer or others.
12. Canines may be employed in **non-tactical**, non-aggressive work such as searching for:
  - (a) Missing persons;
  - (b) Evidence, narcotics, explosives or other contraband; or
  - (c) Human remains.

### ALLOWING A CANINE TO BITE

13. Canine handlers will only allow their canines to bite a suspect if:
  - (a) the suspect's actions pose a risk of imminent danger to the handler or others;
  - (b) the suspect's actions pose a risk of serious harm to the canine; or

- (c) the suspect is exhibiting aggressive resistance as defined in **Chapter 1.3 – Use of Force**. (Aggressive resistance does not include concealment and refusal to surrender without more);

**AND**

- (d) the handler is in visual and auditory range of a suspect, except when the suspect is hiding in a confined space (e.g., a crawl space) and refuses to surrender or is escaping.
14. 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.

## **TACTICAL USE OF CANINE TEAMS**

### **TACTICAL USE - REQUESTS FOR USE OF CANINE**

15. Personnel within the Department are encouraged to freely request 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) Request the canine unit through the dispatcher;
  - (c) Request his/her supervisor respond to the scene;
  - (d) Refrain from entering the area or any structure to be searched;
  - (e) Provide the canine handler with sufficient reasonable suspicion to lead him/her to believe a crime of violence or serious felony has been committed and the person being sought is the perpetrator, including:
    - i. The nature of the crime the subject is wanted for;
    - ii. A detailed description of the wanted subject including age, gender, race, physical characteristics, and clothing;
    - iii. Whether the suspect is armed or unarmed;
    - iv. Whether the suspect has displayed violent behavior; and
    - v. All other information known about the subject and the area to be searched.
  - (f) Keep radio traffic to a minimum during the canine search; and
  - (g) 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.

### **TACTICAL USE - DEPLOYMENT AUTHORIZATION**

16. A canine handler shall have approval from a canine supervisor (sergeant or higher) or in the absence of a canine supervisor, an SOD supervisor who has received specialized training from the canine unit supervisor on deployment authorization criteria prior to deployment. If the handler is unable to contact a canine unit or SOD supervisor, the handler shall obtain approval from the district platoon commander before the canine can be deployed.
17. Upon receiving a request to approve a canine deployment, the approving supervisor shall respond to the scene and consult with the handler and other officers on the scene before making the decision to approve the deployment. Authorization can only be given after the supervisor has been briefed on all the available information needed to make such a decision. In making the decision to approve the deployment, including whether to authorize the deployment to be off-leash, the approving supervisor shall:
- (a) Make an assessment of the facts provided by the requesting officer and determine if there is reasonable suspicion or probable cause to believe a serious felony or crime of violence has been committed and the person being sought is the perpetrator;

- (b) Consider the severity of the crime, taking into account that off-leash deployment is prohibited except when the suspect is wanted for a crime of violence as defined in this Chapter or is reasonably suspected to be armed;
- (c) Consider the age of the suspect (the subject's perceived age shall be determined by gathering as much information as possible from officers and/or witnesses who observed the subject's physical characteristics, height, weight, etc.);
- (d) Determine whether the suspect is or may be armed;
- (e) Consider whether the suspect has displayed violent behavior, taking into account that off-leash deployment is prohibited except when the suspect is wanted for a crime of violence or is reasonably suspected to be armed.
- (f) Recognize that mere flight alone is insufficient under NOPD **Chapter 1.3** – Use of Force or this Chapter to allow canine deployment.
- (g) Ensure that the search area perimeter has been secured.
- (h) Assess the likelihood that innocent civilians are located within the secured area.
- (i) Consider the potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (j) Attempt to ascertain if the subject has Limited English Proficiency and, if necessary, obtain language assistance to give the “canine warning”.
- (k) Ensure the handler is thoroughly briefed on all known information.
- (l) If authorizing deployment, make clear whether the authorization is for an on- or off-leash deployment.

#### **TACTICAL USE - SCENE MANAGEMENT**

- 18. An NOPD supervisor shall be on scene when the canine unit starts a search on an apprehension call.
- 19. The approving supervisor must have Canine Authorization Training from the NOPD Canine Unit before he/she can approve a canine apprehension deployment.
- 20. If an outside law enforcement agency (not NOPD) is requesting the use of an NOPD canine unit within Orleans Parish and the Canine Unit supervisor is not available, an NOPD supervisor from the District where the search is taking place shall be responsible for on scene management within the guidelines of this Chapter and all required reports relating to use of force, if applicable. The search shall not commence without an NOPD supervisor on scene.
- 21. The requesting unit's supervisor shall:
  - (a) Ensure that the canine handler has been fully briefed;
  - (b) Ensure that a perimeter has been established around the area to be searched;
  - (c) Ensure that the area to be searched has been vacated by all uninvolved civilians and police personnel; and
  - (d) Attempt to determine if there are any animals present in the area to be searched.

#### **TACTICAL USE - CANINE HANDLER DEPLOYMENT RESPONSIBILITIES**

#### **TACTICAL USE - PRIOR APPROVAL NECESSARY**

- 22. Prior to any tactical deployment of a canine, the canine handler shall obtain approval from the canine supervisor, a trained SOD supervisor or, if neither is available, the platoon commander of the district wherein the deployment is requested. The canine handler will thoroughly brief the approving supervisor, providing all available information.

23. The canine handler shall, when the use of a canine is requested, activate his/her body worn camera and obtain a thorough briefing from the Department member requesting the canine deployment, to include but not limited to:
- (a) A description of the facts and circumstances that justify taking the wanted subject into custody;
  - (b) A detailed description of the wanted subject including age, gender, race, physical characteristics, and clothing;
  - (c) The subject's actual or perceived age (i.e. whether the subject is or may be a juvenile). The subject's perceived age shall be determined by gathering as much information as possible from officers and/or witnesses who observed the subject's physical characteristics height, weight, etc.);
  - (d) Whether the subject poses imminent threat or violence to others;
  - (e) The severity of the crime;
  - (f) Whether the subject is armed;
  - (g) Whether there is reason to believe the subject may not speak or understand English;
  - (h) Any potential danger to the public and/or other officers at the scene if the canine is released;
  - (i) The degree of resistance or threatened resistance communicated or shown by the subject;
  - (j) The potential for escape or flight if the canine is not utilized;
  - (k) Whether innocent civilians may be located in the search or apprehension area; and
  - (l) Whether the area perimeter is secure.

#### **TACTICAL USE - CANINE WARNING ANNOUNCEMENT**

24. Prior to all canine deployments, the handler shall:
- (a) Ensure his/her body-worn camera is activated before the warning is given and before deployment of the canine;
  - (b) Notify the Communications Section on the primary dispatch talk group for the District in which the deployment is taking place of the imminent deployment of the canine so that all officers in the area are aware of the deployment. The dispatcher shall announce the time over the radio. The unit and time of the announcement shall be documented by the dispatcher in the call history;
  - (c) Unless warnings impose an imminent threat of danger to the canine handler or other officers on scene, issue three (3) loud and clear warnings that a canine will be deployed and advise the suspect to surrender. For example: "Warning, a police canine will be used to search this (area to be searched), if you don't come out, I will release my dog. If approached by the dog, surrender and remain still";
  - (d) Obtain prior approval from a supervisor for any unannounced search, and document the reasons for not giving a warning and the name of the approving supervisor in his/her deployment report;
  - (e) Where there is reason to believe that a suspect may not speak or understand English, where practicable, obtain language assistance in giving the mandated canine warning. The handler shall announce the warning in English, Spanish and Vietnamese.
  - (f) Provide a reasonable amount of time for innocent civilians, other members, and the suspect to come out before commencing with the search.
  - (g) Whether or not there is an apprehension, document in the deployment report and any related incident report whether a verbal canine warning was given and, if none was given, the reasons why.

#### **TACTICAL USE - CONDUCT DURING DEPLOYMENT**

25. Whenever possible, two canine handlers should respond to any request for a canine. When two handlers respond to a request for a service, the primary handler shall search with his/her canine and the secondary handler shall act as backup without his/her canine. If a question arises as to which handler shall be primary, the approving supervisor shall designate the primary handler.
26. When the duration of the search, the size of the area or weather conditions dictate, canine teams may be rotated out as needed and determined by the handler(s) or the supervisor.
27. The canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.
28. The canine handler shall keep his/her canine within visual and auditory range during deployments at all times, except when the canine clears a threshold (e.g., rounding a corner, entering a room, ascending/descending a stairwell).
29. Canine handlers shall allow their canines to engage a suspect by biting only if:
  - (a) The suspect's actions pose a risk of imminent danger to the handler or others; the suspect's actions pose a risk of serious harm to the canine; or the suspect is exhibiting aggressive resistance as defined in NOPD **Chapter 1.3 – Use of Force**. (Aggressive resistance does not include concealment and refusal to surrender without more); and
  - (b) The handler is in visual and auditory range of a suspect, except when the suspect is hiding in a confined space (e.g., a crawl space) and refuses to surrender or is escaping.
  - (c) 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.
30. When a canine apprehends a suspect by biting, the handler shall call the canine off at the first moment the canine can be safely released, considering that the average person will struggle if seized or confronted by a canine. The handler shall order the dog to release the bite immediately after it is determined that the suspect is unarmed, regardless of whether the suspect is struggling with the dog.
31. 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.

#### **TACTICAL USE - CANINE BITES – MEDICAL ATTENTION**

32. 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 EMS determines that additional medical attention is required, the individual shall be transported to a medical facility for treatment.

#### **TACTICAL USE - REPORTING AND INVESTIGATING CANINE DEPLOYMENTS**

33. Whenever a canine request results in a deployment, the requesting officer shall ensure an incident report is prepared explaining the circumstances leading up to the request for the assistance of the canine, including a description of the actions of the wanted subject that constituted reasonable suspicion or probable cause to arrest the subject.



34. Whenever a canine is deployed, a canine handler will prepare a Deployment Report and/or Patrol Data Deployment Report and submit it to the canine unit supervisor before going off-duty. The item number of the report prepared by the requesting officer and the name of supervisor approving the deployment shall be documented in the report.
35. If the canine was used for tracking or searching for a suspect, that fact should be noted in the report. When a canine is involved or on the scene, apprehension may be described as:
  - (a) **With Contact** – when the canine physically made contact with the subject. (Contact is a Level 3 use of force for reporting purposes.)
  - (b) **Without Contact** – when the articulated facts demonstrate that the presence or use of the canine was instrumental in the apprehension or surrender of the subject but no contact was made.
36. In all apprehensions when there is canine contact, visible injury to a suspect or a complaint of injury, whether or not a bite occurred, the on-scene supervisor will immediately notify PIB/FIT. The requirements set out in **Chapter 1.3.6 – Reporting and Investigating Use of Force** shall be followed.
37. A canine deployment resulting in a bite is considered a serious use of force and a Level 4 reportable use of force. All serious use of force shall be investigated by PIB FIT.
38. A canine deployment resulting in an apprehension without contact is a Level 2 reportable use of force. In all deployments resulting in an apprehension, the supervisor will ensure a Use of Force Tracking number is obtained and entered on all related documents. The supervisor will conduct a use-of-force investigation in compliance with **Chapter 1.3.6**.
39. For each canine apprehension, the involved handler and all witness officers, which includes the officer requesting the use of the canine, shall complete a Force Statement before the end of shift. In addition to the information that must be included in all Force Statements, a canine handler's narrative documenting a canine apprehension shall include the following:
  - (a) The name of the approving supervisor;
  - (b) The item number assigned to the body-worn camera video and any other associated item numbers;
  - (c) Whether the deployment was on- or off-leash;
  - (d) Whether there was contact between the canine and the subject, including contact with the subject's clothing;
  - (e) Whether the canine was on or off leash at the time of apprehension;
  - (f) A description of where the subject was located;
  - (g) Documentation of the duration of the canine's contact with a subject;
  - (h) The approximate distance of the canine from the handler at time of apprehension;
  - (i) The description of any injuries received by the suspect;
  - (j) The description of the circumstances leading up to the decision to deploy the canine; and
  - (k) A description of the canine release and securing of the canine.
40. The supervisor of the Canine Unit, with input from the canine trainer, shall evaluate each canine deployment for compliance with this Chapter, state and federal law, and document this evaluation in a written report in accordance with this Chapter.
  - (a) The report shall be forwarded to the Commander of the Special Operations Division for review and approval. Any issues identified in the report and the recommended corrections, by either the reviewing supervisor of canine or by the Commander of SOD, shall be noted and addressed in an interoffice

correspondence and forwarded to the Deputy Chief of the Field Operation Bureau, within two weeks from the date of the deployment.

- (b) The supervisor of the Canine Unit will obtain, review and attach all documentation associated with the deployment, including, but not limited to, the:
- i. Deployment Report;
  - ii. Force Statement(s), if required;
  - iii. Offense Report(s); and
  - iv. Arrest Report(s).

41. In the event of an unintentional and/or accidental canine bite not in conjunction with a canine deployment, whether on or off duty, the canine handler shall summon his/her supervisor/commander to the scene, request immediate medical treatment, and forward a written report in accordance with this Chapter.
42. Canines controlled by police officers are exempt from regulatory action relating to bites. Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements to the animal control department. The canine unit trainer will liaise with the animal control department to ensure that information regarding canine bites is not retained by its office.
43. Canine Bite Ratios shall be calculated by the Commander of the Canine Unit and reported to PIB to be included as an element of the Early Warning System and the departments Use of Force Annual Report.

#### **NON-TACTICAL DEPLOYMENTS OF CANINES**

#### **NON-TACTICAL USE - NARCOTIC DETECTION CANINES**

44. NOPD may use a narcotic-detection trained canine in accordance with this Chapter, **Chapter 1.2.4 – Search & Seizure, Chapter 1.2.4.1 – Stops / Terry Stops**, and **Chapter 1.2.4.2 – Search Warrant Content, Forms and Reviews**, and current search and seizure laws under the following circumstances:
- (a) To assist in the search for narcotics during a search warrant service;
  - (b) Where reasonable suspicion exists, to use the detection canine in support of probable cause to obtain a search warrant; and
  - (c) To search vehicles, buildings, bags and any other articles as deemed necessary, when probable cause supports the search.
45. Using a narcotic detection-trained canine to search a person for narcotics is prohibited.

#### **NON-TACTICAL USE - BOMB/EXPLOSIVE DETECTION CANINES**

46. The use of a trained explosive detection canine team may be warranted due to the high risk of danger to the public and officers. NOPD may use a trained explosive detection canine team in accordance with NOPD search and seizure Chapters and current search and seizure laws under the following circumstances:
- (a) On all bomb/explosive detection requests, department Explosive Ordinance Disposal (EOD) personnel must be notified to respond to the scene prior to the canine explosive detection 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 Deputy Superintendent or the Superintendent of Police;
    3. Assist with searches at transportation facilities and vehicles (e.g., buses,

airplanes and trains) as approved by the Field Operations Deputy Superintendent or the Superintendent of Police; and

4. Assist in the search of scenes where an explosion has occurred for an explosive device or parts thereof, or search of area where a secondary explosive device is suspected.

- (b) At no time shall a detection canine be used to render a suspected device safe or clear.

### **NON-TACTICAL USE - GUIDELINES FOR NON-APPREHENSION/CONTRABAND DETECTION USE**

47. 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.

### **CANINE UNIT SERGEANT RESPONSIBILITIES**

48. The sergeant who supervises the canine unit shall have significant knowledge and experience with police canine operations. He/she shall not be assigned as a handler.
49. The canine sergeant shall:
  - (a) Be available to the extent possible to respond to the scene and review requests for canine deployments, ensuring compliance with all requirements for deployment set out in this Chapter.
  - (b) Review all canine-related reports to ensure compliance with this Chapter and to identify training issues and other needs of the program;
  - (c) Closely review every canine apprehension that results in a bite for tactical and behavioral deficiencies, ensuring that closer supervision and remedial training are provided when needed;
  - (d) Liaise with administrative staff and functional supervisors;
  - (e) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams;
  - (f) Ensure that certified teams maintain performance standards as outlined in the New Orleans Police Department's canine unit's training manual;
  - (g) Conduct periodic inspection of canine handler's at-home kennels, yards and homes.
  - (h) Disseminate any and all canine equipment including kennels, and collecting same upon the handlers exit out of the unit;
  - (i) Oversee the procurement of needed equipment and services for the unit;
  - (j) Assist in the selection process of selective handlers; and
  - (k) Provide specialized training to all SOD supervisors and district watch commanders who are authorized to approve canine deployments in his absence.
    1. The training shall be conducted annually.
    2. A lesson plan shall be prepared and maintained on file at the Education and Training Division.
    3. Records of attendance at the training session shall be maintained by the Education and Training Division.

### **TRAINING**

#### **CANINE TEAM TRAINING**

50. This Chapter, the Canine Unit SOP and Training Manual are designed to ensure that the

handler and canine are trained to the point at which the handler can demonstrate total control over the canine's actions.

51. 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.
52. 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. This shall include training to District supervisors as to pre-deployment considerations for canine use as enumerated under this Chapter.

### **CANINE UNIT TRAINER RESPONSIBILITIES**

53. Trainer Selection and Qualifications
  - (a) The canine unit trainer shall be selected by the commander of the Special Operations Bureau with input from the supervisor of the canine unit.
  - (b) He/she shall possess a current certification as a canine instructor from a nationally recognized police canine training association.
54. The canine trainer is responsible for managing the canine training program, including, but not limited to:
  - (a) Reviewing all canine related reports for compliance with this Chapter and to identify training issues and other needs of the program;
  - (b) Closely reviewing every canine apprehension that results in a bite for handler tactical deficiencies and canine behavioral deficiencies, ensuring that remedial training is provided as necessary;
  - (c) Maintaining, recording, and tracking each canine handler's training records, certifications, health, and canine activities;
  - (d) Reviewing of all canine training logs;
  - (e) Ensuring that certified teams maintain performance standards as outlined in the New Orleans Police Department's Canine Unit SOP/ Training Manual;
  - (f) Training prospective canines and handlers to meet the performance standards and ensure that all teams are certified;
  - (g) Recommending and overseeing the procurement of needed equipment and services for the unit;
  - (h) Assisting in the scheduling canine-related activities;
  - (i) Assisting in the selection process of selective handlers;
  - (j) Testing and selecting prospective canines for use by the department;
  - (k) Training of new personnel and canines within the canine unit;
  - (l) Retraining of handlers and their canines;
  - (m) Taking inventory and safekeeping of all training equipment;
  - (n) Assisting in the selection process of selective handlers; and
  - (o) Maintaining custody and control of the controlled substances and explosive training aides as set forth in this Chapter.

### **CONTINUED TRAINING**

55. Each canine team shall be recertified to current nationally recognized standards on an annual basis. Additional training considerations are as follows:
  - (a) Canine handlers and supervisors shall receive annual training on **Chapter 1.3 – Use of Force** and this Chapter;

- (b) Canine teams shall receive annual training on current nationally recognized standards;
- (c) Canine teams shall participate in weekly training sessions provided by the unit's canine trainer and monitored by the canine unit supervisor; records of the exercises covered during each training session shall be maintained by the unit;
- (d) Canines and their handlers shall receive a minimum of 16 hours of training every four weeks;
- (e) Canine teams shall demonstrate, to the canine trainer, their compliance with the Unit's performance training standards on a quarterly basis;
- (f) Canine handlers, with approval of the canine unit trainer, are encouraged to engage in additional training;
- (g) 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;
  - 1. All canine training shall be conducted while on-duty unless otherwise approved by the canine unit trainer or Canine Unit Commander;
  - 2. SOD supervisors shall receive annual training to prepare them for making canine deployment decisions; this training shall be coordinated through the Education and Training Division and delivered by canine unit staff; and
  - 3. All NOPD supervisors shall receive training during the regular annual in-service training program on factors to consider when approving canine deployments.

#### **FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

- 56. Any canine team failing to graduate or obtain certification shall not be deployed in the field for those tasks the team has not been certified to perform until the required graduation or certification is achieved. No canine team shall be deployed unless its certification is current.
- 57. The Canine Unit shall maintain a canine certification program that ensures:
  - (a) Canines and their handlers have demonstrated control and proficiency in specific, widely accepted obedience and criminal apprehension exercises.
  - (b) The trainer shall maintain detailed records of each canine team showing they have met specific control criteria for each control exercise, and the remedial training that was provided if a canine team was deficient in any area.
  - (c) The trainer shall report all training and certification 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.

#### **TRAINING RECORDS**

- 58. Each canine handler shall maintain a daily training log consisting of canine activities (e.g., training, retraining, and in-service classes).
- 59. The Canine Unit Trainer shall:
  - (a) Record and track each canine team's training, certification, and health records, regardless of whether individual handlers also maintain records.
  - (b) Maintain records centrally within the administrative office of the Canine Unit;
  - (c) Periodically review handler training logs;
  - (d) Track canine deployments and canine apprehensions, calculate and track canine bite ratios on a monthly basis to assess its canine unit and individual canine teams and

(e) Report canine data and analysis to the Public Integrity Bureau. Canine deployment data shall be included in NOPD's Use of Force Annual Report.

60. The Canine Supervisor shall review the performance of all canine teams. Interventions shall be required for any team whose bite ratio exceeds requirements set forth per this Chapter or Canine Unit SOP/ Training Manual during a six-month period or the entire unit if the unit's bite ratio exceeds that threshold.

#### **CONTROLLED SUBSTANCE TRAINING AIDS**

61. 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.
62. The Superintendent of Police or his/her authorized designee, at his/her discretion, may authorize an employee to seek a court order to obtain controlled substances from Central Evidence and Property Section and after testing, to be maintained in the employee's possession for training purposes consistent with the requirements set out in this Chapter. 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, and
  - (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.
63. As an alternative, the Superintendent of Police or the authorized designee may request narcotics training aids from the DEA by filling out the DEA-225 form at [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov).

#### **CONTROLLED SUBSTANCE HANDLING PROCEDURES**

64. 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 only shall be acquired, with the approval of the Superintendent of Police or his/her designee, from the New Orleans Police Department's Central Evidence and Property Section (CE&P) or from the DEA. All controlled substance training samples shall be weighed and tested prior to dispensing to the canine trainer. This shall be done by the NOPD Scientific Criminal Investigations Section (Crime Lab) and documented in an interoffice correspondence from the SCIS Drug Chemistry Unit supervisor to the commander of the canine unit;
  - (b) The weight and test results shall be recorded and maintained by this Department. This documentation shall be kept on file at the SCIS and the Canine Unit;
  - (c) The Canine trainer shall be responsible for receiving approved controlled substance training samples from CE&P or the DEA, and shall maintain custody and control of the controlled substances in the Department provided secure storage safe, and shall keep records regarding any loss of, or damage to, those controlled substances. The loss or damage of a controlled substance shall be documented in a Form 105 to the Commanding Officer of SOD, with a copy to PIB, before the end of the tour of duty in which the loss occurred or is

- discovered. Any discrepancies in weight shall be documented in the canine discrepancy report form maintained by the unit commander;
- (d) The commander of the canine unit shall ensure that all controlled substance training samples are inspected, weighed and tested quarterly by the SCIS Drug Chemistry Unit and documented in an interoffice correspondence from the SCIS Drug Chemistry Unit supervisor to the commander of the canine unit. This documentation shall be kept on file at the SCIS and the Canine Unit;
  - (e) All controlled substance training samples shall be inventoried and properly stored in accordance with best practices to avoid contamination, loss, or damage. They shall be stored in separate safes. Each safe shall require 2 different keys to gain entry. The commander of the canine unit shall have one key and the canine unit trainer shall have the second key. A logbook shall be kept for each safe noting the date, time, persons and items removed. It shall be signed by each person who opens the safe to remove items for training, testing or inventory;
  - (f) The canine unit trainer shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action. Any discrepancies shall be documented in the canine discrepancy report form maintained by the unit commander;
  - (g) Any unusable controlled substance training samples shall be returned to Central Evidence and Property or to the dispensing agency for appropriate disposal along with an interoffice correspondence explaining the history and use of the returned item. This documentation shall be kept on file at the Central Evidence and Property Section and the Canine Unit;
  - (h) All narcotics training aids, when not in use, shall be properly stored in the safe provided at the canine unit appropriate for the type of materials they contain;
  - (i) The Commander of SOD, along with the Canine Unit Commander and the Canine Trainer shall conduct an annual inspection of the safes, logbooks, and all contents. Special note shall be made to ensure that all the documentation on the narcotics reflecting their weight and uses is present and that the recording system and camera(s) function properly. The results of this inspection shall be forwarded by the Commander of SOD through the chain of command to the Superintendent. A copy of the report shall be kept on file at the canine unit and SOD.

## **EXPLOSIVES TRAINING AIDS**

65. Explosives 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 sergeant shall be responsible for verifying 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; and
  - (e) A primary and secondary custodian shall be designated to minimize the possibility of loss of explosives 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.

66. Any lost or damaged explosives training aids shall be immediately reported in writing to the canine unit supervisor and to the Commander of SOD, who will determine if any further action will be necessary. Any loss of explosives shall immediately be reported to the Deputy Secretary of the Department of Public Safety and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (R.S. 40:1472.7).

#### **REPORTING INJURIES TO CANINES**

67. In the event that a canine is injured, the injury shall be immediately reported to the Canine Unit Commander.
68. 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 Unit Commander.
69. 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 the Canine Unit SOP/ Training Manual, ensuring that notifications are made to the Field Operations Deputy Superintendent, PIB Deputy Superintendent and the Superintendent of Police.
70. The Canine Supervisor shall document the incident via an Electronic Police Report Form (EPR) within twenty-four hours of the incident.

#### **ASSIGNMENT OF CANINES**

71. The canine teams shall be assigned to the Special Operations Division of the Field Operations Bureau and used to aid and assist all personnel of the New Orleans Police Department.
72. 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.
73. Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless necessary and approved by the commander of the canine unit.

#### **REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

74. The Commander of the Special Operations Division 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 Chapter;
  - (b) Canine teams shall not be called out while off-duty or used outside the jurisdiction of the New Orleans Police Department unless authorized; and
  - (c) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.
75. Unless directed by the Canine Commander, NOPD shall not request or use the services of any canine, whether owned by NOPD or any other jurisdiction, unless it first ensures



that the canine is controllable and meets the standards required by this Chapter. The Canine Unit Commander shall document, in any related reports, when a canine from another jurisdiction is used.

### **REQUESTS FOR PUBLIC DEMONSTRATIONS**

76. All canine demonstrations shall be subject to authorization from the Deputy Superintendent for the Field Operations Bureau or Superintendent of Police.
77. Canine demonstrations, when authorized, shall follow this Chapter and Canine Unit SOP/ Training Manual.
78. Handlers shall not demonstrate any apprehension work to the public unless specifically authorized to do so by the canine unit trainer.

### **SELECTION OF CANINE HANDLERS**

79. To meet the minimum qualifications for the assignment of canine handler, the handler shall:
  - (a) Be a New Orleans Police Department Officer with a minimum of 5 years' experience as a New Orleans Police Officer;
  - (b) Have a disciplinary history free of allegations of excessive force;
  - (c) Comply with use of sick and annual leave;
  - (d) Have maintained his/her physical fitness and meet the Canine Unit's physical agility standards as set out in their SOP;
  - (e) Have and maintain a single-family residence with a minimum 5 foot high fence, locking gates and sufficient space for the construction of a department provided and approved kennel;
  - (f) Successfully complete all phases of basic handler's course required by the Canine Unit;
  - (g) Live within reasonable travel time (as determined by the Commander of the Special Operations Division) from the New Orleans City limits, in accordance with the Department's current domicile regulations; and
  - (h) Agree to be assigned to the position for a minimum of three years (unless promoted).

### **CANINE HANDLER CANINE CARE AND EQUIPMENT RESPONSIBILITIES**

80. The handler shall ultimately be responsible for the health and welfare of the canine. The handler shall ensure the canine receives proper nutrition, grooming, training, medical care, affection and proper living conditions.
81. The handler's responsibilities include:
  - (a) The handler shall not expose the canine to any foreseeable and unreasonable risk of harm unless required by a particular application;
  - (b) The handler shall maintain all Department equipment under their control in a clean and serviceable condition;
  - (c) When a handler takes approved vacation or extended leave, and is not able to care for his/her canine, the assigned canine shall be housed/kenneled at the Canine Unit Compound; the assigned canine vehicle shall be maintained at the Department canine 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 Chapter;

- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be immediately reported to the canine unit trainer and the Commander of the Canine Unit;
- (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 shall the canine be lodged at another location unless previously approved by the canine unit trainer or Canine Unit 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 Unit Commander;
- (j) As soon as practical the canine handler should advise the canine unit trainer or supervisor of any illness or injury involving his/her assigned canine;
- (k) Handlers shall muzzle their canines prior to entering the designated veterinary facility;
- (l) Handlers shall maintain a comfortable ambient temperature for current weather conditions anytime the canines are in their vehicles; when leaving a canine in the canine vehicle unattended, the 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 the canine, and provide breaks to the canine; and
- (m) Handlers shall maintain their physical fitness at all times.

### **MEDICAL CARE OF THE CANINE**

- 82. Non-emergency medical care of the canine shall be coordinated through the canine unit trainer.
- 83. All non-emergency medical attention for the canine shall be rendered by the designated canine veterinarian.
- 84. The handler shall report any indication that a canine is not in good physical condition to the canine unit trainer or the Canine Commander as soon as practicable.
- 85. The handler shall notify the canine unit trainer as soon as practicable when emergency medical care for the canine is required.
- 86. 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 Unit Commander.

### **CANINES IN PUBLIC AREAS**

- 87. When not specifically deployed pursuant to this Chapter, all canines shall be kept on leashes 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 or approved demonstrations.
- 88. Canines shall not be left unattended in any area to which the public may have access.

89. When the canine unit is left unattended in a vehicle, 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.
90. Handlers shall maintain control over their canines that are in public areas at all times.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.23

### TITLE: MISSING PERSON REPORTING

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 332**

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#### PURPOSE

This Chapter describes the procedure for accepting, 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)).

#### DEFINITIONS:

**AMBER Alert** or a **Child Abduction Emergency**—A child abduction alert system. **AMBER** is officially a contrived acronym for **America's Missing: Broadcast Emergency Response**. The decision to declare an AMBER Alert is made by each police organization that investigates each of the abductions. Public information in an AMBER Alert usually consists of the name and description of the abductee, a description of the suspected abductor, and a description and license plate number of the abductor's vehicle, if available.

**Developmental Disability**—A severe chronic disability that can be cognitive or physical or both. Developmental disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition.

**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 Senior Citizen**—A person whose whereabouts are unknown, whose domicile at the time he/she is reported missing is in this state, who is 60 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.

**REPORT ACCEPTANCE**

1. All members 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; and
  - (e) Other information deemed relevant.
2. For all reports involving a missing child, department members 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.
3. In all missing persons cases where foul play is suspected, the District Investigative Unit shall be notified through Communications Services.

**INITIAL RESPONSE AND INVESTIGATION**

4. Patrol members should handle the initial missing person report and conduct a preliminary investigation involving additional resources as necessary. Department members shall promptly assist any person who is attempting to make a report of a missing person or runaway.
5. 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.

**INVESTIGATIVE PROCEDURES AND DILIGENCE**

6. 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:
    - A neighborhood/vehicle canvas.
    - Identifying persons at the scene and conducting separate interviews.
    - Documenting actions, telephone communications and other activities.
    - Assigning an investigator or officers whose duties will include coordination of the investigation.

- Involvement of the media.
  - If the missing person is under 13 years of age or there is evidence the person is missing under suspicious circumstances, Communications Services shall broadcast over the radio or send a mobile computer "be-on-the-lookout" (**BOLO**) transmission without delay within this jurisdiction.
  - In all missing persons cases where foul play is suspected the District Investigative Unit shall be notified through Communications Services.
7. 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.
8. During missing person investigations, the handling investigator shall attempt to obtain the most recent color photograph available of the missing person. The photograph and all pertinent information concerning the missing person shall be forwarded to the Louisiana Repository for Unidentified and Missing Persons and the Orleans Parish Coroner's Office. These photographs may be used for public information bulletins without written authorization.

#### **INVESTIGATIVE RESOURCES AND SUPPORT**

9. Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Members providing assistance should be properly briefed and updated on the investigation status.
10. 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.
11. Resources that should also be considered in the investigation of a missing person case include, but are not limited to:
- (a) Local FBI office
  - (b) Local Medical Examiner
  - (c) National Missing and Unidentified Persons System (NamUs), [www.namus.gov](http://www.namus.gov)
  - (d) Louisiana Clearinghouse for Missing and Exploited Children, 1-800-434-8007.
  - (e) National Center for Missing and Exploited Children, [www.missingkids.com](http://www.missingkids.com), 800-THE-LOST, including Project ALERT (America's Law Enforcement Retiree Team) and Team Adam
  - (f) Any other agencies and/or resources that may be available to assist in the investigation of the case.

#### **AMBER AND SILVER ALERT CRITERIA**

12. Criteria for Amber Alerts are:
- (a) Confirmation that an abduction has taken place;
  - (b) Child must be at risk of serious injury or death;
  - (c) Sufficient descriptive information of child, captor, or captor's vehicle; and
  - (d) The child must be 17 years old or younger.

13. Silver Alerts may be activated for individuals 60 years of age or older with a diagnosed mental impairment.

#### **INVESTIGATION OF MISSING SENIOR CITIZENS AND MISSING ADULTS WITH DEVELOPMENTAL DISABILITIES**

14. 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. Activate protocols for working with the media including AMBER Alerts and Silver Alerts as appropriate. See **41.23.1 – Public Alerts** for information on initiating public alerts.
  - (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:
    - i. Inadequate department resources.
    - ii. The investigation crosses jurisdictional lines.
    - iii. Existence of pre-established task forces or investigative teams.
  - (e) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

#### **INVESTIGATION DUTY MISSING CHILD**

15. 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).
16. 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, abduction by parent, abduction by a stranger or cause of disappearance unknown and shall:
    - Immediately notify such persons and make such inquiries concerning the missing child as necessary.
    - Utilize a family liaison to maintain communication with the family of the missing child.
    - Fully comply with the requirements of the National Child Search Assistance Act of 1990, Title XXXVII of Public Law 101-647, 104 Stat. 4966.
    - 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.
    - Verify and update original LACMEC/NCIC entries with any additional information within 30-60 days of entry.
    - 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:

- The suspect.
  - As miscellaneous information, the missing child.
- Determine whether the circumstances regarding the missing child meet the criteria for AMBER Alert activation (see: **Chapter 41.23.1 – Public Alerts**).
- (b) Cross-reference and integrate all information into the LACMEC/NCIC Missing Person File.
- (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:
- Confirm authorization for consent to obtain dental and medical records.
  - Send to the child's parent or guardian a request for certain identifying information regarding the child that the NCIC recommends to be provided.
  - Request the child's parent or guardian to provide such identifying information regarding the child.
  - 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.

## **CRIME SCENE INVESTIGATION/MANAGEMENT**

17. 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 Incident Commander shall ensure the following persons (if needed) are identified:
- (a) Public Information Officer
  - (b) Search coordinator
  - (c) Investigative Coordinator
  - (d) Support Unit Coordinator
18. The Incident Commander 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.
19. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.23.1

### TITLE: PUBLIC ALERTS

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 334**

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#### PURPOSE

The purpose of this Chapter is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

#### DEFINITIONS:

Definitions related to this Chapter include:

**AMBER Alert** or a **Child Abduction Emergency**—A child abduction alert system. **AMBER** is officially a contrived acronym for **America's Missing: Broadcast Emergency Response**. The decision to declare an AMBER Alert is made by each police organization that investigates each of the abductions. Public information in an AMBER Alert usually consists of the name and description of the abductee, a description of the suspected abductor, and a description and license plate number of the abductor's vehicle, if available.

**Emergency Alert System (EAS)**—A national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service (SDARS) providers, and direct broadcast satellite (DBS) providers to provide the communications capability to the President to address the American public during a national emergency. The system also may be used by state and local authorities to deliver important emergency information, such as AMBER alerts and weather information targeted to specific areas. The EAS regulations and standards are governed by the Public Safety and Homeland Security Bureau of the FCC. EAS has become part of [Integrated Public Alert and Warning System](#) (IPAWS), a program of FEMA.

#### POLICY STATEMENT

1. 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.
2. 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 Emergency Alert

System. The department will take all necessary precautions to authenticate information and limit the number of interruptions of local radio and television broadcasts.

### **MEMBER RESPONSIBILITIES**

3. Members of the New Orleans Police Department should notify their supervisor or 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.

### **SUPERVISOR RESPONSIBILITIES**

4. A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications through Communications Services based upon the circumstances of each situation. The supervisor shall ensure that Communications Services promptly notifies his/her Commander, Bureau Chief, Public Affairs Division on duty Public Information Officer and the Superintendent of Police when any public alert is generated.
5. The supervisor in charge of the investigation to which the alert relates is responsible for:
  - (a) Updating alerts by providing any new or changed information to the PIO.
  - (b) Canceling alerts by notifying PIO.
  - (c) Ensuring all appropriate reports are completed and approved in a timely manner.
  - (d) Preparing an after-action evaluation of the investigation to be forwarded to his/her Bureau Chief through the chain of command.

### **AMBER ALERTS**

6. The Louisiana AMBER Alert program coordinates the efforts of law enforcement, the media, and the public in an effort to safely recover abducted children.

### **CRITERIA FOR AN AMBER ALERT**

7. The activation criteria for a Louisiana AMBER Alert require that:
  - (a) A law enforcement officer / agency confirms a child under 17 years of age has been abducted.
  - (b) A law enforcement officer / agency 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 17 years of age and thought to be in imminent danger and/or criminal activity must be suspected in the disappearance.

### **PROCEDURE FOR AMBER ALERT INITIATION**

8. The investigator's immediate supervisor must:
  - (a) Complete the Louisiana Amber Alert System Initial Reporting Form (available at <http://www.lsp.org/pdf/AmberAlert.pdf>), providing as much information as possible,
  - (b) Sign the document, and
  - (c) 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, LA.**
    - **TELEPHONE #: 318-345-0000**

- EMAIL: [amberalert@dps.state.la.us](mailto:amberalert@dps.state.la.us)

9. If a photograph is not sent with the Initial Reporting Form, one should be sent as soon as possible.

### LOUISIANA STATE POLICE ACTIONS

10. The LSP determines whether an AMBER Alert is authorized for outside Orleans Parish after considering the information contained on the form to ensure it meets the criteria for an AMBER Alert. The elements considered are:
  - (a) Is there reasonable belief by law enforcement that an abduction has occurred?
  - (b) Is the child under 17 years of age?
  - (c) Does the Department believe that the child is in imminent danger of serious bodily injury or death?
  - (d) 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?
  - (e) 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))?
11. If the circumstances meet the criteria for an AMBER Alert to activate the statewide EAS, the alert process will be initiated.
12. 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 department. The end of alert message will be further disseminated by the LSP.
13. 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.
14. 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:
  - (a) An email alerting news media and law enforcement of a child's disappearance which does not meet the criteria of an AMBER Alert EAS activation. The email 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.
  - (b) Requesting completion and submission of the Louisiana Level II Media Advisory Form (available at <http://www.lsp.org/pdf/AmberLevel2.pdf>).
15. 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.

### MISSING CHILDREN

16. While investigating a possible missing child, (See also: **Chapter 41.23 – Missing Person Reporting**) 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 (under 17 years of age).
  - (c) The 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.
  - (f) 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).
17. If the criteria for an Amber Alert are met, district personnel will notify the Child Abuse Unit or Communication Services requesting a Child Abuse detective contact the investigating officer either by telephone or radio.
18. 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:
- (a) Immediately notify the Commander of the Special Victims Section who shall in turn authorize an Amber Alert;
  - (b) Determine if the message should be regional or if various states should be included in the notification.
  - (c) Notify the PIO that an alert has been authorized, requesting he/she respond to the scene;
  - (d) Contact the Communications Services NOPD Liaison, supplying all information for the Amber Alert system initial reporting form; and
  - (e) Respond to the scene to take command of the investigation.
19. 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.
20. 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 local AMBER alert.
21. Upon receipt of the form from the Child Abuse detective, the Louisiana State Police will be responsible for sending the EAS signal.
22. Upon receipt of verification the child has been located, the Commander of the Special Victims Section will, at his/her 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 disseminate the information to all media outlets via the City News Channel.
23. 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 but not be 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.
  - (d) Descriptions of accomplices.
  - (e) Direction of flight.
  - (f) The time of the offense.

**PUBLIC AFFAIRS DIVISION – PUBLIC INFORMATION OFFICER (PIO)**

24. The Public Affairs Division on-duty Public Information Officer shall have primary responsibility for sending the local Amber Alert message with information provided by the case investigator.
25. 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 and radio system. All television news stations currently monitor the channel, as does WWL Radio (the EAS Alert station for this area). This will notify all stations to be on the lookout for the information that will follow.
26. 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.
27. Within five working days of an Amber Alert, the Communications Director shall request a meeting with the Special Victims Section Commander and representatives from the media to evaluate the operation of the Amber Alert, with the goal of improving future Amber Alerts.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.25

### TITLE: CRISIS INTERVENTION

**EFFECTIVE:** March 13, 2016

**REVISED:** 05/10/20

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#### PURPOSE

1. This Chapter sets forth NOPD policy on handling and supervising situations involving individuals in crisis, including but not limited to 103M (crisis disturbance), 29ST (suicide threat), and 29SA (suicide attempt) events. This Chapter includes guidelines for the screening, training, organization, and duties of the Crisis Intervention Team (CIT) Program and NOPD officers.
2. It is NOPD's policy to ensure a high level of service is provided to all members of its service communities. NOPD recognizes the need to bring community resources together for the purpose of safety and to assist and resolve crises. Individuals in crisis will be treated with dignity and will be given access to the same law enforcement, government, and community services provided to all community members. The Department recognizes that many people experience crises and do not commit crimes.
3. During all encounters, NOPD members will consider whether the individual may be in crisis. The ideal resolution for a crisis incident is that the individual is diverted from the criminal justice system and connected with resources that can provide long-term stabilizing support.
4. Interactions with individuals in crisis carry the potential for violence and may require officers to make difficult judgments about the mental state and intent of the individual. This requires special police skills and training to effectively and legally interact with the individual in a productive manner and avoid unnecessary violence and potential liability. When an officer engages with an individual in crisis, the officer will attempt to de-escalate the situation.
5. As first responders, NOPD officers may encounter victims, witnesses, or suspects who are in crisis. They may be called upon to help people obtain psychiatric attention or other needed services. Helping people and their families obtain the services of mental health or substance abuse organizations, hospitals, clinics, and shelter care facilities is an important role for law enforcement. No single policy or procedure can address all of the situations in which officers, communications personnel, and other agency personnel may be required to provide assistance to persons in crisis. This policy is intended to address the most common types of interactions with people in crisis.

## DEFINITIONS

**29ST (Suicide Threat)**—Signal code used when a person in crisis has expressed a desire to end his/her life but has not acted in furtherance of that desire nor are they in a position or circumstance where they can immediately carry out the act. Neither EMS nor NOFD are dispatched with NOPD.

**29SA (Suicide Attempt)**—Signal code used when a person in crisis has expressed a desire to end his/her life and/or has taken an action in furtherance of that desire EMS and NOFD are dispatched with NOPD.

**Coroner's Emergency Certificate (CEC)**—A CEC is a commitment certificate signed by the Coroner and valid for 15 days from its issuance. When presented with a valid CEC, officers shall take the individual stated on the papers into custody and deliver the individual to the receiving facility indicated on the certificate.

**Crisis**—An incident in which someone is experiencing intense feelings of personal distress (e.g., anxiety, depression, fear, anger, panic, hopelessness), obvious changes in functioning (e.g., neglect of personal hygiene, unusual behavior), or catastrophic life events (e.g., disruptions in personal relationships, support systems, or living arrangements; loss of autonomy or parental rights; victimization; natural disasters), which may, but not necessarily, result in an upward trajectory or intensity culminating in thoughts or acts that are possibly dangerous to his or herself and/or others.

**Crisis intervention**—The attempt by a member to de-escalate an encounter with an individual in crisis and return the individual to a pre-crisis level or divert the person to other services when appropriate.

**Crisis Intervention Team (CIT)**—The Crisis Intervention Team is composed of certified officers who respond to persons in crisis, with the objective of diverting them from the criminal justice system and connecting them to appropriate mental health and substance use treatment services.

**CIT officer**—A commissioned member of the NOPD who has volunteered, been selected, received 40 hours of specialized training for crisis-related calls for service, and been certified as a Crisis Intervention Team officer. In addition to their regular duties, CIT officers are specifically assigned as primary responders to crisis disturbance calls. CIT officers are assigned to each NOPD district and maintain their standard patrol duties except when called to respond to potential crisis events. CIT officers work in cooperation with community partner mental health facilities and organizations.

**CIT Planning Committee**—The CIT Planning Committee is comprised of NOPD command leadership, City-contracted mental health professionals, civilian leadership of CTS, local municipal government, the New Orleans Metropolitan Human Services District, community mental health professionals, professionals from emergency health care receiving facilities, members of the local judiciary, the Orleans Parish Criminal Sheriff's Office, homeless services agencies, mental health professionals and advocates, and relevant community partners. The CIT Planning Committee shall direct the development and implementation of the CIT program. The Superintendent is responsible for appointing and removing members and determining their tenure.

**Crisis Transportation Service (CTS)**—The Crisis Transportation Service is an emergency transportation van staffed by civilian volunteer personnel (CTS Technicians). The Crisis Transportation Service is authorized by the Superintendent to assist patrol units in processing and transporting individuals in crisis who are not under arrest. The Crisis Transportation Service



will generally be available seven days a week from 10:00 A.M. until midnight. Refer to **Chapter 41.26 – Crisis Transportation Service** for more information.

**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 or she will inflict physical harm upon another person in the near future (La. R.S. 28:2(3), ChC. 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 or she will inflict physical or severe emotional harm upon his or her own person (La. R.S. 28:2(4), ChC. Art 1404(4)).

**Detention**—A restriction of movement or freedom to move. It may be of any duration.

**Developmental disability**—Severe chronic disabilities that can be cognitive or physical or both. The disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition.

**Gravely disabled**—The condition of a person who is unable to provide for his/her 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/herself from serious harm; the term also includes incapacitation by alcohol and/or drugs, which means the condition of a person who, as a result of the use of alcohol and/or drugs, is unconscious or whose judgment is otherwise so impaired that he/she is incapable of realizing and making a rational decision with respect to his/her need for treatment (La. R.S. 28:2(10), ChC. Art 1404(11)).

**Individual in crisis**—An individual in a state of crisis (see **Crisis** under **Definitions**). The individual in crisis is referred to as the “consumer” on the Crisis Intervention Form.

**Intellectual disability**—A disability characterized by significant limitations in both intellectual functioning and adaptive behavior that covers many everyday social and practical skills. Limitations in intellectual functioning involve the person’s difficulty processing information and making decisions. Limitations in adaptive behavior include problems communicating effectively and carrying out practical everyday living skills. Many people with intellectual disability are mildly affected, making the disability difficult to recognize. This disability generally originates before the age of 18.

**Mental Illness**—A mental illness is a condition that impacts a person's thinking, feeling or mood and may affect his or her ability to relate to others and function on a daily basis. Refer to La. R.S. 28:2(20) and ChC. Art 1404(17) for state definitions.

**Order for Protective Custody (OPC)**—An OPC is a commitment certificate signed by the Coroner or a judge from a court of competent jurisdiction. The certificate is valid for 72 hours from its issuance. When presented with a valid OPC, officers shall take the individual stated on the papers into custody and deliver the individual to the receiving facility indicated on the certificate.

**Physician's Emergency Certificate (PEC)**—A PEC is a commitment certificate signed by a licensed physician. The certificate is valid for 72 hours from its issuance. When presented with a valid PEC, officers shall take the individual stated on the papers into custody and deliver the individual to the receiving facility indicated on the certificate.

**Receiving facility**—For the purposes of this Chapter, receiving facility refers to any screening and treatment facility that can provide a mental health examination.

**Substance abuse**—The harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.

### **CIT PLANNING COMMITTEE**

6. The purpose of the CIT Planning Committee is to build an effective crisis incident response based on best practices, innovation, and experience. The CIT Planning Committee shall direct the development and implementation of the CIT Program. The CIT Planning Committee shall work collaboratively with NOPD to:
  - (a) Analyze outcome data, critical incidents, and other pertinent information to recommend appropriate changes to relevant chapters and training methods regarding police contact with individuals in crisis with the goal of de-escalating the potential for violent encounters and diverting appropriate individuals from jail;
  - (b) Reevaluate NOPD's overall CIT program, study national models, and make recommendations on modifications to the design of the CIT program;
  - (c) Review and approve the NOPD CIT training;
  - (d) Develop policies and procedures for the disposition or referral of individuals to jails, receiving facilities, and local mental health agencies that clearly describe the roles and responsibilities of those entities and of the NOPD; and
  - (e) Enhance community connections with advocates and mental health professionals and provide a seamless system of care for people in crisis.

### **CIT COORDINATOR**

7. The CIT Coordinator shall be responsible for the following:
  - (a) Maintaining a database of CIT calls for service via Crisis Intervention Forms;
  - (b) Working with the Education and Training Division to develop CIT training;
  - (c) Acting as the NOPD's liaison with other agencies involved in the mental health community;
  - (d) Maintaining a current roster of all CIT officers;
  - (e) Overseeing the development and implementation of a selection process for CIT officers;
  - (f) Annually evaluating the performance of all CIT officers and forwarding the evaluations to the supervisors of the CIT officers. If the CIT Coordinator determines an officer is unsuitable for the program, he/she shall discuss dismissal from the program with the Deputy Chief of Field Operations Bureau and document the dismissal and its justification in writing;
  - (g) Annually reviewing this Chapter and revising as needed;
  - (h) Seeking relevant outcome indicators from partner agencies;
  - (i) Reviewing outcome data to:
    - i. Recognize officers deserving commendation;
    - ii. Develop new response strategies for repeat calls for service;
    - iii. Identify training needs;
    - iv. Make CIT curriculum changes; and
    - v. Identify and address other issues that hinder NOPD's crisis response.
  - (j) Publicly reporting aggregated and anonymized CIT outcome data; provided, NOPD shall not disclose Protected Health Information and medical diagnoses that are protected by HIPAA regulations.

### **CIT OFFICER SELECTION**

8. Officers must volunteer for the advanced training. The CIT Coordinator shall screen all

new CIT officer volunteers. Selection criteria include:

- (a) Supervisory recommendations;
- (b) PIB records and other disciplinary history;
- (c) Insight employee summary report; and
- (d) Interviews.

9. Preference shall be given to officers with at least three years of field experience.

#### **CIT PIN**

10. Only trained and active CIT officers are authorized to wear a CIT pin.

#### **COMMUNICATIONS SERVICES RESPONSIBILITIES**

11. The quality of information gathered by call takers can affect the way officers respond to and resolve a call for service. Gathering information is critical at all stages in assessing the situation but is particularly critical at the beginning.
12. When a call is received about the actions or behavior of a person potentially in crisis, it is essential that call takers try to collect information to prepare the responding officers, including:
- (a) The nature of the problem behavior;
  - (b) Name of the individual potentially in crisis;
  - (c) Events that may have triggered the person's behavior;
  - (d) History of treatment for mental illness; and
  - (e) The presence of weapons.
13. The party calling about a person in need may be able to provide additional information such as:
- (a) Past occurrences of this or other abnormal behaviors;
  - (b) Past incidents involving injury or harm to the individual or others;
  - (c) Previous suicide threats;
  - (d) Reliance on medication or failure to take medication;
  - (e) Names of and contact information for relatives, friends, or neighbors available to assist officers; and
  - (f) Names of and contact information for physicians or mental health professionals or peer supporters available to assist officers.
14. In the case of calls relating to 103M, suicide threats (29ST) and suicide attempts (29SA), Communications Services shall:
- (a) Follow the OPCD protocols for determining the nature of the crisis and the correct danger level and capability of the person in crisis;
  - (b) Appropriately classify the event (103M, 29ST, 29SA) and assign the necessary resources (NOPD, NOFD, NOEMS);
  - (c) Dispatch the nearest available CIT officer and backup unit from the district of occurrence; or
  - (d) If there are no available CIT officers clear to respond in reasonable proximity to the call location, determine if a CIT officer handling a lower priority call in the district of occurrence can be reassigned to the call; or
  - (e) If unsuccessful at dispatching a CIT officer in the district of occurrence, Communications may attempt to dispatch the nearest available CIT officer from another district; or
  - (f) If no CIT officers are available to respond, the assigned officers shall handle the call in accordance with training and the guidelines provided in this Chapter.

15. Communications Services shall notify an NOPD supervisor whenever a CIT officer is requested but not available.
16. In exigent circumstances, Communications Services may immediately dispatch the nearest available non-CIT officer.
17. Communications Services dispatchers shall relay as much information as possible to all units responding to a call for service involving individuals in crisis.
18. CIT calls for service shall be assigned and responded to by a minimum of two officers. The first officer on the scene shall, if circumstances permit, wait until backup arrives before handling the call.
19. If requested by responding officers or when circumstances dictate, a supervisor and additional units shall be assigned.
20. All assigned units shall continue to the location until the primary unit has signaled a "Code 4" when it has determined additional backup is not necessary. The supervisor, however, shall respond to the scene if enroute.
21. Communications Services shall dispatch the Crisis Transportation Service (CTS) to the scene if available. CTS shall not respond directly to the scene until an officer has secured the scene. CTS shall wait at a safe location close to the scene until summoned by a responding officer or supervisor who has secured the scene.

#### **FIRST RESPONDING OFFICER**

22. The first responding officer, if not a CIT officer, should perform the following:
  - (a) Secure the scene, especially with regard to the safety of the officer, the subject, and any bystanders;
  - (b) Determine if the circumstances require the continued response of a CIT officer and inform Communications Services of the status. Beware of a premature Code 4; and
  - (c) Gather all available information to brief the CIT member upon his/her arrival. Information sources should include but are not limited to the following:
    - i. Observations of the subject's actions, demeanor, etc.;
    - ii. The name(s) of individual(s) involved; and
    - iii. Interviews of family/friends on scene.
23. If a CIT officer is not available to respond to the scene, the first responding officer(s) should follow the instructions below on how to handle the situation.

#### **CIT OFFICER RESPONSE**

24. The CIT officer has control of the scene interaction involving an individual in crisis and has the discretion to determine strategies for resolving the event, unless expressly relieved by an on-scene supervisor or in exigent circumstances (for example, if a CIT officer is injured or involved in a use of force). This Chapter does not apply in unusual or emergency situations (e.g. barricaded subjects per **Chapter 46.1 – Hostage, Barricaded Subjects and Sniper Incidents** and SWAT rolls per **Chapter 46.7 – Crisis Response Unit**) when other, specialized teams are required by necessity and regulation to resolve the incident.
25. The primary goal of CIT officers is to establish, develop, and implement safe, proactive,

and preventive methods of containing emotionally explosive situations that could lead to violence.

26. When responding to calls involving individuals in crisis, CIT officers should obtain as much information as possible to assess and stabilize the situation (see **First Responding Officer** above).
27. Officers are not expected to diagnose a mental illness or developmental disability but are expected to decide on an appropriate response to the individual and the situation. Officers shall perform a rapid assessment and respond based on that assessment. Recognizing symptoms that may indicate mental illness or developmental disability will help in deciding on an appropriate response.
28. To properly address the situation, CIT officers will attempt to determine:
  - (a) The severity of the behavior;
  - (b) The potential for rapid change in behavior; and
  - (c) The potential for physical danger presented by the person in distress to himself/herself or others.

### **RESPONSE TO CRISIS AND DISPOSITION DECISION**

29. Once sufficient information has been collected about the nature of the situation and the scene has been stabilized, the officer has several options to consider when selecting an appropriate disposition for the call for service. The officer frequently has the discretion to not arrest. Exercising the discretion to not arrest is particularly appropriate in situations in which the person's behavior is related to a person's mental illness or developmental disability. Officers' discretion should be guided by the goal of diverting individuals with mental illness or developmental disability from criminal justice involvement, following these guidelines when appropriate, given the nature and seriousness of the incident:
  - (a) Harmless behavior which appears to be related to an illness, disorder, or disability
    - i. Non-criminal: Provide a print-out with contact information for obtaining community-based services (refer to Crisis Intervention Resources in the Resources folder on [www.nopd.org](http://www.nopd.org)).
    - ii. Criminal: Verbal warning and provide contact information for obtaining community-based services.
  - (b) Indication of mental health needs
    - i. Non-criminal: Refer the individual to appropriate services.
    - ii. Criminal: Refer the individual to appropriate services, document crime on the Crisis Intervention Form, and issue verbal warning.
  - (c) Indication of urgent mental health needs
    - i. Non-criminal: Transport to voluntary services, if possible, preferably using the Crisis Transportation Service.
    - ii. Criminal: Transport to voluntary services, if possible, preferably using Crisis Transportation Service, document crime on the Crisis Intervention Form, and issue verbal warning.
  - (d) Imminent risk of serious harm to self or others
    - i. Non-criminal: Protective custody and involuntary transport to hospital, preferably using Crisis Transportation Service.
    - ii. Criminal: Protective custody, involuntary transport to hospital, preferably using Crisis Transportation Service, document crime on the Crisis Intervention Form if classed as a 103M or 29ST, and issue verbal warning.
    - iii. If classed as a 29SA, request EMS, complete an EPR and a CIT Form.
  - (e) Escalation of harmful symptomatic behavior
    - i. Non-criminal: Protective custody and involuntary transport to hospital,

- preferably using Crisis Transportation Service; coordinate with appropriate services as possible.
  - ii. Criminal: Arrest and booking.
  - (f) Escalated risk of serious harm to self or others, resistant to all other interventions
    - i. Non-criminal: Protective custody and involuntary transport to hospital, preferably using Crisis Transportation Service; coordinate with appropriate services as possible.
    - ii. Criminal: Arrest and booking.
30. The officer shall inform Communications Services when it is safe for the Crisis Transportation Service to come to the scene to assist with the de-escalation and disposition of the incident.
31. EMS may be summoned in the following instances:
  - (a) For an individual who has a medical emergency and requires ambulance transport to an emergency department.
  - (b) For an individual who is unable to walk or extremely obese or has other unique circumstances and therefore is unable to be transported by NOPD.
32. If the individual has capacity and refuses emergency medical treatment and transport by EMS, the responding officer must transport the individual to the closest receiving facility if an involuntary examination is going to take place. EMS will have the final authority to determine whether an individual is capable of refusing medical treatment and transport by EMS.
33. An officer can arrest an individual in crisis only when the officer has probable cause to believe the individual has committed a crime. Having a mental illness or developmental disability is not a crime, and no person should be arrested for behavioral manifestations that are not criminal in nature.
34. Officers shall contact their supervisor as soon as practicable when arresting a person who exhibits mental illness or developmental disability.
35. The officer shall inform Central Lock-Up of the perceived mental illness of any person charged with a crime and whom NOPD transports to Central Lock-Up.
36. If the person has injuries or a non-psychiatric medical condition, the person shall be taken directly to a hospital for initial medical treatment with the approval of a supervisor. After medical clearance is received at a hospital emergency department, NOPD shall transport the person to Central Lock-Up for booking.

#### **AUTHORITY OF AN OFFICER TO ENACT INVOLUNTARY EXAMINATION**

37. An officer may take a person into protective custody and transport him/her to a treatment facility for a medical evaluation when, as a result of the officer's **personal observation**, the officer has reasonable grounds to believe the person is a proper subject for involuntary admission to a treatment facility 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.
38. For involuntary examinations, *if there is no apparent medical emergency*, the officer should contact the Crisis Transportation Service (CTS) to assist on scene and provide transport to the nearest receiving facility. Officers **must accompany** CTS when CTS is transporting an individual. If CTS is not available, officers shall transport the individual to the nearest receiving facility provided they have secured permission from their

supervisor. Officers may only transport in a vehicle with a safety screen, and a minimum of two officers must accompany the person being transported in a patrol unit.

39. Officers shall contact an NOPD supervisor as soon as practical when taking an individual into protective custody and prior to transporting.
40. An officer may involuntarily commit a person, in accordance with Paragraph 36, who has violated a provision of law that warrants a physical arrest. Officers shall consult with their supervisor to determine if the person shall be incarcerated rather than committed when criminal charges lie.
41. 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)).
42. Officers should use reasonable and necessary precautions to avoid a violent encounter with the person being taken into temporary protective custody (La. R.S. 28:53.2(C) (5)).
43. Officers shall take persons into custody under any of the following circumstances (La. R.S. 28:53):
  - (a) There is an original Physician's Emergency Certificate (PEC) signed by a licensed physician. A PEC shall be valid for 72 hours from its issuance;
  - (b) There is an original 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; or
  - (c) There is an original Coroner's Emergency Certificate (CEC) signed by the Coroner. A CEC shall be valid for 15 days from its issuance.
44. Officers may contact the Coroner's office at 658-9660 to confirm the validity of commitment papers.
45. The officer shall deliver any commitment papers received by him/her to the receiving facility as indicated on the commitment papers.
46. Officers are not required to complete any applications nor should they alter any commitment certificates in any way.
47. The officer shall provide an oral summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention. The receiving facility will receive a written summary of the incident when the officer submits a Crisis Intervention Form and selects the appropriate receiving facility.

#### **DETENTION IN CIVIL COMMITMENTS**

48. The detention of a person pursuant to La. R.S. 28:53(L) does not constitute an arrest but rather a civil commitment and protective custody.
49. In taking a person into protective civil custody, officers may take reasonable steps to protect themselves (La. R.S. 28:53(L) (3)). All provisions for the use of force shall follow the requirements of **Chapter 1.3 – Use of Force**.

#### **ORDER OF PROTECTIVE CUSTODY AND COURT ORDER FOR FORCED ENTRY**

50. When the Coroner has granted an OPC and has credible information that the subject of the OPC will not comply and will refuse or obstruct admittance to the Coroner or officers assisting the Coroner in attempting to take the subject into protective custody, the

Coroner may apply for, and be granted a Court Order pursuant to R.S. 28:53.2 (G). The signed Court Order allows for the Coroner and those officers assisting to utilize “forced entry” to execute the OPC. **No search warrant is required**. The requirements for this action are:

- (a) A signed, valid OPC.
  - (b) A signed Court Order, requested by the Coroner, under R.S. 28:53 authorizing “forced entry”.
  - (c) The Coroner or his/her representative **MUST** be on-scene and the police are present only to “assist” in serving the OPC.
51. The NOPD Special Operations Division shall be contacted as soon as NOPD has been made aware that the Coroner has asked for a Court Order to allow forced entry under R.S. 28:53.2 (G). This will allow for SOD to prepare and plan.
  52. The NOPD officers on scene to assist the Coroner in the execution of the OPC and Court order remain under the direction and control of their respective NOPD supervisors at all times. The ranking supervisory officer, or SOD supervisor if on-scene, retain final authority to determine threat and risk assessment, tactics of deployment, method of entry and allocation of resources.
  53. Once the OPC and Order have been executed, the subsequent transport of the subject shall be the responsibility of the District, EMS (if necessary) and/or the CTS, not SOD.
  54. All subsequent police reports (UOF, EPR, etc.) shall be governed by existing Departmental regulations and SOD Standard Operating Guidelines.

## RESTRAINTS

55. Where necessary to protect an officer, the individual, or others, the officer may use restraints consistent with **Chapter 1.3.1.1 - Handcuffing and Restraint Devices**.
56. Crisis Transportation Service members may also use approved restraints consistent with **Chapter 1.3.1.1 - Handcuffing and Restraint Devices** and as limited by **Chapter 41.26 – Crisis Transportation Service**.

## RECEIVING FACILITIES

57. A PEC, OPC, or CEC will direct the destination for the individual. In the absence of commitment papers for involuntary commitments, officers shall transport the individual to the nearest emergency department or, if preferable, an alternative receiving facility listed in **Appendix A**. Emergency departments must accept all patients according to Emergency Medical Treatment Active Labor Act (EMTALA) of 1986 unless on full diversion of all medical disabilities.

## TRANSPORTATION

58. Officers shall search the individual before transporting in accordance with **Chapter 71.1 – Prisoner Transportation and Guarding**.
59. When transporting any individual in custody for a mental illness evaluation, the handling officer shall direct Communications Services to notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and any special care needs of the individual that are reasonably known to the officer.
60. Officers have three transportation options:



- (a) EMS, when there is a medical emergency;
  - (b) CTS, in non-arrest situations. **Officers must accompany or follow CTS**; and
  - (c) A marked police unit with a safety screen, in criminal or non-criminal situations.
- Two officers must accompany an individual in crisis transported in a police unit.

61. Violent individuals may be transported by EMS in cases of *medical emergencies*. An officer must accompany EMS to the receiving facility and may restrain the individual prior to transport in accordance with **Chapter 1.3.1.1 - Handcuffing and Restraint Devices**.
62. Upon arrival at the treatment facility and presentation of the individual for intake, the officer shall be relieved of any further responsibility, and the person shall be immediately examined by the receiving facility (La. R.S. 28:53(L) (2)). Officers shall remain with the individual at the treatment facility until the facility has completed the initial triage and intake processing and assumed responsibility for the individual. At the direction of the District Commander, officers may remain for up to 45 minutes past the intake/triage as a "courtesy" to allow the facility to provide a bed or room for the person/patient.

### **CRISIS TRANSPORTATION SERVICE**

63. Officers **must accompany** CTS when CTS is transporting the individual.
64. It should be noted that CTS members are not police officers and are not armed. Officers responding to calls with CTS shall remember that the CTS members are responding in an assistance capacity and are not equipped to effectively deal with situations requiring specialized training in police techniques.
65. For more information on the use of CTS, refer to **Chapter 41.26 – Crisis Transportation Service**.

### **SAFEKEEPING OF FIREARMS AND WEAPONS**

66. Whenever a person has been detained or taken into custody for evaluation pursuant to La. R.S. 28:53(L) only and is found to have in his/her possession or under his/her immediate control any firearm or other deadly weapon, or contraband, not involved in a criminal offense or illegally possessed, the handling officer shall:
- (a) Confiscate the firearm or weapon for safekeeping;
  - (b) Issue a property receipt to the owner/possessor;
  - (c) Place the firearm or other deadly weapon or contraband into Central Evidence and Property as Property under the owner/possessor's name until further processing and release; and
  - (d) Document the confiscation in an electronic police report.
67. Any weapons or contraband not in the individual's immediate possession or control are governed by **Chapter 1.2.4 – Searches and Seizure**.

### **SECURING OFFICER WEAPONS**

68. If a receiving facility prohibits officers' carrying duty 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 accordance with **Chapter 1.4 – Authorized Firearms**.

### **CRISIS INTERVENTION FORM AND INCIDENT DOCUMENTATION**

69. Upon completion of a crisis intervention incident involving a 103M, 29ST or 29SA, or any

other signal in which a CIT officer is specifically dispatched for crisis intervention purposes, the CIT officer or responding officer shall complete and submit the electronic Crisis Intervention Form (Form #348). Officers do not need to complete a Crisis intervention Form on gone on arrival (GOA) calls. An FIC is only required if the CIT encounter stems from a self-initiated stop or other presumptive criminal investigation. (See: **Chapter 41.12 – Field Interview Cards**).

70. A Use of Force Report shall be completed if required pursuant to **Chapter 1.3.6 – Reporting Use of Force**.
71. An Incident Report (EPR) shall be generated if there is an allegation of a crime, an incident is a 29SA or where the officer or supervisor deems prudent.
72. Protected Health Information (PHI) contained on CIT Forms and databases are restricted to the CIT Program Coordinator. PHI shall not be shared internally or externally except as authorized by law or a court order.

### **CALL DISPOSITIONS**

73. Classifications of calls for service involving 103M, 29ST, 29SA, or any other signal in which a CIT officer is specifically dispatched for crisis intervention purposes must be handled according to the guidelines of **Chapter 82.4 – Complaint Signals – Changing of Item Signals and Dispositions**.

### **BODY WORN CAMERA**

74. Officers shall utilize body worn cameras in accordance with **Chapter 41.3.10 – Body Worn Cameras** to document the entirety of the event, from arrival up to and including the transfer of the individual to Central Lock-Up or a receiving facility.

### **TRAINING**

75. The Commander of the Education and Training Division or his/her designee shall develop a plan for training officers who respond to crisis intervention calls in accordance with this Chapter and Department policy. Training will reflect changes in policy, law, and developments in best practices over time.
76. All CIT supervisor and officer candidates must complete the 40-hour CIT training prior to being assigned CIT duties. This training based on Memphis CIT model should include volunteer local area professionals and advocates to the greatest extent possible. This training shall include not only lecture-based instruction, but also on-site visitation and exposure to mental health providers, intensive interaction with individuals with mental illness, and scenario-based de-escalation skills training.
77. All CIT supervisors and officers shall complete eight hours of CIT in-service training annually.
78. All recruits shall receive at least 16 hours of crisis intervention training.
79. All supervisors and officers shall attend four hours of in-service training on this Chapter and responding to crisis intervention calls for service on an annual basis.
80. NOPD shall offer crisis intervention training to all current dispatchers and new dispatchers within 90 days of their start date to enable dispatchers to identify calls for

service that involve individuals in crisis. NOPD will also offer annual in-service training to dispatchers.

81. Crisis intervention training shall emphasize mental health-related topics, developmental disability topics, crisis resolution skills, de-escalation training, and access to community-based services.

**APPENDIX A – INVOLUNTARY COMMITMENT RECEIVING FACILITIES**

In involuntary commitments, the officer may transport the individual in crisis to one of the following, preferably using the Crisis Transportation Service:

- (a) A community mental health center;
- (b) A public or private general hospital;
- (c) A public or private mental hospital;
- (d) A detoxification center;
- (e) A substance abuse clinic; or
- (f) A substance abuse in-patient facility (La. R.S. 28:53(L), ChC. Art. 1433).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.25.1

### TITLE: CRISIS INTERVENTION – MOBILE CRISIS RESPONSE SERVICES

**EFFECTIVE: 8/27/2023**

**REVISED: New Policy**

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#### PURPOSE

1. Calls for service regarding persons experiencing mental health emergencies should receive service that is aligned with best practices while not elevating risks to first responders, the subject of the emergency, and the public. The goal is to provide the most appropriate care.
2. The New Orleans Police Department (NOPD) shall support the City of New Orleans in providing mobile crisis response services to residents and visitors experiencing a mental health emergency. Through a professional services contract managed by the New Orleans Health Department, Resources for Human Development (RHD) will provide 24/7 mobile crisis triage and response to calls for service that meet the established contract criteria.
3. During all encounters, NOPD members will consider whether the individual may be in crisis. The ideal resolution for a person in crisis incident is that the individual is diverted from the criminal justice system and connected with resources that can provide long-term stabilizing support. (See: **Chapter 41.25 – Crisis Intervention**)

#### DEFINITIONS

**Crisis**—An incident in which someone is experiencing intense feelings of personal distress (e.g., anxiety, depression, fear, anger, panic, hopelessness), obvious changes in functioning (e.g., neglect of personal hygiene, unusual behavior), or catastrophic life events (e.g., disruptions in personal relationships, support systems, or living arrangements; loss of autonomy or parental rights; victimization; natural disasters), which may, but not necessarily, result in an upward trajectory or intensity culminating in thoughts or acts that are possibly dangerous to his or herself and/or others.

**Crisis intervention**—The attempt by a member to de-escalate an encounter with an individual in crisis and return the individual to a pre-crisis level or divert the person to other services when appropriate.

**Crisis Intervention Team (CIT)**—The Crisis Intervention Team is composed of certified officers who respond to persons in crisis, with the objective of diverting them from the criminal

justice system and connecting them to appropriate mental health and substance use treatment services.

**CIT officer**—A commissioned member of the NOPD who has volunteered, been selected, received 40 hours of specialized training for crisis-related calls for service, and been certified as a Crisis Intervention Team officer. In addition to their regular duties, CIT officers are specifically assigned as primary responders to crisis disturbance calls. CIT officers are assigned to each NOPD district and maintain their standard patrol duties except when called to respond to potential crisis events. CIT officers work in cooperation with community partner mental health facilities and organizations.

**Dangerous to others**—The condition of a person whose behavior or significant threats supports a reasonable expectation that there is a substantial risk that he or she will inflict physical harm upon another person in the near future (La. R.S. 28:2(3), ChC. 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 or she will inflict physical or severe emotional harm upon his or her own person (La. R.S. 28:2(4), ChC. Art 1404(4)).

**Individual in crisis**—An individual in a state of crisis (see **Crisis** under **Definitions**). The individual in crisis is referred to as the “consumer” on the Crisis Intervention Form.

**Mental Illness**—A mental illness is a condition that impacts a person's thinking, feeling or mood and may affect his or her ability to relate to others and function on a daily basis. Refer to La.R.S. 28:2(20) and ChC. Art 1404(17) for state definitions.

**MOBILE CRISIS RESPONSE UNIT (MCRU)** - a team of mental health care professionals employed by Resources for Human Development (RHD) working under contract for the City of New Orleans who are tasked with responding to calls involving persons suffering from a mental health crisis. This unit is authorized to provide mental health services to citizens in need of care under an existing contract with the City of New Orleans Health Department.

**Receiving facility**—For the purposes of this Chapter, receiving facility refers to any screening and treatment facility that can provide a mental health examination.

#### **GUIDELINES FOR MOBILE CRISIS RESPONSE UNIT (MCRU)**

4. The mobile crisis response program is administered using the following guidelines:
  - a) All calls for service shall be created and managed in the computer-aided dispatch (CAD) system by OPCD.
  - b) Resources for Human Development (RHD) shall have access to the computer-aided dispatch system to receive pertinent information about the call for service.
  - c) To ensure responder safety, OPCD and RHD staff shall ensure the movement and status of their responding units is documented in the computer-aided dispatch system.
  - d) OPCD shall make the data related to calls for service available to the management team of all stakeholder agencies.

#### **COMMUNICATIONS SERVICES RESPONSIBILITIES**

5. Calls for service relative to mental health emergencies may be received from various mechanisms to include 9-1-1 calls, non-emergency calls, and requests from first responders in the field.
6. **Responders on scene** from the New Orleans Police Department, New Orleans Fire Department or New Orleans Emergency Medical Services **may request the Mobile Crisis Response Unit (MCRU) to their location** should they determine

- that is the more appropriate care on scene. MCRU shall make the final assessment on the appropriateness or suitability of their response.
7. NOPD members requesting a mobile crisis team response shall do so using their mobile radio to OPCD on the primary dispatch channel of the District in which they are operating.
  8. Upon receiving a call for service from OPCD or a request from NOPD unit(s) on the scene, the Mobile Crisis Response Unit will conduct a more detailed assessment to determine if they are the appropriate entity to respond. If it is determined by MCRU that the call for service does not meet the criteria for their response, or there is a more immediate threat and the most appropriate response is to dispatch NOPD, NOEMS and/or NOFD, they will notify OPCD immediately and the appropriate incidents shall be created in the computer-aided dispatch system.
  9. The quality of information gathered by officers on the scene can affect the way MCRU responds to and resolves a request from field units to respond. Gathering information is critical at all stages in assessing the situation but is particularly critical at the beginning.
  10. The Table below provides guidance and information on how OPCD and MCRU classifies response responsibilities by agency for dispatch.

**Incident Types in Computer Aided Dispatch System  
(Who will be dispatched by OPCD)**

Incident Type	Description	NOPD	NOEMS	NOFD	RHD/MCRU
SUIA (29SA)	Suicide Attempt	X	X	X	
SUIT (29ST)	Suicide Threat	X			
MENTAL	Violent Mental Person	X			
CIT	Non-Violent Mental Person	X			
MCR	Mobile Crisis Response Unit				X

11. Prior to requesting MCRU for an on-scene “hand-off” and to properly address the situation, officers will attempt to determine:
  - a) The severity of the behavior;
  - b) The potential for rapid change in behavior;
  - c) The potential for physical danger presented by the person in distress to himself/herself or others;
  - d) Harmless behavior which appears to be related to an illness, disorder, or disability; and
  - e) Indication of urgent mental health needs.
12. Once the on-scene assessment is done and officers have determined that the individual is not an immediate threat to themselves or others and relatively stable, they may request MCRU for an on-scene “hand-off” if they are available. This will be done through the OPCD Dispatcher on the District talk group.
13. MCRU will only accept “hand-offs” from NOPD officers on the scene in those cases where it is safe for them to do so. The MCRU is the final determinant of the viability for an on-scene “hand-off”.

14. If the “hand-off” is accepted by MCRU, NOPD officers can clear from the scene and mark their efforts as REF (“Referred to other agency”) with the OPCD Dispatcher and provide the MCR Unit number (i.e., REF with MCU11). No documentation (CIT Form, FIC, EPR, etc.) needs to be completed by NOPD for calls handed off to MCRU.

### **CRISIS INTERVENTION FORM AND INCIDENT DOCUMENTATION**

15. Upon completion of a crisis intervention incident involving a 103M, 29ST or 29SA, or any other signal in which a CIT officer is specifically dispatched for crisis intervention purposes, the CIT officer or responding officer shall complete and submit the electronic Crisis Intervention Form (Form #348). Officers do not need to complete a Crisis intervention Form on gone on arrival (GOA) calls. An FIC is only required if the CIT encounter stems from a self-initiated stop or other presumptive criminal investigation. (See: **Chapter 41.12 – Field Interview Cards**).
16. Protected Health Information (PHI) contained on CIT Forms and databases are restricted to the CIT Program Coordinator. PHI shall not be shared internally or externally except as authorized by law or a court order.

### **CALL DISPOSITIONS**

17. Classifications of calls for service involving 103M, 29ST, 29SA, or any other signal in which a CIT officer is specifically dispatched for crisis intervention purposes must be marked up according to the guidelines of **Chapter 82.4 – Complaint Signals – Changing of Item Signals and Dispositions** when they cannot be referred to MCRU.

### **BODY WORN CAMERA**

18. Officers shall utilize body worn cameras in accordance with **Chapter 41.3.10 – Body Worn Cameras** to document the entirety of the event, from arrival up to and including the transfer of the individual to Central Lock-Up or a receiving facility.

### **TRAINING**

19. The Captain of the Education and Training Division or his/her designee shall develop a plan for training officers who respond to crisis intervention calls which are handled by MCRU in accordance with this Chapter and Department policy. Training will reflect changes in policy, law, and developments in best practices over time.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.26

### TITLE: CRISIS TRANSPORTATION SERVICE

**EFFECTIVE: 03/16/2016**

**REVISED:**

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#### PURPOSE

The purpose of this Chapter is to define the responsibilities of the Crisis Transportation Service (CTS) in assisting officers in responding to crisis intervention calls.

#### POLICY STATEMENT

1. Individuals in crisis will be treated with dignity and will be given access to the same law enforcement, government, and community service provided to all members of the public. The Department recognizes that many people experience crises and do not commit crimes.
2. The primary objectives in processing crisis intervention calls shall be to restore order and to protect all parties from injury. NOPD recognizes the need to bring community resources together for the purpose of safety and to assist and resolve crises. Individuals in crisis shall be handled in a manner that is consistent with **Chapter 41.25 – Crisis Intervention**.

#### DEFINITIONS

**Authorized Restraining Device**—Restraining devices that have been specifically authorized by the CTS program director. The following restraints are approved for use by CTS: (a) Humane Restraint Locking Polyurethane Ambulatory Restraints MNDL-101-POLY or equivalent; and (b) Humane Restraint Polyurethane Ankle Hobble AD-305-POLY or equivalent.

**Crisis**—An incident in which someone is experiencing intense feelings of personal distress (e.g., anxiety, depression, fear, anger, panic, hopelessness), obvious changes in functioning (e.g., neglect of personal hygiene, unusual behavior), or catastrophic life events (e.g., disruptions in personal relationships, support systems, or living arrangements; loss of autonomy or parental rights; victimization; natural disasters), which may, but not necessarily, result in an upward trajectory or intensity culminating in thoughts or acts that are possibly dangerous to his or herself and/or others.

**Crisis Intervention Team (CIT)**—The Crisis Intervention Team is composed of certified officers who respond to persons in crisis, with the objective of diverting them from the criminal justice system and connecting them to appropriate mental health and substance use treatment services.

**CIT officer**—A commissioned member of the NOPD who has volunteered, been selected, received 40 hours of specialized training for crisis-related calls for service, and been certified as a Crisis Intervention Team officer. In addition to their regular duties, CIT officers are specifically assigned as primary responders to crisis disturbance calls. CIT officers are assigned to each NOPD district and maintain their standard patrol duties except when called to respond to potential crisis events. CIT officers work in cooperation with community partner mental health facilities and organizations. Refer to **Chapter 41.25 – Crisis Intervention** for more information.

**Crisis Transportation Service (CTS)**—The Crisis Transportation Service is an emergency transportation van staffed by civilian volunteer personnel (CTS Technicians). The Crisis Transportation Service is authorized by the Superintendent to assist patrol units in processing and transporting individuals in crisis who are not under arrest. The Crisis Transportation Service will generally be available seven days a week from 10:00 A.M. until midnight.

**CTS technicians**—Civilian volunteers who assist Crisis Intervention Team (CIT) officers or other commissioned members in processing and transporting individuals in crisis.

**Individual in crisis**—An individual in a state of crisis (see **Crisis** under **Definitions**). The individual in crisis is referred to as the "consumer" on the Crisis Intervention Form.

### PROGRAM OVERVIEW

3. The CTS is staffed by civilian volunteer personnel (CTS technicians). CTS shall be managed by a program director who may be a commissioned or civilian member of the NOPD.
4. The CTS assists CIT officers or other commissioned members in processing and transporting individuals in crisis who do not have criminal charges pending.
5. Dependent upon volunteer staffing availability, CTS will be available seven days a week from 10:00 A.M. until 12:00 (midnight).

### OFFICER INSTRUCTIONS

6. Officers may utilize the CTS to transport persons who are not under arrest, do not have a medical condition requiring treatment, and are not injured or complaining of injury (see **Chapter 41.25 – Crisis Intervention**).
7. CTS technicians are not commissioned members and are not armed. CTS technicians respond to requests from officers in an **assistance capacity only** and are not equipped to deal with situations requiring training in police techniques.
8. Officers **must accompany** CTS when CTS is transporting the individual.
9. Individuals in crisis should be restrained only when necessary to protect the individual or others from harm. Where restraints are necessary, only authorized restraining devices may be used.
10. Officers and CTS technicians shall remain with the individual(s) at the treatment facility until the facility has assumed responsibility for the individual(s).
11. Officers shall document the use of CTS on a Crisis Intervention Form (Form #348) and in all other Department reports required due to the nature of the incident.

**CTS UNIT INSTRUCTIONS**

12. The CTS unit shall advise Communications Services that it is in service at the beginning of its tour of duty. The CTS unit shall advise the dispatcher of any special assignments that may exist.
13. The CTS unit shall monitor and be based on the working dispatch group assigned by Communication Services at the beginning of its tour of duty. Once dispatched, the CTS unit shall notify Communications Services that it is changing talk groups to the appropriate group for the District of the location of the call for service.
14. The CTS unit shall proceed to the location of the call for service to assist district units when requested. The CTS unit shall keep the Communications Services dispatcher for the location of occurrence advised of its status upon arrival, transport, and completion of assignment.
15. CTS shall not respond directly to the scene until an officer has secured the scene (Code 4). CTS shall wait at a safe location close to the scene until a Code 4 has been broadcast.
16. The CTS units will respond and transport only on a Code 1 basis, obeying all traffic laws.
17. All individuals transported by CTS must be secured with the vehicle's seatbelt prior to transportation.
18. Restrained individuals shall not be left unattended. An officer or CTS technician shall remain in the presence of the restrained individual at all times.
19. CTS technicians shall use only restraining devices that have been specifically authorized by the CTS program director. The following restraints are approved for use by CTS:
  - (a) Humane Restraint Locking Polyurethane Ambulatory Restraints MNDL-101-POLY or equivalent; and
  - (b) Humane Restraint Polyurethane Ankle Hobble AD-305-POLY or equivalent.
20. CTS personnel shall be trained in the use of all authorized restraining devices.
21. CTS shall not transport individuals who are under arrest, have a medical condition requiring treatment, or are injured or complain of injury (see **Chapter 41.25 – Crisis Intervention**).
22. CTS shall complete a CTS activity sheet that shall be reviewed and filed by the CTS program director.
23. CTS shall return to the working dispatch group assigned by Communications Services at the beginning of its tour of duty upon completion of the call for service.

**CTS UNIT INSTRUCTIONS WHEN ONLY ONE INDIVIDUAL IS OPERATING THE VAN**

24. The CTS is generally staffed by two crisis transportation technicians. When personnel shortages occur, CTS may be staffed by one crisis technician.
25. If transport is determined to be necessary, the officer shall:
  - (a) Transport the individual in accordance with **Chapter 41.25 – Crisis Intervention**

- in the police unit to the receiving facility, where the CTS technician shall assist officers in transferring custody to the receiving facility; **or**  
(b) Ride with CTS to deliver the individual to the receiving facility.

26. Under no circumstances will a CTS van staffed by a single person transport an individual without an officer present.

### **COMMUNICATIONS**

27. Communications Services shall notify the CTS unit of any calls for service involving an individual in crisis or when requested by an officer on the scene of an incident involving an individual in crisis.
28. Communications Services shall notify the CTS unit on the working dispatch group assigned by Communication Services at the beginning of its tour of duty and advise it to change channels to the working dispatch group for the location of occurrence.
29. Communications will inform an NOPD supervisor for the request of CTS and the supervisor will respond to the incident location if requested by an officer (per **Chapter 41.25 – Crisis Intervention**).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.29

### TITLE: RIDE-ALONG PROGRAM / CIVILIAN OBSERVER

EFFECTIVE: 10/22/2017

REVISED: 12/20/20

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#### PURPOSE

This Chapter sets guidelines for the application and authorization of civilian ride along observers or to further the interest of the Department.

*NOTE: Nothing in this policy shall be construed as negating the City of New Orleans' policy on the use of city vehicles under CAO Policy Memorandum No. 5(R).*

#### ELIGIBILITY FOR RIDE-ALONG AND CIVILIAN OBSERVERS

1. The NOPD ride-along/civilian observer program is offered to residents, students, news media representatives and those employed within the City.
2. Reasonable efforts should be made to accommodate any qualifying interested persons.
3. Participants must complete a NOPD **Request to Ride-Along Form (Form 352)** in order to participate in the Ride-Along/Civilian Observe program.
4. Any applicant may be disqualified from participating in the program. This program will be administered without discrimination on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity. Factors that may be considered in disqualifying an applicant include, but are not limited to:
  - (a) Prior criminal history.
  - (b) Pending criminal action.
  - (c) Pending lawsuit against the Department or City.
  - (d) Denial by the Superintendent of Police, the City Attorney's Office or any police supervisor before or during a ride-along.

#### PROCEDURE TO REQUEST A RIDE-ALONG

5. Ride-along requests will be scheduled by the Office of the Superintendent through the Public Affairs Office.
6. Individual requests for a ride along for special circumstances shall be submitted to the

Office of the Superintendent by the requesting individual at least thirty (30) 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 acceptable.

7. Authorization for this activity cannot be granted by any other authorities.
8. 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.
9. The Public Affairs Office shall notify the division or District Captain of the date and time the participant will arrive to participate in the ride along.
10. The participant shall complete and sign the **Indemnity, Defense, and Hold-Harmless Agreement (Form #279)** prior to the start of the ride along. If the participant is under 18 years of age, a parent/guardian must be present to complete the form.
11. 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.
12. 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.

#### **PROGRAM REQUIREMENTS**

13. Once approved, participants will be allowed to ride no more than once every six months. An exception would apply to the following:
  - (a) NOPD Police Explorers,
  - (b) Community volunteers working with the NOPD,
  - (c) Police Chaplains,
  - (d) Police Reserves,
  - (e) Police Auxiliary, and
  - (f) Police Recruit or civilian applicants with approval of the Superintendent of Police.
14. An effort will be made to ensure that no more than one person will participate in a ride-along with an individual officer during any given time period. Normally, no more than one participant will be allowed in the officer's vehicle at a given time.

#### **SUITABLE ATTIRE**

15. 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.
16. Hats and ball caps will not be worn in the police vehicle.
17. The Platoon Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

#### **PEACE OFFICER RIDE-ALONGS**

18. 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.

19. 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.

#### **RIDE-ALONG CRIMINAL HISTORY CHECK**

20. 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 already a member of the NOPD).

#### **OFFICER'S RESPONSIBILITIES**

21. The officer shall advise the OPCD 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.
22. 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-lit place. The dispatcher will be advised of the situation and the location the participant is let out and as soon as practicable have another police unit respond to pick up the participant at that location. The ride along may be continued or terminated at this time.
23. 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, documented in an inter-office correspondence, to the Superintendent of Police through the chain of command and forwarded to the City Attorney's Office and the Public Affairs Office.
24. The Public Affairs Office is responsible for maintaining and scheduling ride alongs.

#### **CONTROL OF RIDE-ALONG**

25. 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 his/her 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) A civilian participant shall not be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

**NEWS MEDIA**

26. Requests received from the news media for ride-alongs 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.
27. All requests for information or interviews received by a member from a media representative shall be routed to the Public Affairs Office for processing and approval.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.31

### TITLE: DAMAGE TO PUBLIC PROPERTY

**EFFECTIVE: 08/05/2018**

**REVISED: Replaces Policy 472**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for the documentation of damage to public property that is not in the immediate control of the New Orleans Police Department.

#### DEFINITIONS

**Public Property**—Any item owned by, or in the immediate control of, a governmental entity or agency, to include city, state, or federal governing bodies or any subdivision thereof. For the purpose of this Chapter, the term property will also include any database or software where records are stored or generated, including the computer programming causing the mechanism to function properly.

#### INSTRUCTIONS/DOCUMENTATION

1. All calls for service being investigated by the New Orleans Police Department, where public property has been damaged, either through accident or criminal intent, shall be documented using an NOPD Incident Report (EPR) or Motor Vehicle Crash Report.
2. The governmental authority and agency in immediate custody or control of the public property shall be listed as the "victim/owner" within the report (examples: State of Louisiana, Department of Public Welfare, City of New Orleans, Streets Department).
3. The damaged public property will be described as accurately as possible, including the color, model, make, serial numbers, property tag numbers, or any other alpha/numeric identifiers utilized for identification purposes.
4. Should the damaged public 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.).
5. Damage to the public property shall be specifically outlined to include any obviously missing components or materials.
6. A copy of the approved report shall be forwarded to the appropriate governmental

agency responsible for the property. A copy attached to a departmental email is preferred to mailing a hard copy.

7. If the damaged public property is in the control of the City of New Orleans, an additional copy of the report shall be forwarded to the City Attorney's Office. A copy attached to a departmental email is preferred to mailing a hard copy.

#### **NOTIFICATIONS**

8. The investigating officer shall notify the governmental agency responsible for the damaged public property prior to concluding the report and investigation. The notification shall be documented within the report to include the date, time, method used and the name of the individual notified.

#### **SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION (CRIME LAB)**

9. Nothing in this Chapter shall prevent an officer from requesting Crime Lab to photograph and process the scene in criminal investigations involving public property damage or in instances of excessive public property damage where additional documentation is desired.

#### **SECURING DAMAGED PROPERTY**

10. Investigating officers will take all reasonable steps to secure the public property from further damage during the course of the investigation. If the public property is impounded as property or evidence, it shall be secured and logged to the Central Evidence and Property Division.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.33

### TITLE: DEATH INVESTIGATIONS

**EFFECTIVE: 04/15/2018**

**REVISED: Replaces Policy/Procedure 360**

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#### PURPOSE

The thoroughness of death investigations to include evidence gathering and witness identification is paramount. This Chapter provides guidelines on death investigations.

#### POLICY STATEMENT

1. 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.
2. All incidents involving a death shall be documented in an incident report (EPR).
3. In cases of a duty related death of an NOPD member, a death from an officer's use of force or an in-custody death, PIB shall be contacted immediately and **Chapter 1.3.2 – Force Investigation Team** applies.

#### DEFINITIONS

**Coroner's Office**—The medical examiner for the State of Louisiana whose role includes (R.S. 13:5717) retention of decedent's personal effects; moving or disturbing the body of a deceased person; prohibitions including: 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.

#### DEATH INVESTIGATION CONSIDERATIONS

4. Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspect cause death cases, unless the cause of death is obvious (e.g., the person has been decapitated).
5. Investigators are not authorized to "pronounce death." An investigating member shall

notify his/her supervisor in all death investigations. The District investigating officer's supervisor shall respond to the scene when notified.

### REQUEST FOR MEDICAL EXAMINER / CORONER

6. The office of the Medical Examiner (Coroner's Office) shall be notified through Communications Services 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) Violent death by homicide, suicide or accident.
  - (b) Death from thermal, chemical, electrical or radiation injury.
  - (c) Death from criminal abortion, including any situation where such abortion may have been self-induced.
  - (d) Death from a disease which may be hazardous or contagious or 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 apparent 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. (See also: **Chapter 1.3.2 – Force Investigation Team**).
  - (h) Death from external violence or unexplained cause or under suspicious circumstances.
  - (i) When a death occurs outside a licensed health care facility and a member of the NOPD is the first official to learn of the death.

### SEARCHING DEAD BODIES

7. The Coroner, Assistant Medical Examiner, or authorized Coroner's Investigator are generally the only persons that should move, handle or search a body. These Coroner's Office representatives 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.
8. Should exigent circumstances indicate to an investigating officer that a search of a dead body is warranted **prior** to the arrival of the Coroner's Office representative, the investigating officer should, when reasonably possible, first obtain verbal consent from the Coroner's Office.
9. Whenever reasonably possible, a witness (preferably a relative of the deceased or a member of the household) should be requested to remain near the scene and available to the investigating officer pending the arrival of the Coroner's Office representative. The name and address of this person shall be included in the narrative portion of the incident report (EPR).

### DEATH NOTIFICATION

10. When reasonably possible, 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 and a supervisor (**R.S. 13.5714**).
11. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested through Communications Services to make the personal notification.

12. If the relative lives outside of the United States, the Coroner's Office shall be requested to make the notification.
13. In the event a representative of NOPD has made the notification, the Coroner's Office shall be notified that the notification has been made.
14. 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. (See also: **Chapter 41.23 – Missing Person Reporting**).

#### **UNIDENTIFIED BODIES – DATA ENTRY**

15. 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 LSU FACES Laboratory in Baton Rouge by the investigating officer for entry into the Louisiana state database and the National Crime Information Center (NCIC) file. The FACES Lab can be contacted at [faces@lsu.edu](mailto:faces@lsu.edu) or 225-578-4761.

#### **SUSPECTED HOMICIDES**

16. If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances surround the cause of death exist, the officer shall take all necessary steps to protect the scene and isolate possible witnesses.
17. The officer shall notify the ISB - Homicide Section through Communications Services to request that a Homicide investigator respond to the scene for further investigation.
18. The officer shall notify his/her supervisor and request additional officers, units, equipment or support services as appropriate. The District investigating officer's supervisor shall respond to the scene when notified.
19. The assigned officer or detective investigating a homicide or a death under suspicious circumstances shall request the Coroner through Communications Services and document the request in the incident report (EPR).

#### **EMPLOYMENT RELATED DEATH OR INJURY**

20. Any member of this department who responds to a call 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 shall document the incident in a report (EPR) and ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.

##### **Baton Rouge Area Office**

9100 Bluebonnet Centre Blvd, Suite 201  
Baton Rouge, Louisiana 70809  
(225) 298-5458  
(225) 298-5457 FAX



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.34

### TITLE: ANIMAL CONTROL

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 820**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for 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.

#### POLICY STATEMENT

1. The Louisiana Society for the Prevention of Cruelty to Animals (SPCA) is responsible for impoundment of animals in violation of city ordinances.
2. Requests for assistance by the SPCA shall be acknowledged and responded to promptly by officers.

#### OFFICER RESPONSIBILITIES

3. Animal-related calls for service will be handled by the appropriate District patrol officer until responded to by the SPCA.
4. Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of the SPCA.
5. Due to the hazards of handling animals without proper equipment, responding officers should not attempt to capture and/or pick up any animal without the SPCA when possible.
6. An officer may consider acting before the arrival of the SPCA when:
  - (a) There is a threat to public safety.
  - (b) An animal has bitten someone (Officers should take measures to confine the animal and prevent further injury).
  - (c) An animal is creating a traffic hazard.
  - (d) The owner/handler has been arrested, and there is no other alternative placement for the animal.
  - (e) An animal is gravely injured.

**ANIMAL CRUELTY COMPLAINTS**

7. Officers 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.
8. Officers shall take any immediate and reasonable actions necessary to prevent the perpetration of any act of cruelty to animals in his/her presence.

**STRAY ANIMALS**

9. 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.
10. If an animal has a license/tag or can otherwise be identified, the SPCA is responsible for making reasonable attempt(s) to contact the owner and releasing the animal to the owner's custody.

**ANIMAL BITES TO HUMANS**

11. In handling complaints where humans have been bitten by an animal, 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.
12. 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.
13. Officers shall instruct an owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the SPCA.
14. If the biting animal is a stray, officers shall contact Communication Services, who shall notify the SPCA. Officers shall remain on the scene until the SPCA arrives.
15. Unless equipped with appropriate expertise and safety equipment, members responding to incidents involving vicious or rabid animals should remain at a safe distance and request the assistance of the SPCA.

**PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

16. The public nuisance complaint call relating to an animal shall be handled by the APR Unit or referred to "311" by APR if appropriate.
17. District patrol officers on the scene of a public nuisance call relating to an animal 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.
18. Officers shall document any actions on an FIC card if no incident report is required.
19. All item numbers for incident reports involving public nuisance calls relating to animals shall be forwarded by email to the SPCA by the reviewing / approving supervisor.

**ANIMAL REMAINS ON PUBLIC PROPERTY**

20. Officers on the scene of incidents of dead animals on public property shall request removal of the animal remains by the Department of Sanitation through Communication Services.
21. Calls to Communications Services involving incidents of dead animals on public property shall refer the caller or the request for removal of the animal remains by the Department of Sanitation to the Call 311 center or to the Department of Sanitation directly.

**INJURED ANIMALS**

22. 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 the hospital's/veterinarian's permission.
  - (a) Injured or deceased wildlife (not pets or domesticated animals) 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 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.

**CITATIONS**

23. 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 or appropriate action is taken. Officers issuing citations for cruelty or dangerous/vicious animals shall contact the SPCA.

**POST-ARREST PROCEDURES**

24. 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 only required when there is no person to provide care and the arrestee may be in custody for a time period longer than would reasonably allow him/her to properly care for the animals. In all other circumstances, the SPCA shall be contacted to pick up the animal and the owner advised.
25. 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.

**SEARCH WARRANTS**

26. When officers of the department are serving a search warrant at a location where animals are known to be present, the officers should contact the SPCA and request assistance with the service of the search warrant.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.36

### TITLE: INTERACTING WITH HOMELESS PERSONS

**EFFECTIVE: 03/26/2017**

**REVISED: Replaces Policy/Procedure 475**

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#### PURPOSE

The purpose of this Chapter is to ensure that all criminal laws and municipal ordinances are enforced equally regardless of housing status. Individuals commonly referred to as “homeless” are entitled to equal protection of all federal, state and local laws and ordinances.

#### POLICY STATEMENT

1. It is the policy of this Department to be sensitive to the needs and rights of homeless persons and provide appropriate law enforcement services to the entire community while protecting the rights, dignity and personal property of the homeless population.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Homeless person**—An individual who lacks a fixed, stable, and adequate residence. This includes a primary nighttime residence that is:

- (a) A publicly or privately operated shelter designed to provide temporary living accommodations;
- (b) An institution that provides a temporary residence for individuals intended to be institutionalized and the person does not have a permanent residence to return to upon discharge; or
- (c) A private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.

#### GENERAL PROVISIONS

2. Individuals have the right to choose not to live in a fixed residence. Although homelessness can result from a wide range of reasons and may be accompanied by physical or mental illness, it is not illegal to be homeless. Accordingly, an individual's status as homeless is not, alone, cause for law enforcement action. Conversely, an individual's status as homeless does not exempt them from complying with applicable laws.
3. Violations affecting the public health and safety of individuals such as exposing oneself, urinating, or defecating in public shall be enforced. Intoxicated individuals, and those

under the influence of drugs, shall be processed as per current departmental policy on arrests and summons.

4. Actions (non-criminal) committed by individuals that lead an officer to question the mental state of an 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 persons believed to be suffering from mental illness (See **Chapter 41.25—Crisis Intervention**).
5. Officers encountering individuals who may or may not be mentally unstable, whose appearance and/or actions indicate the individual is unable to care for himself or herself, but who does not appear to be a danger to himself/herself or others shall contact one of the social services agencies listed in this Chapter for assistance.
6. Officers may transport such individuals to the nearest shelter. If a homeless person refuses an officer's offer of assistance, the officer shall not force the individual to enter the shelter, subject to the provisions of the policy governing persons believed to be suffering from mental illness (See **Chapter 41.25—Crisis Intervention**). Officers shall not threaten individuals experiencing homelessness with arrest or citation as an inducement to accept assistance.
7. When the city initiates a freeze alert or an inclement weather alert, officers encountering homeless persons shall inform the homeless person(s) of the location of the nearest shelter(s). If the individual is unable to get to shelter and the officers' duties permit, officers may transport the person. If the individual refuses shelter, the officer shall follow **Chapter 41.25—Crisis Intervention** to determine whether the individual may require an involuntary commitment and medical evaluation.
8. When documenting a Terry Stop of a homeless person in accordance with **Chapter 1.2.4.1—Stops/Terry Stops**, the word "Homeless" or "HL" shall appear in the address block of the card.

#### **PERSONAL PROPERTY OF HOMELESS PERSONS**

9. The personal property rights of homeless persons will be respected. Officers may allow homeless persons to take a limited amount of personal items, such as bedding, pillows, medications, medical devices, and clothing, with them when arrested on a criminal matter. If necessary for an officer to collect such items when a criminal arrest is made, consideration must be given to officer safety in handling the items as well as the health and safety of those who may come into contact with those items at Central Lock-up or when placed with the Central Evidence and Property Section. If necessary to dispose of personal property that has been contaminated, or presents a health and safety hazard (i.e., wet or damp items or items soiled with urine or fecal matter, etc.), a notation will be made in the Incident Report describing why such property was not retained. Such items may include perishables (food and open bottles, glasses, or cans), bed rolls, blankets, and pillows. All property of the arrested person shall be handled according to the Department's policy governing evidence (see **Policy 804 – Evidence and Property**).
10. Pets in the possession of, or belonging to, homeless persons cannot be taken to Central Evidence and Property. Officers shall contact the Louisiana Society for the Prevention of Cruelty to Animals at (504) 368-5191 when a homeless person with a pet or pets is arrested; the SPCA shall take custody of the animal(s).

**ILLEGAL CAMP SITES OR HOMELESS ENCAMPMENTS**

11. The removal of illegal encampments of homeless persons is the responsibility of the owner of the property, whether it is public or private. Generally, this is not a law enforcement issue (exceptions may include trespassing, illegal dumping, criminal investigations, etc. when enforcement action may be taken). When requested, officers may stand by to keep the peace but shall not participate in the removal and/or destruction of personal items from such encampments or prevent homeless persons from retrieving belongings from the area without a legitimate reason. Whenever possible, officers should encourage property owners to give posted notice of the pending activity prior to the clean-up.
12. All City of New Orleans government initiated clean-up activities relating to illegal camp sites on public property shall be coordinated through the respective District Commander and the participating City agencies. NOPD member participation shall be limited to providing site security and traffic control under direct NOPD supervision.

**HOMELESS ASSISTANCE UNIT**

13. The NOPD Homeless Assistance Unit (sponsored by Crescent City Outreach) provides police officers and 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
  - (b) Transportation to those services when appropriate.
14. 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 group level. Two important weekly commitments are the birth certificate and state ID programs. Also significant are the collaborations when the City activates the Freeze Plan, the Hurricane Shelter-in-place and Evacuation Plans.

**EMERGENCY SHELTERS, DAY PROGRAMS AND OUTREACH PROGRAMS**

15. Listed below are emergency shelters, day programs, and outreach programs presently available in New Orleans for homeless persons:

<b>ACC - Crescent House</b> <b>(Confidential Location)</b> (504) 865-0057, 866-7481 FAX (504) 865-0050 Capacity - 47 <i>Serving - unaccompanied women, single parent families - domestic violence victims free of substance abuse.</i>	<b>Baronne Street Housing</b> 2407 Baronne Street (504) 269-9311 Fax (504) 269-4986 Capacity - 48 <i>Serving - families with children, working at least 30 hours a week (unless disabled)</i>	<b>Bridge House Corporation</b> 4150 Earhart Boulevard (504) 522-4475 or 522-2124 ext. 14 Fax (504) 522-0342 Capacity - 75 <i>Serving - men ages 18 or older with an alcohol or drug problem.</i>
<b>Community Christian Concern</b> (Scattered Sites) (504) 245-3689 Fax (504) 241-2486 Capacity - 12 <i>Serving - homeless families with children</i>	<b>Covenant House</b> 611 North Rampart (504) 584-1111 Fax (504) 584-1171 Capacity € 60 <i>Serving - homeless youths ages 16-22 and their children</i>	<b>Grace House of New Orleans</b> 1401 Delachaise Street (504) 899-2423 Fax (504) 899-0041 Capacity - 25 <i>Serving - women ages 18 or older with an alcohol or drug problem</i>

<p><b>Home Again/Victory Plaza</b> <b>(Confidential Location)</b> (504) 362-7583 Fax (504) 362-3490 Capacity - 23 <i>Serving - unaccompanied adults and single parent families who are HIV/AIDS infected</i></p>	<p><b>Hope House Transitional Housing</b> (Scattered Sites) (504) 522-4235 Fax (504) 325-0011 Capacity - 42 <i>Serving - single and two parent families - deemed capable to become self-reliant within a 3 month period</i></p>	<p>Lindy's Place 2407 Baronne Street (504) 269-0184 Fax (504) 269-1383 Capacity - 17 <i>Serving - homeless unaccompanied women drug and alcohol free minimum 6 months</i></p>
<p><b>Living Witness Community Social Services</b> <b>(Confidential Location)</b> (504) 524-2959 Fax (504) 524-6365 Capacity - 20 <i>Serving - unaccompanied male substance abusers</i></p>	<p><b>New Orleans Mission</b> 1130 Oretha C. Haley Blvd./1129 Baronne St. (504) 523-2116 Fax (504) 529-3094 Capacity – 130 men, 30 women <i>Serving - unaccompanied adults</i></p>	<p><b>Odyssey House Family Center</b> 1125 North Tonti Street (504) 821-9211 ext. 41 Fax (504) 821-0500 Capacity - 61 <i>Serving - substance Dependent women and their dependent children, unaccompanied men</i></p>
<p><b>Ozanam Inn</b> 843 Camp St (504) 523-1184 Fax (504) 523-1187 Capacity – 96 men <i>Serving - unaccompanied homeless men</i></p>	<p><b>Project Lazarus</b> <b>(Confidential Location)</b> (504) 949-3609 Fax (504) 944-7944 Capacity - 24 <i>Serving - men and women with AIDS</i></p>	<p><b>The Salvation Army Center of Hope</b> 4500 South Claiborne Avenue (504) 899-2332 Fax (504) 891-1444 Capacity – 58 men, 64 women, 6 families <i>Serving – homeless men, women</i></p>



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.37

### TITLE: NOTIFICATIONS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 476**

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#### PURPOSE

The purpose of this policy is to establish a process for first responder notifications in emergency situations.

#### GENERAL

1. The first responsibility of officers upon arrival at any scene is to protect the life and safety of citizens.
2. 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.
3. 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.
4. 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.
5. 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.
6. In cases where the news media responds to scenes, officers shall follow the guidelines of **Chapter 54.1 – Media Relations and Public Affairs Office**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.39

### TITLE: IDENTITY THEFT

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces policy 362**

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#### PURPOSE

Identity theft is a growing law enforcement concern that frequently involves other related crimes in multiple jurisdictions. This Chapter is intended to provide guidelines for the reporting and investigation of such crimes.

#### DEFINITIONS

**Domicile**—For a natural person, is the place of his habitual residence. (CC 38) A natural person may reside in several places but may not have more than one domicile. In the absence of habitual residence, any place of residence may be considered one's domicile at the option of persons whose interests are affected. (CC39)

**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 (R.S. 14:67.16.B).

**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

#### REPORTING

1. Jurisdiction for the investigations and prosecution for the crime of Identity Theft may lie outside the parish of Orleans.
2. Victims of Identity theft may file police reports with:
  - (a) The Louisiana Department of Justice, Office of Attorney General;
  - (b) The municipality or parish in which the victim is domiciled; or
  - (c) Any law enforcement agency requested to conduct an investigation.
3. To maintain uniformity in reporting complaints of identity theft (in the parish of occurrence or the parish in which the victim is domiciled or both), the initial officers investigating the complaint shall establish the domicile of the victim (R.S. 9:3568).
4. 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.
5. If the actual theft of the identity occurred in Orleans Parish but the transactions are occurring in another jurisdiction(s), the District Investigations Unit (DIU) will coordinate with other law enforcement agencies during the investigation in order to identify suspect(s).
6. 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:
  - (a) Request that the victim attempt to obtain a Miscellaneous Complaint report from their local police department where domiciled (to establish and verify their identity).
  - (b) Have the victim inform that police department that the New Orleans Police Department will be able to conduct a follow-up investigation once their agency report is completed and transferred to the New Orleans Police Department – ISB White Collar Crimes Unit.
  - (c) The White Collar Crimes Unit will review the report(s) and determine if the case is investigated by the Unit or assigned to a particular DIU for investigative follow-up.
  - (d) The assignment of the case and the reasons for assignment shall be communicated in an email to the District DIU commander, the Commander of ISB Property Crimes Investigation Section, the ISB Deputy Chief, and the FOB Deputy Chief along with all relevant reports.
7. In reports of Identity Theft, the reporting or 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.
8. 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.
9. 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 personal investigation.
10. Officers shall not use the victim's Social Security Number in the initial report. The initial incident report is considered a public record. The follow-up investigator can obtain the

victim's Social Security Number from the victim, if necessary.

11. Following supervisory review and processing, the initial report should be forwarded to the appropriate investigator or agency for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

### **PREVENTIVE MEASURES**

12. Victims of identity theft 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.
  - (c) Access <http://rev.louisiana.gov/forms/Fraud/IdentityTheftChecklist.pdf>.
  - (d) File an identity theft complaint with the Louisiana Office of the Attorney General, Consumer Protection Section at 225-326-6465

### **INFORMATION**

13. The identity theft 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 (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.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.2

### TITLE: SEXUAL ASSAULT

**EFFECTIVE: 11/15/2015**

**REVISED: 05/27/2018**

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#### PURPOSE

The purpose of this policy is to establish requirements and procedures for NOPD members to follow when responding to reports of sexual assault. Sex Crimes Unit detectives shall investigate sexually related incidents with victims 17 years of age and older at the time the incident is reported, including signals:

- 24-K (unreported sexual assault kit);
- 42 (first-degree rape);
- 42-M (first-degree rape, male victim);
- 42-U (first-degree rape, unfounded);
- 43 (second-degree rape);
- 43-M (second-degree rape, male victim);
- 43-U (second-degree rape, unfounded);
- 81S (sexting);
- 89 (crime against nature);
- 283 (video voyeurism); and
- 27 (attempted crime) related to any of the above signals.

If a Sex Crimes detective is not available to respond to an incident, a Special Victims Section supervisor shall direct a Child Abuse detective to respond to the incident. All detectives shall handle sexual assault investigations according to the **Sex Crimes Unit Standard Operating Guidelines**.

District officers shall handle all misdemeanor sexual batteries (Signal 43-MB) with victims 17 years of age and older at the time the incident is reported according to **Chapter 42.2.1 – Misdemeanor Sexual Battery**.

The Child Abuse Unit shall investigate sexual incidents involving victims under the age of 17 at the time the incident is reported according to **Chapter 42.19 – Child Abuse**.

#### DEFINITIONS

**24-K**—The signal for an unreported sexual assault where an examination by a SANE was conducted and a Sexual Assault Kit was utilized and packaged for collection by police.

**Developmental disability**—Severe chronic disabilities that can be cognitive or physical or both. The disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example, Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(11) for the State definition.

**Misdemeanor sexual battery**—The intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim (La. R.S. 14:43.1.1). Misdemeanor sexual batteries are classified under Signal 43-MB for reporting purposes and handled according to **Chapter 42.2.1 – Misdemeanor Sexual Battery**.

**Third-party reporter**—Any person who on behalf of a victim seeks to report a crime or obtain information to assist a victim in obtaining victim services.

**Victim advocate**—This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, and crime victim advocates.

## **POLICY STATEMENT**

1. The trauma experienced by a victim of sexual assault can inflict serious and lasting emotional and psychological harm on the victim and impair the victim's ability to participate in the investigation. Officers and detectives play a significant role in the victim's ability to cope with the emotional and psychological after-effects of the crime and willingness to participate in the investigation. It is imperative that officers responding to a sexual assault incident recognize, understand, and manage these effects for the benefit of the victim and the criminal investigation.
2. The trauma experienced by a sexual assault victim may be so overwhelming that a victim cannot function well enough to assist in the investigation at certain stages of the case. Trauma also affects memory and the ability to explain events in a narrative form. Trauma from crime victimization complicates a victim's participation in the investigation. It is important that sexual assault cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime. All members shall initiate investigations without the presumption that the victim is lying and shall not express cynicism or blame to the victim.
3. NOPD prioritizes encouraging victims of sexual assault to feel safe reporting these crimes to the police and conducting thorough investigations of reported sexual assaults over prosecuting victims who come forward.
4. Victims of sexual assault shall not be charged for non-violent misdemeanors uncovered during the investigation of the sexual assault or related to the sexual assault. Facts related to the victim's potential non-violent misdemeanor(s) shall be documented in the investigative report and addressed by the investigator or the A-Case Officer with the screening District Attorney during the case presentation. The Screening District Attorney's determination as to the filing and prosecution of the charges will determine if any follow-up investigation is required by the NOPD.
5. The rights of sex workers shall be protected to the same extent as any other victim of sexual assault.

**COMMUNICATIONS SERVICES RESPONSIBILITIES**

6. Communications Services shall dispatch a Sex Crimes detective to all sexual assault calls for service, except for 43-MB calls for service (see **Chapter 42.2.1 – Misdemeanor Sexual Battery**).
7. Communications Services shall dispatch a platoon officer on all Code 2 sexual assault calls. Communications Services shall **not** dispatch platoon officers on Code 1 sexual assault calls for service unless requested by a detective.

**ROLE OF THE PLATOON OFFICER**

8. In sexual assault cases, the platoon officer's role is to:
  - (a) Provide an emergency response, including attending to medical needs;
  - (b) Express empathy (e.g. by saying, "I know this must be very difficult");
  - (c) Assure the victim he/she will not be judged (e.g. by saying, "This is not your fault");
  - (d) Put the victim at ease by explaining the investigative process (e.g. by saying, "I am going to ask you a few questions and wait with you until a detective arrives");
  - (e) Inquire about the identity and location of the perpetrator;
  - (f) Contact family support if possible;
  - (g) Preserve evidence; and
  - (h) Communicate observations to the Sex Crimes detective.

**INITIAL RESPONSE**

9. As part of the initial response, officers shall:
  - (a) Make contact with the victim or third-party reporter as soon as possible to address safety concerns and summon emergency medical assistance if needed;
  - (b) Evaluate the scene for people, vehicles, or objects involved as well as possible threats;
  - (c) Relay all vital information to responding officers, supervisors, and detectives, including any possible language barriers; and
  - (d) When appropriate and necessary, platoon officers shall begin a search for the suspect and temporarily detain or arrest the suspect as appropriate based on evidence of probable cause. If the suspect is detained, wait for the Sex Crimes detective. Patrol officers shall not interrogate the suspect.

**MAJOR CRIME SCENE OFFICER STATEMENT**

10. Officers shall complete the Major Crime Scene Officer's Statement (Form 188) and provide it to the investigating detectives.
11. The statement should include a written narrative of all observations, including observations of the crime scene and any statements volunteered by the victim, perpetrator, witnesses, or reporting persons. Officers shall as accurately as possible use the victim's own words. Officers shall record observations of the crime scene, including the demeanors of the suspect and victim and document any injuries or disheveled clothing.
12. Under no circumstances should officers complete a report in the Electronic Police Reporting System. If an officer responds to a non-sexual assault signal and encounters elements of a sexual assault, he/she should not reference the sexual assault in an EPR report in any way.

**VICTIM STATEMENTS**

13. Victims have the legal right to have a victim advocate present during interactions with law enforcement. If a victim requests a victim advocate, the officer shall work with the assigned detective to obtain access to a victim advocates when reasonably possible.
14. The officer shall clearly explain his or her role to the victim. After an officer has completed the duties detailed in the **Role Of The Platoon Officer** section of this Chapter and explained his or her limited role in the investigation, the officer shall not urge the victim to tell his or her story but also should not prevent the victim from doing so. If the victim chooses to tell his or her story, the officer shall avoid interrupting, express sympathy, ask only open-ended questions, limit follow-up questions unless required by the situation, and document these statements in the Major Crime Scene Officer's Statement (Form 188).
15. Responding officers shall not ask the victim if he/she wants the assailant prosecuted. In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense.

**CHARGING VICTIMS**

16. When determining whether to charge a victim of the reported sexual assault with a violent misdemeanor or felony offense uncovered during the investigation or related to the sexual assault, officers shall weigh, at a minimum, the following factors:
  - (a) The public safety benefits of encouraging reporting of sexual assault by making victims feel safe coming forward;
  - (b) The importance to the investigation of victims providing candid and complete information and not withholding information relevant to the investigation (such as drug use or prostitution) out of fear of prosecution;
  - (c) The potential chilling effect that charging the victim will have on future reporting;
  - (d) The impact a victim's conviction would have on the defendant;
  - (e) Whether the victim was chosen, groomed or extorted by the perpetrator of the sexual assault in order to trap the victim into a vulnerable position where if the victim reported the sexual assault, he/she would be charged with a crime,
  - (f) The nature and severity of the victim's offense;
  - (g) The harm caused by the victim's offense; and
  - (h) The risk to the public of not charging the victim with the offense.
17. Prior to charging the victim of sexual assault with a violent misdemeanor or felony uncovered during the investigation or related to the sexual assault, the officer shall obtain supervisory approval for the arrest and concurrence in the charge and document this in the investigative report.
18. If the officer and supervisor determine a violent misdemeanor or felony charge against a sexual assault victim is appropriate and **both** the victim and the perpetrator of the sexual assault participated in the commission of the offense, the officer and supervisor shall consider whether to charge the sexual assault perpetrator with the additional count as well and document this in the investigative report.
19. In the event that the officer chooses to charge the sexual assault victim and not the sexual assault perpetrator with the offense in which they both participated, the officer shall document the decision not to charge the sexual assault perpetrator and the justifications for the decision. The officer shall obtain supervisory approval and concurrence for this decision and document this in the investigative report.

**SUSPECT INTERVIEWS**

20. Suspects should only be interviewed by the detective but can be detained by the responding officer.

**SIGNS OF DRUG-FACILITATED SEXUAL ASSAULT**

21. Officers should be aware that the signs of drug-facilitated sexual assault could include:
  - (a) The victim reports being under the influence of a drug during the sexual assault;
  - (b) The victim experiences vaginal soreness or other signs of sexual activities and cannot remember a part or the entirety of the incident;
  - (c) The victim reports becoming heavily intoxicated very rapidly;
  - (d) The victim reports symptoms of amnesia; and
  - (e) The victim may exhibit symptoms of intoxication if still under the influence of rape-facilitating drugs.

**PRESERVING EVIDENCE**

22. Officers shall protect the integrity of evidence and request assistance or direction from a Sex Crimes detective regarding the collection or preservation of evidence. Officers should secure the crime scene to ensure that evidence is not lost, changed, or contaminated.
23. Evidence should be handled by as few people as possible.
24. Encourage the victim not to change clothing, smoke, eat, drink, shower, urinate, or defecate by explaining that those activities could destroy evidence. If the victim decides to do any of these activities, contact a Sex Crimes detective for instructions on preservation of evidence and chain of custody. Clothing or other items that may contain DNA should be placed in a paper, not plastic, bag. Detectives shall carry receptacles for the collection of urine samples.
25. If a drug-facilitated sexual assault is suspected, officers shall preserve drinks to allow a crime lab to test for the presence of drugs. Additionally, in consultation with the assigned Sex Crimes detective, officers shall expedite a forensic exam to collect the victim's urine before any drugs leave the victim's system, if the victim agrees to the exam.

**SEXUAL ASSAULT FORENSIC EXAM**

26. Officers shall be aware of the process and benefit of a sexual assault forensic medical examination and, if asked, explain its importance to investigative efforts as well as the victim's well-being. Officers shall not pressure victims to receive a forensic exam. Participating in a forensic exam does not obligate the victim to pursue a criminal complaint.
27. If the victim wants a forensic exam and there is a danger of loss of evidence by waiting for the arrival of a detective, the platoon officer shall contact the dispatched Sex Crimes detective or supervisor for instructions.
28. University Medical Center is the designated site for forensic exams.

**VICTIM ASSISTANCE**

29. Officers shall:
- (a) Commend the victim for coming forward to the police;
  - (b) and
  - (c) Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.

**VICTIM CONFIDENTIALITY**

30. Throughout the investigation of the case, officers and detectives shall protect the confidentiality of the victim's information to the maximum extent possible by law and policy. Officers shall not publicly disclose the name, address, or identity of victims of sex offenses (La. R.S. 46:1844).
31. Officers shall **not**:
- (a) Use a victim's address or name on the radio, whenever feasible. If an officer's car does not have an MDT, phone contact between the communications desk and responding officers or detectives is preferred to contact over the radio.
  - (b) Disseminate or publish in an initial police report the name of any victim of a sex crime (La. R.S. 46:1844(W)). Responding officers shall document their response fully on a Major Crime Scene Officer's Statement (Form 188).

**BODY WORN CAMERAS**

32. Officers shall use body cameras in accordance with **Chapter 41.3.10 – Body Worn Cameras**. Per Chapter 41.3.10:

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.

33. NOPD shall not publically release footage of sexual assault cases (La. R.S. 46:1844).

**CHANGING THE SIGNAL AND DISPOSITION**

34. Platoon officers and supervisors **shall not** change the signal of sexual assault calls for service. Only the Sex Crimes Unit may change the signal in accordance with the **Sex Crimes Unit Operating Guidelines**.
35. Platoon officers and supervisors may give dispositions only to GOA sexual assault calls for service. Platoon officers and supervisors shall not give dispositions for other sexual assault calls for service.
36. Only Sex Crimes detectives may use the 24-K signal.

**TRANSFERRING THE CASE TO A DETECTIVE**

37. The officer shall be aware that a victim of sexual assault may bond with the first responding officer. To help the victim become comfortable speaking with other members, the officer shall explain the role of the different members of the sexual assault response team and help with transitions through introductions.

**PLATOON SUPERVISOR**

38. Platoon supervisors shall respond to the scene if requested by the responding officers.
39. Supervisors should be careful not to intervene in the responding officer's interactions with the victim or ask the victim to recount the incident again unless necessary.
40. Sex Crimes supervisors will communicate to platoon supervisors regarding any training needs for officers under their supervision.
41. Platoon supervisors shall include training on responding to sexual assault in roll call.

**INCIDENTS INVOLVING CHILDREN, ADOLESCENTS, OR DEVELOPMENTALLY DISABLED INDIVIDUALS**

42. Officers shall handle all sexual incidents involving a victim under the age of 17 at the time the incident is reported in accordance with **Chapter 42.19 – Child Abuse**.
43. Officers may also choose to handle cases involving developmentally disabled victims according to **Chapter 42.19 – Child Abuse**.

**TRAINING**

44. The Education and Training Division shall provide annual sexual assault training to officers. The Training Division shall document this training.
45. Any additional training supervisors receive, i.e. information bulletins, updates to policies, etc., shall be shared with officers during roll call.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.2.1

### TITLE: MISDEMEANOR SEXUAL BATTERY

**EFFECTIVE: 05/27/2018**

**REVISED:**

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#### PURPOSE

The purpose of this Chapter is to establish requirements and procedures for NOPD members to follow when responding to reports of misdemeanor sexual battery. District officers shall handle all misdemeanor sexual batteries (Signal 43-MB) according to this Chapter. Members shall handle all other sexual assaults according to **Chapter 42.2 – Sexual Assault**.

**Chapter 42.19 – Child Abuse** covers sexual incidents involving victims under the age of 17 at the time the incident is reported, including misdemeanor sexual battery.

District officers may choose to handle cases of misdemeanor sexual battery involving developmentally disabled victims according to **Chapter 42.19 – Child Abuse**.

#### DEFINITIONS

**Misdemeanor sexual battery**—The intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim (**La. R.S. 14:43.1.1**). Misdemeanor sexual batteries are classified under Signal 43-MB for reporting purposes.

#### POLICY STATEMENT

1. It is important that sexual assault cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime. All members shall initiate investigations without the presumption that the victim is lying and shall not express cynicism or blame to the victim.

#### COMMUNICATIONS SERVICES RESPONSIBILITIES

2. Communications Services shall dispatch a district platoon officer to all 43-MB calls for service.
3. Communications Services **shall not dispatch** a Sex Crimes detective to a 43-MB scene unless requested by a district platoon officer or supervisor.



**OFFICER RESPONSE**

4. District officers shall handle 43-MB calls for service in their entirety.
5. If the officer determines the incident is a type of sexual assault that has been misclassified as a 43-MB, the officer shall request that a Sex Crimes detective be dispatched to the scene. The officer shall remain on scene until the Sex Crimes detective arrives. The officer shall not change the signal or give a disposition to the call.
6. If the officer determines the incident is not a sexual assault and is misclassified as a 43-MB, the officer shall handle the call as appropriate and request supervisory approval to mark the 43-MB item as unfounded and generate a new item number under the correct NOPD signal code.
7. Platoon officers shall give the final dispositions to 43-MB calls for service. Platoon officers must receive supervisor approval before marking a 43-MB call for service unfounded.
8. If the officer checks the suspect's name in law enforcement databases and finds any history of sexual offenses, the officer shall notify Sex Crimes prior to the final determination of charges.
9. Forensic medical exams are not required for misdemeanor sexual batteries.

**VICTIM ASSISTANCE**

10. Officers shall commend the victim for notifying the police. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
11. NOPD prioritizes encouraging victims of sexual assault to feel safe reporting these crimes to the police and conducting thorough investigations of reported sexual assaults over prosecuting victims who come forward. See **Charging Victims in Chapter 42.2 – Sexual Assault** for additional guidance. ;
12. Victims of sexual assault shall not be charged for non-violent misdemeanors uncovered during the investigation of the sexual assault or related to the sexual assault. Facts related to the victim's potential non-violent misdemeanor(s) shall be documented in the investigative report and addressed by the investigator or the A-Case Officer with the screening District Attorney during the case presentation. The Screening District Attorney's determination as to the filing and prosecution of the charges will determine if any follow-up investigation is required by the NOPD.
13. Responding officers shall not ask the victim if he/she wants the assailant prosecuted. In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense.

**VICTIM CONFIDENTIALITY**

14. Throughout the investigation of the incident, officers and detectives shall protect the confidentiality of the victim's information to the maximum extent possible by law and policy. Officers shall not publicly disclose the name, address, or identity of crime victims who are victims of sex offenses (La. R.S. 46:1844).

15. Officers shall not use a victim's address or name on the radio, whenever feasible. If an officer's car does not have an MDT, phone contact between the communications desk and responding officers or detectives is preferred to contact over the radio.

#### **PUBLIC RECORDS REQUESTS**

16. NOPD shall not publically release footage of sexual assault cases (La. R.S. 46:1844).
17. The Records Room shall redact all materials for public records requests in accordance with La. R.S. 46:1844(W)).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.2.10

### TITLE: AUTO THEFT INVESTIGATIONS

**EFFECTIVE: 01/07/2018**

**REVISED: (Conversion Replaces P/PR611)**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for the investigation of auto thefts and recoveries.

#### AUTO THEFT AFFIDAVIT

1. 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)).
2. 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.org 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)).

#### REPORTING STOLEN VEHICLES

3. 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 NOPD – NCIC Unit for the computer entry and access number for inclusion in the narrative.
4. 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 18 years of age or older. Once the complainant has signed the Auto Theft Affidavit, this form shall be made part of the report.
5. 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.

6. 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.

### **REPORTING STOLEN VEHICLE - OUTSIDE ORLEANS PARISH**

7. 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 obtain an affidavit form in a timely manner, the investigating officer's supervisor 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 (nopd.org).

### **RECOVERIES IN ORLEANS PARISH**

8. 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) Include any missing parts or damage in the report.
  - (b) Make all effort to notify the owner of the location of the recovered vehicle.
  - (c) Remain on the scene until the arrival of the owner and/or towing and remain on scene until the towing company collects the vehicle.
  - (d) Contact a member of NOPD – NCIC Unit giving all recovery information.
  - (e) Secure recovery access number from NOPD – NCIC Unit.
  - (f) Contact a member of the NOPD - NCIC Unit and provide all recovery information.
  - (g) 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.
  - (h) Remain on the scene until the arrival of the owner and/or the vehicle is secured by the towing company.
  - (i) If the recovering officer cannot contact the owner, a member of the NOPD - NCIC Unit will make additional attempts to contact the owner of a recovered vehicle.
  - (j) If unsuccessful, a member of the NOPD - NCIC Unit will then start the process of notifying the owner by certified mail.
  - (k) If the owner cannot be contacted or he/she cannot arrange towing within sixty minutes, the officer shall:
    - i. Contact the Towing Allocation Operator (TAO).
    - ii. Inform the TAO of the vehicle's location and condition.
    - iii. Remain on the scene until the arrival of the owner and/or towing company until the vehicle is secured by the towing company.
  - (l) Write a supplemental report/EPR if there is an arrest and/or the vehicle was involved in additional crimes.
9. When the owner cannot be contacted by the investigating officer, a member of the NOPD - NCIC Unit is responsible for contacting the victim and/or reporting agency (if stolen out of parish). After 24 hours a member of the NOPD - NCIC Unit shall send a recovery letter to the victim's last known address via certified mail.

### **AUTO THEFT ARRESTS**

10. 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.

11. Information/disposition changes to a filed NCIC entry shall be corrected by contacting the NOPD NCIC Unit. The NOPD - NCIC Unit is responsible for all NCIC entry changes once notified that changes are to be made.

#### **AUTO THEFT COMPLAINTS – OTHER**

12. 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.

#### **THEFT AND RECOVERY**

13. 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.

#### **AFFIDAVIT OF PHYSICAL INSPECTION FOR VEHICLE IDENTITY VERIFICATION (DPSSP FORM 3515)**

14. The affidavit of physical inspection for vehicle identity verification form (Department of Public Safety State Police Form 3515) 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.
15. Only commissioned members of the New Orleans Police Department who have successfully completed the physical inspection training shall have the authority to complete DPSSP Form 3515. Officers receiving requests to complete DPSSP Form 3515 that they are not certified to perform shall refer the individual(s) to a member of his/her unit that is certified or the Auto Theft Unit, 715 South Broad Street, Police HQ Third Floor.

#### **AUTO THEFT TASK FORCE UNIT RESPONSIBILITIES**

16. The Department of Public Safety certified inspecting officer shall complete the DPSSP Form 3515 in its entirety in accordance with La. R.S. 32:706.2 and distribute the form:
  - (a) White Copy to the Office of Motor Vehicles.
  - (b) Pink Copy retained by the NOPD Auto Theft Unit.
  - (c) Yellow Copy to the requesting person named in the form.
17. The inspecting officer must have an inspection 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.
18. Original DPSSP form 3515 is in triplicate and sequential numbered book of fifty affidavits. 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.
19. No NOPD report need be written for an inspection unless unusual circumstances or a supervisor indicate otherwise.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.3

### TITLE: TASK FORCES

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces policy 390**

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#### PURPOSE

The purpose of this Chapter is to set forth guidelines with respect to multi-agency task forces and task forces comprised solely of New Orleans Police Department personnel.

#### DEFINITIONS:

Definitions related to this Chapter 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, even if specialized.

**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, even if specialized. Also referred to as General Assignments.

#### MULTI-AGENCY TASK FORCES

1. Multi-agency task forces may be created between the New Orleans Police Department and one or more outside agencies.
2. 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.
3. Prior to the start of any multi-agency task force operation, a written agreement (MOU or CEA) must be entered into by the New Orleans Police Department and any other agencies involved (see: **Chapter 1.1 – Law Enforcement Authority**).
4. This agreement may be drafted by the New Orleans Police Department, by the participating agency, or in a cooperative effort between the participating agencies.
5. This agreement shall include, at a minimum, the following:
  - (a) Specific mention, and agreement, that members of the task force are subject to

the regulations of his/her department at all times, even when operating outside his/her normal jurisdiction.

- (b) The specific law enforcement authorization, authority, limitations, and liability exposure conferred to each member of the task force by every participating agency;
  - (c) Delineation of supervision responsibilities for and by each participating agency;
  - (d) Identification of the specific purpose of the task force;
  - (e) Estimated duration of the task force;
  - (f) The authority and responsibility of participating agencies or the member's positions within the task force;
  - (g) The method of accountability (both within the task force and with the participating agencies);
  - (h) Identification of available resources;
  - (i) 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;
  - (j) The manner in which task force reporting, both internally and externally, will be handled, including media statements and releases; and
  - (k) Statement that the multi-agency task force shall be terminated when the mission for creating the task force has been completed or for purposes of the NOPD, when directed by the Superintendent of Police.
6. The agreement will be negotiated between the Superintendent of Police or his/her designee and the proper authority associated with the participating outside agencies.

#### **DISTRICT TASK FORCES**

7. The mission, assignment of staffing, working hours are at the discretion of the District Commander or his/her authorized designee.
8. District Task Force members shall conform to uniform, vehicle, BWC, ICC and reporting requirements of the Department unless specifically authorized by the Superintendent of Police or the Deputy Chief of FOB.

#### **CITYWIDE TASK FORCE**

9. The mission, assignment of staffing, working hours are at the discretion of the Superintendent of Police, Bureau Chief of the members assigned or their authorized designee.
10. Absent special circumstances and an exception by the Superintendent of Police, Citywide Task Forces shall operate under an approved written directive or special operation plan.
11. Citywide Task Forces are generally mission specific and of limited duration.
12. Citywide Task Forces shall follow the principles of Unity of Command and have a clearly defined supervisory chain of command and designated commander.
13. Citywide Task Force members shall conform to uniform, vehicle, Body Worn Camera (BWC), In Car Camera (ICC) and reporting requirements of the Department unless specifically authorized in the approved written directive or special operations plan or specifically authorized by the Superintendent of Police or the Deputy Chief of FOB.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.4

### TITLE: DOMESTIC VIOLENCE

**EFFECTIVE: 04/05/2014**

**REVISED: 07/08/2018; 01/31/21**

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#### PURPOSE

The purpose of this chapter 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. This chapter outlines the respective duties of District platoon officers and supervisors in responding to and supervising all cases that meet the definition of domestic violence as contained herein. Officers shall respond to domestic disturbance incidents (103-D), as defined in this chapter, according to **Chapter 42.4.1 – Domestic Disturbances**.

**NOTE:** The Communications Services and Domestic Violence Unit Standard Operating Guidelines are in the Resource Folder on [nopd.org](http://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.
2. It is 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 the Department's response to a report of domestic violence.
3. 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 helps each practitioner maximize victim safety and offender accountability.
4. This chapter emphasizes the importance of accumulating information over time and incidents 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 emerge, and the safety needs of victims become more evident.
5. Domestic Violence/Dating Violence Offenders are to be charged with "State Charges Only" and that the use of summons or Municipal Charges are strictly **prohibited**.



**DEFINITIONS**

**Aggravated Assault upon a Dating Partner**—An assault with a dangerous weapon committed by one dating partner upon another dating partner (R.S. 14:34.9.1).

**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:

- (a) Cyberstalking (La. R.S. 14:40.3)
- (b) 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).
- (c) Harassing telephone calls (La. R.S. 14:285).
- (d) Sexual abuse or assault
- (e) Property crime directed against the victim (La. R.S. 14:56)
- (f) Stalking (La. R.S. 14:40.2(A))
- (g) Strangulation (La. R.S. 14:35.3 B(7))
- (h) Violation of a court order of protection or similar injunction (La. R.S. 14:79)
- (i) Death threats or death (including a third party)

**Battery of a Dating Partner**—The intentional use of force or violence committed by one dating partner upon the person of another dating partner (RS 14:34.9).

**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):

- (a) 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.
- (b) Electronically mail or electronically communicate to another repeatedly, whether conversation ensues, for the purpose of threatening, terrifying or harassing any person.

**Dating Partner**—Any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender.

**NOTE:** This definition relates specifically to charges of aggravated assault upon a dating partner and battery of a dating partner. See the Domestic Violence definition for other relationships covered by this policy.

**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 Disturbance (103-D)**—A call for service involving individuals with a domestic relationship that does not involve a crime.

**Domestic Relationship**—Any relationship involving the following, including same sex relationships:

- (a) Current or former spouses;

- (b) Parents and adult/minor children;
- (c) Stepparents and adult/minor stepchildren;
- (d) Foster parents and adult/minor foster children; or
- (e) Current or former dating partners, living together or not.

**Domestic Violence**—Used to refer to battering, a crime of violence, or property damage between individuals with a domestic relationship (R.S. 46:2151, M.C.S.17271 54-525).

**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.

**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 (5):

- (a) A person who is presently living with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender.
- (b) A person who formerly lived with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender.
- (c) A child who presently lives with the offender, or has lived with the offender, or
- (d) 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.

**Predominant Aggressor**—The person who poses the most serious ongoing threat.

**Protective Order**—See **Chapter 74.3.2 – 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.

**Self-Defense**—The use of force or violence in defense when it is:

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

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:

- (a) Death.
- (b) Bodily injury.
- (c) Sexual assault.
- (d) Kidnapping.
- (e) 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(7) and Dating Violence Strangulation - R.S. 14:34.9(b)5).

**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

6. 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. Officers shall respond to domestic violence incidents in a manner that confronts any pattern of ongoing abuse and violence. Officers shall:
  - (a) Minimize the victim's need to confront the offender whenever possible.
  - (b) Advise the victim that the officer will not share information obtained with the suspect.
  - (c) Treat each interaction with the victim as an opportunity to build trust, rapport, and collaboration to strengthen NOPD's ability to keep the victim safe.
  - (d) Be mindful of the complex and often dangerous implications of a victim's cooperation with the legal system.
  - (e) Use communication strategies that break down and counteract the psychological and emotional control tactics that domestic violence aggressors often use. For example, officer should listen with empathy, validate the victim's perspective where possible, and communicate that the victim's experience and safety is important to the officer and NOPD. .

## OFFICER RESPONSE

7. 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 1C priority response may be answered by one officer. Refer to **Chapter 41.4.1 - Officer Response to Calls**.
7. 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

8. Officers shall incorporate the following into their investigations:
  - (a) Attempt to determine and arrest the predominant aggressor.
  - (b) Officers shall not arrest a person who acted in self-defense as defined by

- State statute (La. R.S. 14:19).
- (c) Take appropriate action for violation of protection orders.
  - (d) Prioritize safety and protection for adult and child victims of domestic violence.
  - (e) Provide victims or witnesses of domestic violence with support and assistance by providing NOFJC reference materials.

### **APPROACH THE SCENE**

- 9. 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.

### **SECURE THE SCENE**

- 10. Officers shall secure the scene and, as safety permits, separate all parties.
- 11. To ensure officer safety, responding officers shall:
  - (a) Identify and secure weapons that might pose a threat during the investigation or that might be potential evidence.
  - (b) Identify all people or witnesses on the premises/scene.
  - (c) Determine the whereabouts and identities of all people on the premises/scene, including children.
  - (d) Separate occupants and witnesses from the victim and accused, keeping them out of sight and hearing range of one another, as safety permits.
  - (e) Restrain and/or remove the suspect if necessary.
  - (f) 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 as the injured party may be needed as further visual investigation continues and photographs of these areas are taken.
  - (g) Inquire about strangulation and internal injuries.
    - i. 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.
    - ii. If the victim requests medical attention, EMS shall be summoned whether the officer believes medical attention is necessary or not.
    - iii. If it appears strangulation has occurred, EMS shall be summoned.

### **CONDUCT INVESTIGATION**

- 12. Officers shall obtain a comprehensive account of events by interviewing or talking with each party or witness and gathering and documenting evidence.

### **INITIAL OBSERVATIONS**

- 13. Officers shall observe and note spontaneous statements by those at the scene, including:
  - (a) Spontaneous statements made by the victim, suspect or witnesses.
  - (b) Observations of the scene (furniture tipped over, broken phones, doors, other damaged property; torn clothing; blood; no sign of physical altercation, etc.)
  - (c) Emotional state of parties at the scene.
  - (d) Physical appearance of parties (disheveled clothing or hair, torn clothing, obvious injury, flushed face, etc.).
  - (e) Indications of drug or alcohol use by persons at the scene and the apparent level of intoxication or impairment (specifically, are they coherent in responding to

- questions?).
- (f) Photograph victim and crime scene using a tool other than BWC.
- (g) Determine if a weapon was involved and secure it.
- (h) Determine if any children were, and still are present.
- (i) Check for the existence of a protective order through the Louisiana Protective Order Registry, or by other means available.

### **INTERVIEW THE PARTIES AND WITNESSES**

14. Officers shall:
  - (a) Interview all parties and witnesses away from sight and hearing of other parties as safety permits.
  - (b) Arrange for an interpreter when necessary. Do not utilize either party as an interpreter.
  - (c) 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.
  
15. Officers shall obtain a comprehensive account of events by interviewing each person involved or witness to the incident. For each person interviewed, officers shall obtain the requisite information for the EPR and document:
  - i. The suspect's address and phone number(s), if known. Only include information from the victim that can safely be included in the police report.
  - (a) Account of events:
    - i. Specific nature of any threats
    - ii. Indications of witness tampering or whether the suspect has threatened the victim if he/she seeks help from law enforcement
    - iii. Manner in which weapons were used
    - iv. Indications of stalking
    - v. Details about claims of strangulation
    - vi. Indications of self-defense
  - (b) Other information:
    - i. Relationship to other parties involved, including witnesses
    - ii. 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.
    - iii. Presence and type of firearms and other weapons in the home, regardless of whether a weapon was used in the current incident.
    - iv. Whether a protective order is in place and, if one is said to exist, whether the victim possesses a copy.
    - v. If witnesses provide information about prior incidents, document the information to establish a pattern.

### **CONDUCT RISK ASSESSMENT**

16. The risk assessment questions shall be asked when any party alleges force, violence, threats, or criminal damage to property occurred against them. Officers shall ask the **Five Risk Questions**:
  - (a) Do you think he/she will seriously injure or kill you, your children or someone else close to you?
    - i. What makes you think so?
    - ii. What makes you think not?

- (b) How frequently does he/she intimidate, threaten, or assault you?
  - i. Is it changing?
  - ii. Getting worse?
  - iii. Getting better?
- (c) Describe the time you were the most frightened or injured by him/her.
- (d) Have you ever been threatened or intimidated by the other party/parties for seeking help or attempting to seek help from law enforcement, the courts or others? If so,
  - i. Who threatened you?
  - ii. When was the threat made?
  - iii. Describe the nature of the threat.
  - iv. Was a weapon used?
- (e) Does he/she possess or have access to firearms?
  - i. Has he/she used firearms to threaten or control you or other people?
  - ii. What is the type, description, and location of any firearms?

## COLLECT EVIDENCE

- 17. 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.), the suspect's injuries, as well as evidence recording the crime scene, in accordance with departmental procedure and policy on evidence collection (Refer to **Chapter 83.1 - Collection and Preservation of Evidence**).
- 18. Officers shall pay particular attention to evidence specific to sexual abuse, stalking and strangulation.
- 19. Officers shall:
  - (a) Inform the victim in advance of actions to be taken and, if necessary, obtain consent to search (See: **Chapter 1.2.4 – Search & Seizure**) the scene or obtain a warrant.
  - (b) 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 for the Domestic Violence Unit shall be provided by the officer.
  - (c) Collect and secure evidence related to the probable cause determination, regardless of whether the suspect has been arrested.
  - (d) 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 associated with the incident.
  - (e) Photograph and, if necessary, 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.)
  - (f) Photograph and collect electronic evidence such as text messages, email, voicemail, and similar evidence. Refer to **Chapter 83.2 - Computers and Digital Evidence**.
  - (g) Document any previous domestic violence convictions and if the predominant aggressor is currently on probation or parole.

## STRANGULATION

20. 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:
- (a) 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?")
  - (b) 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).
  - (c) 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.
  - (d) 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?")
21. 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**

22. 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.
23. Officers shall document all information regarding stalking behavior provided by the victim, such as:
- (a) Driving by or appearing at the victim's residence, workplace or school;
  - (b) Entering victim's home;
  - (c) Delivering items, such as flowers, letters, gifts, etc.;
  - (d) Annoying or threatening hang up phone calls, emails, or text messages;
  - (e) Disabling or tapping the victim's phone;
  - (f) Audio or videotaping the victim without the victim's knowledge;
  - (g) Photographing the victim or the victim's acquaintances;
  - (h) Intercepting mail;
  - (i) Ordering products or subscriptions in the victim's name;
  - (j) Attempting to obtain information about the victim from others; and
  - (k) 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.

### USE OF RISK ASSESSMENT

24. Before making a probable cause determination, officers shall ask any party who **alleges a domestic violence crime was committed against him/her or his/her property** the Five Risk Questions (conduct risk assessment above) regarding history/patterns & severity of violence used.
25. Answers to risk questions shall be utilized in the following circumstances:
- (a) 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.
  - (b) When there are conflicting accounts of the incident, allegations that both parties committed a crime, or when both parties allege either force, violence, threats, or criminal damage was committed against them or their property, and there is the **possibility** of a dual arrest, officers shall refer to the N.O.P.D. Domestic Violence Arrest Decision Matrix. The officer shall conduct a predominant aggressor assessment, document the self-defense assessment for each party involved and state in the report narrative the officer's conclusion as to whether the amount of force used by each party was:
    - i. Reasonable and proportionate, and
    - ii. Necessary to prevent a forcible offense or trespass against property.

**NOTE:** Under Louisiana Law there is no duty to retreat, in a self-defense situation.

### ARREST DECISION: OFFICER RECEIVES ADMISSION THAT ONLY ONE PERSON COMMITTED AN ILLEGAL ACT

26. 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.**

### ARREST DECISION: CONFLICTING ACCOUNTS OR ALLEGATIONS THAT BOTH PARTIES COMMITTED A CRIME

27. If the officer receives conflicting accounts of the incident or if the officer receives allegations that a crime was committed against both parties, 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.

**DO NOT** arrest or charge a party who the officer has determined has an affirmative defense or has acted in self-defense for that crime.

**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:

- (a) What each party's purpose is in using violence
- (b) Evidence from complainants and witnesses
- (c) Extent of personal injuries
- (d) Threat of future injury
- (e) Prior incidents of domestic violence (see answers to 5 risk questions and prior incidents based on dispatch history)
- (f) Future welfare of any minors
- (g) Who uses the highest level of violence in the relationship

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

- (a) Shall arrest the predominant aggressor if there is probable cause that the predominant aggressor committed a domestic violence felony or misdemeanor.
- (b) 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.
- (c) If probable cause exists that the victim of battering committed a domestic violence misdemeanor on the batterer, 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.**

28. If there is no predominant aggressor, officers shall arrest when there is probable cause to believe one or more of the parties committed a misdemeanor or a felony. As set forth below in the **Dual Arrests** section, **dual arrests are strongly discouraged**. Officers must obtain supervisor approval before making a dual arrest and document the investigation in the report.

## **DUAL ARRESTS**

29. Officers shall obtain his/her supervisor's approval before making a dual arrest.
30. The department discourages dual arrests. The only circumstances in which an officer shall make a dual arrest are:
- (a) Both parties committed a felony; or
  - (b) Both parties committed a misdemeanor, and both pose a risk of impending danger.
31. A dual arrest **shall not** be made if one of the parties acted in self-defense.
32. 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 TO ARREST**

33. When an arrest cannot be made due to a lack of probable cause that a crime has been

committed, the officer shall do the following:

- (a) Explain to the victim why an arrest is not being made.
  - (b) Advise the victim of his or her rights .
  - (c) Encourage any victim of domestic violence to contact the New Orleans Family Justice Center and provide information about the availability of Civil Protective Orders.
  - (d) Address a victim's need for medical care and transport to a safe place.
  - (e) Encourage any victim to call 911 if he/she is in danger.
34. Officers shall notify their supervisor and provide a detailed explanation as to why an arrest was not made prior to leaving the scene and giving a disposition for the call.

### **PROTECTIVE ORDERS**

35. Refer to **Chapter 74.3.2 – Protective Orders** for guidance on handling protective orders. If the Protective Order involves domestic/dating violence, the investigating officer(s) shall ask the Risk Assessment Questions and document the responses as required by this Chapter.

### **RESPONDING WHEN A SUSPECT IS NOT ON SCENE**

36. Officers shall obtain the following information when the suspect has left the scene prior to officers' arrival:
- (a) Suspect's name, date of birth and physical description, including clothing.
  - (b) Suspect's direction and mode of travel upon leaving the premises.
  - (c) Description of the suspect's vehicle, if applicable.
  - (d) Where the suspect might have gone.
  - (e) Where the suspect stays when not with the victim.
  - (f) Whether the suspect has ever interfered with the victim's attempts to seek help, especially from law enforcement.
37. Officers shall take the following actions when the suspect has left the scene prior to officers' arrival:
- (a) Search for the suspect in the immediate area and the direction and area where the suspect might have fled if the incident recently occurred or there is reason to believe the suspect may be in the area.
  - (b) 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.
  - (c) Encourage the victim to call 911 if the suspect returns.
  - (d) Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
  - (e) Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.
  - (f) Collect and process evidence in the same manner as when an arrest has taken place.
  - (g) After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.
  - (h) Prepare an arrest warrant when probable cause exists.

### **COLLECTING AND DOCUMENTING RISK INFORMATION IN FELONY CASES**

38. 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 :

- (a) Substance abuse
- (b) Gun ownership
- (c) Record of violence
- (d) Employment status of the perpetrator
- (e) Prior threats with a dangerous weapon
- (f) Threats to kill
- (g) Forced sex
- (h) Choking
- (i) Control of daily activities
- (j) Threats of suicide
- (k) Threats to harm children

39. 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 DYNAMICS AND ASSISTANCE**

40. Officers shall work in collaboration with victims and provide specific support and attention to safety in responding to domestic violence calls.
41. Officers **shall not**:
- (a) Make any statements that would discourage a victim from reporting an act of domestic violence.
  - (b) Ask the victim if he/she wants the suspect arrested.
  - (c) Ask the victim if he/she will testify in court.
  - (d) Tell the perpetrator what the victim has told the officers.
  - (e) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.
42. 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:
- (a) Avoid interrupting the victim with questions
  - (b) Ask open-ended questions
    - i. "Tell me about. . ."
    - ii. "And then what happened?"
43. 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:
- (a) Remain patient and calm in the face of hostility.
  - (b) 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.
  - (c) 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.
  - (d) Provide the victim with privacy and dignity. This includes allowing her or him to change clothes if needed, shielded from on-lookers.
44. 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.

45. 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.
46. Officers shall take the following actions to provide victim assistance:
  - (a) Remain at the scene until the likelihood of further imminent violence has passed.
  - (b) 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.
  - (c) Provide victim with:
    - i. The Official Notice to Adult Victims of Family Violence form (Form #45); and
    - ii. The Rights of Crime Victims and Witnesses brochure (see Policy/PR 336, Victim Witness Assistance).
    - iii. 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.
  - (d) 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.
  - (e) Assist the victim in obtaining medical treatment.
  - (f) 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.
  - (g) Refer all victims to the New Orleans Family Justice Center.
47. Refer to **Chapter 55.1 - Victim and Witness Assistance** for general guidelines on providing victim assistance.

#### **CHECKING ON THE WELFARE OF AND INTERVIEWING CHILDREN**

48. Officers shall check on the welfare of each child at the scene.
49. 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.
50. Be aware of how the child is responding to the situation and try to reduce the child's anxiety and fear.
51. Be alert to and document any spontaneous and relevant statements made by a child witness.
52. Officers shall not interview a child when the officer believes that the interview might be traumatic or harmful to the child. Document the reasons for not interviewing the child or children in the report. Consider the following in determining whether to interview children:
  - (a) Child's physical, emotional, or psychological ability to give a statement.
  - (b) Child's age and ability to understand questions and formulate responses.
  - (c) Non-offending parent/guardian's preferences as to whether and how to talk with the child or children.
53. When possible, officers shall document:
  - (a) In general, what the child heard and determine if the child has been injured or

directly harmed.

- (b) Names and dates of birth of any children present.
- (c) Presence and location of any children at the incident.
- (d) Physical and emotional condition of any children present.
- (e) Child or children's involvement in the incident, if any.

54. Officers shall call for medical assistance or transport the child to the nearest hospital for treatment as appropriate to the level of care needed if a child has been injured.

#### **AVOID ARREST IN FRONT OF CHILDREN**

55. 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**

56. 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 (**Chapter 44.1.4 - Temporary Custody of Juveniles**).

#### **INCIDENT INVOLVING DEPARTMENT EMPLOYEES**

57. When responding to a domestic violence call involving a department employee, officers shall:
- (a) Secure the scene and address the safety needs of those present.
  - (b) Request their supervisor be dispatched to the scene to oversee the investigation.

#### **RESPONDING TO INCIDENTS INVOLVING A LAW ENFORCEMENT OFFICER**

58. Upon arrival on the scene of a domestic violence call involving a law enforcement officer, the responding officer shall:
- (a) Immediately notify Communication Services and request a supervisor report to the scene, regardless of the involved officer's jurisdiction.
  - (b) Be aware of the heightened risk that the suspect will likely possess firearms, other weapons, physical combat training or all three.
  - (c) Secure the scene and all weapons.
  - (d) Be aware that the suspect might attempt to make emotional appeals to fellow officers.

#### **INCIDENTS INVOLVING PUBLIC FIGURES**

59. When responding to a domestic violence call involving a public figure, officers shall:
- (a) Secure the scene and address the safety needs of those present.
  - (b) Request their supervisor be dispatched to the scene.
  - (c) Conduct an investigation at the direction of their supervisor.
  - (d) Make an arrest decision in accordance with department regulations.
  - (e) Advise Communication Services NOPD Command Desk to make the necessary

notifications.

- (f) When possible, take precautions to protect the victim's confidentiality, such as not using the victim's name or incident address over radio.

## REPORTS

- 60. Officers shall provide case dispositions to domestic violence calls for service according to the guidance below:
  - (a) **RTF** (report to follow) *regardless of whether an arrest was made* if there has been **any contact** with any involved party, witness, or complainant either in person or by phone.
  - (b) **NAT** (necessary action taken) **cannot** be used for domestic violence incidents.
  - (c) **GOA** (gone on arrival) can only be used if there has been **no contact** with any involved party, witness, or complainant either in person or by phone.
  - (d) **UNF** (unfounded) can only be used if there is clearly no substantive domestic violence issue present or the incident occurred out of parish. A supervisor must approve any disposition of unfounded.
- 61. Reports shall include victim statements and disposition of the case (La. R.S. 46:2141; Ch. C. 1574).
- 62. The "D" signal code designator shall be used on all domestic violence incidents.
- 63. 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.
- 64. 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 **5 Risk Questions** listed in the checklist. **The responses to the 5 Risk Questions shall be documented in the report narrative. The responses shall also be included in an arrest warrant or gist when applicable.**
- 65. **The checklist shall be attached to the police report as a document.**

## CHANGING THE SIGNAL

- 66. Should the officer believe the parties do not meet the domestic relationship criteria defined in this chapter, the officer shall contact his/her supervisor for approval to proceed with the investigation as a non-domestic incident. The officer shall explain the reasons / circumstances that justify the signal change and record the explanation on his/her BWC.
- 67. Should the officer believe the parties do meet the domestic relationship criteria defined in this chapter, 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.
- 68. **Only a supervisor may change the signal of a domestic violence call to a domestic disturbance or non-domestic signal by notifying Communication Services on the primary dispatch channel** for that District or, if the signal change is to

occur after the item has been marked up, by a Request for Signal/Disposition Change form (Form #226). A call for service shall not be reclassified as non-domestic when the involved parties are in a domestic relationship as defined by this Chapter.

69. The supervisor shall specifically inquire whether the relationship of the parties meets the guidelines of this Chapter before changing the signal. If the officer states there is no domestic relationship, the supervisor shall require an explanation as to why there is no domestic relationship before changing the signal. The supervisor shall conduct these communications on scene or over the District Talk Group. Any signal changes shall be communicated on the primary dispatch channel.
70. The Compliance Bureau reviews signal changes for items that change from a domestic signal to a non-domestic signal. This review includes EPR and BWC recordings on the event/item.

**NOTE: Both the supervisor and officer should be aware that omitting material facts that could affect the justification for a signal change is considered a violation of Rule 2 – Moral Conduct, paragraph 3 – Honesty and Truthfulness.**

#### **DISTRICT INVESTIGATIVE UNIT DETECTIVES**

71. Any district detective conducting a supplemental investigation of a domestic violence case shall abide by the **Domestic Violence Unit Standard Operating Guidelines located in the Resource folder in NOPD.org.**

#### **DOMESTIC VIOLENCE UNIT STANDARD OPERATING GUIDELINES**

72. 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.
73. 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.

#### **DISTRICT PLATOON SUPERVISOR**

74. 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 SCENE OVERSIGHT**

75. Supervisors shall be responsible for monitoring any domestic violence calls dispatched to the officers under their direct supervision.
76. Whenever possible, platoon supervisors shall respond to the scene for Code 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 **Chapter 41.4.1 - Officer Response to Calls.**

**SUPERVISOR REPORT REVIEW**

77. Platoon supervisors shall:
- (a) Conduct reviews of platoon officers' reports to ensure compliance with this Chapter.
  - (b) Refer to the Supervisor's *Domestic Violence Report Review Checklist (Form 341)*, located in the Resource Folder on nopd.org, to verify the necessary domestic violence reporting elements are present in each platoon officer's report.
  - (c) Return incomplete reports to the officer for corrections and meet with officers to discuss ongoing problems with report writing.

**SUPERVISOR APPROVAL OF DECISIONS NOT TO ARREST AND DUAL ARRESTS**

78. Supervisors are responsible for approving or disapproving an officer's decision to make a dual arrest consistent with this chapter.
79. When notified of an officer's determination of insufficient probable cause to make an arrest, supervisors shall review all relevant information concerning the incident and either:
- (a) Advise the officer to make an arrest based on the information provided; or
  - (b) Advise the officer to document the reason for not making an arrest.

**SUPERVISOR RESPONSIBILITIES IN INCIDENTS INVOLVING NOPD MEMBERS**

80. Supervisors shall:
- (a) Respond to scene of all department employee-involved domestic violence incidents.
  - (b) Notify the Public Integrity Bureau and follow department regulations.
  - (c) Ensure the scene is secured, including weapons, and oversee the scene until PIB investigators arrive on scene.
  - (d) 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**

81. Supervisors shall:
- (a) Respond to scene of all domestic violence incidents involving public figures.
  - (b) Notify the Communication Services - to make notifications.
  - (c) 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**

82. A Public Integrity Bureau Investigator shall conduct any investigation involving a member of the department involved in a domestic violence incident.

**TRAINING**

83. The Commander of the Education and Training Division or his/her designee shall develop a lesson 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.
84. All officers shall receive, at least annually, comprehensive mandatory instruction on this Chapter and responding to domestic violence calls.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.4.1

### TITLE: DOMESTIC DISTURBANCE (103-D)

**EFFECTIVE: 07/08/2018**

**REVISED:**

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#### PURPOSE

The purpose of this Chapter is to provide the guidelines for responding to domestic disturbance incidents. Domestic disturbances are incidents involving individuals with a domestic relationship that do not involve a crime.

#### POLICY STATEMENT

1. The New Orleans Police Department's response to domestic disturbance incidents shall emphasize the importance of accumulating information over time in order to understand and appropriately respond to the level of danger and risk posed by individuals involved in domestic disturbances.
2. Members shall respond to all instances of domestic violence according to **Chapter 42.2 – Domestic Violence**.
3. Whenever there is any doubt as to whether an incident shall be classified as a domestic disturbance or domestic violence, the member shall respond according to **Chapter 42.2 – Domestic Violence**.
4. Officers shall respond to domestic disturbance incidents with the same empathetic approach detailed in **Chapter 42.2 – Domestic Violence**.
5. Officers shall handle protective orders according to **Chapter 74.3.2 – Protective Orders**.

#### DEFINITIONS

**Dating Partner**—Any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender.

**Domestic Disturbance (103-D)**—A call for service involving individuals with a domestic relationship that does not involve a crime.

**Domestic Relationship**—Any relationship involving the following, including same sex

relationships:

- (a) Current or former spouses;
- (b) Parents and adult children;
- (c) Stepparents and adult stepchildren;
- (d) Foster parents and adult foster children; or
- (e) Current or former dating partners, living together or not.

**Domestic Violence**—Used to refer to battering, a crime of violence, or property damage between individuals with a domestic relationship (R.S. 46:2151, M.C.S.17271 54-525).

### OFFICER RESPONSE

6. All domestic disturbance calls assigned a code 2 priority response shall be answered with two officers and, whenever possible, a supervisor. Domestic disturbance calls assigned a code 1C priority response may be answered by one officer. Refer to **Chapter 41.4.1 - Officer Response to Calls**.
7. Officers shall secure the scene and, if necessary and as safety permits, separate all parties.
8. Officers shall obtain a comprehensive account of events by:
  - (a) Interviewing or talking with each party or witness away from sight and hearing of other parties as safety permits.
    - i. Arrange for an interpreter when necessary. Do not utilize either party as an interpreter.
    - ii. Interview children in a manner appropriate to their age.
  - (b) Observing the emotional and physical states of parties at the scene, including intoxication.
  - (c) Checking each party for criminal history and for the existence of a protective order through the Louisiana Protective Order Registry, or by other means available.

### WHEN PROBABLE CAUSE EXISTS TO ARREST

9. Follow **Chapter 42.4 – Domestic Violence** to make the arrest decision.

### WHEN NO PROBABLE CAUSE EXISTS TO ARREST

10. When an arrest cannot be made due to a lack of probable cause that a crime has been committed, the officer shall do the following:
  - (a) Explain to the parties why an arrest is not being made.
  - (b) Advise the parties of their rights.
  - (c) Encourage the parties to contact the New Orleans Family Justice Center regarding support services.
  - (d) Encourage any party to call 911 if he/she is in danger.

### REPORTS

11. Officers shall provide case dispositions to domestic violence calls for service according to the guidance below:
  - (a) **RTF** (report to follow) *regardless of whether or not an arrest was made* if there has been **any contact** with any involved party, witness, or complainant either in person or by phone.
  - (b) **NAT** (necessary action taken) **cannot** be used for domestic violence incidents.
  - (c) **GOA** (gone on arrival) can only be used if there has been **no contact** with any

involved party, witness, or complainant either in person or by phone.

- (d) **UNF** (unfounded) can only be used if there is clearly no substantive domestic violence issue present or the incident occurred out of parish. A supervisor must approve any disposition of unfounded.

12. The “D” signal code designator shall be used on all domestic incidents.
13. Officers are **not required** to complete the Domestic Violence Patrol Report Checklist (Form #46) for domestic disturbances. Officers shall upgrade domestic disturbance calls to domestic violence calls as appropriate and follow the associated reporting requirements set forth in **Chapter 42.4 – Domestic Violence**.

### **CHANGING THE SIGNAL**

14. Should the officer believe the parties do not meet the domestic relationship criteria defined in this Chapter, the officer shall contact his/her supervisor for approval to proceed with the investigation as a non-domestic incident. The officer shall explain the reasons / circumstances that justify the signal change and record the explanation on his/her BWC.
15. Should the officer believe the parties do meet the domestic relationship criteria defined in this chapter, 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.
16. ***Only a supervisor may change the signal of a domestic disturbance (103-D) call to a non-domestic call by notifying Communication Services on the primary dispatch channel*** for that District or, if the signal change is to occur after the item has been marked up, by a Request for Signal/Disposition Change form (Form #226). A call for service shall not be reclassified as non-domestic when the involved parties are in a domestic relationship as defined by this Chapter.
17. The supervisor shall specifically inquire whether the relationship of the parties meets the guidelines of this Chapter before changing the signal. If the officer states there is no domestic relationship, the supervisor shall require an explanation as to why there is no domestic relationship before changing the signal. The supervisor shall conduct these communications on scene or over the District Talk Group. Any signal changes shall be communicated on the primary dispatch channel.
18. The Compliance Bureau reviews signal changes for items that change from a domestic signal to a non-domestic signal. This review includes EPR and BWC recordings on the event/item.

**NOTE: Both the supervisor and officer should be aware that omitting material facts that could affect the justification for a signal change is considered a violation of Rule 2 – Moral Conduct, paragraph 3 – Honesty and Truthfulness.**

### **SUPERVISOR REPORT REVIEW**

19. Platoon supervisors shall review domestic disturbance reports to ensure proper response and classification.
20. Supervisors shall return incomplete reports to the officer for corrections and meet with officers to discuss ongoing problems with report writing.



## NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

### CHAPTER: 42.5

## TITLE: COMPUTER VOICE STRESS ANALYZER (CVSA), POLYGRAPH TESTING AND PSYCHOLOGICAL STRESS EVALUATOR (PSE)

**EFFECTIVE: 04/15/2018**

**REVISED: Replaces Policy 840**

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### PURPOSE

The purpose of this Chapter is to regulate 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 Chapter provides investigative officers with a general knowledge of procedures and use of the equipment.

### DEFINITIONS

**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.

### **GENERAL INFORMATION**

1. 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.
2. Other than when a member is ordered to submit to testing, voluntary written consent shall be obtained from all individuals prior to testing, except as otherwise provided for in this Chapter.
3. Any member refusing an order to submit to a CVSA, PSE, and/or Polygraph examination in an administrative investigation will be subject to disciplinary action.
4. 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.
5. 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.
6. 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.

### **USE OF CVSA, PSE AND POLYGRAPH EXAMINATIONS FOR EMPLOYMENT PURPOSES**

7. 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.
8. The polygraph examiner shall review all relevant applicant screening reports and applicant personal history summaries before conducting the examination.
9. CVSA, PSE and/or Polygraph tests will be administered to both commissioned and civilian applicants for the following purposes:
  - (a) Verify accuracy and completeness of the information on the application;
  - (b) Resolve questions or conflicts arising during background investigation;
  - (c) Document history of criminal or other disqualifying behavior; and
  - (d) Deter those seeking to penetrate law enforcement departments for improper purposes.
10. 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 clarification questions.
11. CVSA, PSE and Polygraph tests shall not be the single determinant of employment. Admissions made before, during, or after the examination may be used to determine suitability for employment.
12. Investigators should attempt to conduct additional investigation when possible deception

is indicated in the examination.

### **USE OF CVSA, PSE AND POLYGRAPH EXAMINATIONS FOR CRIMINAL INVESTIGATIVE PURPOSES**

13. CVSA, PSE and Polygraph examinations may be utilized in conjunction with investigative leads and interviews of suspects, victims, and witnesses.
14. When practical, both the victim and the accuser should be tested in order to add validity to the examination results.
15. CVSA, PSE, or Polygraph examinations may only be conducted on a complainant, victim, or witness:
  - (a) After he/she has given a complete and formal interview statement.
  - (b) When there is little physical evidence or there are disinterested witnesses, and
  - (c) Only as a method of verifying the person's statement.
16. The use of CVSA, PSE, or Polygraph examinations for investigative purposes shall be strictly voluntary on the part of the complainant, victim, or witness.
17. The results are not to be used for arrest or legal action but are designed for developing leads, validity, and obtaining case direction.
18. Whenever practical during the use of CVSA/PSE, audio tape analysis should be followed up with a live interview and examination.
19. An examiner shall not conduct an examination upon a subject if it is believed, for any reason that an unbiased examination cannot be given.
20. The examiner shall read Miranda rights to the subject and explain the voluntary nature of the test.
21. The examiner shall obtain a signed consent prior to administering the examination.
22. Examinations shall cease immediately if requested by the person being tested.
23. Prior to any examination, the examiner shall explain the procedure to the person being tested and provide sufficient time for the individual to prepare.

### **USE OF CVSA, PSE AND POLYGRAPH EXAMINATIONS FOR ADMINISTRATIVE INVESTIGATIVE PURPOSES**

24. In internal disciplinary investigations, a CVSA exam may be administered to a member, complainant, or witness only after approval for such an exam has been obtained from the Superintendent of Police.
25. Approval must be obtained in writing from the Superintendent of Police prior to the administering of a CVSA exam to any department member.

### **WHO MAY BE TESTED**

26. Any person who can distinguish 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 the written consent of a parent or legal guardian after an advisement of all rights. (See: **Chapter 1.9.1 – Miranda** regarding the additional rights of

a juvenile).

### **WHO MAY NOT BE TESTED**

27. Children under six years of age will not be tested.
28. 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. (See: **Chapter 1.9.1 – Miranda**).
29. Except for administrative investigations of members who have been ordered, any person who has been forced or coerced into taking the examination (except as provided for in this regulation) will not be tested.
30. Any suspect who has been 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.
31. 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 or intense interview or who is extremely angry, upset or distraught.
32. Anyone who is severely mentally handicapped or impaired by alcohol or drugs will not be tested.

### **RESPONSIBILITIES OF CVSA, PSA AND POLYGRAPH EXAMINERS**

33. The CVSA, PSE or Polygraph examiner shall review the available information pertaining to the case in question prior to administering an examination.
34. 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.
35. Any covert use of the CVSA or PSE must be authorized by the examiner's Division/Section Commander.
36. Individuals shall not be examined at the request of another agency without prior written approval of the Superintendent of Police.
37. Requests for examinations directed to the Public Integrity Bureau will be approved by the Deputy Chief of the Public Integrity Bureau and the Superintendent of Police.
38. All CVSA PSE and Polygraph operators will submit a monthly log of all requested examinations and tests administered to his/her respective Division/Section Commanders.
39. The CVSA or PSE examiner will obtain a second opinion from another certified examiner on all cases.
40. The CVSA, PSE or 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).
41. CVSA, PSE or Polygraph examiners are not obligated to:

- (a) 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);
  - (b) Obey illegal orders; and
  - (c) Conduct an examination on a subject that is not suitable for testing.
42. The examiner is the final authority on testing matters.
43. Examiners refusing to obey orders relative to PSE, CSVSA or Polygraph professional standards shall document same through an NOPD form 105 (interoffice correspondence) through their chain of command to the Superintendent of Police.
44. In the event the examiner declines to administer an examination and the decision/reason is questioned, a second opinion from another CSVSA or PSE examiner will be obtained.
45. 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.**

#### **RESPONSIBILITIES OF OFFICER / INVESTIGATOR REQUESTING A CSVSA, PSE OR POLYGRAPH EXAMINATION**

46. The investigator should adequately complete an investigation or consult with the examiner during the investigation prior to an examination being scheduled.
47. 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.
48. The investigator will remain available at the test location until completion of the examination unless otherwise agreed to by the examiner and investigator.
49. The investigator will notify the CSVSA, PSE, or Polygraph examiner immediately if the subject cancels an examination appointment.
50. A CSVSA, PSE or Polygraph test should be utilized during investigations in which truthfulness is an issue.

#### **CSVSA, PSE AND POLYGRAPH EXAMINATION RECORDS**

51. CSVSA, PSE and Polygraph records will include, depending on the circumstances, a waiver of rights form, a voluntary submission form, a subject information sheet, any CSVSA or PSE graphs, any polygraph charts and statements of results. Video records of examinations and interviews shall be noted on all required reports.
52. CSVSA, PSE and Polygraph records will be maintained for that period of time as specified by the Department's record retention schedule and/or until any litigation is concluded. CSVSA, PSE and Polygraph records will be maintained in a secure area within their respective originating unit accessible only to the examiner.

#### **PUBLIC INTEGRITY BUREAU**

53. CSVSA, PSE and Polygraph examinations **shall not** be administered during criminal investigations involving employees of the New Orleans Police Department without a signed **NOPD Form 153 – Rights of an Arrestee or Suspect** 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.

54. Public complainants and witnesses (not NOPD members) 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.
55. These interviews shall only be conducted after a **Voluntary Test Waiver form** has been signed.
56. In the case of a CVSA or PSE covert interview (audio tape analysis), the operator shall receive prior, written authorization from the Superintendent of Police should the individual be a member of the Department.

### **CVSA/POLYGRAPH EXAMINERS**

57. 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.
58. Members certified as CVSA, PSE or Polygraph examiners must keep their certifications up to date or refrain from any testing until all requirements for certification are current.
59. Members whose certification and training has been supplied or paid for by the City of New Orleans must obtain written permission for any testing done outside of his/her NOPD duties (including police secondary employment).
60. Members certified as CVSA, PSE or Polygraph examiners must receive training on legal requirements of interrogation techniques and updates and changes to the law, if any, with respect to the use of these devices in criminal investigations. This may be accomplished through annual in-service training and/or periodic re-certification on the devices used.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.8

### TITLE: EYEWITNESS IDENTIFICATION

**EFFECTIVE: 04/15/2018**

**REVISED: 11/01/20**

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#### PURPOSE

This Chapter sets forth guidelines to be used when members of this department employ witness identification techniques other than photographic line-ups.

#### POLICY STATEMENT

1. This department will use witness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying those persons responsible for crime and exonerating the innocent.
2. NOPD members shall conduct photographic line-ups according to **42.8.1 – Eyewitness Identification – Photographic Line-Ups**.

#### DEFINITIONS

**Confirmation Photograph**—A single photograph displayed to a witness in an effort to confirm the identity of a suspect. This method is limited to situations in which the suspect is previously known to the witness by name.

**Eyewitness Identification Process**—Any field identification, live lineup or photographic identification.

**Field Identification/Show-Up**—A live presentation of a single individual to a witness shortly following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Physical Lineup**—The live presentation of a number of people to an eyewitness for the purpose of identifying or eliminating an individual as the suspect. A lineup differs from a field identification/show up in that it is conducted in a controlled setting, such as a police facility, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.

**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.

### EYEWITNESS IDENTIFICATION GENERAL

3. Due process requires that identifications be conducted in a fair, objective, and nonsuggestive manner.
4. Due process is violated when identification procedures arranged and/or conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification.
5. Prior to conducting an identification procedure, investigators should take a full description of the suspect from the witness and document that description.
6. The officer should record the critical parts of what a witness has said verbatim as to how confident or certain he or she is of the identification made.
7. Officers should avoid any words or actions that suggest to the witness that a positive identification is expected, who they expect the witness to identify, or congratulating the witness on an identification.
8. Every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be documented in a report (EPR). The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the officer (this is accomplished by submitting the appropriate witness instruction form as part of the report), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.
9. Officers shall not, in any way, influence a witness as to whether any subject presented in a lineup is in any way connected to the case. Officers shall avoid mentioning that:
  - (a) The individual was apprehended near the crime scene.
  - (b) The evidence points to the individual as the suspect.
  - (c) Other witnesses have identified, or failed to identify, the individual as the suspect.
10. In order to avoid undue influence, witnesses shall 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.
11. Each witness shall be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process and **that the suspect may or may not be present in the lineup.**
12. The eyewitness identification procedure shall be audio and/or video recorded and the recording shall be retained according to current evidence procedures.

### WITNESSES WITH LIMITED ENGLISH PROFICIENCY

13. 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 ensure an interpreter or an interpretive device is present and available before proceeding with eyewitness identification (refer to **Chapter 55.5.1 - Communication with persons who are deaf or hearing impaired** or **Chapter 55.4 - Limited English Proficiency Services**).

14. 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 Chapter.

### **FIELD IDENTIFICATION CONSIDERATIONS**

15. Field identifications, also known as field show-ups or one-on-one identifications, may be helpful in certain cases where exigent circumstances make it impracticable to conduct photo or physical lineup identifications.
16. 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.

### **DOCUMENTATION**

17. 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 investigative report. All witness statements and/or comments shall be documented in the report. (i.e., comments of how certain the witness is of the identification or non-identification, etc.).
18. The identities of all individuals present during the identification procedure shall be documented in the case report.

### **PHYSICAL LINEUPS**

19. A physical line-up shall only be conducted after consultation with the investigating officer's supervisor and the Orleans parish District Attorney's Office. When it is determined that a physical lineup will be necessary, the investigating officer 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. The investigating officer will follow the detailed instructions provided by the assigned Assistant District Attorney in conducting the physical lineup and documenting the same. As a general guideline, the person who conducts the physical lineup should have no knowledge of the investigation, and persons with the same general physical characteristics should be used as "fillers."

### **IDENTIFICATION OF SUSPECTS**

20. Fairness in the identification procedure as well as in the actual confrontation between the suspect and victim/witness shall be required.
21. 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.
22. 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:
    - i. The length of time the witness observed the suspect.
    - ii. The distance between the witness and the suspect.
    - iii. Whether the witness could view the suspect's face.

- iv. The quality of the lighting when the suspect was observed by the witness.
  - v. Whether there were distracting noises or activity during the observation.
  - vi. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - vii. 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.
23. If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances, officers should 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.

#### **CONFIRMATION PHOTOGRAPHS**

24. If a victim or witness identifies an individual suspect by a name, even a street name, and he/she indicates that he/she knew the subject prior to the incident in question, officers may use a confirmation photograph, if available, to verify that the identity of the suspect.
25. To utilize a confirmation photograph, the officer shall:
- (a) Relocate the victim or witness to the District station if the witness consents;
  - (b) Interview the victim or witness utilizing the interview/interrogation room and record the entire confirmation process on video;
  - (c) Document on video and in the EPR the information provided by the victim or witness that allows the usage of a confirmation photo;
  - (d) Present the photograph to the victim or witness and ask if this is a photograph of the suspect the victim or witness previously identified by name;
  - (e) Document the identification process in the EPR and specifically note the degree of certainty of the results of the identification;
  - (f) On the back of the photograph, note the date and time of the presentation and have the victim or witness sign the back of the photograph used;
  - (g) A copy of the photograph may be used in the investigative report or file, but the original dated and signed photograph shall be placed on the evidence books at Central Property and Evidence under the investigation's item number by the officer conducting the confirmation photo process within 24 hours of the presentation.
26. The investigating officer shall enter all required information into the Photographic Line-Up Log immediately after the administration of the confirmation photo.
27. **Only one confirmation photograph process shall be used in any case to identify a known suspect.**

**DRAWINGS, SKETCHES AND IDENTI-KIT COMPOSITES**

28. An artist's sketch, computerized drawing, composite, or other depiction can sometimes aid an investigation, but are most effective when a witness has a good recollection of the offender's facial features. However:
  - (a) Research has shown that a person selected based on resemblance to composite is **more likely to be mistakenly identified**.
  - (b) Additionally, building a composite has been shown to **lower a witness's accuracy** for identifying the original face.
29. Prior to attempting a sketch or composite, officers should take a full description of the offender from the witness and document the description in his/her report.
30. A sketch prepared by a trained artist is preferred over a composite.
31. Sketches and composites should not be attempted prior to the showing of a photo array or line-up.
32. Once the sketch or composite has been completed, the witness should be asked to state in his/her own words how accurately the composite reflects how the suspect appeared during the crime and a report should be prepared regarding the sketch or composite procedure.
33. The fact that a suspect resembles a sketch or composite is not, without more evidence, probable cause to believe that the suspect is the offender.
34. The use of mug books, mug shots and hypnotically aided identification is prohibited.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.8.1

### TITLE: EYEWITNESS IDENTIFICATION – PHOTOGRAPHIC LINE-UP

**EFFECTIVE: 3/12/2017**

**REVISED: Replaces Policy and Procedure 610**

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#### PURPOSE

1. This Chapter establishes requirements for administering photographic line-up eyewitness identification methods for the purpose of identifying persons responsible for crime and exonerating the innocent.

#### POLICY STATEMENT

2. 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. There are several eyewitness identification processes such as, field identification, composite sketch, live lineup, and photographic line-up identification.

#### DEFINITIONS

Definitions related to this Chapter include:

**Confirmation photograph**—A single photograph displayed to a witness in an effort to confirm the identity of a suspect. This method is limited to situations in which the suspect is previously known to the witness by name.

**“Double-blind” procedure/use of a blind administrator**—A “double-blind” lineup is one in which neither the line-up administrator nor the eyewitness knows who the suspect is. This prevents the administrator of the lineup from providing inadvertent or intentional verbal or nonverbal cues to influence the eyewitness to pick the suspect.

**Eyewitness identification process**—Any field identification, composite sketch, live lineup, or photographic identification.

**Fillers**—Photographs or images of individuals who are not suspects but resemble the victim’s or witness’ description of the suspect in significant features (i.e. face, weight, build, skin tone).

**Photographic line-up**—The double-blind, sequential presentation of six individual photographs to a victim or witness of a crime for the purpose of identifying or eliminating an individual as the suspect. For purposes of this Chapter, “photo array” and “six-pack” are synonymous with

photographic line-up.

**Photo number**—The sequential position within a group indicating the numerical order placement of a particular photograph within a photographic line-up. (For instance, if the photograph is the sixth photo shown to the witness, the photograph's photo number is "6." Photo numbers shall be marked on the lower right hand section on the back of all photographs included in line-ups.

**Redact/redaction**—The censoring, removing, or obscuring of part of an image or photograph in a manner to make it clear that it has been altered, sometimes referred to "blacking out." The redaction is made to a part of the image or photo to eliminate an element or elements that cause the image to be different from the other images or photos used in the photographic line-up to a degree that might render it too "suggestive" or "different."

### GENERAL

3. Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner.
4. Due process is violated when identification procedures arranged and/or conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification.
5. Confirmation photographs are not considered photographic line-ups.
6. Prior to conducting an identification procedure, investigators should take a full description of the suspect from the witness and document that description.
7. The officer should record the critical parts of what a witness has said verbatim as to how confident or certain he or she is of the identification made.
8. Officers should avoid any words or actions that suggest to the witness that a positive identification is expected, who they expect the witness to identify, or congratulating the witness on an identification.
9. Every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be documented in a report (EPR). The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the officer (this is accomplished by submitting the appropriate witness instruction form as part of the report), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

### UTILIZING PHOTOGRAPHIC LINE-UPS

10. Members shall employ photographic line-ups in all felony cases when the identity of the suspect is not known and / or when confirmation of the identity of the suspect is desired.
11. At no time prior to, during, or after the presentation of a photographic line-up shall it be suggested to a witness that any person depicted in the line-up is a suspect or was in any way connected to the offense.

### CREATING A PHOTOGRAPHIC LINE-UP

12. The investigator should compose the line-up in such a manner that the suspect does not unduly stand out.



13. When creating a photographic line-up, investigators shall use the suspect's photograph and five filler photographs that do not depict the suspect.
14. Each photographic line-up shall include only one suspect in each identification procedure.
15. To create the photographic line-up, investigators may request a line-up from the Louisiana State Police Fusion Center or create a line-up from archival photographs stored in the ThinkStream database or Cop Link.
16. If alternative sources of photographs must be used, such as school identification photographs for a juvenile with no photographs on file, the suspect's and all filler photographs must come from the same source database. If any alternative sources of photographs, other than those commonly used by law enforcement, are used, the investigator compiling the photographic line-up must consult with his/her supervisor and obtain approval of both the source(s) used and the final compilation of the photographic line-up.
17. The filler photos in a line-up must generally fit the witness's description of the perpetrator. If the investigator has more than one photograph of the suspect, he/she should select the photograph that best resembles the suspect's description provided by the victim or witness being shown the photo line-up or appearance at the time of the incident. 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's photograph in significant features, such as:
  - (a) Hair color, style, and length;
  - (b) Facial hair color, style, and length;
  - (c) Eye color;
  - (d) Facial expressions (for example, some photographs should not include smiling individuals while other photographs in the line-up do not);
  - (e) Markings, piercings, or tattoos that make the individual stand out;
  - (f) Obvious age differences;
  - (g) Obvious differences in skin color; and
  - (h) Distinct accessories such as earrings or head gear.
18. If significant differences between the suspect's photograph and the filler photographs are unavoidable, the officer must redact aspects of all photos to eliminate the significant differences. For example, if one individual is wearing earrings and the others are not, an investigator should place a black dot / square over the bottom of the ears of all individuals depicted in the line-up to eliminate the significant difference in appearance.
19. The investigating officer shall print the photographs to be used in the line-up in high-quality color.
20. Before administering the line-up, the investigating officer shall randomly determine the order in which the photographs will be displayed to the witness. The investigator shall number the back of each photograph in the line-up, documenting the order in which the photos are to be shown (for example, the third photo to be shown shall be marked "3" on the back).
21. The number shall be placed on the lower right hand section on the back of all photographs used in the line-up. The investigator shall document on Form 277b and confirm that the numbers on the photos and those listed on the Form 277b match and

are shown in the order indicated.

22. Only soft-point pens (sharpie type) shall be used to mark the photographs to prevent indentations in the photographs that would be visible on the front side of the photograph.
23. The photo number and identifying information such as SID# (State Identification, or criminal record number assigned to a particular criminal history record) for each photograph included in the line-up shall be documented on the Individual/Photo Sequence Form (Form #277b).
24. Should there be more than one suspect, a separate photographic lineup shall be conducted for each suspect. Separate Individual/Photo Sequence Forms (Form #277b) and Eyewitness Identification Forms (Form 277) shall be completed for each line-up.
25. Should there be more than one suspect and the suspects are similar in general appearance, a separate photographic lineup shall be conducted for each suspect using different filler photographs in each photographic line-up. Separate Individual/Photo Sequence Forms (Form #277b) and Eyewitness Identification Forms (Form 277) shall be completed for each line-up.
26. Should there be more than one witness, the suspect's photo and filler photos shall be placed in a different random order for each witness. Separate Individual/Photo Sequence Forms (Form #277b) and Eyewitness Identification Forms (Form 277) shall be completed for each line-up.

#### **THE PHOTOGRAPHIC LINE-UP ADMINISTRATOR**

27. Any members involved in the case / investigation shall not participate in the administration of the photographic line-up.
28. Line-up administrators are selected by the case investigator or the investigator's supervisor.
29. The line-up administrator shall **not**:
  - (a) Be involved in the creation of the line-up;
  - (b) Have any knowledge of the investigation;
  - (c) Have any knowledge as to which photograph depicts the suspect in the investigation; or
  - (d) Have already participated in administering a line-up in the same case.

#### **ADMINISTERING A PHOTOGRAPHIC LINE-UP**

30. The line-up administrator shall audio and/or video record the administration of the entire photographic line-up. The recording shall be retained according to current evidence procedures for video / audio recordings.
31. Absent extenuating circumstances, which must be articulated in the investigative / case report, all photographic line-ups shall be conducted in the investigating officer's Division Interview / Interrogation (L3) Room. If the investigating officer's Interview / Interrogation Room is not available, another Division's may be used.
32. The line-up administrator shall read aloud to the witness the top section of the Eyewitness Identification Form (Form 277), which is preceded by "*Read the following section aloud to the witness.*" This section includes an admonishment to the witness

that the witness is not required to make a selection and the perpetrator may not be included in the line-up.

33. The line-up administrator shall present the photographs one at a time, in the order documented on Form 277b and which match the numbers on the photographs.
34. Officers **shall not** indicate in any way to the witness whether a photo presented in a line-up is connected to the case. Officers shall avoid mentioning that:
  - (a) The individual was apprehended near the crime scene;
  - (b) The evidence points to the individual as the suspect; or
  - (c) Other witnesses have identified, or failed to identify, the individual as the suspect.
35. In order to avoid undue influence, witnesses should view 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.
36. If the witness identifies a photograph as that of the suspect, the line-up administrator shall continue with the photographic line-up and display any remaining photographs in the line-up.
37. If the witness identifies a photograph as that of the suspect, the witness shall sign and date the back side of the photograph of the identified individual.
38. The witness shall initial and date the back side of all photographs which are not identified as that of the suspect.
39. All photographs in a photographic line-up shall be marked by the witness, either with a signature and date for an identified photograph or initials and date for photographs not resulting in an identification.
40. Witnesses should use soft-point (Sharpie type) pens to mark the photographs to prevent indentations in the photographs that would be clearly visible on the front side of the photograph.
41. During the course of the photographic line-up, the line-up administrator shall complete Form 277 as detailed in **Documenting a Photographic Line-Up (below)**.

#### **ADMINISTERING A PHOTOGRAPHIC LINE-UP WITH AN OUT-OF-TOWN WITNESS**

42. If the victim/witness is not available to participate in a photographic line-up conducted by the NOPD investigator in person and does not live within Orleans Parish or a contiguous parish, the investigator's supervisor shall determine if an NOPD officer will travel to the witness to perform the photographic line-up or if the line-up should be conducted via email or mail, according to the following procedures. The investigator may use either method.

#### **ADMINISTERING A PHOTOGRAPHIC LINE-UP THROUGH EMAIL**

43. If the investigator decides to administer the out-of-town line-up through email, the investigator shall follow these procedures:
  - (a) Contact the victim/witness by phone, advise the individual of the procedure to be used, and confirm willingness to participate in the photographic line-up.
  - (b) Obtain an email address from which the victim/witness can receive the photographs/images and forms. The victim/witness will need access to a printer to print the photographs.

- (c) Schedule a time to conduct the photographic line-up processes over the phone.
- (d) Compile the photographs to be used in the same manner that would be used for an in-person photographic line-up. This will include separate image files for each photograph or separate images on each page of a single file. Ensure that the file labels or images do not indicate or identify the subjects or suspect in any way.
- (e) Send the photographic line-up images to the previously identified email address with instructions not to open or view the attached images until instructed to do so by the line-up administrator.
- (f) At the scheduled time, call the phone number provided by the victim/witness so that instructions can be provided on the procedure to be utilized. The entire process shall be audio or video recorded in the same manner as an in-person photographic line-up.
- (g) The photographic line-up administrator shall provide step-by-step instructions to the victim/witness on conducting the line-up, including reading the required forms while the victim/witness views the forms in the email attachments.
- (h) At the appropriate time in the process, the administrator will instruct the victim/witness to view the images one at a time in the order indicated.
- (i) The victim/witness will print Form 277 and the individual photographs in color and complete the form and mark the photographs as instructed by the administering officer.
- (j) The results of the line-up shall be documented in the same manner as an in-person line-up.
- (k) The victim/witness shall mail the documents via USPS, UPS, or FedEx (the method is the option of the victim/witness) to the NOPD work address provided by the investigator in care of the investigator.
- (l) The NOPD investigator and his/her supervisor shall review all materials and recordings to ensure that NOPD procedures were followed, the administration of the photographic line-up was legal and chain-of-evidence was and is maintained.
- (m) The returned photographic line-up and recording shall be copied for the case file. The originals shall be placed in Central Evidence and Property within 24 hours of receipt by the NOPD investigator.
- (n) The investigator shall memorialize the administration of the line-up as outlined above in a supplemental report. Any concerns, issues, or relevant observations concerning the out-of-town photographic line-up shall be noted in the report.
- (o) The investigator shall place a copy of the CE&P receipt, all documentation, and the supplemental report memorializing the line-up process in the case file.

#### **ADMINISTERING A PHOTOGRAPHIC LINE-UP THROUGH THE MAIL**

44. If the decision is to conduct the out-of-town line-up through the mail, the investigator shall follow these procedures:
- (a) Contact the victim/witness by phone, advise the individual of the procedure to be used, and confirm willingness to participate in the photographic line-up.
  - (b) Obtain a mailing address from which the victim/witness can receive the photographs/images and forms.
  - (c) Schedule a time to conduct the photographic line-up processes over the phone.
  - (d) Instruct the victim/witness to not to open the envelope until instructed.
  - (e) Compile the photographs to be used in the same manner that would be used for an in-person photographic line-up. Ensure that the images or photographs do not indicate or identify the subjects or suspect in any way.
  - (f) Include the following in the packet for the victim/witness: Form 277, photographs, and a postage paid, Certified Mail return envelope addressed to the investigator at his/her NOPD address.
  - (g) Send the photographic line-up, Form 277, and return envelope to the previously identified address.

- (h) Choose a line-up administrator to conduct the line-up by phone.
- (i) The entire process from this point forward shall be audio and/or video recorded in the same manner as an in-person photographic line-up.
- (j) At the scheduled time, call the phone number provided by the victim/witness and introduce the person who will be the line-up administrator. The line-up administrator will then provide instructions on the procedure to be utilized.
- (k) The photographic line-up administrator will provide step-by-step instructions to the victim/witness on conducting the line-up, including reading the required forms while the victim/witness views the forms.
- (l) At the appropriate time in the process, the administrator will instruct the victim/witness to view the images/photos in the order indicated.
- (m) The results of the line-up shall be documented in the same manner as an in-person photographic line-up.
- (n) The victim/witness shall complete Form 277 and mark the photographs as instructed by the photographic line-up administrator and mail all photographs and the completed documents to the NOPD in the return envelope provided (Certified Mail only).
- (o) When the photographic line-up and documents are received by the investigator, they will be opened in the presence of the investigator, line-up administrator, and supervisor and verified. Any forms requiring completion and/or signatures shall be completed by the appropriate party at that time and in the presence of the other two.
- (p) The NOPD investigator and his/her supervisor will review all materials and recordings to ensure that NOPD procedures were followed, the administration of the photographic line-up was legal and chain-of-evidence was and is maintained.
- (q) The returned photographic line-up and recording shall be copied for the case file. The originals shall be placed in Central Evidence and Property within 24 hours of receipt by the NOPD investigator.
- (r) The investigator shall memorialize the administration of the line-up as outlined above in a supplemental report. Any concerns, issues, or relevant observations concerning the out-of-town photographic line-up shall be noted in the report.
- (s) The investigator shall place a copy of the CE&P receipt, all documentation, and the supplemental report memorializing the line-up process in the case file.

#### **ADMINISTERING A PHOTOGRAPHIC LINE-UP FOR ANOTHER LAW ENFORCEMENT AGENCY**

- 45. If requested by another law enforcement agency, NOPD investigators may conduct a photographic line-up for that agency once the request is approved by his/her NOPD supervisor.
- 46. NOPD investigators performing photographic line-ups for another law enforcement agency shall follow the guidelines and instructions provided by that agency to conduct of the photographic line-up unless they believe the line-up violates due process. (Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner.)
- 47. NOPD investigators performing photographic line-ups for another law enforcement agency shall advise his/her supervisor of any concerns raised by the photographs used or the guidelines to be followed prior to the commencement of the line-up.
- 48. If no guidelines are provided by the requesting investigator or agency, the provisions of this Chapter shall be followed.

**DOCUMENTING A PHOTOGRAPHIC LINE-UP**

49. The investigating officer shall enter all required information into the Photographic Line-Up Log immediately after the administration of the line-up for each photographic line-up and receiving the evidence from the line-up administrator.
50. The photographic line-up administrator shall document the administration and results of the photographic line-up on the Eyewitness Identification Form (Form 277). The administering officer shall complete all sections of Form 277, documenting the following:
- (a) The item number for the investigation;
  - (b) The date, time, and location of the photographic line-up;
  - (c) The name of the officer administering the identification procedure;
  - (d) The name of the witness (i.e., viewing person);
  - (e) Whether or not the witness identified a photograph as the perpetrator and, if there was an identification, the photo number of the selected photograph;
  - (f) Record the critical parts of what the witness said verbatim;
  - (g) The names of all of the individuals present during the line-up or an indication that no witnesses were present;
  - (h) A signature from the administering officer to confirm that the photographic line-up was conducted according to this Chapter and the process outlined on Form 277;
  - (i) A signature from the witness acknowledging that he/she understood the identification procedures and instructions; and
  - (j) A signature from the reviewing supervisor, confirming that the line-up was conducted according to this Chapter and the process outlined on Form 277.
51. The investigating officer shall complete all sections of Form 277b, documenting the following:
- (a) The numbers on the photos and those listed on the Form 277b match and are shown in the order indicated. The number shall be placed on the lower right hand section on the back of all photographs used in the line-up.
  - (b) The photo number and identifying information such as SID# (State Identification, or criminal record number assigned to a particular criminal history record) for each photograph included in the line-up shall be documented on the Individual/Photo Sequence Form (Form #277b).
53. The scanned (electronic) file of the photographic line-up shall be labeled:
- (a) "Item # - Photo Line-Up" (example: "A-12345-16 Photo Line-Up");
  - (b) If you have a second photo line-up use a sequential number (example: "A-12345-16 Photo Line-Up #2").
  - (c) The file should be saved in the investigator's electronic case file, in a backed-up drive, labeled under the item number.
54. If the witness identifies the suspect, the investigating officer shall file the photographs used in the line-up, Form 277, and Form 277b into evidence at Central Evidence & Property until the final disposition of the case, at which time it shall become a part of the permanent case file.
52. The investigating officer shall document the photographic line-up results in the investigative report.

**WITNESSES WITH LIMITED ENGLISH PROFICIENCY, HEARING IMPAIRMENT OR DEAFNESS**

55. If a witness in a criminal case / investigation does not speak English as his/her primary language (LEP) and has a limited ability to read, write, speak, or understand English or

otherwise has difficulty communicating (e.g. hearing impaired), officers shall arrange for a qualified interpreter or transliterator, such as one available through ELSA, NOT an NOPD authorized interpreter (NOPDAI), before proceeding with the photographic line-up (see: **Chapter 55.5 – Communications with the Hearing Impaired, Deaf, or Persons with Disabilities** or **Chapter 55.4 - Limited English Proficiency Services**).

56. 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 photographic line-up process may proceed as provided for by this Chapter.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.9

### TITLE: CONFIDENTIAL INFORMANT USE AND PROCESSES

**EFFECTIVE: 08/26/2018**

**REVISED: Replaces policy 608**

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#### PURPOSE

This Chapter provides protocols for the use and control of confidential informants in criminal intelligence and investigations.

#### POLICY STATEMENT

1. In many instances, a successful investigation cannot be conducted without the use of confidential informants.
2. While the use of confidential informants can be an effective tool in investigations, investigations can be undermined by misconduct of the confidential informant or improper handling by the officer using the informant.
3. To protect the integrity of the New Orleans Police Department and the officers using confidential informants, it shall be the policy of this Department to take appropriate precautions by developing sound informant policies.

#### DEFINITIONS

**Confidential informant/informer (CI)**—An individual who, in an arrangement with law enforcement authorities, agrees to serve in a clandestine capacity, in order to insulate the informant from retribution by those involved in crime, to gather information for those authorities on suspected criminal activity or known criminal operatives in exchange for compensation or consideration.

**Civilian informant/informers**—A confidential informant who provides useful investigative information and who will not be receiving special consideration or monetary gain for services rendered.

**Paid informant/informers**—A confidential informant who provides useful investigative information to the Department in return for monetary gain.

**Consideration informant/informers**—A confidential informant who provides useful investigative information to the Department in return for special consideration other than money.



**INFORMANT FILE SYSTEM**

4. The Superintendent shall designate a member of his/her staff to be responsible for maintaining confidential informant files. A separate file shall be maintained on each confidential informant.

**FILE SYSTEM PROCEDURE**

5. Each CI file shall be coded with an assigned **Informant Control Number**. A confidential informant personal history shall be prepared by the officer initiating/requesting the use of the informant for each informant file and shall include, at a minimum, the following information:
  - (a) Informant's legal name and all known "street" names or aliases;
  - (b) Date of birth and gender;
  - (c) Physical description: height, weight, hair color(s), eye color, race, sex, scars, tattoos, piercings, body art or other distinguishing features;
  - (d) Current home address, residence addresses for the last five years, and all known telephone numbers;
  - (e) Current employer, job position, address and telephone numbers;
  - (f) Affiliation with legitimate businesses and illegal or suspicious enterprises (including gang affiliations);
  - (g) Relationship between the potential CI and the target of an investigation;
  - (h) The CI's motivation in providing information;
  - (i) Risk that the CI might adversely affect an existing or future investigation;
  - (j) Extent to which the provided information can be corroborated;
  - (k) If the CI is the subject of an ongoing or pending investigation;
  - (l) If the CI is under arrest or has been charged;
  - (m) CI's prior history as a witness;
  - (n) Whether the CI is a risk to the public or a flight risk;
  - (o) Whether the CI is a substance abuser;
  - (p) Whether the CI is related to anyone in law enforcement;
  - (q) Potential risk of harm to the CI or his/her family for cooperating;
  - (r) Prior history as a CI for any law enforcement agency;
  - (s) Current Informant's photograph;
  - (t) Print copy or evidence that a criminal history check has been made, updated and current;
  - (u) A fingerprint card on the informant;
  - (v) Name of the officer initiating/requesting the registration and use of the informant;
  - (w) A current signed and dated informant agreement; and
  - (x) Update on active or inactive status of the informant.
6. The informant files shall be maintained in an access controlled, secure area by the Superintendent's designee. These files shall be used to provide a source of background information about the informant, enable supervisory review and evaluation of information given by the informant, and minimize the potential for incidents that could be used to question the integrity of members of New Orleans Police Department or the reliability of the confidential informant or compromise criminal investigations and prosecutions.
7. Access to the informant files shall be restricted to the Superintendent of Police, the staff member responsible for the informant files and any person specifically authorized by the Superintendent.
8. Access to the informant files and information shall be through the Superintendent's staff member responsible for the informant files.

9. The Superintendent's staff member responsible for the informant files 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. **ALL FILE OR INFORMATION ACCESS SHALL BE RECORDED IN THE LOG.**

#### **USE OF PAID OR CONSIDERATION INFORMANTS**

10. Any commissioned member of the Department may develop a confidential informer (CI). The member shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.
11. Prior to the commissioned member requesting the use and registering of paid or consideration informers, the potential informer must:
  - (a) Be interviewed by the developing member'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**).
12. This does not apply to community members who provide information and who do not ask for money or special consideration.
13. If it is known or suspected that the individual providing information is involved in criminal activity, then this individual shall be processed as a consideration informer.
14. 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 (this includes state and federal agencies).
15. All information, personal, background and relating to possible criminal investigations, shall be corroborated and/or vetted whenever reasonably possible prior to use.
16. An assessment of the credibility of the information provided should be added to the file as information becomes available so that determinations about future use of that informant can be made.

#### **USE OF CIVILIAN INFORMANT**

17. Any civilian informant who develops into a paid or consideration informer shall be processed as stated above.
18. Any civilian informant who is providing information shall be questioned as to his/her identity, reason for providing information and if he/she desires to remain confidential or if he/she is willing to provide testimony in court if necessary.
19. If the civilian informant desires to remain confidential, he/she will be processed in the same manner as a paid confidential informant except for the compensation elements.

#### **CONSIDERATION INFORMERS**

20. Prior to seeking special consideration for an informer as to pending criminal charges, the

member must make a written application to his/her Deputy Chief.

21. The application shall contain a complete criminal history of the informer, including his/her "Triple III" which is obtained from the NOPD - National Crime Information Center (NCIC) Unit and all information on his/her involvement or suspected involvement in felonious or violent activities.
22. The member's Deputy Chief shall submit, in writing, his/her recommendation, along with the application and informer history, to the Superintendent for consideration and approval. If approved by the Superintendent, the submitted information and signed approval shall be conveyed to the Office of the Orleans Parish District Attorney – First Assistant District Attorney. The grant of special consideration is entirely within the discretion of the prosecutor's office.
23. **No action will be taken on behalf of the informant until written approval has been received from the Superintendent.**
24. A copy of the approval/disapproval shall become part of the informant's file.
25. Department members are prohibited from seeking the release of an informant who is a prisoner (ROR or other form), a reduction of bond or sentence, suspended sentence, reduction of charges, or have a case refused except as outlined in this Chapter.
26. Nothing in this policy shall prohibit a department member from seeking a legal and proper release of an immediate family member.
27. Nothing in this policy shall prohibit a department member from seeking a legal and proper release of an individual who has, through investigation, been found to be innocent of the charges filed. The member must document the facts in a supplemental report under the original investigation's item number, submit the report for expedited supervisory approval and immediately notify the Office of the Orleans Parish District Attorney so that appropriate action can be taken by the prosecutor to have the case re-screened and, if appropriate, the charges refused and the subject released.
28. Members of this Department shall not intimidate or coerce any individual, or grant any individual the right to commit a criminal offense.

## **PROBATION AND PAROLE**

29. In all instances where an individual under the supervision of the Probation and Parole Department wishes to be a paid/consideration informer for this Department, the requesting officer shall obtain the written permission from the individual's probation and parole officer prior to using the individual as a paid informer or consideration informer.

## **JUVENILE INFORMANTS**

30. Individuals under the age of eighteen years of age shall not be used as paid informers or consideration informers without the prior written approval of the Superintendent of Police and the parent/legal guardian of the juvenile.
31. A cooperating juvenile who assists the Department, with the approval of his/her parent/legal guardian, in enforcement activities involving alcohol or tobacco retail sales to minors is not considered an informant for purposes of this policy.

**GUIDELINES FOR HANDLING PAID/CONSIDERATION INFORMERS**

32. All confidential informants are required to sign and abide by the provisions of the Department Cooperating Individual Agreement Form (Form 139). The officer requesting the use and registering the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.
33. Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

**DEACTIVATING OR TERMINATING A CONFIDENTIAL INFORMANT**

34. A confidential informant will be deactivated when:
  - (a) The confidential informant no longer has the potential to furnish information or services that could lead to prosecution or the interdiction of criminal behavior; or
  - (b) The confidential informant is no longer willing to cooperate.
35. The services of a confidential informant shall be terminated when the confidential informant has provided intentionally false information or has displayed unsatisfactory or criminal behavior or misconduct. Once the services of a confidential informant has been terminated, he/she may not be reactivated.
36. An interoffice correspondence (105) shall be prepared by the officer maintaining the confidential informant or his/her supervisor in all cases recommending deactivation or termination. The 105 will follow the same approval / notification chain as the original approval process and maintained in the confidential informants file.
37. If a confidential informer violates the provisions of the Cooperating Individual Agreement by becoming involved in criminal activity or a member becomes aware of any other information that may negatively impact the CI's credibility or suitability, the officer maintaining the confidential informer shall notify the original witnessing supervisor and the Superintendent's office staff member responsible for the informant files.
38. The confidential informer shall be immediately removed from active status in cases of deactivation or termination. Should the original witnessing supervisor no longer be available, the officer maintaining the informer shall notify his current supervisor.
39. An individual deactivated as confidential informer through violation of provisions of the Cooperating Individual Agreement but not subject to termination of services 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.
40. Once an individual is accepted as a Paid or Consideration informer, he/she shall be assigned an **Informant Control Number** by the staff member responsible for the informant files in the Office of the Superintendent of Police.
41. Once approved and active, all references and documentation involving a paid/consideration informer shall be accomplished using the informer's code number.

**SEARCH WARRANTS BASED ON INFORMANT SUPPLIED INFORMATION**

42. The affiant will confirm information supplied by informants used in the drafting of all warrants. Information obtained from informants must be thoroughly examined and

documented in order to be used in and successfully sustain the probable cause for the warrant and future court challenge. Sworn personnel shall include as much information as possible in the probable cause section of the affidavit.

43. Affiants must observe the exact location (e.g., house, apartment, floor) where correct entry will be made for the service of all search warrants.
44. Supervisors will confirm that affiants have personal knowledge of the location before approving plans for the service of all search warrants.
45. Affiants and their supervisors must direct and control others that help with the service of all search warrants.
46. When the probable cause contained in an affidavit for a search warrant is based on the use of information from a confidential informant, a copy of the affidavit and search warrant shall be hand-delivered in a sealed envelope to the Superintendent's Office the next working day after the warrant has been approved or disapproved.

### **INFORMATION GATHERING**

47. All interactions from the initial contact between investigators and informants shall be documented in order to establish and maintain the integrity of the information and protect the identity of the informant.
48. When information is collected from an informant and can be used by other investigators of the Department or outside law enforcement agencies to initiate or further an ongoing investigation, the appropriate unit or outside agency shall be notified and the notification documented.
49. Information sought by investigators from their informants will not be limited to the geographic boundaries or specific interests of the investigator's unit.
50. Investigating officers will debrief their confidential informants fully and accurately on all targets of interests. When it becomes necessary to brief confidential informants on significant targets, that information which was provided to the confidential informant will be noted in the informant's file by the officer making the disclosure. Information noted shall include the date and the name of the person the information was disclosed to.
51. Any information which could adversely reflect upon the integrity or conduct of an employee of the Department or concerning police corruption will be reported immediately to PIB.

### **CONTROLLED PURCHASES USING INFORMANTS**

52. The payment of 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.
53. All payments made to a paid informer shall be made with the approval of the ISB Narcotics Section Commander, or his/her designee.
54. All reference and documentation involving a Paid/Consideration informer shall be accomplished using the informer's **Informant Control Number**.
55. Confidential informants shall be instructed that they are not permitted to use their own

personal funds to purchase any goods or contraband for a police investigation.

56. The serial number of all U.S. currency that is utilized in a controlled purchase shall be photocopied, prior to providing the currency to a confidential informant.
57. Immediately before providing buy money to a confidential informant, the confidential informant shall be thoroughly searched by the officer providing the buy money and witnessed by at least one (1) other officer. Whenever feasible, the search of a confidential informant shall also be witnessed by a supervisor and in accordance with **Chapter 1.2.4 – Search and Seizure**.
58. The name and payroll number of the officer conducting the search of the informant before “buy money” is provided and after the buy is completed shall be recorded on the EPR. Also, the name and payroll number of any witnessing supervisor, if present, shall also be recorded.
59. Whenever feasible, the confidential informant shall be kept under constant surveillance from the time he/she is thoroughly searched, until the time he/she returns to the same officer who conducted the pre-purchase search after the completion of the controlled purchase.
60. The confidential informant shall be thoroughly searched at the completion of the controlled purchase by the same officer who conducted the pre-purchase search and shall be witnessed by at least one (1) other officer. Whenever feasible, a supervisor shall also witness this post purchase search of a confidential informant.
61. Controlled purchase payments to a confidential informant shall be witnessed by at least one (1) other officer, in addition to the officer conducting the payment. Whenever feasible, a supervisor shall also witness controlled purchase payments to a confidential informant.
62. In instances where a confidential informant receives multiple payments for the purpose of purchasing goods or contraband during an investigation, the exchange of payments shall always be conducted by the same officer, unless exigent circumstances exist. Exigent circumstances will be documented on the NOPD Cooperating Individual Contact Sheet (**Form #140**).
63. The investigating officer shall thoroughly debrief confidential informants at the completion of a controlled purchase. This debriefing will ensure a complete description of the target suspect; the events that occurred during the controlled purchase; and any other facts of importance. This information may be used in paperwork, including the affidavit of Probable Cause.
64. At end of the tour of duty, all U.S. currency used for controlled purchases shall be accounted for, and all unused U.S. currency shall be returned to the appropriate supervisor to be secured in the unit safe.

#### **CONTACT WITH INFORMER DOCUMENTATION**

65. All contact between Department members and informers shall be documented on an NOPD Cooperating Individual Contact Sheet (**Form #140**), which will be maintained in the member's unit file.
66. This Form #140 information shall be turned in no later than the end of the member's tour of duty or within the first hour of the member's next tour of duty if the contact was made

while the employee was off duty.

67. Exceptions to the contact requirement and documentation may only be given on an individual, case by case basis, by the member's Deputy Chief.

### **SECURITY OF INFORMATION**

68. The security of the informer's identity and the information received is of the utmost importance. All information shall be kept in a restricted access secure area, under lock and key, and accessible only to those members already privy to the information.
69. Any electronic or computer files containing information relative to paid/consideration informants shall be password protected and accessible only to those individuals already privy to the information.

### **CONSIDERATION/PAID INFORMERS ACTIVITY STATUS**

70. Consideration/Paid informers will remain in an active status for a period of six months whether information has been received from the CI, even if the CI has not received funds from the Department.
71. Officers will maintain contact sheets when such information is received and maintain them as provided in the provisions of this Chapter.
72. The officer shall forward copies to the Superintendent's office staff member responsible for the informant files with the payment packet.
73. Contact sheets not resulting in immediate payments to CI's need not be forwarded immediately upon receipt of the information but must be forwarded to the Superintendent's office staff member responsible for the informant files within two weeks of the contact.
74. The Commander of the ISB 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).
75. Inactive cooperating individuals will not be paid until they have been reactivated through the Superintendent's office staff member responsible for the informant files. Individuals wishing to be reactivated shall be processed as a new informer as outlined in this policy.

### **RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

76. 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 become romantically or intimately involved with a confidential informant.
77. Members of the New Orleans Police Department shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.
78. To maintain officer/informant integrity, the following requirements shall be met:
  - (a) Officers shall not withhold the identity of an informant from the Superintendent of Police, his/her designee or the Commander of ISB Narcotics Section;
  - (b) Except as directed herein, identities of informants, juvenile or otherwise, shall 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, members 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 ISB Narcotics Section Commander;
- (g) Officers shall not meet with informants in a private or public place unless accompanied by at least one additional officer or with prior approval of the ISB Narcotics Section Commander.
- (h) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer promptly; and
- (i) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (j) Officers must notify the appropriate prosecutor of their intentions, prior to making an appearance on behalf of an informant in a criminal case or administrative proceeding.
- (k) Officers shall not appear on behalf of an informant in any court or administrative proceeding without the prior written authorization of their Bureau Chief.

#### **PAYMENT PROCEDURE**

- 79. The amount of funds to be paid to any confidential informant 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 of the use or information on crime.
  - (c) The amount of assets seized.
  - (d) The quantity of the drugs / contraband 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.
- 80. Payments shall be documented on an NOPD Cooperating Individual Payment Receipt (**Form #143**) which will be signed by the member making the payment, the informer receiving the payment using his **Informant Control Number**, and the member's supervisor, who must witness the payment.
- 81. Officers shall complete the in-house Narcotics Funds Withdrawal form, complete with all required supervisory signatures, prior to accepting funds for informer payment.

#### **CASH DISBURSEMENT POLICY**

- 82. No informant shall be told in advance or given an exact amount for services rendered.
- 83. When both assets and drugs have been seized by officers based on information provided by the CI, 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.
- 84. The Commander of the ISB Narcotics Section or the specific Grant Program Director shall be responsible for compliance with any audit requirements associated with grant fund provisions and applicable state and federal law.



**PAYMENT PROCESS**

85. 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 the ISB Narcotics Section, 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 the ISB Narcotics Section.
86. The Narcotics Unit confidential informant payment fund is a cash fund managed by the Commander of the ISB Narcotics Section 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 the ISB Narcotics Section office, or the Office of the Confidential Informant Payment Coordinator. This office will be secured whenever it is unoccupied.
87. At least two members shall be present when paying confidential informants. 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.
88. The Commander of the ISB 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 or drawer). The following shall be recorded:
  - (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.

**SUPERINTENDENT'S OFFICE**

89. A packet consisting of the following shall be forwarded to the Superintendent's staff member responsible for the informant files 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.
90. The Superintendent's staff member responsible for the informant files shall stamp the packet received and return a copy to the officer. This copy shall then be returned to the ISB Narcotics Section. All documentation must be received by the ISB Narcotics Section within seven days of the receipt of funds. Exceptions may be requested on an individual basis through a 105 from the member with signature approval from his/her supervisor, to the ISB Narcotics Section Commander or his/her designee, with a copy forwarded to the Superintendent's staff member responsible for the informant files.
91. The original NOPD Cooperating Individual Payment Receipt form, bearing the signature of the cooperating individual, shall be maintained by the Superintendent's staff member responsible for the informant files. 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 ISB Narcotics Section.

### **REPORTING OF PAYMENTS**

92. 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 shall 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.
93. In cases where the IRS Form 1099 is not issued, the confidential informant shall be provided a letter signed by the Commander of ISB Narcotics Section identifying the amount the informant must report on tax returns as "other income."
94. The informant 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 informant's file. It shall be the responsibility of the case officer using the informant to issue the Form 1099 or letter to the informant.

### **AUDIT OF PAYMENTS**

95. At least once every six months the Superintendent of Police, Superintendent's staff member responsible for the informant files or an 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.

### **CASE FILINGS AND DISCLOSURE OF INFORMANTS**

96. All of the facts related to the actions of the informant must be known by the prosecutor in order to properly evaluate the provability of the case and the likelihood of being able to protect the identity of the informant.
97. At the time the case is presented for filing, the prosecutor must be notified if an officer wishes to protect the true identity of an informant in any judicial setting. This disclosure will assist the prosecutor in making filing determinations.
98. If an informant participated at any stage in the planning or commission of the crime being charged, thereby becoming a witness to the crime, including, but not limited to, taking defendant to the scene of the crime, acting as a lookout, or driving the getaway car, the officer must notify the District Attorney at the time the case is presented for filing. Prosecuting such a case will likely require disclosure of the informant.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.10

### TITLE: INTERVIEWS

**EFFECTIVE: 04/15/2018**

**REVISED:**

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#### PURPOSE

This Chapter provides members with legally sound procedures for conducting formal interviews.

#### POLICY STATEMENT

1. Interviews of victims, witnesses and persons who may have information about a crime under investigation or of a suspect are vitally important in the investigation of criminal cases. Statements obtained by interviews must be given freely and voluntarily.
2. This Chapter requires all officers to observe due process rights which may apply and to guard against any charges of coercion or intimidation during an interview.
3. Suspects who are in custody and subjected to an interrogation shall be governed by **Chapter 42.11 – Custodial Interrogations**.
4. Officers shall not use physical violence or make threats to carry out harm to the individual, the individual's family, or anyone else during an interview.
5. Officers may advise a person to be interviewed of the rights afforded by **Miranda** and may even utilize **Form 153 – Rights of an Arrestee or Suspect**, but it is not required as the person is not a suspect, not in custody and not being interrogated.
6. All portions of any formal interview, including any recitation or advisement of **Miranda Rights**, should be audio and video recorded in their entirety. All portions of any formal interview with a juvenile shall be video and audio recorded in an approved NOPD interview / interrogation room.

#### DEFINITIONS:

**Custody/Custodial Situation**—A custodial situation exists when an officer tells a suspect that he/she is under arrest. A functionally equivalent situation exists when a “reasonable person” in the suspect’s position would feel that his/her freedom of action has been restricted to the same degree as a formal arrest.

**Formal Interview**—An interview that is conducted in a Departmental Interview / Interrogation Room to formalize the victim, witness or other person’s knowledge about critical aspects of the

investigation of a crime. A formal interview may follow after a previous account or interview conducted in the field or over the phone.

**Interrogation**—Direct questioning of a suspect about a crime or suspected crime, as well as any words, statements, or actions by officers that the officers should know are reasonably likely to elicit an incriminating response from the suspect.

**Interview**—A fact-finding interaction or conversation between a law enforcement officer and a subject. An interview may be with a witness, victim or others thought to have information about an incident or a crime. Interviews may evolve into an interrogation at which point the provisions of custodial interrogations apply.

**Subject**—Used to identify a person when no connection to criminal activity is intended or inference is desired.

**Suspect**—An individual who is reasonably believed to have a connection to criminal activity.

## RECORDING INTERVIEWS

7. All interviews should be memorialized by the officer to whom the information is presented. The degree of memorialization used depends on the criticality of the information to the investigation of the crime. The more critical, the greater the degree of documentation utilized. Memorialization can include:
  - (a) Notes taken in the field and included in the investigative report.
  - (b) Body Worn Camera footage of an interview in the field.
  - (c) A signed, written statement by the subject in his/her own words to be attached to the report.
  - (d) A formal interview conducted and recorded in one of the Departmental Interview and Interrogation Rooms and logged in the Interview and Interrogation Log.
8. Any formal interview should be video and audio recorded in its entirety, including any advisement of Miranda Rights if given. The video and audio recording shall capture the subject to be interviewed entering and exiting the interview room. All portions of any formal interview with a juvenile shall be video and audio recorded in an approved NOPD interview / interrogation room.
9. Formal interviews shall be conducted in one of the Department's authorized Interview and Interrogation Rooms unless articulable exigent circumstances exist. The exigent circumstances shall be documented in the investigative case file and/or incident report.
10. At no time shall recording equipment be turned off unless the subject states that he/she does not want the interview to be recorded. Should the subject request that the interview not be recorded, the officer conducting the interview shall ensure this request has been audio and video recorded in addition to documenting the request in the investigative report.
11. If the interview occurs outside of an NOPD facility Interview and Interrogation Room, every reasonable effort shall be made to secure audio / video recording of the interview.
12. Officers should also consider audio / video recording any investigative interview, for any offense, when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law. Should the person being interviewed become a suspect during the course of the interview, the officer must **immediately** follow all procedures for custodial interrogation.

**MIRANDA ADVISEMENTS NOT REQUIRED**

13. Miranda warnings are not required for interviews but, if utilized, shall be read by officers from **Form 153 – Rights of Arrestee or Suspect** to all persons subjected to custodial interrogation. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
14. The following are examples of situations that are not “custodial” and do not require the advisement of Miranda warnings:
  - (a) Investigatory stop and frisk (see **Chapter 1.2.4.1 – Terry Stops Investigatory Stops**).
  - (b) Questioning during a routine traffic stop or for a minor violation, to include driving while intoxicated (DWI) stops until a custodial interrogation begins.
  - (c) During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
  - (d) During voluntary appearances at a police facility.
  - (e) When information or statements are made spontaneously, voluntarily, and without prompting by police (Note: Follow-up questions of suspects that exceed simple requests for clarification of initial statements may require Miranda warnings).

**DOCUMENTING FORMAL INTERVIEWS**

15. All formal interviews shall be documented in the Custodial Interrogations and Interview Log for the officer’s district or unit.
16. Officers shall maintain in the case file his/her notes taken during any interviews involving that case.

**DOCUMENTING ALL INTERVIEWS**

17. The circumstances surrounding the conduct of interviews shall be fully documented in the related investigative report. This includes but is not necessarily limited to:
  - (a) Location, date, time of day, and duration of the interview;
  - (b) The identities of officers or others present;
  - (c) If Miranda warnings were given, suspect responses, and waivers provided, if any; and
  - (d) The nature and duration of breaks in questioning, whether for food, drink, use of lavatories, or for other purposes.

**CONDUCTING INTERVIEWS WITH LIMITED ENGLISH PROFICIENCY INDIVIDUALS**

18. Officers interviewing Limited English Proficiency (LEP) subjects shall notify their immediate supervisor and make arrangements to procure the assistance of an authorized interpreter or interpretation device in accordance with this agency’s policy and state and federal law (see **Chapter 55.4 – Limited English Proficiency Services**).
19. An NOPD member acting in the role of authorized interpreter for an interview shall identify him/herself as an employee of the Department and state that he/she is an authorized interpreter.
20. If Miranda warnings are provided, they shall be provided by the authorized interpreter to the individual in the individual’s primary language.

**CONDUCTING INTERVIEWS WITH HEARING IMPAIRED INDIVIDUALS**

Officers interviewing deaf or hearing impaired suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an authorized interpreter in accordance with this agency's policy and state and federal law (see **Chapter 55.5 – Communications with the Hearing Impaired, Deaf, or Persons with Disabilities**).

**INTERVIEW/INTERROGATION ROOM RECORDING EQUIPMENT FAILURES**

21. If the investigating officer encounters recording equipment failures or malfunctions, the investigating officer shall relocate to an NOPD facility with an Interview / Interrogation Room with functioning equipment and conduct the interview at that facility. In exigent circumstances, the investigating officer may record the interview by means of a Body Worn Camera. The exigent circumstances shall be noted in the case report.
22. Any equipment failure shall be:
  - (a) Immediately reported to [NOPDTECH@nola.gov](mailto:NOPDTECH@nola.gov).
  - (b) Explained and documented in the incident/supplemental or case report.
  - (c) Documented and forwarded to the investigating officer's Deputy Superintendent via the officer's chain of command in the form of a Form 105 (interoffice Correspondence) or e-mail.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.11

### TITLE: CUSTODIAL INTERROGATIONS

**EFFECTIVE: 12/11/2016**

**REVISED: 07/14/2019**

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#### PURPOSE

This Chapter provides members with legally sound procedures for conducting custodial interrogations.

#### POLICY STATEMENT

1. Custodial interrogations of suspects and the statements and confessions that may be elicited are vitally important in the investigation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily and with due consideration for the suspect's right to silence and right to counsel.
2. This Chapter requires all officers to observe due process rights of suspects and to guard against any charges of coercion or intimidation during interrogation.
3. Suspects who are in custody and subjected to an interrogation shall be read their Miranda rights unless an exception applies (see **Chapter 1.9.1 – Miranda Rights**).
4. Officers shall not use physical violence or make threats to carry out harm to the individual, the individual's family, or anyone else during custodial interrogations.
5. Officers shall not conduct pre-interviews or pre-interrogations off camera. Officers shall not ask a suspect any questions about the incident before or after the recorded interrogation.
6. All portions of any custodial interrogation, including the recitation or advisement of the suspect's Miranda Rights, shall be audio and video recorded in their entirety.

#### DEFINITIONS

**Custody / Custodial situation**—A person is in custody when an officer tells the person that he/she is under arrest or when a “reasonable person” in the person's position would feel that his/her freedom of action has been restricted in any significant way. This can include a suspect who is handcuffed, in prison clothing, secured in the rear of a police unit or otherwise not free to leave.

**Interrogation**—Direct questioning of a suspect about a crime or suspected crime, or any words,

statements, or actions by officers that the officers know or should know are reasonably likely to elicit an incriminating response from the suspect.

**NOPD authorized interpreter (NOPDAI)**—A bilingual NOPD employee who has been assessed, tested, and demonstrated their competency in English and a second language using the terminology, phrases, vocabulary, and phrases needed. Once an interpreter establishes competence and receives training on ethical and professional conduct as interpreters, the member will be certified and NOPD may authorize him or her to interpret for others in certain situations, such as interviews, interrogations, or talking and responding to citizen complaints.

**Suspect**—An individual who is reasonably believed to have a connection to criminal activity.

## RECORDING CUSTODIAL INTERROGATIONS

7. Any custodial interrogation shall be video and audio recorded in its entirety, including the advisement of the suspect's Miranda Rights. The video and audio recording shall capture the suspect to be interrogated entering and exiting the interrogation room.
8. Custodial interrogations shall be conducted in one of the Department's authorized Interrogation / Interview Rooms unless articulable exigent circumstances exist. The exigent circumstances shall be documented in the investigative case file and/or incident report.
9. Officers shall not conduct pre-interviews or pre-interrogations off camera. Officers shall not ask a suspect any questions about the incident, or say or do anything that is likely to illicit an incriminating response, before or after the recorded interrogation.
10. At no time shall recording equipment be turned off unless the suspect states that he/she does not want the interrogation to be recorded. Should the suspect request that the interrogation not be recorded, the officer conducting the interrogation shall ensure this request has been audio and video recorded in addition to documenting the request in the investigative report.
11. If the interrogation occurs outside of an NOPD facility, every reasonable effort shall be made to secure audio / video recording of the custodial interrogation.
12. Officers should also consider audio / video recording any investigative interview, for any offense, when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law. Should the person being interviewed become a suspect during the course of the interview, the officer must **immediately** follow all procedures for custodial interrogation.

## MIRANDA ADVISEMENTS

13. Officers shall read Miranda warnings from **Form 153 – Rights of Arrestee or Suspect** to all persons subjected to custodial interrogation. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
14. The following are examples of situations that are not "custodial" and do not require the advisement of Miranda warnings:
  - (a) Investigatory stop and frisk (see **Chapter 1.2.4.1 – Terry Stops Investigatory Stops**).
  - (b) Questioning during a routine traffic stop or for a minor violation, to include driving while intoxicated (DWI) stops until a custodial interrogation begins.



- (c) During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
- (d) During voluntary appearances at a police facility.
- (e) When information or statements are made spontaneously, voluntarily, and without prompting by police (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require Miranda warnings).

### **MIRANDA WAIVERS AND THE RIGHT TO SILENCE AND RIGHT TO AN ATTORNEY**

15. When a suspect invokes his/her right to silence, all interrogation shall cease immediately (see **Chapter 1.9.1 – Miranda Rights**). The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless:
  - (a) The officers wait a significant amount of time to re-approach the suspect; and
  - (b) Miranda Rights are re-administered and a waiver obtained before any questioning may take place. Officers shall also document the significant amount of time that lapsed between the initial invocation of right to silence and the subsequent re-administration of Miranda Rights and waiver.
16. When a suspect invokes his/her right to counsel, all interrogation shall cease immediately (see **Chapter 1.9.1 – Miranda Rights**). The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless:
  - (a) The suspect has requested an attorney and the attorney is present at the questioning; or
  - (b) The suspect initiates new contact with the police. In this latter case, Miranda Rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.
17. Officers shall cooperate in any reasonable way with efforts by a suspect's attorney to contact or meet with the suspect in custody.
18. If a suspect waives his/her, right to counsel, a waiver shall be obtained prior to questioning. When a suspect refers to counsel but his/her intentions are unclear, officers may question the suspect further only to clarify his/her intentions.
19. Oral waivers are often sufficient but written waivers, particularly in felony cases, are preferred and should be obtained whenever possible.

### **DOCUMENTING CUSTODIAL INTERROGATIONS**

20. All custodial interrogations shall be documented in the Custodial Interrogations Log for the officer's district or unit.
21. Officers shall maintain in the case file his/her notes taken during any custodial interrogations involving that case.
22. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented in the related investigative report. This includes but is not necessarily limited to:
  - (a) Location, date, time of day, and duration of interrogation;
  - (b) The identities of officers or others present;
  - (c) Miranda warnings given, suspect responses, and waivers provided, if any; and

- (d) The nature and duration of breaks in questioning, whether for food, drink, use of lavatories, or for other purposes.

### **CONDUCTING CUSTODIAL INTERROGATIONS WITH LIMITED ENGLISH PROFICIENCY INDIVIDUALS**

23. Officers arresting Limited English Proficiency (LEP) suspects shall notify their immediate supervisor and arrange to procure the assistance of an authorized interpreter in accordance with this agency's policy and state and federal law (see **Chapter 55.4 – Limited English Proficiency**).
24. A certified interpreter shall be used for any interrogation or taking of a formal statement when the suspect's or witness's legal rights could be adversely impacted. When possible, consideration should be given to using an independent in-person interpretation service during an interrogation. Because of the dual role, a NOPDAI may have when conducting interrogations and acting as an interpreter, all NOPDAI interrogations shall be video and/or audio-recorded (see **Chapter 55.4 – Limited English Proficiency**).
25. NOPDAIs shall identify themselves as members of the Department before conducting an interrogation.
26. The authorized interpreter shall provide Miranda warnings to the individual in the individual's primary language (see **Chapter 55.4 – Limited English Proficiency**).

### **CONDUCTING CUSTODIAL INTERROGATIONS WITH HEARING IMPAIRED INDIVIDUALS**

27. Officers arresting deaf or hearing-impaired suspects shall notify their immediate supervisor and arrange to procure the assistance of an authorized interpreter in accordance with **Chapter 55.5.1 – Communication with Persons Who are Deaf or Hard of Hearing**, state and federal law.

### **INTERVIEW/INTERROGATION ROOM RECORDING EQUIPMENT FAILURES**

28. If the investigating officer encounters recording equipment failures or malfunctions, the investigating officer shall relocate to an NOPD facility with an Interview / Interrogation Room with functioning equipment and conduct the interrogation at that facility. In exigent circumstances, the investigating officer may record the interrogation by means of a Body Worn Camera. The exigent circumstances shall be noted in the case report.
29. Any equipment failure shall be:
- (a) Immediately reported to [NOPDTECH@nola.gov](mailto:NOPDTECH@nola.gov).
  - (b) Explained and documented in the incident/supplemental or case report.
  - (c) Documented and forwarded to the investigating officer's Deputy Superintendent via the officer's chain of command in the form of a Form 105 (interoffice Correspondence) or e-mail.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.12

### TITLE: HATE CRIMES

**EFFECTIVE: 05/07/2017**

**REVISED: Replaces Policy 338**

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#### PURPOSE

The purpose of this policy is to provide members of this Department with guidelines for identifying, preparing for, investigating, responding to, and preventing crimes committed against persons or their property that are motivated by an offender's hatred of a person based on the person's actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, gender identity, national origin, ethnicity or ancestry; the person's actual or perceived membership or service in, or employment with, an organization; or the person's actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.

#### POLICY STATEMENT

1. The Department recognizes the particular impact hate crimes have including the fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on members of the targeted group and on the entire community. The Department shall be mindful of and respectful of the confidentiality, safety and privacy concerns of victims and their families.
2. This Department will give high priority to any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by an offender's hatred of a person based on the person's actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, gender identity, national origin, ethnicity or ancestry; the person's actual or perceived membership or service in, or employment with, an organization; or the person's actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.
3. This Department shall employ all necessary resources to identify, investigate, respond to, and prevent hate crimes.
4. Members shall be mindful that hate itself is not a crime and that they have a duty to protect the freedom of speech and other civil liberties.
5. The Department's and officers' response to hate crimes is especially important to the community because it reassures vulnerable groups that they will be protected by the NOPD, which can in turn encourage reporting and thus make the community safer.

## DEFINITIONS

Definitions relevant to this Chapter include:

**Bias / hate**—A preformed negative opinion or attitude toward a group of persons based on their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, gender identity, national origin, ethnicity or ancestry; their actual or perceived membership or service in, or employment with, an organization; or their actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel. Hate itself is not a crime.

**Gender**— Refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behaviors that are viewed as incompatible with these cultural associations may be considered gender non-conforming.

**Gender identity**—A person's internal, deeply held sense of gender. This internal sense of gender may be different from the sex a person was assigned at birth or the person's physiology or biological sex (i.e., a person may have been assigned the gender of male at birth but may have an internal, deeply held sense of being female). Gender identity may or may not be visible to others or expressed outwardly through a person's chosen pronouns, clothing, haircut, behavior, voice, and body characteristics. Gender identity is an innate characteristic of each person's personality.

**Hate crime**—Any unlawful action designed to frighten, harm, injure, intimidate, or harass an individual because it is motivated, in whole or in part, by the person's actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, gender identity, national origin, ethnicity or ancestry; the person's actual or perceived membership or service in, or employment with, an organization; or the person's actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.

**Hate group**—An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, age, gender, religion, color, creed, disability, sexual orientation, gender identity, national origin, ethnicity or ancestry.

**Hate incidents** - actions that are directed at a particular person or group or people because of their actual or perceived membership in a protected class that do not rise to the level of a crime. While hate incidents may be offensive or hurtful to the targeted person and group, they are not illegal and may be specifically protected by the First Amendment.

## FEDERAL JURISDICTION

6. Federal law prohibits discrimination-based crimes. The U.S. Department of Justice (DOJ) **may** obtain jurisdiction over crimes of violence in which the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 U.S.C § 245; 18 U.S.C. § 249 the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009).

## LOUISIANA CRIMINAL STATUTES

7. State law creates penalty enhancements for identified crimes (including many violent crimes and sex offenses) motivated because of actual or perceived race, age, gender, color, religion, creed, disability, sexual orientation, national origin, or ancestry of the victim or victims or because of actual or perceived membership, service or employment with an organization, or actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel (La. R.S. 14:107.2). In addition,

other State statutes target specific crimes which qualify as hate crimes (such as La. R.S. 14:40.4, Burning Cross on Property of Another or Public Place; Intent to Intimidate).

## MUNICIPAL OFFENSES

8. The Code of Ordinances, City of New Orleans, Article VI, Offenses Affecting the Public Generally, Section 54-380 – Hate Crimes specifically identifies a hate crime and directs that any offense of a city ordinance that constitutes a hate crime should be treated, investigated and reported as such. It identifies specifically the following provisions of the municipal code as possible hate crimes:
  - (a) Section 54-378 – Institutional vandalism
  - (b) Section 54-379 – Intimidation
9. The protected classes identified by municipal ordinance Section 54-380 – Hate Crimes, are the actual or perceived race, age, religion, color, creed, disability, gender, sexual orientation, national origin, or ancestry of that person or the owner or occupant of that property. Section 54-379 also includes gender identification.
10. Section 54-380 – Hate Crimes requires the Department to maintain statistical information on violations of municipal ordinances classed as a “hate crime” and report on them, at least quarterly, to The New Orleans Human Relations Commission, the Commission of Criminal Justice, the Criminal Justice Coordination Office and the City Council. It also requires the Department to provide both initial and ongoing training to employees in cultural sensitivity and in relation to the proper classification of any crimes classed as “hate crimes”.

## IDENTIFYING HATE CRIMES

11. When identifying hate crimes, it is important to note that not all threats or actions motivated by hate or bias constitute hate crimes. The critical distinction is the lawfulness of the underlying behavior. **Hate crimes** are *unlawful* actions directed at a particular person or group or people because of their actual or perceived membership in a protected class. By contrast, **hate incidents** are actions that are directed at a particular person or group or people because of their actual or perceived membership in a protected class that do not rise to the level of a crime. While hate incidents may be offensive or hurtful to the targeted person and group, they are not illegal and may be specifically protected by the First Amendment.
12. The key criterion in determining whether a crime may be classified as a hate crime is the suspect’s motivation behind the act. A common-sense approach must be used to make this determination, however, the following factors should be considered when identifying a potential hate crime. The presence of any of these factors does not confirm that the incident was a hate crime, but may indicate the need to further investigate the motive:
  - Are the motives of the alleged suspect(s) known?
  - Was the incident known to have been motivated by hate?
  - Does the suspect perceive the victim to belong to a different group than he/she does?
  - Did the victim perceive the action or the suspect to be motivated by hate?
  - Did witnesses perceive the action or the suspect to be motivated by hate?
  - Were any remarks related to race, age, color, creed, religion, national origin, ancestry, ethnic background, gender, gender identity, disability or sexual orientation made by the perpetrator?
  - Do those remarks indicate the perpetrator’s motivation behind the act, or were

they unrelated to the act? For example, a perpetrator under the influence of alcohol runs his car into a building and is charged with criminal damage to property. The perpetrator's disparaging remarks about police officers during arrest or booking likely do not indicate that the perpetrator was motivated by hatred against police officers when he committed the property damage.

- Were any symbols, words, or acts known to be used by an identified hate group, or indicative of evidence of hatred of the victim or group present?
- Is there a history of similar incidents in the same area or against the same victim/group?
- Has the offender previously been involved in a hate group or in similar incidents?
- Did the crime coincide with a date or event of significance?
- Did the victim engage in activities promoting his/her membership in a protected class?

### **PROACTIVE STEPS TO PREVENT AND PREPARE FOR HATE CRIMES**

13. 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 in order to form, and cooperate with, prevention and response networks;
  - (b) Providing victim assistance and follow-up, including community-based follow-up;
  - (c) Educating community and civic groups about hate crime laws; and
  - (d) Implementing appropriate training, including becoming familiar with the symbols and tactics used by hate groups, as described below.

### **INVESTIGATOR'S RESPONSIBILITIES**

14. Investigators of the Investigations and Support Bureau/Specialized Investigations Division shall make every effort to become familiar with organized hate groups operating within the community. However, they shall keep in mind that membership in an organization or group identified as a hate group, by itself, is not a crime.
15. The initial identification and investigation of a crime as a hate crime is the responsibility of the investigating/responding officer. The investigating officer shall be sensitive to the victim and to members of the community during his/her investigation. Officers must rely on their investigative judgment, as well as probable cause standards, to assist them in determining whether a specific incident constitutes a hate crime.
16. The trauma experienced by a victim of a hate crime can inflict serious and lasting emotional and psychological harm on the victim and impair the victim's ability to participate in the investigation. Officers and detectives play a significant role in the victim's ability to cope with the emotional and psychological after-effects of the crime and willingness to participate in the investigation. It is imperative that officers responding to a potential hate crime are able to recognize, understand, and manage these effects for the benefit of the victim and the criminal investigation.
17. The investigating officer investigating a potential hate crime shall:
  - (a) Secure the scene, request medical assistance if needed and, if necessary, request additional assistance from investigators or other resources to further the investigation or protect witnesses and victims;
  - (b) Request the assistance of a translator, if necessary;
  - (c) 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 because of a suspected immigration violation. See **Chapter 41.6.1—Profiling-Immigration Status.**);

- (d) Once an officer determines that an incident constitutes a hate crime, he/she shall contact his/her immediate supervisor;
  - (e) Preserve and document all available evidence indicating the likelihood of a hate crime in the relevant reports, including objects used by hate groups, such as swastikas or crosses. All related reports will be clearly marked as "Hate Crime" by checking the appropriate box on the M.O. page and will be completed and submitted by the assigned officer before the end of their tour of duty;
  - (f) Record any statements made by suspects as reported by victims and witnesses precisely (The exact words used and the context are critical to the investigation.);
  - (g) Identify any prior hate crimes or hate incidents in the immediate area or against the same victim;
  - (h) Obtain all information necessary to complete federal and state hate-crime data collection requirements (offense type and its respective motivation; the location of the incident; the number, age and type of victims; the number of known offenders; the known offender's race and ethnicity, age, and gender at the time of the incident);
  - (i) Make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by **Chapter 55.1—Victim and Witness Assistance**; and
  - (j) Take reasonable steps to ensure that all victims are receiving appropriate assistance and to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid (e.g., a possible Temporary Protective Order through the courts or District Attorney or City Attorney).
  - (k) Protect the confidentiality of victims to the maximum extent allowed by law and departmental policy.
18. The assigned officer and approving supervisor are responsible for notifying the Homeland Security Unit via Communications Services and providing that unit with a copy of the approved report(s) documenting a Hate Crime investigation within three working days after the report is approved by the supervisor.

## **SUPERVISOR RESPONSIBILITIES**

19. 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. Supervisors shall:
- (a) Respond to the scene;
  - (b) Ensure the crime scene is protected, properly processed, and all relevant evidence is gathered and processed;
  - (c) Ensure that all physical evidence or materials (e.g. fliers, posters) are documented and removed after the scene has been processed. If the physical evidence cannot be removed immediately (e.g. painted hate symbol on wall), impress upon the building owner the need for removal as soon as possible;
  - (d) Request additional resources from the federal government as necessary and available, pursuant to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (28 U.S.C. § 249);
  - (e) Notify the Public Information Office and communicate with concerned community organizations or civic groups and religious institutions concerning the suspected hate crime;

- (f) Advise the victim of individuals or agencies that may provide support and assistance, such as family members, clergy, and community service agencies; and
- (g) When reviewing the report, ensure the report contains all necessary information, including a record of all relevant facts and a clear indication of the incident as a hate crime, a full description of the materials used (e.g. painted hate symbol, literature, written or recorded messages), the method of removal of the material, and the disposition of the evidence.

### **FOLLOW-UP RESPONSIBILITIES**

- 20. The District Investigative Unit or another appropriate unit assigned by the investigating officer's Bureau Chief will conduct a follow-up investigation.
- 21. 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.

### **HOMELAND SECURITY UNIT**

- 22. The Homeland Security Unit shall review the incident report(s) identified as hate crimes, and determine if the incident meets the Federal Uniform Crime Report standards to classify the incident as a Hate Crime for UCR purposes.
- 23. The Homeland Security Unit shall forward to the appropriate federal agency the required data on hate crimes. The periodic dates for submission are set by the federal agency responsible for the collection of the data (usually biannually).

### **FEDERAL AND STATE HATE CRIME REPORTING**

- 24. Under the Hate Crime Statistics Act of 1990 (28 U.S.C. § 534) the FBI's Uniform Crime Reporting Program now collects and reports statistics on hate crimes directed at individuals because of race, religion, disability, sexual orientation, ethnicity, gender, or gender identity—as well as hate crimes committed by and directed against juveniles.
- 25. The Records Manager shall include Hate Crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report and Summary Reporting System reports pursuant to Records and Identification Section procedures and in compliance with 28 U.S.C. § 534(a) and the Louisiana Uniform Crime Reporting System as required under RS 15:1204.3 and 1204.4. The required forms under RS 15:1204.2 should include any additional information needed by federal agencies to develop national statistics.

### **EDUCATION AND TRAINING RESPONSIBILITIES**

- 26. The Commander of the Education and Training Division shall ensure that all officers of this Department receive training on hate crime recognition and investigation and shall attend annual training that incorporates a hate crime training component, to include:
  - Definitions of hate crimes, hate incidents and protected characteristics;
  - Free speech protected by the First Amendment;
  - Classification of hate crimes;
  - The unique impact hate crimes, as opposed to other crimes, have on victims;
  - Information on patterns of recent hate crimes in the area;
  - An orientation on communities of specifically targeted victims;
  - Identification of hate symbols used by known local hate groups;



- The role of all department personnel as they relate to NOPD response to hate crimes;
- Law enforcement procedures for data collection/documentation and mandated reporting requirements;
- Techniques for communicating with victims by officers during the investigation;
- Changing case law (legal updates);
- Investigative techniques particular to hate crime;
- The Department's outreach to the community; and
- Community relations and media relations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.15

### TITLE: ARREST CASE MANAGEMENT AND DISTRICT ATTORNEY SCREENING

**EFFECTIVE: 10/01/2017**

**REVISED: 06/27/2021**

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#### PURPOSE

The purpose of this Chapter is to outline the responsibilities for the delivery of arrest reports, and consulting with the Orleans Parish District Attorney's Office in adult arrest cases which involve a violation of the Revised Statute(s) of the State of Louisiana.

#### POLICY

1. The New Orleans Police Department shall strive to present the best and most complete investigations possible in a timely manner for review by the Orleans Parish District Attorney's Office so an accurate and timely assessment can be made as to the correctness and appropriateness of the criminal charges filed, so sufficient evidence exists to establish probable cause for the charges, and so the subject(s) arrested are afforded due process and held responsible.

#### DEFINITIONS

**701** – The status of a case indicating a defendant has been or will be released from incarceration or relieved of a bail obligation because the prosecution has not been instituted within the time limits set by article 701 of the Code of Criminal Procedure.

**A-Case**—Adult state criminal charge arrest case.

**A-Case Officer**—A commissioned member of the NOPD assigned to a District or Division of the Field Operations Bureau who is responsible for ensuring that a complete investigative case file is compiled and presented for all adult State arrests made by officers assigned to that District / Division.

**Buck Sheet / Buck Slip**—Form used by an A-Case officer and the Orleans Parish District Attorney's Office to document the status of a case through the screening process.

**Case File** – the singular repository of all reports and associated attachments and documentation related to a criminal case. It includes, but is not limited to, all items listed on the Case File Index Sheet (see: **Appendix "B"**) that pertain to that case. It includes the completed and signed Orleans Parish District Attorney's Office Case File Certification Form. (see: **Appendix "A"**).

**Incident Report** – A thorough and comprehensive written report detailing the facts and circumstances surrounding an incident or event, or the commission or discovery of a crime which gives rise to criminal charges.

**Supplemental Report** – A thorough and comprehensive written report detailing all events and investigative activity transpiring since the filing of the incident report. It may include the arrest of the defendant or a description of any investigative procedures, the recovery of any evidence, or the interview of any witness to an event,

**Arrest Report** – A thorough and comprehensive written report detailing the circumstances surrounding the arrest of a person accused of a crime. It may be a contemporaneous incident report or a supplemental report of a follow up investigation which describes the arrest and booking of a criminal defendant for a crime. It shall include: (1) if the defendant was adequately advised of his constitutional rights (and by whom); (2) any statements made by the defendant at the time of arrest; (3) any evidence recovered at the time of arrest and by whom it was recovered; and (4) the current disposition of that evidence.

**Gist** – A sworn statement of probable cause by the arresting officer, submitted upon arrest of a person accused of a crime at booking. It is not an incident report, supplemental report, or arrest report.

**Principal Case Investigator, Lead Investigator or Case Agent** – terms used to describe the primary individual (commissioned member generally) who is responsible for the preparation, conduct, administration and completion of a criminal investigation, usually as part of a team of investigators or working with support units.

**Screening Action Form (SAF)** —The form the Orleans Parish District Attorney's Office uses to track the process of case screening for a prosecutorial determination of suitability of charges.

**Screening division**—The section of the Orleans Parish District Attorney's Office responsible for reviewing arrest case reports presented by NOPD officers for prosecution.

## **DUTIES AND RESPONSIBILITIES**

### **Arresting Officer(s)**

2. It is the responsibility of the officer(s) who makes an adult state arrest to complete the arrest report and submit it to his/her supervisor prior to the conclusion of the officer's tour of duty. (Refer to **Chapter 1.9 – Arrest** and **Chapter 82.1 – Incident Report/Field Report Writing Manual**).
3. If the arrest report is disapproved and returned for correction, the officer shall complete and correct the noted deficiencies and submit the corrected report to the reviewing supervisor prior to the conclusion of the officer's tour of duty.
4. For purposes of this Chapter, arresting officers include all on duty commissioned members who make an arrest, as well as any officer working a police secondary employment assignment when an incident occurs that requires a police report to be written.

### **Patrol Supervisor(s)**

5. The arresting officers' supervisors shall review and approve or disapprove each arrest

report made by officers under their command, within 12 hours of submission (Refer to **Chapter 1.9 – Arrest**).

6. If the arrest report is disapproved, the reviewing supervisor must ensure the officer completes and corrects the noted deficiencies and submits the corrected report to the supervisor prior to the conclusion of the officer's next tour of duty.
7. Once the supervisor approves the arrest report, he/she shall immediately forward the report to the District / Division A-Case Officer for processing.

#### **A-Case Officer(s)**

8. The District / Division A-Case Officer shall create a case file for each state arrest. The case file shall include:
  - (a) A Case File Index Sheet.
  - (b) A tracking sheet to document the delivery and receipt of the arrest report from the platoon level, to the Arrest Case Officer, to the District Attorney's Office.
  - (c) The dates and times for all actions the District A-Case officer takes in presenting the case file to the District Attorney's Office.
  - (d) All relevant reports, including incident reports, supplemental reports, arrest reports and all attachments including but not limited to:
    - i. All warrants (including the application, affidavit, order and return) whether approved or not, whether executed or not;
    - ii. Crime Lab reports;
    - iii. NIK test reports,
    - iv. Crime Scene tech reports (including digital photographs),
    - v. Scientific analysis reports,
    - vi. CE&P receipts,
    - vii. Incident recalls,
    - viii. 911 recordings,
    - ix. copies of photographic line ups,
    - x. recorded statements, or outside video evidence retrieved from any source. (See Appendix A of Chapter 1.2)
  - (e) Additionally, the police reports and case files should clearly delineate the location of BWC, In-Car Camera, or RTCC footage relevant to the case.
  - (f) The completed Investigative File Certification form. (See Appendix "A" attached).
9. A separate buck sheet shall be generated for each A-Case.
10. The completed case file, including the completed Case File Index Sheet and all ~~existing~~ supplemental reports and required documentation, shall be submitted to the District Attorney's Office within seven (7) days from the date of arrest, excluding weekends and holidays, with the buck sheet attached.
  - (a) In the event that the A-Case Officer is aware that the case file is deficient in any regard, the A-Case Officer shall submit a written supplemental report identifying any deficiencies in the case file and detailing all efforts to collect and submit the required attachments to the District Attorney's Office with the case file.
  - (b) The A-Case Officer shall submit to the District Attorney's Office additional supplemental reports detailing efforts to correct deficiencies of the case file as

required by Paragraph 8(b) above **every 7 days** until the deficiencies are resolved.

- (c) Within 7 days of the submission of a completed case file to the District Attorney's Office, the Assistant District Attorney reviewing that file will notify the A-Case Officer of either the disposition of the charges or the need for additional investigative efforts by the NOPD.
  - (d) Within 7 days of being notified of the need for additional investigative efforts, the A-Case Officer shall submit to the District Attorney's Office a supplemental report addressing all deficiencies identified by the Assistant District Attorney.
  - (e) With the presentation of additional reports or addressed deficiencies at each stage of the screening process, the District Attorney's Office shall provide a written acknowledgement of the materials delivered. Upon presentation of a completed case file, the District Attorney's Office will issue a receipt for the completed case file submitted.
  - (f) Upon a screening disposition being entered, the District Attorney's Office will issue a buck slip for the case file submitted.
11. When the District Attorney's Office completes and signs the buck sheet form, the A-Case Officer should obtain the buck sheet and retain it in the case file.
  12. When the District Attorney's Office completes and signs the receipt, the A-Case Officer shall place the complete case receipt from the District Attorney's Office in the case file along with the Buck Sheet.
  13. A copy of the receipt and Buck Sheet shall be forwarded to the A-Case Officer's District / Division Commander for the NOPD case disposition classification.
  14. Once the A-Case Officer's Commander completes the NOPD case disposition classification of the case file, a copy of the case receipt and Buck Sheet shall be forwarded to the A-Case Officer and retained in the case file.
  15. The A-Case Officer is required to collect the Screening Action Form (SAF) from the District Attorney's Office and maintain it in the case file. If the SAF for an A-Case cannot be located within the District Attorney's Office, the A-Case Officer shall notify the Chief of Screening in writing of this fact. A copy of this notifying correspondence shall be placed in the case file. Once the SAF is obtained it shall be placed in the case file. (See also: **Chapter 1.2 – Disclosure Obligations.**)
  16. In the case of either suppression of evidence or declination of prosecution based on an NOPD officer's alleged misconduct, a constitutional violation, or credibility, the A-Case Officer or member who learns of the ruling shall notify his/her Captain or PIB. The informed Captain shall initiate a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**) if not already initiated.
  17. Upon a refusal of a case due to a Law Enforcement issue, the District Attorney will alert NOPD PSAB, the A-Case Officer, the Arresting Officer, the Arresting Officer's rank, the District Commander, the First Assistant, the Chief of Case Management, and the designated Department of Justice Officer via email with the pertinent information regarding the refusal. The Assistant District Attorney who screened the case will be available to discuss the case with the NOPD upon request.

**NARCOTICS CASES AND SCIS (CRIME LAB)**

18. All suspected narcotic evidence submitted to CE&P shall be forwarded to the Crime Lab for scientific analysis when requested.
19. The Crime Lab shall test the suspected drugs upon request by the District Attorney's office.
20. The A-Case Officer shall include all Crime Lab reports in the case file.

**ISB AND SPECIALIZED INVESTIGATIONS**

21. All arrest cases made by the Investigations and Support Bureau (ISB) and specialized investigations cases (i.e. homicide, sex crimes, child abuse, etc.) shall be presented for screening with the District Attorney's Office by the principal case investigator.
22. The principal case investigator shall submit a completed case file within 28 days of arrest to the District Attorney's Office. Thereafter, they shall follow the guidelines set forth in paragraph 10 above.

Case Investigators are required to follow the guidelines of **Chapter 1.2 – Disclosure Obligations**.

**DELINQUENT CASES**

23. If an arrest case has not been completed and receipted by the District Attorney's Office within (30) days of the arrest, the principal case investigator or A-Case Officer shall notify his District / Division Commander and Bureau Chief by departmental email or interoffice correspondence (105) no less than (15) days prior to the case's 701 date. (See: **La. C. Cr. P. Art. 701**).
24. The District Attorney's Office will notify PSAB and PIB via email when a complete case file is not received within 28 days of an arrest.

**Appendix "A" -**

**Orleans Parish District Attorney's Office Investigative File Certification Form –**

**INVESTIGATIVE FILE CERTIFICATION**

Defendant: \_\_\_\_\_ Item Number: \_\_\_\_\_

I HEREBY CERTIFY that I am the "lead investigator" or "case agent" with regard to the referenced matter and that I have reviewed this case prior to presentation to the Office of the District Attorney.

I further certify that the files, reports, and other materials which I am this date submitting to the Office of the District Attorney for prosecution represent all of the materials disclosed, discovered, and/or generated by the law enforcement agency which I represent and/or any other agency which was involved in the investigation of the incidents upon which this matter is premised. Furthermore, I certify that I do not have any knowledge of any other investigative data, except for possible crime lab reports and/or autopsy reports which remain outstanding and/or other forensic analysis which may not have been completed.

I acknowledge my duties to disclose the existence of all evidence or information which is exculpatory or favorable to the accused, either tends to negate the guilt of the accused, or which mitigates the severity of the offense(s) which is/are the subject of this matter. As such, I specifically certify that all such information is contained within the investigative materials this date being submitted to the Office of the District Attorney.

I certify that present in the case file is all information known to my agency relative witnesses, including law enforcement officers, which may undermine the credibility of those witnesses. This includes information which undermines the credibility of the witness or individual themselves or information which may be inconsistent with statements made by those witness.

I acknowledge that the failure to submit a complete investigative file may have an adverse effect on the outcome of this case and may result in prosecution being declined.

\_\_\_\_\_  
CASE AGENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Printed Name of Case Agent

**Appendix "B" – Case File Index Sheet**

Item	Name	Date Included	Not Applicable	In File (initial of provider)	Verifying Supervisor (initial)
1	MORF (all)				
2	Major Crime Scene Sign-In Form				
3	Incident Report (all)				
4	Supplemental Report (all)				
5	Reports from or by other agencies (all)				
6	Other issued violation documentation (traffic citations, summons, other citations)				
7	CE&P Reports & receipts				
8	911 Audio / OPCD recordings				
9	NOPD Incident Recall				
10	Arrest Warrants (all, whether signed or not, executed or not)				
11	BWC recordings				
12	ICC recordings (including interior of unit)				
13	CEW discharge recordings				
14	Any crime camera recordings viewed or copied which may record activity of evidentiary value				
15	Search Warrants (all, whether signed or not, executed or not)				
16	Return of Search				
17	L3 log entry of any Victim, Witness statements noting exactly where / when taken and duration in report.				
18	(CD/DVD) Victim Statement(s)				
19	(CD/DVD) Witness Statement(s)				
20	(CD)/DVD Suspect(s) Statement(s)				
21	(CD)/DVD Crime Scene Photos				
22	E.P.R. Crime Bulletins, NOPDAll / BOLO's				
23	Crime Scene Tech Report				
24	Crime Lab Submittal Forms (any lab)				
25	Miranda Rights N.O.P.D. Form 153 or video marker and copy of card read				
26	Composite Sketch				
27	Castnet (Defendant)				
28	Castnet of Victim or Witnesses if prior relationship with Defendant				
29	Hospital / Medical Records (Victim, Witnesses by consent)				
30	Cell phone records				
31	Forensic Reports (all, any lab)				
32	NIK test reports				
33	DNA Requests				
34	C.O.D.I.S. Hit Letter				
35	Louisiana State Police DNA Letter				
36	Internal reports (i.e. Canine, SOD, etc.)				



37	Media Files				
38	Officer / Investigator Notes				
39	Crime stoppers bulletins and information				
40	L-3 Entry Form				
41	L-3 Room recordings				
42	Any other video recorded statements				
43	Any other audio recorded statements				
44	Written statements of any person				
45	Photo Lineups /277/277b (all attempts)				
46	Forensic Interview				
47	Social Service Intake Form				
48	Other case documentation (notes, handwritten recordings, interim reports, drafts, morphs, dailies, logs, etc.)				
49	Completed & Signed OPDA Investigative File Certification Form				

NOTE: the officer / investigator shall initial each category which applies to their case. This sheet shall be included as the first document in the detective's case file.

**Investigator (Print/Sign)**

**Date**

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**A-Case Officer (Print/Sign)**

**Date**

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**Notes:**

It is the responsibility of NOPD (the investigator and A-Case Officer) to present a complete case file that substantiates the charges to the Office of the District Attorney for screening and review for the OPDA to perform their functions under the law. There is no obligation or duty on the part of the OPDA to assist in the investigation or the compilation of the case file. They shall base their screening decision on the case file, as presented by the NOPD. If the case file is incomplete or lacks critical information, the OPDA shall refuse the case based on the inadequacy of the investigation presented.

The case file and reports must indicate exactly where relevant information, contained in other sources may be found. For example, all officers on the scene shall be listed along with all BWC information noting the officer's name, item number of cases, date, time, location, video label name and exact time marker where the noted information is found. The OPDA is not required and will not search for information. If the source (Evidence.com, BWC, L3, ICC, etc.) files are available to the OPDA, the reference to exactly where it can be found, stated in the police report, will be enough rather than burning a copy of the video file.

It is the NOPDs obligation to ensure the OPDA has access to any referenced data in electronic form if it is to be referenced rather than provided a copy (i.e. G Drives, BWC, ICC, L3, CEW discharge recordings, RTCC, etc.).

The OPDA will not "look" request items from outside sources if part of the investigation (i.e. 911 audio recordings, incident recall from OPCD), it must be part of the case file.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.16

### TITLE: PRELIMINARY FORENSIC DRUG TESTING

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 615**

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#### PURPOSE

This Chapter establishes guidelines for preliminary drug testing of suspected Controlled Dangerous Substances.

#### POLICY STATEMENT

When an officer encounters a compound believed to be a controlled dangerous substance, it is collected for evidentiary purposes. A preliminary drug test kit shall be used to confirm the presence of the suspected substance if a test kit for that suspected substance is available **UNLESS** the officer is only charging under **Sec. 54-505 – Simple Possession of Marijuana and/or Synthetic Cannabinoids** in which case officers shall not field test suspected contraband when charging under the municipal ordinance.

#### DEFINITIONS

**Preliminary Drug Test Kits**—Department approved kits or pouches containing reagent(s) which will change color to indicate the presence of a certain class of 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 forensic analysis by a lab 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 forensic analysis by a lab 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 forensic analysis by a lab finds the compound to be a different controlled dangerous substance than originally suspected.

#### DRUG TESTING KIT HANDLING AND PROCEDURES

1. Any preliminary drug testing kit that has been used shall be sealed and safely discarded

in a manner consistent with the instructions provided by the manufacturer for that kit to prevent exposure of the contents to the officer(s) and the public. The used kit will not be placed into evidence.

2. 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. 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 immediately. If an officer is injured, a First Report of Injury will be completed.
3. 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 subsequent test.
4. Test kits shall be stored and maintained as per the manufacturer's instructions. Damaged, contaminated or compromised kits shall not be used and shall be discarded in accordance with this Chapter and the manufacturer's instructions.
5. The department approved test kits are **NIK Brand** (Armour Forensics) and **Scott Company Drug Testing**. The types of tests currently available are:
  - (a) Marquis Reagent (Opiates, Heroin and Amphetamine compounds, including Ecstasy)
  - (b) Duquenois-Levine Reagent (Marijuana, Hashish, hash oil, THC)
  - (c) Scott Reagent (Cocaine Salts and Cocaine Base)
  - (d) MDMA (Ecstasy only)
6. Any other suspected controlled dangerous substances for which a listed preliminary drug test kit is not available should be submitted to Central Evidence and Property for forensic testing by the NOPD – Scientific Criminal Investigations Section (SCIS or Crime Lab) – Drug Chemistry Unit.

## TESTING

7. Representative samples of suspected drugs 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 sample. If the amount is too small to test without consuming the entire amount, the substance should be seized as evidence and processed through Scientific Criminal Investigation Section (SCIS) for forensic testing. Officers are encouraged to call the SCIS Drug Chemistry Unit or an SCIS training officer with any questions regarding the use of a particular preliminary drug test kit before testing a substance.
8. Officers performing a 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 (Form #148) provided in this Chapter will be filled out by the officer performing a test. Forms are provided for both **NIK** and **Scott** brand test kits.
9. The Commander of SCIS is responsible for the storage and distribution of preliminary drug test kits. Supplies of the kits will be monitored and restocked by the Department's Scientific Criminal Investigation Section. Members shall take care to avoid prolonged exposure of the kits to high heat (in trunks of vehicles) or intense sunlight (left out in the interior of the unit).
10. The officer arresting a suspect and utilizing a preliminary drug test kit to test a possible

CDS shall summon a supervisor to the scene to witness the test and provide required signatures on the 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 confirmed or the suspect released. (See also: **Chapter 1.9 – Arrests**).

11. Any substance believed to be a Controlled Dangerous Substance and observed in possession of a victim, witness, or at a crime scene, shall be preliminary drug tested by the investigating officer if the required kit is available.

### **SUPERVISOR'S RESPONSIBILITIES**

12. Usage of preliminary drug test kits shall:
  - (a) Be witnessed by a supervisor, and
  - (b) The supervisor will affix his/her signature to the checklist for each test conducted.

### **PRELIMINARY DRUG TEST KIT RESULTS**

13. A negative test result does not preclude the collection of the substance tested as evidence and subsequent request for a forensic analysis. A false negative test result, while remote, can occur. Substances strongly suspected by the investigating officer of being a controlled dangerous narcotic but test negatively should still be collected and submitted for forensic analysis. The decision to arrest in the face of a negative preliminary drug test result for a controlled dangerous substance will remain with the investigating officer(s) and supervisor(s). Consideration of all facts surrounding the incident, including additional criminal violation(s), should be weighed into the decision. Subsequent issuance of an arrest warrant after a positive forensic analysis remains possible and should always be considered in the determination to arrest at the time of a negative preliminary drug test result.
14. 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 preliminary drug test kit for that particular substance. If more than one test is performed, each test will require a Preliminary Drug Test Form (Form #148), and all forms will be made part of the completed incident report (EPR).

### **EVIDENCE PROCESSING AND CASE REPORTING**

15. After the sample substance tests positive by using the preliminary drug test kit, the main quantity (core evidence) from which the testing sample was drawn shall be submitted to Central Evidence and Property for storage and subsequent analysis by the Scientific Criminal Investigation Section – Drug Chemistry Unit.
16. The arresting officer(s) has 72 hours to submit the approved arrest report to the Orleans Parish District Attorney's Office for screening. (See also: **Chapter 42.15 – Arrest Case Management and District Attorney Screening**).
17. Upon completion of a test, the **Preliminary Drug Test Form** (Form #148) shall be completed and the original form attached as a numbered page of the incident report (EPR) by the reporting officer. **The incident report is incomplete without the inclusion of this form.**

18. A copy of the Preliminary Drug Test Form (Form #148) shall be attached to the evidence package submitted to Central Evidence & Property for SCIS examination and quality control.
19. The incident report shall indicate:
  - (a) The type of preliminary drug test kit used;
  - (b) The name of the officer(s) conducting the test; and
  - (c) The name of any officer/supervisor witnessing the test.
20. Other information related to the specific test shall be included on the Preliminary Drug Test Form (Form #148) attached to the incident report and is not required to be written in the Narrative of the incident report.
21. The use of the preliminary drug test kit and the result 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 (Form #148) need not accompany the Gist.
22. While using boilerplate language in reports is prohibited, an example of the suggested manner of documentation follows, using 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 Jones 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:
    - The use of a preliminary drug test kit, noting the type of kit used;
    - Who conducted and/or witnessed the test;
    - The statement that the test was conducted in compliance with the manufacturer's instructions;
    - The statement that the appropriate color changes to indicate a positive result occurred; and
    - A statement if the changes were immediate and unambiguous.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.18

### TITLE: ADULT ABUSE

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 326**

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#### PURPOSE

The purpose of this Chapter is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other parties.

#### POLICY STATEMENT

1. 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 (**R.S. 15:1501** et seq.).
2. The first responding officer is the initial source of information for the remainder of the investigative team and makes decisions that can deeply affect the investigation and the victim, setting the tone for the entirety of a case. This policy is intended to guide responding officers when responding to reports of adult abuse, neglect, maltreatment, and sexual-related incidents that are not handled by Sex Crimes. (See also: **Chapter 42.2 – Sexual Assault**).

#### DEFINITIONS

Definitions relevant to this Chapter include:

**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 (**R.S.1503 (1)**).

**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 (**R.S.1503 (2)**).

**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 (**R.S.1503 (3)**).

**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 (**R.S.1503 (7)**).

**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 (**R.S.1503 (8)**).

**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 (**R.S.1503 (9)**).

**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 (**R.S.1503 (10)**).

**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 (**R.S.1503 (13)**).

#### **MANDATORY REPORTING REQUIREMENTS**

3. 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 (**R.S. 15:1504(A)**).
4. Upon receipt of an adult abuse report from an adult protection agency, the officer shall initiate an investigation, document it in an incident report and notify the referring adult protection agency of the disposition of the report (**R.S. 15:1506(C)**).
5. Any person who is required to report the abuse or neglect of an adult and who 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 (**R.S. 14:403.2**).

#### **DOMESTIC VIOLENCE UNIT RESPONSIBILITIES**

6. The ISB – CID – SVS – 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 (**R.S. 15:1506(A)**).
  - (b) Retaining the original adult abuse report with the initial case file.

#### **RESPONSIBILITY OF THE PATROL OFFICER**

7. All calls for service or incidents involving actual or suspected adult abuse or neglect shall be responded to immediately, fully investigated and appropriately documented.

8. The patrol officer's responsibility is to:
  - (a) Provide an emergency response, including attending to medical needs;
  - (b) Inquire about the identity and location of the suspect;
  - (c) Preserve evidence;
  - (d) Request Communication Services contact a Domestic Violence detective if one is not already on scene; and
  - (e) Communicate observations and consult with the Domestic Violence detective who shall have the discretion to respond to the scene after hours.
9. 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.

### INITIAL RESPONSE

10. Officers must quickly assess the situation to ensure the immediate safety of all persons. As part of the initial response, patrol officers shall:
  - (a) Make contact with the reporting person as soon as possible to address safety concerns and summon emergency medical assistance if needed;
  - (b) Evaluate the scene for people, vehicles, or objects involved as well as possible threats;
  - (c) Relay all vital information to responding officers, supervisors, and detectives, including any possible language barriers; and
  - (d) When appropriate and necessary, patrol officers shall begin a search for the suspect and temporarily detain or arrest the suspect as appropriate based on evidence of probable cause.
11. Officers investigating instances classified as adult abuse shall notify Communications Services to contact members of the Domestic Violence Unit. Domestic Violence Unit 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 Unit Commander if the Domestic Violence Unit will be called out after hours to assist district officers with cases involving adult abuse and neglect.

### NOTIFICATION

12. The responding / reporting / investigating officer shall notify the appropriate adult protection agency as soon as possible and make information regarding the investigation available if the Domestic Violence Unit member does not assume the investigation. **(R.S. 15:1506(A))**.
13. The Department of Health and Hospitals and Adult Protective Services shall be notified through Communications Services immediately when an incident occurs regarding Adult Abuse. (800-898-4910 or 225-342-9069).
14. The Domestic Violence Unit shall be notified in cases of adult abuse. Immediate response will be at the discretion of the Domestic Violence Unit detective. The following persons should be considered for notification, via Communications Services, if it appears an in-depth investigation is required and the Domestic Violence Unit member is not yet on scene or if it will be handled by the responding officer:
  - (a) District Patrol supervisor
  - (b) District Investigations Unit personnel
  - (c) Parish or State Adult Protective Services Agency personnel



(d) Victim advocate

15. Reporting / responding officers shall notify and forward all arrest and non-arrest cases of adult abuse and neglect to the Domestic Violence Unit via email to [Domestic\\_Violence\\_GRP@nola.gov](mailto:Domestic_Violence_GRP@nola.gov). 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.

### COURT ORDERS

16. 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, the handling officer shall contact the Department of Health and Hospitals and Adult Protective Services to petition the court to obtain an order to provide emergency protective services (**R.S. 15:1511(A)**).
17. If the Department of Health and Hospitals and Adult Protective Services is unwilling or unable to obtain a court order of protection, the Domestic Violence Unit member should attempt to obtain the court order on the victim's behalf when possible. Action taken by the DVU investigator shall be documented in any related report.
18. The officer may advise relatives, family members or friends to contact the Department of Health and Hospitals and Adult Protective Services or the District Attorney to file a petition to have a court hearing regarding the abused adult (**R.S. 15:1508(A)**).
19. 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 (**R.S. 9:575**).

### ADULT ABUSE REPORTING

20. Every allegation of adult abuse shall be documented in an incident report. When documenting adult abuse cases, include, at minimum (**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 Adult 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.
21. Reporting cases of adult abuse is confidential and will only be released as per the Security and Release of Records Policy (**R.S. 14:403.2(B)**).

### ADULT ABUSE IN A CARE FACILITY

22. Officers shall investigate and 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 Department of Health and Hospitals and Adult Protective Services.

**DHH ADULT PROTECTIVE SERVICES CONTACT INFORMATION**

23. To report adult or adult abuse, employees or the public may call the APS 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 APS office.
24. For questions or information, the public may call the Department of Health and Hospitals and Adult Protective Services at 800-898-4910 or 225-342-9069. Additional information may be found on the Internet at: <http://new.dhh.louisiana.gov/>.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.19

### TITLE: CHILD ABUSE

**EFFECTIVE: 3/12/2017**

**REVISED: Replaces Policy and Procedure 330**

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#### PURPOSE

The purpose of this policy is to establish requirements for NOPD members who respond to reports of child abuse and neglect. The Child Abuse Unit shall investigate all abuse and sexually related incidents involving victims under the age of 17 years at the time the incident is reported, including the following signals:

- 29 (death);
- 30 (homicide) at the behest of the Criminal Investigations Division Commander;
- 42 (first-degree rape);
- 42-B (oral sexual battery);
- 42-M (first-degree rape, male victim);
- 42-U (unfounded first-degree rape);
- 43 (second-degree rape);
- 43-B (sexual battery);
- 43-M (second degree rape, male victim);
- 43-MB (misdemeanor sexual battery);
- 43-U (unfounded second-degree rape);
- 46-C (Trafficking of Children for Sexual Purposes);
- 80 (carnal knowledge of a juvenile);
- 81 (indecent behavior);
- 81-S (sexting);
- 89 (crime against nature);
- 92 (contributing to the delinquency of a juvenile);
- 93 (cruelty to a juvenile);
- 283 (video voyeurism); and
- 27 (attempted crime) related to any of the above signals.

Absent exigent circumstances, officers **shall not** interview the child victim or child witnesses. See **Interviewing Children** for more information.

If a Child Abuse detective is not available to respond to the incident, a Special Victims Section supervisor shall direct a Sex Crimes detective to respond to the incident. All detectives shall handle child abuse investigations according to the **Child Abuse Unit Standard Operating Guidelines**.

Officers may utilize the procedures outlined within this chapter when responding to cases of

abuse, neglect, maltreatment, or sexually related incidents involving developmentally disabled victims 17 years of age and older according to the procedures outlined in this Chapter.

Refer to **Chapter 42.2 – Sexual Assault** for guidance on handling sexual incidents involving victims 17 years of age and older at the time the incident is reported.

## DEFINITIONS

Definitions relevant to this Chapter include:

**Abuse**—Any one of the following acts that seriously endanger the physical, mental, or emotional health and safety of a child:

- (a) The infliction of physical or mental injury upon a child by any person;
- (b) The attempted infliction of physical or mental injury upon a child by any person;
- (c) Allowing, as a result of inadequate supervision, the affliction or attempted infliction of physical or mental injury upon a child by any person;
- (d) The exploitation or overwork of a child by any person; or
- (e) The involvement of a child in any sexual activity constituting a crime under the laws of this state.

**Child**—A person under 17 years of age who, prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage (La. Ch.C. art.728; definition changed from 18 to 17 years for purposes of this Chapter).

**Commercial Sexual Exploitation of Children (CSEC), also known as Domestic Minor Sex Trafficking (DMST)**—To recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity. Commercial sex act means any sexual act performed or conducted when any thing of value has been given, promised, or received by any person. Refer to La. R.S. 14:46.3.

**Developmental disability**—A severe chronic disability that can be cognitive or physical or both. Developmental disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition.

**Misdemeanor sexual battery**—The intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim (La. R.S. 14:43.1.1). Misdemeanor sexual batteries are classified under Signal 43-MB.

**Neglect**—The refusal or unreasonable failure of a parent or caretaker to supply a child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child. Neglect includes prenatal neglect.

**Protective custody**—Taking a child into custody without a court order based on reasonable grounds to believe that the child's surroundings are such as to endanger the child's welfare and immediate removal appears to be necessary for the child's protection (La. Ch.C. art. 621).

## POLICY STATEMENT

1. The first responding officer is the initial source of information for the remainder of the

investigative team and makes decisions that can deeply affect the investigation and the victim, setting the tone for the entirety of a case. This policy is intended to guide responding officers when responding to reports of child abuse, child neglect, maltreatment, and sexual-related incidents, including the commercial sexual exploitation of children.

### **COMMUNICATIONS SERVICES RESPONSIBILITIES**

2. Communications Services shall dispatch a Child Abuse detective, or a Sex Crimes detective at the direction of a Special Victims Section supervisor, to the location of the victim.
3. For child abuse calls as defined in this Chapter, Communications Services shall dispatch a patrol officer for Code 2 calls for service. Communications Services shall not dispatch a patrol officer to a Code 1 call for service unless otherwise requested by the detective.
4. When a complainant reports child abuse, communications personnel shall follow standard emergency response that includes evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the child's relationship with the victim, weapon use, and history of violence also shall be obtained.
5. To ensure critical evidence is not lost, Communications Services personnel shall:
  - (a) Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so;
  - (b) Ask the reporting person to use a clean jar to collect urine should the victim have to urinate;
  - (c) Let the reporting person know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes;
  - (d) Preserve the communications tape and printout for the investigation; and
  - (e) Explain to the reporting person that these questions will not delay an officer's response to the caller's location.

### **RESPONSIBILITY OF THE PATROL OFFICER**

6. The patrol officer's responsibility is to:
  - (a) Provide an emergency response, including attending to medical needs;
  - (b) Inquire about the identity and location of the suspect;
  - (c) Preserve evidence;
  - (d) Request a Child Abuse detective if one is not already on scene; and
  - (e) Communicate observations to the responding detective.
7. If an officer responds to a scene that may involve child abuse but was not dispatched under a child abuse signal and no Child Abuse Unit detective is on scene, the officer shall immediately notify the Child Abuse Unit.
8. The following sections of this chapter provide greater detail on the officer's responsibilities when responding to a child abuse incident.

### **INITIAL RESPONSE**

9. As part of the initial response, patrol officers shall:

- (a) Make contact with the reporting person as soon as possible to address safety concerns and summon emergency medical assistance if needed;
- (b) Evaluate the scene for people, vehicles, or objects involved as well as possible threats;
- (c) Relay all vital information to responding officers, supervisors, and detectives, including any possible language barriers; and
- (d) When appropriate and necessary, patrol officers shall begin a search for the suspect and temporarily detain or arrest the suspect as appropriate based on evidence of probable cause. If the suspect is detained, wait for the Child Abuse detective to interrogate the suspect. Patrol officers shall not interrogate the suspect.

### MANDATORY NOTIFICATIONS

10. Members who 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 notify the Child Abuse Unit (La. Ch.C. arts. 609-610).

### MAJOR CRIME SCENE OFFICER STATEMENT

11. All officers and supervisors on scene shall complete a Major Crime Scene Officer Statement (Form 188) and provide it to investigating detectives.
12. The statement should include a written narrative of all observations, including observations of the crime scene and any statements taken from individuals interviewed at the scene. As accurately as possible, officers shall use the interviewee's own words. Officers shall record observations of the crime scene, including the suspect's demeanor and the victim's demeanor, and document any injuries or disheveled clothing.
13. **For privacy reasons, under no circumstances should officers complete a report in the Electronic Police Reporting System for a possible child abuse incident.** If an officer responds to a call with a non-child abuse signal and encounters elements of child abuse, he/she should not reference the alleged child abuse in an EPR report in any way. See **Victim Confidentiality** for more information.

### INTERVIEWING CHILDREN

14. The officer **shall not** interview the child victim or child witnesses. In exigent circumstances after consulting a Special Victims Section supervisor, only the minimum information necessary to stabilize the situation and secure evidence may be obtained from a child.
15. If the victim chooses to tell his or her story, express sympathy and document the statements in the Major Crime Scene Officer Statement.

### INTERVIEWING ADULTS

16. Officers shall inquire with adults on scene as to the location and identity of the suspect.
17. Absent exigent circumstances, officers shall not interview adult suspects and witnesses. If a detective requests that an officer interview adult suspects or witnesses under exigent circumstances, the officer shall document the statements in a Major Crime Scene Officer Statement, and the detective shall document the exigent circumstance in a supplemental report.

18. Officers shall ensure that the child victim is not present and cannot hear the interview with the adult.
19. When interviewing adults, officers should address:
  - (a) **The allegation:** "Please tell me **exactly** what the child said to you, what you saw, and how you found out about this. What else do you know or think about this?"
  - (b) **First disclosure:** "Who did the child tell first? What were the circumstances?"
  - (c) **Corroboration:** "Do you know of any children or adults who might know something about this?"
  - (d) **Suspect's history:** "Do you know if anything like this has ever happened before with the alleged perpetrator?"
  - (e) **Need for a medical exam:** If the incident may have happened in the last 72 hours or the child is currently injured, the child may need immediate medical evaluation. See **Addressing Medical Needs**.

### **SUSPECT INTERVIEWS**

20. Suspects should be interviewed only by the detective but can be detained by the responding officer.
21. If a suspect discloses any information, that information shall be documented in the Major Crime Scene Officer Statement and communicated to the detective.

### **ADDRESSING MEDICAL NEEDS**

22. Obtain medical care in emergency cases or at the direction of the detective.
23. A case is considered an emergency if the victim is injured, complaining of injury, or if there has been physical contact with the alleged perpetrator in the past 72 hours.
24. Consult with the detective about addressing medical needs other than in emergency situations.

### **SIGNS OF DRUG-FACILITATED SEXUAL ASSAULT**

25. Officers should be aware that the signs of drug-facilitated sexual assault could include:
  - (a) The victim reports being under the influence of a drug during the abuse;
  - (b) The victim experiences vaginal soreness or other signs of abuse and cannot remember a part or the entirety of the incident;
  - (c) The victim reports becoming heavily intoxicated very rapidly;
  - (d) The victim reports symptoms of amnesia; and/or
  - (e) The victim may exhibit symptoms of intoxication if still under the influence of rape-facilitating drugs.

### **SIGNS OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

26. Officers should immediately notify the Child Abuse Unit if they suspect a child could be a victim of commercial sexual exploitation. Officers should be aware that the signs of commercial sexual exploitation of children could include:
  - (a) Child has run away from home;

- (b) Inappropriate dress, including overtly sexual clothing or oversized clothing;
  - (c) Child has unexplained bruises or injuries;
  - (d) Child is in possession of large amounts of money, more than one cell phone, hotel keys;
  - (e) Child has an older boyfriend, girlfriend, friend or relative more than 5 years older than the child;
  - (f) The child is not enrolled in school or is missing large amounts of school;
  - (g) The child has fake identification or someone else is in control of their identification; or
  - (h) The child was arrested or spotted in an area known for prostitution, such as an adult entertainment venue, strip club, massage parlor, x-rated video shop, known area of town and/or hotel.
27. In accordance with La. R.S. 14:46.3, no victim of Trafficking shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Consent of a minor is not a defense and shall not be relevant to the investigation. No victim of trafficking shall be arrested, investigated, or referenced in terms of La. R.S. 14:82 Prostitution.

### **PRESERVING EVIDENCE**

28. Officers shall protect the integrity of evidence and request assistance or direction from a Child Abuse detective regarding the collection or preservation of evidence. Officers should secure the crime scene to ensure that evidence is not lost, changed, or contaminated.
29. Evidence should be handled by as few people as possible.
30. Absent exigent circumstances, officers and detectives shall not collect evidence. Crime Scene Technicians shall collect evidence under the direction of a Child Abuse Unit detective.
31. If anyone reports the presence of possible physical evidence, make sure that it is collected. Examples of physical evidence include but are not limited to clothing worn by the victim, drawings, writings, tape recordings, videos, e-mails, or text messages made by the victim regarding the allegation, bed sheets, used condoms, or evidence collected by an emergency department professional.
32. If a drug-facilitated sexual assault is suspected, officers shall preserve drinks to allow a crime lab to test for the presence of drugs and, in consultation with the assigned Child Abuse detective, expedite the forensic exam before any drugs leave the victim's system, if the victim's custodians agree to the exam.

### **PROTECTIVE CUSTODY**

33. An officer may 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 (La. Ch.C. art. 621).
34. Whenever feasible, officers shall consult with the Child Abuse Unit prior to taking a child into protective custody in a child abuse related case. If prior notification is not feasible, officers shall contact the Child Abuse Unit promptly after taking a child into protective custody.
35. Prior to taking a child into temporary protective custody, the officer should take reasonable steps to deliver the child to another parent or legal guardian who is not



involved in the actions which precipitated taking the child into temporary protective custody. The detective **shall** receive permission from a Special Victims Section supervisor and DCFS before delivering the child to another parent or legal guardian.

36. The officer must complete a separate face sheet in the EPR system with the Signal 78 - Protective Custody. The original signal of the call shall not be changed to Signal 78 - Protective Custody. The officer shall contact the detective to determine the appropriate destination for the individual.

#### **OFFICER RESPONSIBILITIES FOR DRUG-ENDANGERED CHILDREN**

37. Officers responding to a drug lab or other narcotics crime scene where a child is present or where a child resides should:
- (a) Document the environmental, medical, social, and other conditions of the child using photography as appropriate, and
  - (b) Notify a Special Victims Section supervisor.

#### **SUPPORTING THE CHILD VICTIM**

38. If the officer encounters the child, the officer should state, "What happened is not your fault. I'm sorry this happened to you, and none of this is your fault. I'm going to call a special team to help you."
39. Officers shall demonstrate support in all interactions with the victim and encourage adults on scene to:
- (a) Support the victim and the investigation;
  - (b) Avoid discussing the incident in front of the victim;
  - (c) If the child brings up the incident, listen without questioning and document exactly what the child says; and
  - (d) Not blame the child or make the child feel guilty with questions such as "why didn't you tell when it happened."

#### **VICTIM CONFIDENTIALITY**

40. Throughout the investigation of the case, officers and detectives shall protect the confidentiality of the victim's information to the maximum extent possible by law and policy. Officers shall not publicly disclose the name, address, or identity of child abuse victims.
41. Strategies to protect victim confidentiality include:
- (a) Not using a victim's address or name on police radio, whenever feasible. If an officer's unit does not have an MDT, phone contact between Communications Services and responding officers or detectives is preferred to contact over police radio.
  - (b) Responding officers shall document their response fully on a Major Crime Scene Officer's Statement Form (Form 188). The name of any child abuse victim shall not be disseminated or published in an initial police report.

#### **BODY WORN CAMERAS**

42. Officers shall use body cameras in accordance with **Chapter 41.3.10 – Body Worn Cameras**.

43. NOPD shall not publicly release footage of child sexual assault cases (La. R.S. 46:1844).

#### **CHANGING THE SIGNAL AND DISPOSITION**

44. Responding officers **shall not** change the signal or give a disposition for any call for service with a signal covered by this Chapter. Only the Special Victims Section may change the signal or give a disposition in accordance with the **Child Abuse Unit Standard Operating Guidelines**.

#### **TRANSFERRING THE CASE TO A DETECTIVE**

45. A victim of child abuse may bond with the first officer with whom he or she comes into contact after the incident. To help the child victim become comfortable speaking with other members, the officer shall explain the role of the different members of the child abuse response team and help with transitions through introductions to other members involved in the investigation.

#### **PATROL SUPERVISOR**

46. Patrol supervisors shall respond to the scene if requested.
47. Patrol supervisors **shall not** change the signal or give a disposition for any call for service with a signal covered by this Chapter. Only the Special Victims Section may change the signal or give a disposition in accordance with the **Child Abuse Unit Standard Operating Guidelines**.
48. Special Victims Section supervisors will communicate to patrol supervisors regarding any training needs for officers under their supervision.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 43.1

### TITLE: ASSET FORFEITURE

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces Policy Procedure 606**

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#### PURPOSE

This Chapter describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### POLICY STATEMENT

1. 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.
2. The potential for revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights (LAC 22:III.7103(A)).

#### DEFINITIONS:

Definitions related to this Chapter include:

**Asset forfeiture detective/investigator**—The commissioned member of the Investigation and Support Bureau – Specialized Investigation Division – Narcotics Section – Asset Forfeiture Unit assigned to be responsible for reviewing forfeiture cases and for acting as the liaison between the Department and the assigned prosecuting attorney.

**Forfeiture**—The process by which legal ownership of an asset (property) 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 (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.

**ASSET SEIZURE**

3. Property may be seized for forfeiture as provided in this Chapter, State and Federal law.

**PROPERTY SUBJECT TO SEIZURE**

4. 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 investigator (R.S. 40:2603):
  - (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 (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.
5. A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

**PROCESSING FOR FORFEITURE PROCEEDINGS**

6. When an officer believes that the incident or case he/she is investigating may involve property or cash subject to seizure under this Chapter, the officer making the seizure shall ensure compliance with the following:
  - (a) The investigating officer's immediate supervisor shall be notified and concur in the decision to contact the on-duty NOPD ISB – Special Investigations Division – Narcotics Section – Asset Forfeiture Unit investigator through Communications Services.
  - (b) The Asset Forfeiture Unit investigator shall determine if the seizure will take place and instruct the investigating officer on any actions he/she needs to take while the Asset Forfeiture member handles all aspects of the seizure. Options include:
    - If asset detective makes the scene, he/she may seize the currency and place it on the books at CE&P.
    - The asset detective may seize the currency but instruct the officer to place the currency on the books at CE&P.
    - If decision is NOT to seize, and the items are evidence, they will be processed by the officer as such and placed on the books at CE&P.
    - If decision is NOT to seize and the items are NOT evidence, they will be returned to the owner, possessor or his/her designee.
  - (c) The investigating officer shall complete a police incident report documenting his/her actions taken in the investigation.
  - (d) The officer shall complete an 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 evidence / property seizure shall be submitted to the officer's supervisor by the end of his/her shift.
  - (e) The officer will book seized items 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."
  - (f) 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 (R.S. 40:2607(C)).
  - (g) When completed, immediately forward original seizure forms and a copy of the related incident report to the Asset Forfeiture Unit, attention of the member contacted.

- (h) Photographs should be taken of items seized, particularly cash, jewelry and other valuable items if possible.
- (i) 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, or 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 Unit.

### **ASSET FORFEITURE UNIT**

- 7. The responsibilities of the Asset Forfeiture Unit commander include the following:
  - (a) Ensure review of each seizure-related request and determine whether state or federal seizure attempts should be made. Contact federal authorities when pursuing federal seizure, as appropriate.
  - (b) Serve as the liaison between the Department and the District Attorney or Attorney General.
  - (c) Review each asset forfeiture case to ensure the asset seizure guidelines have been followed.
  - (d) Periodically review and update the required asset seizure guidelines, this Chapter and any related policies or procedures to reflect current federal and state statutes and case law (LAC 22:III.7103(E)).

### **GENERAL INFORMATION**

- 8. The items which most often give rise to forfeiture are U.S. currency and property. Property includes 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 ISB – SID – Narcotics Section or his/her designee.
  - (c) Not susceptible to a substantial lien which renders the asset unsuitable for seizure.

### **INSTRUCTIONS AND RESPONSIBILITIES - UNITS OTHER THAN ASSET FORFEITURE**

- 9. 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/her supervisor and advise the supervisor of the facts surrounding the potential seizure.
- 10. If 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 Unit on-duty / callout member through Communications Services.
- 11. An Asset Forfeiture member 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 Investigator 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.
- 12. 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 member.

13. 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.
14. Any assets not specifically connected to an individual should be left in place, pending the arrival of the Asset Forfeiture member. 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.
15. In those cases where the Asset Forfeiture member 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 L.R.S. 40:2601 et. seq. This determination should be made in consultation with the Asset Forfeiture member.
  - (c) Process all property to be confiscated under the guidelines outlined in this policy.
16. The investigating officer must notify the Asset Forfeiture member consulted of the completion of the investigation by departmental email within 24 hours of the initial incident so he/she may proceed with the seizure portion of the investigation, maintaining awareness of the time restrictions placed on seizures under L.R.S. 40:2601 et. seq. This includes, but is not limited to, obtaining a Seizure Warrant (if applicable) within 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.
17. The Asset Forfeiture member must complete Asset Forfeiture Checklist.

#### **INSTRUCTIONS AND RESPONSIBILITIES - ASSET FORFEITURE SECTION**

18. The Asset Forfeiture Unit will be responsible for handling all non-arrest seizure incidents, reported as a Signal 21-S (Seizure). On Asset Seizure (Signal 21-S) 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.
19. 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.
20. The Asset Forfeiture Unit shall assist and facilitate training requests through the Education & Training Division for 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.
21. The Asset Forfeiture Unit shall assume responsibility in all cases where the complexity of a case goes beyond a normal seizure investigation. Determination for adoption of a case under these guidelines to be determined by the investigating case officer, the Asset Forfeiture Unit investigator assigned to assist on the case, and the Commander of the Asset Forfeiture Unit.

#### **CONFISCATED CURRENCY AND/OR PROPERTY**

22. Whenever currency is confiscated by an investigating case officer or Asset Forfeiture member, the currency shall be counted by the investigating case officer and the Asset

- Forfeiture Unit investigator in a secure location.
23. In cases where no Asset Forfeiture Unit investigator is on the scene, the investigating case officer and a supervisor will count the currency in a secure location.
  24. The investigating case officer, Asset Forfeiture Unit investigator 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.
  25. The Asset Forfeiture Unit investigator 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 manner - "Currency counted as \$xx.xx amount." The Asset Forfeiture Unit investigator seizing shall sign the receipt, acknowledging the amount of confiscated currency. (Receipt Books can be obtained from the Supply Shop at Police HQ.)
  26. If circumstances permit, the possessing party shall also be asked to sign the receipt. If the possessing party refuses to sign the receipt, the Asset Forfeiture Unit investigator seizing shall note on the receipt "Refused to Sign".
  27. A copy of the completed receipt should be included in the report. The possessing party, whether or not he/she claims ownership of the property, should receive a copy of the receipt.
  28. An Asset Forfeiture Unit - Confiscated Property Questionnaire should be completed by:
    - (a) The investigating officer for seizures under \$10,000.00.
    - (b) The Asset Forfeiture Unit investigator for seizures over \$10,000.00.
  29. 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.
  30. In cases where property is confiscated, the Asset Forfeiture Unit investigator seizing shall complete a receipt for the property, including a description. The Asset Forfeiture Unit seizing officer shall sign the receipt, acknowledging the confiscated property.
  31. If circumstances permit, the possessing party shall also be asked to sign the receipt. If the possessing party refuses to sign the receipt, the Asset Forfeiture Unit investigator seizing shall note on the receipt "Refused to Sign."
  32. 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.

### **CONFISCATED / IMPOUND OF VEHICLES FOR SEIZURE**

33. The confiscation of vehicles, motorcycles or other conveyances to be seized for possible forfeiture 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 Asset Forfeiture Unit investigator and his/her approval. 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.**

34. Once determination to seize has been approved, the Asset Forfeiture Unit investigator will advise the investigating case officer where to have the vehicle brought. At a determined meeting location the Asset Forfeiture Unit investigator will take possession of the vehicle for safekeeping. Seized vehicles will be kept in a secured location, inaccessible to unauthorized personnel.
35. 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.
36. Any vehicle, motorcycle, or conveyance to be seized for possible forfeiture and relocated to any location without prior authorization from the Asset Forfeiture Unit investigator assigned to assist with the case shall nullify the seizure of the vehicle, motorcycle, or conveyance under L.R.S. 40:2601 et. seq. The impoundment of the vehicle will be considered an evidentiary impound only.
37. Under no circumstance shall a vehicle being seized for possible forfeiture 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.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 43.3

### TITLE: USE OF SURVEILLANCE AND UNDERCOVER EQUIPMENT

EFFECTIVE: 12/10/2017

REVISED: 10/2/2022

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#### PURPOSE

This Chapter shall serve as a system of controls for the use of Department-owned surveillance equipment. It is the intent of this Chapter to prevent damage to or loss of surveillance equipment and to regulate use to prevent unauthorized use.

#### POLICY STATEMENT

1. All electronic or mechanical surveillance equipment which may be used by commissioned members of the Department shall either be owned/leased by the City of New Orleans or on loan to the Department from another law enforcement agency.
2. If specialized training is required for the proper use of any surveillance equipment, the member requesting its use must provide documentation of required training or shall be trained prior to using the equipment.
3. Prior to the use of surveillance equipment, the member shall be thoroughly briefed on all state and federal guidelines governing the equipment's use by a supervisor of the unit responsible for storing and maintaining the equipment or the training officer responsible for member training on the proper use of the equipment.
4. Video surveillance of areas open to public view needs no special authorization. No video equipment shall be installed to view any areas which would otherwise have required and officer to obtain a warrant to enter.

#### DEFINITIONS

**Surveillance technology** - any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any identifiable individual or group. "Surveillance technology" includes but is not limited to face surveillance systems, cell-site simulators, and characteristic tracking systems.

**Cellular communications interception technology / cell site simulator** - any device that intercepts mobile telephony calling information or content, including an international

mobile subscriber identity catcher or other virtual base transceiver station that masquerades as a cellular station and logs mobile telephony calling information.

**Surveillance** - the act of observing or analyzing the movements, behavior, or actions of identifiable individuals.

**Crime of violence** – a felony involving the infliction or threatened infliction of serious bodily injury or death.

**GPS tracking device** - A device that uses the Global Positioning System to determine the precise location of a vehicle to which it is attached and to record the position. The recorded location data can be stored within the tracking unit, or it may be transmitted to a central database or internet-connected computer using various transmission options. This allows the location to be displayed on a map either in real time or from an historical movement perspective.

## GENERAL

5. When requesting use of surveillance equipment from another section of the department, 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's Commander shall check with the Deputy Chiefs of FOB, ISB and PIB to ensure the surveillance will not interfere with a current ongoing investigation.
6. If approved, surveillance equipment shall only be issued by supervisory personnel to the supervisor responsible for the member assigned to the unit requesting the use of the equipment.
7. The supervisor receiving the equipment shall complete all forms required by the issuing unit to track the equipment's use.
8. All surveillance equipment will be returned to the issuing unit upon completion of the investigation.
9. The equipment will be returned by supervisory personnel, and a receipt will be obtained.
10. A copy of the receipt shall be maintained by both the commanding officer of the unit who requested its use and the commanding officer of the issuing unit.
11. Whenever surveillance equipment is used, tapes, photographs, printouts, and audio or video recordings will be recorded in a format capable of being processed as evidence.
12. 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.
13. Any officer aware of or discovering the unauthorized use of surveillance equipment shall report it to the unit issuing the equipment and PIB. A disciplinary investigation shall be conducted. PIB may conduct the investigation or refer it to the supervisor monitoring the investigation to determine the extent of misuse.
14. Any lost, stolen, or damaged surveillance equipment will be documented in an incident report (EPR) and a copy shall be delivered to the equipment's issuing unit. Damage caused by negligence may subject the member to disciplinary action.

15. A supervisor from the unit requesting the equipment shall closely monitor the surveillance and investigation.

#### **USE OF CELL SITE SIMULATOR TECHNOLOGY**

16. The use of **cellular communications interception technology / cell site simulators** is only authorized in the following situations:
  - a. for locating a known suspect of a crime of violence for which an arrest warrant has been issued, and only when the use of such technology is pursuant to a search warrant signed by a neutral and detached judge or magistrate commissioner, or;
  - b. To assist in locating a missing individual when there is a reasonable belief that the missing individual is in imminent danger of death or serious bodily injury (as defined in Louisiana Revised Statute 14:2(C)).
17. The authorization to utilize this equipment must be granted by a State or Federal Judge. The simulator will only provide and/or retain information on the target cell number or associated IMEI number. All other surrounding cell numbers and device information remains anonymous to the simulator.
18. The use of cell-site simulator technology must be requested by form 360 from SOD. A copy of the request shall be sent to ISD – intelligence as well as the Professional Standards Section.
19. When requesting use of cell site simulator equipment for investigative purposes, a member shall:
  - a. Write an interoffice correspondence (Form 105), approved by their supervisor, detailing the probable cause for the use of the equipment and that the use of the equipment meets the requirements of this policy and New Orleans Municipal Code Chapter 147.
  - b. Forward that request to the NOPD Special Operations Division and the Professional Standards Section
20. Only authorized members of the NOPD Special Operations Division will be allowed to utilize cell site simulator technology to assist with an investigation and only after the request is approved by a Special Operations Division Supervisor.
21. Within 30 days of the request, investigators requesting the use of the equipment must provide information in writing to the supervisor responsible for providing the equipment and the Professional Standards Section a brief description of how the equipment was used and whether the use of the equipment successfully assisted with their investigation.

#### **USE OF GPS TRACKING DEVICES**

22. All GPS tracking devices owned by NOPD will be secured by the Special Operations Division or the Investigative Services Division and only deployed in accordance with this policy.
23. The Special Operations Division shall maintain a log that contains the current status of all devices owned by NOPD is updated, maintained, and accessible to those employees

- authorized to view it.
24. The use of GPS tracking devices shall be authorized only for felony crimes of violence or felony narcotic investigations (i.e., Distribution, manufacturing, drug trafficking).
  25. The authorization to utilize GPS tracking devices for criminal investigative purposes must be granted by a State or Federal Judge.
  26. Officer shall be aware the placement of any tracking device on a vehicle or other mobile vehicle for the purposes of obtaining information constitutes a search and may only be conducted in accordance with all applicable laws and the regulations of this department (**See Chapter 1.2.4.2 – Search Warrants**).
  27. When requesting use of a GPS tracking device from another section of the department, a member shall:
    - a. Write an interoffice correspondence (Form 105) through the chain of command detailing the probable cause for the use of the equipment, the length of time monitoring is needed, and why traditional surveillance is not preferable or has failed.
    - b. The member's Commander shall check with the Deputy Chiefs of FOB, ISB and PIB to ensure the surveillance will not interfere with a current ongoing investigation.
    - c. Forward that request to the NOPD Special Operations Division and the Professional Standards Section
    - d. Attach the written request to their investigative report to be maintained with the case file.
  28. The length of the time monitoring is needed shall not exceed 30 days. Additional time may be sought by reapplying for authorization from a State or Federal Judge.
  29. All Supervisors overseeing an investigation which utilizes a GPS tracking device shall ensure that:
    - a. Devices are only deployed in accordance with the procedures established in this chapter
    - b. Devices are removed prior to the expiration date of all issued court orders
  30. Investigators utilizing a GPS tracking device shall document the reasons for the request, the dates of the use of the device, and all information obtained from the use of the device in an investigative report.
  31. Within 30 days of the request, investigators requesting the use of the equipment must provide information in writing to the supervisor responsible for providing the equipment and the Professional Standards Section a brief description of how the equipment was used and whether the use of the equipment successfully assisted with their investigation.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 43.6

### TITLE: CRIMINAL STREET GANGS AND MULTI- AGENCY GANG UNIT

**EFFECTIVE: 05/13/2018**

**REVISED: 11/04/2018**

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#### PURPOSE

The purpose of this Chapter is to establish a process for identifying criminal street gangs, participants of criminal street gangs, associates of street gangs and patterns of criminal or delinquent activity (La. R.S. 15:1402), in an effort to combat violence related to gang activity. Additionally, the intent of this policy is to establish a process that will be used to develop and maintain information used for enhancing criminal prosecution of criminal street gang participants. (See also: **Chapter 44.2 – Juveniles.**)

#### POLICY STATEMENT

1. The reduction of criminal street gang activity is the responsibility of every member of this Department. It shall be the policy of this Department to maintain an aggressive and proactive enforcement effort to suppress criminal street gang activities.
2. Gang intelligence is a subset of the broader class of criminal intelligence and is governed by the same rules under **Chapter 51.1 – Criminal Intelligence** for retention and destruction of records.

#### DEFINITIONS

**Actionable intelligence**—Information gleaned from a range of sources that enables decision makers—from agency leaders to field commanders—to take appropriate and timely action when faced with a security threat like an imminent terrorist attack or the shipment of weapons of mass destruction. The collection of critical information related to the targeted criminality that provides substantive insight into crime threats and identifies individuals for whom there is a reasonable suspicion of relationship to a crime. Actionable intelligence aims to find out what criminals are doing now and when and where they plan to do it.

**Call-In Session**—Written invitation to identified criminal gang members to attend a briefing by law enforcement officials, social service providers and community members to deliver a focused deterrence message.

**City Wide Gang Coordinator**—The supervisor in command of the Multi-Agency Gang Unit.

**Criminal street gang**—Any ongoing organization, association or group of three or more persons, whether formal or informal (See La. R.S. 15:1404(A)) that:

- (a) Has as one of its primary activities the commission of one or more criminal acts defined by state law as criminal street gang predicate crimes, or
- (b) Has a common name or common identifying sign or symbols, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

**Documentation**—For purposes of this Chapter, this means an individual is entered into the City-Wide Gang Database by the City-Wide Gang Coordinator, or his/her designee.

**Field identification**—When a law enforcement officer completes a Field Interview Card on an individual who meets the gang member/associate criteria.

**Gang crime**—A reported incident or crime that occurs and is committed for the benefit of, at the direction of, or in association with a criminal street gang.

**Gang intelligence**—Information related to gang membership, association, activity, planned or spontaneous responses to gang activity, statistical data related to gangs, and all other data related to gangs

**Gang member**—Any person belonging to or having membership status in a criminal street gang. For policy purposes, an individual is considered a gang member only when his/her name has been entered in the City-Wide Gang Database.

**Gang Faction**—A subgroup of a criminal street gang that may operate, at times, independently of the other members or leaders of the criminal street gang and has its own name but that still retains an identifiable association with the main criminal street gang of which it is a component.

**Link analysis**—A data-analysis technique used to evaluate connections or relationships between organizations, people, and transactions. It can be used in the investigation of criminal activity for fraud detection, counterterrorism, and intelligence.

**Mid-Term Investigations**—Investigations that are not exhaustive, do not cross state lines or multiple jurisdictions, and do not have as many historical cases (cases that have already happened as opposed to current investigations).

**Long-Term Investigations**—Investigations that are exhaustive, cross state lines or multiple jurisdictions, and have historical cases (cases that have already happened as opposed to current investigations).

**Pattern of Criminal Gang Activity**—Means the commission or attempted commission of two or more of the following offenses, by members of a criminal street gang, provided that the offenses occurred within a three-year period, and the offenses are committed on separate occasions or jointly by two or more persons:

- (a) Aggravated battery or second degree battery as defined in La. R.S. 14:34 and R.S. 14:34.1.
- (b) Armed robbery as defined in La. R.S. 14:64.
- (c) First or second degree murder or manslaughter, as defined in La. R.S. 14:30, 30.1, and 31.
- (d) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances, as defined in La. R.S. 40:961 et seq.
- (e) Illegal use of weapons or dangerous instrumentalities, as defined in La. R.S. 14:94.
- (f) Aggravated arson as defined in R.S. 14:51.

- (g) Intimidating, impeding, or injuring witnesses; or injuring officers, as defined in La. R.S. 14:129.1.
- (h) Theft, as defined in La. R.S. 14:67, of any vehicle, trailer, or vessel.
- (i) Assault by drive-by shooting as defined in La. R.S. 14:37.1.
- (j) Rioting or inciting to riot as defined in La. R.S. 14:329.1 and 329.2.
- (k) Aggravated criminal damage to property as defined in La. R.S. 14:55.
- (l) Simple burglary as defined in La. R.S. 14:62.
- (m) Looting as defined in La. R.S. 14:62.5.

### **IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS**

3. An individual shall be considered a “confirmed” gang member when he/she achieves ten or more points from the listed criteria:
  - (a) 1 point - wearing of gang colors, clothing, and/or paraphernalia in such a way that indicates gang affiliation;
  - (b) 1 point - possession of commercial, gang-related publications;
  - (c) 1 point - known contact with confirmed gang members;
  - (d) 2 points - consistent observed contact with confirmed gang members;
  - (e) 2 points – appearing voluntarily in a photo with a confirmed gang member;
  - (f) 3 points - use of hand signs, possession/use of symbols, logos, and graffiti that clearly indicates gang affiliation;
  - (g) 3 points - possession of gang documents (roster, procedures, by-laws, etc.);
  - (h) 3 points - sending/receiving correspondence to/from confirmed gang members;
  - (i) 5 points - outside jurisdiction information/documentation;
  - (j) 5 points - the subject's victims or targets of crime are members of a rival gang;
  - (k) 8 Points – gang tattoos/brands;
  - (l) 8 points – participation in gang publications (submitting articles, illustrations, etc.);
  - (m) 8 points – named a gang member in correspondence;
  - (n) 8 points – subject identified as a gang member by another gang member;
  - (o) 8 points – subject's name appears on a gang roster, hit list, or gang related graffiti;
  - (p) 9 points – self admission;
  - (q) 9 points – subject identified as a gang member by a reliable informant;
  - (r) 10 points – status as a confirmed gang member is reported through outside agency gang unit.

### **GANG VIOLENCE REDUCTION STRATEGY**

4. The cornerstone of the Gang Violence Reduction Strategy is the Gang Audit. The Gang Audit is designed to quantify the following intelligence from each district:
  - (a) Gang name;
  - (b) Gang faction name;
  - (c) Territorial borders;
  - (d) Faction size;
  - (e) Rivals
  - (f) Alliances;
  - (g) Conflicts;
  - (h) Organizational level; and
  - (i) Propensity for violence.
5. The Gang Audit is the foundation of gang intelligence in each District. Each District Commander shall perform a Gang Audit at least once a year (or more, if necessary). Each Commander or his/her designee shall review and update the Audit as necessary.

The following Department members shall participate in performing the District's Gang Audit:

- (a) District Commander;
  - (b) District members selected by the District Commander based on their knowledge of gang activity in their districts;
  - (c) Representatives from the Specialized Investigations Division / Intelligence Section, and Major Case Narcotics Section;
  - (d) Representative from the Gang Unit (GU); and
  - (e) A member from the Multi-Agency Gang Unit.
6. Department members performing the Gang Audit shall:
- (a) Be presented with a large map of the district by the District Commander;
  - (b) Working together, discuss and draw the outline of the individual gang factions;
  - (c) Complete the Gang Audit information based on the best intelligence regarding:
    - i. Gang name;
    - ii. Gang faction name;
    - iii. Territorial borders;
    - iv. Faction size;
    - v. Rivals;
    - vi. Alliances;
    - vii. Conflicts;
    - viii. Organizational level; and
    - ix. Propensity for violence.
  - (d) Identify the most active or influential individuals for each Gang and/or Gang factions; and
  - (e) Prepare an intelligence and faction associate list.
7. District Commanders shall forward the results of the Gang Audit to the Commander of the MAG Unit for final review for any necessary editing and dissemination.

### **MULTI-AGENCY GANG (MAG) UNIT RESPONSIBILITIES**

8. The Multi-Agency Gang Unit is part of the ISB-Specialized Investigations Division and under the command of the SID Commander. The Section's responsibilities include, but are not limited to:
- (a) Compiling the gang audit from each District;
  - (b) Editing and finalizing the Gang Audit Map, Gang Faction Associate List and other documents confirming faction and membership information;
  - (c) Running the finalized Associate List to identify those members that are on parole or probation, or wanted on investigative alerts or warrants; and
  - (d) Posting the final complete Gang Audit on the secure Department intranet application (NOPD.org).
9. The Multi-Agency Gang (MAG) Unit conducts complete mid-term and long-term investigations targeting hierarchal criminal gang organizations and gang leaders. Additionally, the MAG Unit coordinates gang related murder investigations with the appropriate Homicide Section investigators. MAG is composed of personnel from multiple agencies. NOPD is the lead agency for MAG. Whenever MAG conducts operations on behalf of NOPD, NOPD directives govern MAG's actions.
10. The Commander of the MAG Unit shall liaise with the following agencies to combat gang violence:
- (a) Orleans Parish District Attorney's Office;
  - (b) Louisiana State Police;
  - (c) Louisiana Office of Probation and Parole;



- (d) The Orleans Parish Sheriff's Office;
  - (e) FBI;
  - (f) ATF;
  - (g) DEA;
  - (h) Contiguous Parish law enforcement agencies; and
  - (i) The United States Marshall's Office.
11. The MAG Unit will ascertain if there is any information from confidential sources related to murders and shootings which may be of assistance in determining the parties involved; make inquiries relative to retaliation; and disseminate this information to districts with a high level of violence associated with gangs.
- (a) MAG members will coordinate with ISB-Criminal Intelligence Division (CID), Field Operations Bureau (FOB) and the Gang Unit, by providing intelligence and technical support to assist in identifying the catalyst for the violence; targeting gang members with a high propensity for violence; and initiating investigations into gang members suspected to be the catalyst for reoccurring gang violence.
  - (b) MAG Unit members working with the Orleans Parish Sheriff's Office will assist CID, FOB and SID by forwarding actionable intelligence (information that is sufficiently detailed and particularized) related to shootings and murders attributed to gang violence and by providing assistance to outside units in gathering intelligence on violence and information on retaliatory acts of violence, such as arranging interviews with inmates, monitoring inmate phone calls, and providing information on the hierarchies established based on interviews with the Orleans Parish Jail.

#### **SPECIALIZED INVESTIGATIONS DIVISION RESPONSIBILITIES**

12. The Commander of Specialized Investigations Division (SID) shall ensure all MAG Unit members collaborate with the District Attorney's Office and the United States Attorney's Office in the charging and prosecution of RICO Act violators, consistent with the gang violence reduction strategies outlined in this Chapter.
13. The Commander of the ISB-SID through the Major Case Narcotics Section shall ensure the following programs are used to combat gang violence:
- (a) Street corner narcotics distribution and sales conspiracy missions;
  - (b) Narcotics-associated violence;
  - (c) Buy/Bust operations;
  - (d) Covert surveillance; and
  - (e) Street Prostitution Enforcement
14. The Commander of the Major Narcotics Section shall coordinate and confer with the District Commanders to identify gang-related "open air" (public) drug markets and ensure that the appropriate enforcement initiatives are implemented.
15. Once a narcotics distribution or sales issue has been addressed thru enforcement, District Commanders shall ensure that a specific, comprehensive strategy is in place to prevent such issues from reoccurring at those designed locations.
16. The Commander of the Gang Unit (GU) shall ensure the following programs are used to combat gang violence:
- (a) Gang Mission - conducting aggressive patrol and violence suppression missions in areas where gang conflicts exist.
  - (b) Knock & Talks - Gang Unit (GU) along with Probation and Parole Agents will conduct knock and talk checks on recent parolees associated with violent street gangs.

- (c) Joint Missions - conducting joint missions with outside agencies, including Louisiana State Police, the United States Marshall Service and other local law enforcement agencies to target offenders wanted for gang related offenses.
- (d) Intelligence Gathering - provide real-time intelligence to the Multi-Agency Gang (MAG) Unit.
- (e) Retaliatory Violence Associated with Gang Funerals - will partner with District Task Force officers to cover high-risk, gang related funerals that involve active gang investigations, high ranking gang leaders, or present a high probability of retaliation.

### **CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES**

17. The Commander of the Criminal Investigations Division will ensure the appropriate homicide personnel will liaison with the Field Operations Bureau and the MAG Unit providing intelligence and technical support to assist in identifying homicides that either involve gang members or are gang motivated.

### **DISTRICT COMMANDER RESPONSIBILITIES**

18. District Commanders shall:
- (a) Identify and prioritize the gang factions within their districts with the highest propensity for violence;
  - (b) Ensure the prioritized list of gang factions is distributed to all officers under their command;
  - (c) Coordinate deployment strategies with internal and external resources based on the prioritized list;
  - (d) Ensure district resources continuously focus enforcement activities on the most violent gang factions identified on the list;
  - (e) Review, select and update the prioritized list on an ongoing basis; and
  - (f) Appoint a member to serve as the District Intelligence Officer.

### **DISTRICT INTELLIGENCE OFFICER RESPONSIBILITIES**

19. The District Intelligence Officer shall:
- (a) Report directly to the District Investigative Unit (DIU) Commander.
  - (b) Gather and update gang and general intelligence as dictated by the DIU Commander for all district personnel.
  - (c) Forward newly updated information directly to Specialized Investigations Division, Multi-Agency Gang (MAG) Unit via department e-mail.
  - (d) Receive gang intelligence from the Multi-Agency Gang (MAG) Unit regarding gang conflicts, potential gang retaliations, and any other relevant information.

### **DISTRICT INTELLIGENCE REPORTS**

20. District Intelligence Reports produced by each district contain criminal intelligence that is specific to each district. The reports should be generated monthly and uploaded to the District Intelligence Report folder on the secured department intranet (NOPD.org) by the District Commander or his/her designee. District Intelligence Reports are accessible on the Department intranet (NOPD.org).

### **LINK ANALYSIS**

21. The link analysis, done by the MAG Unit Crime Analyst, is based on the concept of "two degrees of separation": the associates of a shooting victim will be linked and their

associates will then also be linked.

22. These associates, along with ballistics evidence, shall be linked to other shootings and murders.
23. A visual aid will be created by the MAG Unit Crime Analyst that can be used to determine the best deployment of Department resources to predict and prevent retaliatory violence.

### **FOCUSED DETERRENCE**

24. The Department's focused deterrence approach is based on the finding that a significant percentage of violent incidents are closely associated with groups of high-rate repeat offenders (gang members and associates).
25. Focused deterrence involves a partnership between law enforcement officials, social service providers and community members.
26. The goal of focused deterrence is to change the behavior of both individual gangs and the local network of gangs.
27. Focused deterrence proceeds as follows:
  - (a) Violent gangs, the individuals within those groups, and the relationships between the groups are identified;
  - (b) "Call-in sessions" with representatives of the gangs are convened to deliver the focused deterrence message to the group. Individuals on probation or under parole supervision can be legally mandated to attend call-in sessions;
  - (c) The general message conveyed is, "We will help you if you will let us, but we will stop you if we are compelled to by your actions." There will be a clear message that the gang will be dismantled if it does not comply;
  - (d) Additional messages are designed so that gang members perceive they have a face-saving exit from a violent lifestyle if they so choose;
  - (e) During the call-in sessions, a clear and consistent message of nonviolence is delivered by law enforcement officials, social service providers and community members;
  - (f) Law enforcement personnel will inform gang members of focused scrutiny on violent incidents. The next violent incident will result in swift, targeted enforcement (using any legal means available) of the entire group that is affiliated with the individual responsible for the violence. Only the offender will be held accountable for the violent incident itself. But any and all criminal activities of other group members such as probation and parole violations, drug dealing, open cases, and warrants will receive increased scrutiny by law enforcement;
  - (g) Social service providers shall present alternatives to violence by offering job referrals as well as educational and social services to those individuals who want them;
  - (h) Community members shall demand an end to the violence, articulating the damage it produces and invalidating any excuses for the violent behavior;
  - (i) Following the first law enforcement action focused on a violent group, the call-in session will be reconvened;
  - (j) The success of focused deterrence rests on the relentless delivery of the focused deterrence message made during the call-in sessions;
  - (k) Law enforcement personnel shall respond swiftly to subsequent violent incidents and intelligence is organized to aid in this effort;
  - (l) Social service providers shall meet the individualized needs of those who choose to transition to a life of nonviolence and intake processes are streamlined to

- facilitate this process; and
- (m) Community members shall continue to deliver the message of nonviolence subsequent to the call-in, presenting a united front with law enforcement personnel.

**MAX**

28. District MAX data shall be used to measure the impact and effectiveness of gang violence reduction strategies involving MAG and SGU.
29. The MAX process shall allow district commanders to identify their gang violence programs, initiate District plans to counteract the violence and provide accountability for their actions in their areas of responsibilities.
30. Undercover operations conducted by MAG and SGU are not discussed in the MAX open forums.
31. The MAG Unit will present on the following activities during MAX:
- (a) Any protests handled during the period or review as well as any upcoming protests.
  - (b) Any gang related shooting incidents that occurred in the Districts and how the MAG and SGU addressed from the unit perspective, including changes in deployments.
  - (c) Any NOLA For Life Custom Notifications that were conducted during the period under review and any planned Notifications.
  - (d) General Unit statistics on cases, indictments, arrests and convictions which may have implications on criminal activity / gang activity in the Districts.

**RESPONSE FOR SUSPECTED GANG RELATED SHOOTINGS**

32. Upon being assigned to a shooting, responding officers arriving on the scene shall, in addition to his/her other response duties, determine if the shooting may be gang related.
33. If the shooting is believed to be gang related, the investigator(s) assigned to conduct the follow-up response shall submit an Incident or Supplemental Report (EPR) outlining the information gathered on a possible retaliation and what steps were taken to prevent the retaliation by the end of his/her tour of duty.
34. NOTE: At the discretion of the District Commander, the response plan to prevent retaliation may be carried over and assigned to on-coming watch personnel if the information gathered warrants further investigation. Each officer assigned to conduct a follow-up investigation regarding a gang-related shooting shall submit an Incident or Supplemental Report (EPR) documenting the actions taken to prevent retaliation.
35. The District Supervisors shall:
- (a) Ensure the District Intelligence Officer is notified of any gang related information and request a gang profile is completed for the victim, offender, associates and location (if applicable);
  - (b) Request Communications Services – NOPD Liaison contact the Specialized Investigation Division, MAG Unit on all gang related shootings;
  - (c) Provide Communications Services with the following:
    - i. The victim's name and date of birth, if known.
    - ii. The victim's gang affiliation, if any.
    - iii. Any information known of the offender such as name, gang affiliation, and/or associates.

- iv. Any gang conflicts occurring at or near the location of the shooting.
- v. The name and radio call number of the district supervisor assigned to the shooting.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 43.7

### TITLE: VICE, NARCOTICS AND ORGANIZED CRIME INVESTIGATIONS

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 617**

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#### PURPOSE

The purpose of this Chapter is to outline general guidelines for vice, narcotic, and organized crime investigations. This policy will encompass the administrative process, reporting/records and the use of department funds for undercover operations.

#### POLICY STATEMENT

1. Public complaints (CFS) concerning vice, narcotic and organized crimes received through Communications Services shall be dispatched to the appropriate police district for investigation. Appropriate disposition for the call for service (CFS) will be given by the investigating officer.
2. Complex investigations or investigations requiring extensive resources not available to the District platoon officers shall be turned over to the District Investigative Unit for follow-up investigation.
3. It shall be the responsibility of the Commander of the District Investigative Unit to coordinate the investigation with the Vice Crimes Section, Intelligence Section, Gang Unit or the Narcotics Section to prevent duplication, interference or an overlap of investigation.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Narcotics**—Technically, drugs which dull the senses. Also a popular generic term for drugs which cannot be legally possessed, sold, or transported except for medicinal uses for which a physician or dentist's prescription is required.

**Organized Crime**—A category of transnational, national, or local groupings of highly centralized enterprises run by criminals who intend to engage in illegal activity, most commonly for money and profit. Some **criminal** organizations, such as terrorist groups, are politically motivated.

**Vice/Vice Crimes**—Criminal offences related to prostitution, pornography, drugs, alcohol, and gambling.

**COMPLAINTS FROM AGENCIES DURING NORMAL BUSINESS HOURS**

4. Complaints/information received from outside law enforcement agencies relative to vice, narcotic, and organized crime intelligence during normal business (Monday thru Friday, 9am-4pm) hours shall be directed as follows:
  - (a) Information relative to vice shall be directed to the ISB Vice Crimes Section.
  - (b) Information relative to narcotic intelligence shall be directed to the ISB Narcotics Section.
  - (c) Information relative to organized crime shall be directed to the ISB Intelligence Section.

**COMPLAINTS FROM AGENCIES OUTSIDE NORMAL BUSINESS HOURS**

5. The Vice Crimes Section, Intelligence Section and the Narcotics Section shall supply Communications Services with a list of contact persons to receive complaints/information received from outside law enforcement agencies relative to vice, narcotics, and organized crime intelligence outside normal business hours.
6. The list will contain the contact person's name(s) and telephone number(s).
7. The list will also contain the times and dates each individual is scheduled to received such calls.

**INFORMATION SHARING**

8. 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 directly once approved by his/her supervisor.
9. In the case of narcotics information, a copy of the information shall be forwarded to the ISB Narcotics Section.
10. In the case of vice or organized crime information, a copy of the information shall be forwarded to either the ISB Vice Crimes Section or the ISB Intelligence Section.

**RECORDS/REPORTS**

11. 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.
12. 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.
13. 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 ISB authorized persons only. All records of active investigations shall be under the control of supervisory personnel assigned to monitor those particular investigations.

**FUNDING AND ACCOUNTING PROCESS**

14. An investigation by members not assigned to the ISB Vice Crimes Section, Intelligence Section or the Narcotics Section who are in need of funds for an operation shall be conducted as follows:

- (a) Investigations involving the purchase of illegal narcotics (buy money) shall be coordinated through the Commanders of the ISB Narcotics Section, District Investigative Unit and the Asset Forfeiture Unit.
  - i. The Asset Forfeiture Unit will ensure proper accounting methods are in place.
  - ii. Units receiving funds from the Asset Forfeiture Section shall complete all forms necessary prior to receiving funding.
- (b) 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.
  - i. The Narcotics Section will ensure proper accounting methods are in place.
  - ii. Units receiving funds from the Narcotics Section shall complete all forms necessary prior to receiving funding.
- (c) Investigations involving vice or organized crime investigations, in which funds are required for vice or organized crime activity shall be coordinated through the Commander of the District Investigative Unit and the Commander of the Vice Crimes Section and the Intelligence Section.
  - i. The Vice Crimes Section and the Intelligence Section shall ensure proper accounting methods are in place.
  - ii. Units receiving funds from the Vice Crimes Section or the Intelligence Section shall complete all forms necessary, prior to receiving funding.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 43.8

### TITLE: REGISTERED OFFENDER INFORMATION

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 356**

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#### PURPOSE

This policy establishes guidelines by which the New Orleans Police Department will address the requirements associated with sex offenders, sexually violent predators and child predators who are residing, working or going to school in the City of New Orleans and how the Department will disseminate information and respond to public inquiries for information about sex offenders, sexually violent predators and child predators.

#### POLICY STATEMENT

1. 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 (R.S. 15:540).

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Child Predator**—A person who has been convicted of a criminal offense against a victim who is a minor or a conviction for the perpetration or attempted perpetration of or conspiracy to commit any of the following offenses:

- (a) A violation of R.S. 14:44, 44.1, 44.2, 45, 45.1, 46, or 46.1 when the victim is under eighteen years of age and the defendant is not the parent of the victim.
- (b) A violation of any of the following provisions when the victim is under eighteen years of age: R.S. 14:84(1), (3), (5), or (6), or 86, or R.S. 23:251(A)(4).
- (c) A violation of R.S. 14:46.2 when the victim is under twenty-one years of age.
- (d) A violation of R.S. 14:83, 83.1, 83.2, or 282 when the prostitution involves persons under the age of eighteen years.
- (e) A felony violation of R.S. 14:40.2, punishable by imprisonment at hard labor, when the victim is under the age of eighteen, unless either of the following are applicable:
  - i. The defendant is the parent of the victim.
  - ii. The defendant is not more than four years older than the victim and is convicted under Subparagraph R.S. 14:40.2(B) (1) (b).
- (f) Any conviction for an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to the offenses listed in Subparagraphs (a) through (e) of this paragraph.

**Child Sexual Predator**—A person who has been convicted of a sex offense as defined in R.S. 15:541 and who is likely to engage in additional sex offenses against children, because he has a mental abnormality or condition which can be verified by a physician or psychologist, or because he has a history of committing crimes, wrongs, or acts involving sexually assaultive behavior or acts which indicate a lustful disposition toward children, as determined by the court upon receipt and review of relevant information including the recommendation by the sex offender assessment panel as provided for by law.

**Residence**—A dwelling where an offender regularly resides, regardless of the number of days or nights spent there. For those offenders who lack a fixed abode or dwelling, "residence" shall include the area or place where the offender habitually lives, including but not limited to a rural area with no address or a shelter.

**Sexually Violent Predator**—A person who has been convicted of a sex offense as defined in RS 15:541, Paragraph 24, and who has a mental abnormality or anti-social personality disorder that makes the person likely to engage in predatory sexually violent offenses as determined by the sentencing court upon receipt and review of relevant information including the recommendation of the sexual predator commission.

## REGISTRATION

2. The New Orleans Police Department shall register sex offenders and child predators in accordance with R.S. 15:542 and ensure compliance with all community notifications, as indicated in R.S. 15:542.1.
3. In addition to the registration and notifications, the New Orleans Police Department shall be responsible for updating the state registry regarding a sex offender or child predator's in-person periodic renewal of registration (annual, semi-annual or quarterly, as dictated by R.S. 15:542.1.1).
4. 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 (R.S. 15:542.1.2).
5. The New Orleans Police Department shall register sex offenders and child predators for the registration period as established in R.S. 15:544 for Louisiana sex offense convictions, or the period established in accordance to R.S. 15:542.1.3 for out-of-state sex offense convictions. The registration periods are as follows (R.S. 15:541):
  - (a) Tier I sex offenders register for 15 years.
  - (b) Tier II sex offenders register for 25 years.
  - (c) Tier III sex offenders must register for life.
6. 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 (R.S. 15:542(E)).
7. The failure to comply with the sex offender registration requirements as provided above or the falsifying of registration information shall require the Special Victims Section commander to initiate a criminal investigation for failure to register (R.S. 15:542.1.4).

## REGISTRATION, SPECIAL VICTIMS SECTION

8. The New Orleans Police Department's Special Victims Section shall establish a process to reasonably accommodate registration of sex offenders and child predators.

9. The Special Victims Section commander 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.
10. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community.
11. Employees assigned to register offenders should receive appropriate training regarding the registration process.

#### **MONITORING OF REGISTERED OFFENDERS**

12. The Special Victims Section commander 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.
13. Efforts to confirm residence should include a compliance check at the offender's last registered address without prior notice to the offender.
14. 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.
15. Any discrepancies should be reported to the Special Victims Section, Sex Offender Registration Office.

#### **DISSEMINATION OF PUBLIC INFORMATION**

16. Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community.
17. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor.
18. The supervisor should evaluate the request and forward the information to his/her Deputy Chief if warranted.
19. A determination will be made by the Deputy Chief, with the assistance of legal counsel from the City Attorney's Office as necessary, whether such a public alert should be made.
20. Members of the public requesting information on registrants shall be directed to and provided the Louisiana State Police Website ([www.lsp.org](http://www.lsp.org)) and the National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov)).

#### **MANDATORY DISSEMINATION**

21. 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 (R.S. 15:546(A)).

**DISCRETIONARY DISSEMINATIONS**

22. The Department may order that the notice provided by certain offenders be published in a newspaper and disseminated to the public (R.S. 15:542.1(A) (2) (c)).
23. Dissemination of information contained in criminal records shall be in accordance with state law (R.S. 15:548).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 44.1

### TITLE: CHILD AND DEPENDENT ADULT SAFETY

**EFFECTIVE: 04/02/2017**

**REVISED: Replaces policy/Procedure 380**

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#### PURPOSE

This Chapter provides guidelines to ensure that children (ages 17 and under) and dependent adults are not left without appropriate care in the event their parent, caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department. Traumatic childhood experiences such as observing a parent's arrest can have both physical and psychological impacts and produce long-term behavioral issues. This Chapter provides guidelines to help minimize trauma and support a child's or dependent adult's physical safety and well-being following an arrest.

This Chapter does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in **Chapter 42.19 - Child Abuse** and **Chapter 42.18 - Adult Abuse**.

#### POLICY STATEMENT

1. 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.
2. The New Orleans Police Department will endeavor to create strong cooperative relationships with local community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Adult with disability**—An individual who is twenty-one to sixty-four years of age and disabled according to Medicaid standards or the Social Security Administration's disability criteria.

**Child / Minor Child**—A person under the age of eighteen years who has not been judicially emancipated or emancipated by marriage as provided by law (CHC Art. 502).

**Dependent 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/her own resources, carry out the activities of daily living, or protect him/herself from abuse, neglect, or exploitation.

**Caregiver**—Any person or persons, either temporarily or permanently, responsible for the care of a child or a person who is aged or an adult with a physical or mental disability. "Caregiver" includes but is not limited to adult children, parents, relatives, neighbors, daycare personnel, adult foster home sponsors, personnel of public and private institutions and facilities, adult congregate living facilities, and nursing homes which have voluntarily assumed the care of a person who is aged or an adult with a disability, have assumed voluntary residence with a person who is aged or an adult with a disability, or have assumed voluntary use or tutelage of the assets, funds, or property of a person who is aged or a person with a disability, and specifically shall include city, parish, or state law enforcement agencies.

**Elderly or elder**—An individual who is sixty-five years of age or older.

**Guardian**—A person appointed by a court to make decisions regarding the support, care, education, health, or welfare of a person.

### **PRE-ARREST PLANNING**

3. Call takers at the OPCD - PSAP (Communication Services) should ask callers if a child or dependent adult is present at the scene.
4. If Communication Services determines that a child or dependent adult is present at the scene of a reported incident, responding officers shall be notified.
5. When service of an arrest or search warrant is planned:
  - (a) When possible, officers shall determine whether any child is likely to be present at the location.
  - (b) When reasonably possible, officers may delay an arrest until the child is not likely to be present (e.g., at school or daycare), or consider another time and place for making the arrest. If delay is not possible, arrangements should be made in advance to have representatives from an appropriate partner organization at the scene or on call.
  - (c) When reasonably possible, officers shall determine if the arrestee and other family members are English-language proficient. If not, arrangements should be made to provide a translator. Absent exigent circumstances, a parent should not be allowed to interpret for a child and a child should not be allowed to interpret for a parent.

### **PROCEDURES DURING AN ARREST**

6. 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.
7. 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. In order to separate a child or dependent adult from a caregiver, the officer may say one of the following:

- (a) "I need to talk to your mom/dad/caregiver alone."
  - (b) "Ma'am/Sir, I need to talk with you alone. Is there some place your child/children can safely wait or someone that you trust who can watch your child/children while we talk?"
  - (c) "I'm sorry I need to ask you not to discuss this matter in front of your child/children because we do not want to upset them."
8. 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.
  9. Make the arrest, whenever reasonable and prudent, including handcuffing and questioning, in a location away from the child's sight and hearing.

#### **AFTER AN ARREST**

10. 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. Some examples of language that can convey what is happening is:
  - (a) "Your parent broke the law. It's like a grown-up rule for keeping us safe like following the speed limit or wearing your seatbelt. We need to take your mom/dad to the police station to learn more about what happened; he/she will be okay. Is there someone you would feel safe/comfortable staying with for a little while? Let me check with your parent to see if that would be okay.
  - (b) "I have to take your parent to the police station to talk about some things. We'll let you know when you can see your parent. In the meantime, who do you want me to call to be with you?"
11. 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 his/her immediate supervisor or Platoon Commander of the disposition of minor children or dependent adults and include the disposition in the incident report.

12. 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.
13. Officer(s) shall remain at the scene of the arrest until the child or dependent adult is in the care of a caregiver.
14. A preliminary NCIC check shall be conducted on the caregiver chosen by the parent as soon as reasonably possible. Any arrest for child abuse, sexual crimes, domestic violence, elder abuse, recent arrests for drug offenses, or other violent felonies shall disqualify the individual from taking custody of the child or dependent adult.
15. If the parent is unable to provide reassurance to the child or dependent adult, the officer shall provide an explanation, in an age- and developmentally-appropriate manner. It should be emphasized that the child or dependent adult has done nothing wrong and will be safe.
16. When reasonably possible, the officer shall ask the parent or guardian about items or objects that provide particular comfort to the child, such as toys, clothing, blankets, photographs or food that can be taken with the child.
17. The officer shall ask the parent or guardian about any medical, behavioral, or psychological conditions and/or required treatments of the child or dependent adult that would become the responsibility of a caregiver.

## REPORTING

18. Reporting should meet these minimum requirements:
  - (a) For all arrests where children are present or living in the household, the reporting member will document the following information about the children:
    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;
    6. Any of the child's special needs such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders
    7. The identities, addresses, and contact information for any actual or potential caregivers;
    8. Names and contact information of any representatives from partner organizations involved;
    9. Names and contact information of any adult contacted for notification purposes, such as school officials; and
    10. Any information or observations that suggest the need for further investigation into the child's living conditions and general well-being, such as any indications of a household in crisis.
  - (b) For all arrests where dependent adults are present or living in the household, the reporting member 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;
4. Any of the dependent adult's special needs such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders;
5. The identities, addresses, and contact information for any actual or potential caregivers;
6. Names and contact information of any representatives from partner organizations involved;
7. Names and contact information of any persons contacted for notification purposes; and
8. Any information or observations that suggest the need for further investigation into the dependent adult's living conditions and general well-being, such as any indications of a household in crisis.

### **DEPENDENT WELFARE SERVICES**

19. 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 or dependent adults into protective custody and placing them with the appropriate welfare service or other department-approved social service.
20. Under no circumstances should a child or dependent adult be left unattended or without appropriate adult supervision or care.

### **SAFE HAVEN RELINQUISHMENT**

21. The Safe Haven Law, enacted April 2000, is intended to encourage a parent who is otherwise tempted to abandon or discard a child, to instead, ensure that the infant will be provided medical care and shelter and ultimately be adopted by others. The law gives parents a mechanism to safely and anonymously relinquish the care of their newborn to the state without fear of prosecution. The law provides the relinquishing parent an affirmative defense against criminal abandonment if the circumstances meet the criteria for "safe haven" relinquishments.
22. An officer may take physical custody of an infant who is not more than 60 days old under the following circumstances (**Louisiana Children's Code Chapter 13 Article 1149 - 1160**):
  - (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; and
  - (c) The child has not been abused or neglected by the parent prior to the voluntary delivery.
23. 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).
24. The Child Abuse Unit shall be contacted **immediately** and arrange for the immediate transportation of the child to the nearest hospital.

### **ELDER ASSISTANCE**

25. 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.

26. An officer who learns of the need for the placement of a dependent elder into protective custody should notify the Child Abuse Unit. The Child Abuse Unit shall contact the Louisiana Office of Aging and Adult Services 800-898-4910 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.

#### **TYPES OF ELDER ASSISTANCE**

27. Various types and levels of assistance may be available for elders in need of assistance. These include:
  - (a) Mental health assistance - When a caregiver is unable to provide care due to arrest, persons who suffer from a mental disorder will have to be taken into protective custody. After notification by the Communication Services, a representative from Adult / Elderly Protective Services will respond to the scene. If there is a mental or developmental disability requiring placement, the Metropolitan Human Services District (MHSD) will need to be contacted at (504) 568-3130 or <http://www.mhsdla.org/home>.
  - (b) Additional services for assistance - Additional services may be available by contacting the Office of Aging and Adult Services at 1-800-898-4910 for ages 18-59 and 1-800-259-4990 for age 60+. The website is [www.doa.la.gov](http://www.doa.la.gov).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 44.1.4

### TITLE: TEMPORARY CUSTODY OF JUVENILES

**EFFECTIVE: 08/26/2018**

**REVISED: 12/20/20**

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#### PURPOSE

This Chapter provides guidelines and requirements consistent with the Juvenile Justice and Delinquency Prevention Act for juvenile offenders taken into custody by members of the New Orleans Police Department (42 USC § 5633). Respect for the rights of juveniles who are the subject of police investigations requires special procedures to ensure that any evidence gathered is reliable and legally obtained.

#### DEFINITIONS

**Caretaker**—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 (Louisiana Children's Code Art. 603).

**Curfew**—The municipal ordinance restricting persons less than 17 years of age, who are not fully emancipated pursuant to Louisiana civil law, from being in a public place or certain establishments during the hours specified in the ordinance.

**Delinquent Act**—An act committed by a child of ten years of age or older which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the offense occurred there, or under federal law, except traffic violations. (See: CHC Art. 804). "Delinquent act" shall not include a violation of R.S. 14:82, 83.3, 83.4, 89, or 89.2 for a child who, during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E)).

**In Loco Parentis**—A legal doctrine describing a relationship similar to that of a parent to a child. It refers to an individual who assumes parental status and responsibilities for another individual, usually a young person, without formally adopting that person. For example, legal guardians are said to stand in loco parentis with respect to their wards. The most common usage of in loco parentis relates to teachers and students.

**Juvenile**— A person under the age of **18** years who has not been judicially emancipated or emancipated by marriage as provided by law.

**Juvenile Offender**—A person under the age of 19 years, who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense), i.e., a Delinquent Act, or who is alleged to have illegal possession of a handgun by a juvenile (R.S. 14:95.8), to have

sexted (R.S. 14:81.1.1A (2)), or have committed a direct contempt of court.

**Juvenile Non-Offender**—An abused, neglected, or dependent juvenile 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, but who is not restrained or placed in a locked room. 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.

**Secure Custody**—The status of a juvenile offender who is held in a locked room, set of rooms or a cell, or being cuffed to a stationary object.

**Sight and Sound Separation**—Located or arranged to prevent physical, visual, or auditory contact.

**Status Offender**—A juvenile suspected of committing a status offense.

**Status Offense**—Those acts that would not be a violation if not for the age of the offender (e.g., running away, underage drinking, curfew violation, truancy).

**Truancy**—The repeated or habitual unauthorized absence or tardiness from school by a child who is subject to the compulsory attendance laws of this state (Louisiana Children's Code Art. 728).

**Ungovernable**— 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 (Louisiana Children's Code Art. 728).

## **POLICY STATEMENT**

1. NOPD shall investigate any incident involving a juvenile as defined in this Chapter, whether the juvenile is the victim of a crime or the perpetrator of a delinquent act.
2. NOPD is committed to releasing juvenile offenders from temporary custody as soon as reasonably practicable and keeping them safe while they are in temporary custody. (See also: **Chapter 44.3 – Juvenile Warning Notice**).
3. All officers shall utilize the least coercive action among reasonable alternatives, consistent with NOPD regulations, when dealing with juvenile offenders. (See also: **Chapter 44.3 – Juvenile Warning Notice**).
4. Any juvenile offender taken into custody shall be immediately transported directly to the Juvenile Intake Unit for processing, unless promptly released to the juvenile's caretaker, or taken to a medical or mental health treatment facility.
5. When releasing a juvenile offender from its custody, NOPD shall only release a juvenile to the Juvenile Intake Unit, medical or mental health treatment facility, or the juvenile's caretaker, as defined above.
6. NOPD is committed to the use of standardized and valid risk assessment tools, such as the New Orleans Juvenile Detention Alternatives Initiative's "Risk Assessment Instrument" (RAI) to determine whether a juvenile offender should be released or held in custody after being apprehended by police.

7. The NOPD Juvenile Intake Unit will not accept or process ANY child under the age of 10 years charged with ANY felony or misdemeanor offense. Those who have not reached the age of 10 years are exempt from criminal responsibility (see: RS 14:13 – Culpability and **Chapter 42.19 – Child Abuse**).

#### **NON-DETAINABLE JUVENILES**

8. If a juvenile offender exhibits any of the following conditions, members shall not hold the juvenile in custody at the Juvenile Intake Unit unless or until they have been evaluated by a qualified medical and/or mental health professional (see: **Chapter 44.2 – Juveniles**):
  - (a) Unconsciousness;
  - (b) Serious injury;
  - (c) A known suicide risk or obviously severely emotionally disturbed;
  - (d) Intoxication; or
  - (e) Extremely violent or continuously violent behavior.
9. In-custody juvenile offenders who exhibit the above-listed conditions shall be immediately brought to an appropriate medical facility for treatment and/or evaluation. Depending on the seriousness of the condition/injuries/illness, juveniles can be transported in a police vehicle or ambulance. However, the officer who has custody of the juvenile offender shall accompany or follow the juvenile to the medical facility and remain with the juvenile until they are treated and released, or the officer is relieved by their supervisor (see: **Chapter 71.1 – Prisoner Transportation and Guarding**.)
10. If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall remain under constant supervision until evaluation, release, or a transfer is completed.
11. In the event of an emergency medical situation for a juvenile in NOPD custody, the involved NOPD officer on the scene shall summon an ambulance immediately. NOPD shall notify the juvenile's caretaker as soon as possible in the event that a juvenile requires any medical attention.

#### **CUSTODY OF JUVENILES - TRANSPORT**

12. Officers shall transport juveniles consistent with the requirements of **Chapter 71.1 - Prisoner Transportation and Guarding, Chapter 44.2 – Juveniles** and this Chapter. Whenever an NOPD officer transports any juvenile, the officer shall announce to dispatch the starting time, odometer mileage, and location before beginning the transportation, and the officer shall announce to dispatch the ending time, odometer mileage, and location for each destination. Transporting officers shall proceed directly to the destination.

#### **CUSTODY OF JUVENILE NON-OFFENDERS**

13. Juvenile non-offenders taken into protective custody in compliance with **Chapter 42.19 – Child Abuse** should, absent extenuating circumstances and only with permission of the member's supervisor, not be held at an NOPD facility. Specific circumstances must be thoroughly investigated. With the exception of a subject being from out of state, Orleans Parish DCFS (Social Services) must be called to the scene to take custody of the juvenile subject. If DCFS recommends the juvenile subject needs to be housed at Youth Study Center (YSC) until a parent or caretaker arrives, the Juvenile Section will

make the necessary arraignments with the Youth Study Center to temporarily house the subject. If the subject is from out of state, the subject will be held for Court.

14. Custodial arrangements shall be made for juvenile non-offenders as soon as reasonably possible. Parents and caretakers should be directed to check with the NOPD Juvenile Intake.
15. **Juvenile non-offenders may not be held in secure custody.**

#### **WARNING OF JUVENILE STATUS OFFENDERS**

16. Upon an officer's finding of probable cause, a juvenile shall not be taken into custody for a status offense, and instead shall be issued a Juvenile Warning Notice and released as appropriate, including to his school, parent, guardian, or to the appropriate intervention center. (See: **Chapter 44.3 – Juvenile Warning Notice**).

#### **CUSTODY OF JUVENILE OFFENDERS OTHER THAN FOR A JUVENILE WARNING NOTICE**

17. Juvenile offenders may be taken into custody under the following circumstances (Ch. C. 812):
  - (a) When the juvenile is the subject of an order of the court requiring detention; or
  - (b) When an officer has probable cause to believe that a juvenile qualifies as a juvenile offender and has committed a felony-grade offense or a state misdemeanor and the arrest would comply with **Chapter 44.3 – Juvenile Warning Notice**.
18. Officers shall not consider of any of the following characteristics of the juvenile and his/her family in discretionary decision-making:
  - (a) Race and ethnicity;
  - (b) Gender, gender identity, and sexual orientation; or
  - (c) Economic status (absent a clear affirmative duty to act or report instances of neglect).
19. Juvenile offenders should be held in non-secure custody unless another form of custody is authorized by this Chapter or is necessary due to exigent circumstances.
20. An officer who takes a juvenile offender into custody other than for a Juvenile Warning Notice (See also: **Chapter 44.3 – Juvenile Warning Notice**) shall immediately submit a sworn written statement (GIST) justifying the custody to the juvenile court. It is first submitted to the officer's immediate supervisor for form and content concurrence and approval. It is then submitted to Juvenile Intake Unit at the time of the juvenile's intake.
21. Juvenile Intake members should take immediate steps to advise the juvenile's attorney or an informed caretaker or other adult interested the juvenile's welfare that the juvenile is in custody and the location of the juvenile (Ch. C. 813; Ch. C. 814).
22. An officer who takes a juvenile offender into custody for a felony or state misdemeanor offense shall promptly prepare a report of the custody (EPR) and submit the report to the Juvenile Intake Unit and the District Attorney or the officer designated by the court to receive such reports. The report should contain the following (Ch. C. 814):
  - (a) The name, address, date of birth, sex and race of the juvenile.
  - (b) The name and address of the parents, caretaker, or spouse, if any, of the juvenile.

- (c) A plain and concise statement of the facts and circumstances of the officer's reasons for taking the juvenile into custody.
  - (d) A plain and concise statement of facts and circumstances showing probable cause that the juvenile committed a delinquent act.
  - (e) A statement describing the disposition of the juvenile, such as indicating whether the juvenile was released to a parent or caretaker, escorted to a juvenile detention facility (YSC), or placed in a shelter care facility.
23. Persons, regardless of age, who are arrested **solely** on a juvenile court warrant shall never be transported to the Orleans Parish Prison for a “courtesy hold” and shall never be held in custody at the Orleans Parish Prison. Such persons are subject to the exclusive jurisdiction of the juvenile court and are juveniles under the law.
24. If there is any doubt about whether a person who is taken into custody is a juvenile or adult, NOPD shall undertake all reasonable efforts to confirm the person’s age and shall never transport a person to Orleans Parish Prison where there is any credible reason to believe that the person is a juvenile.

#### **ADVISEMENTS OF MIRANDA RIGHTS**

25. In any case where a juvenile is taken into custody, the officer should advise the juvenile of his/her constitutional (see: **Chapter 1.9.1 – Miranda Rights; Chapter 44.2 – Juveniles**).

#### **NO-CONTACT REQUIREMENTS**

26. There shall be sight and sound separation between each juvenile and adults in custody (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.
27. 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 juvenile or the adult to prevent sustained contact.

#### **TEMPORARY CUSTODY REQUIREMENTS**

28. A Juvenile Intake Unit member of the same gender as the juvenile shall supervise the personal hygiene activities and care, such as changing clothes or using the restroom.
29. A juvenile offender should remain in the temporary custody of the NOPD no longer than four hours. If the parent or caretaker makes notification of a protracted delay, DCFS will be notified by Juvenile Intake members and arraignments will be made with the YSC for bedding and lodging of the juvenile.
30. Visual checks of juveniles in custody and significant incidents or activities involving the juveniles in custody shall be noted on the juvenile intake log.
31. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. A Juvenile Intake Unit member should inform a juvenile under his/her care that the juvenile will be monitored at all times, except when using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

32. Juveniles shall have reasonable access to toilets and wash basins.
33. Juveniles shall have reasonable access to a drinking fountain or water and to food, if the juvenile is in need of nourishment.
34. Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
35. Juveniles shall have reasonable access to a telephone.
36. Juveniles should have privacy during visits with caretaker or lawyer.
37. 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.
38. Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
39. Juveniles shall have adequate furnishings, including suitable chairs or benches.
40. No form of discipline may be administered to any juvenile. Juveniles shall not be subjected to corporal or unusual punishment, humiliation, or mental abuse.

#### **USE OF RESTRAINT DEVICES**

41. The use of restraints, other than handcuffs, 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.
42. Restraints, other than handcuffs, shall only be used after less restrictive measures have failed and with the approval of the supervisor. Any restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.
43. Juveniles who are handcuffed and/or restrained must be isolated to protect them from abuse and shall be directly observed by an NOPD officer at least once every 15 minutes to ensure the safety and well-being of the juvenile.
44. When handcuffing and/or restraining is permitted by this Chapter, it must be done in accordance with **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**.

#### **PERSONAL PROPERTY OF JUVENILE OFFENDERS**

45. The officer taking custody of a juvenile at the Juvenile Intake Unit 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.
46. 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 kept in a monitored or secure location until the juvenile is released from the custody of the New Orleans Police Department.

### **SECURE CUSTODY**

47. NOPD shall not use secure custody for children under 10 years of age.
48. Members of this department shall not use secure custody for convenience when non-secure custody is, or becomes, a reasonable option.
49. NOPD may hold a juvenile in secure custody if necessary for safety and/or to prevent flight, in consideration of the following criteria:
  - (a) The juvenile's physical and emotional age, maturity, and history of delinquency;
  - (b) The juvenile's behavior; and
  - (c) Availability of staff to adequately supervise the juvenile.
50. Officers shall follow Juvenile Intake facility procedures for inspection of any secure custody locations.

### **CONTACTING JUVENILE SUSPECTS**

51. Officers may not interview or interrogate a juvenile suspect except in the presence of the parent, caretaker or attorney (see: **Chapter 42.11 – Custodial Interrogations; Chapter 44.2 – Juveniles**).
52. As long as the juvenile is in NOPD custody (booking & processing), Juvenile Intake remains the main point of contact for parents and caretakers. Once the juvenile is remanded, the juvenile becomes the responsibility of Orleans Parish Juvenile Court to disseminate information on status, cases and court dates.

### **RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

53. 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).

### **STRIP SEARCHES AND BODY CAVITY SEARCHES OF JUVENILES**

54. All searches of a juvenile offender shall conform to the requirements of **Chapter 1.2.4 – Search and Seizure**. 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 caretaker or attorney (see: **Chapter 1.2.4 – Search and Seizure**).
55. A body cavity search **shall only** be conducted at a medical facility by authorized medical personnel.
56. Completed documentation should be placed in the juvenile's file. A copy of the search warrant shall be retained and made available to the juvenile or other authorized representative upon request.
57. All contraband and weapons should be processed in accordance with the department's

current evidence procedures.

58. The Juvenile Intake Unit member requesting the search shall complete an incident or supplemental report.

### **INSTRUCTIONS - JUVENILE ARRESTS**

59. When probable cause for an arrest of a juvenile is established, the investigating officer shall make the arrest within the guidelines of **Chapter 44.3 – Juvenile Warning Notice**.
60. If the juvenile cannot be located, the officer shall obtain an arrest warrant in accordance with current procedure. (See also: **Chapter 1.9.2 – Arrest Warrants and Wanted Subjects**).
61. Juvenile arrest warrants may be signed by a CDC - Magistrate Judge or a Juvenile Court Judge. **Officers shall make every effort to obtain a Juvenile Judge's signature on a juvenile arrest warrant before resorting to a Magistrate Judge.**
62. In cases where an arrest warrant is necessary, the investigating officer's unit shall be responsible for forwarding a copy of the completed and approved incident report and warrant to the NOPD – NCIC Unit and the Juvenile Intake Unit.
63. Custodial arrests of a juvenile offender shall be made in all felony cases, as well as misdemeanor cases within the guidelines of **Chapter 44.3 – Juvenile Warning Notice**. **Under no circumstance shall an arrested juvenile offender be transported to a district station without prior approval of the officer's supervisor and notification of the Juvenile Intake Unit.** (See: **Chapter 44.2 – Juveniles**).
64. Should transport be delayed due to investigative reasons, the arresting/investigating officer shall notify his/her supervisor.
65. The Juvenile Intake Unit shall inform the arrested juvenile offender's parent or caretaker of the facts of the investigation, the location where the juvenile offender is being held, and the officer conducting the investigation if the is in police custody but not at the Juvenile Intake Unit.
66. Basic questions may be asked relative to the juvenile offender's name, address, age, date of birth, identity of a caretaker, etc., without the presence of a caretaker or attorney.
67. If the offense is one in which the juvenile offender can be charged as an adult, he/she will still be processed as a juvenile offender according to this Chapter.
68. Photographs of arrested juvenile offenders in detention shall be taken for:  
(a) All felony arrests;  
(b) All misdemeanor arrests involving weapons;  
(c) All arrests involving drugs; and  
(d) Orders of the Juvenile Court.

### **TRAFFIC-RELATED ARRESTS INVOLVING JUVENILES**

69. If a juvenile is arrested for violation of R.S. 14 article 98, relative to driving while intoxicated, the juvenile offender shall be physically arrested and transported directly to the hospital prior to transport to the Juvenile Intake Unit.
70. All juvenile traffic violations and subsequent citations shall be handled in the same manner as adult violations, including the offenses that require custodial arrest and

transport to Juvenile Intake (see: **Chapter 61.3 – Traffic Citations**); however, NOPD members must comply with this Chapter and **Chapter 44.2 – Juveniles** for any offenses that require custodial arrest and transport to Juvenile Intake.

71. The original copies of all citations issued to juveniles shall be turned in at the officer's place of assignment and forwarded to the Ticket Processor unless a custodial arrest was made, in which case the citation shall be turned in to Juvenile Intake with any related arrest documentation.

#### **ARRESTS INVOLVING JUVENILES WITH ELECTRONIC MONITORING**

72. Officers arresting a juvenile offender under a signal 21-E (Electronic Monitor Violation) shall transport the juvenile offender to the Juvenile Intake Unit for processing.
73. The incident shall be documented in an incident report (EPR) as an arrest for a Violation of Electronic Monitoring (RS 14:000).

#### **TRUANCY ARRESTS**

74. Officers detaining truant juveniles shall follow the guidelines of **Chapter 44.3 – Juvenile Warning Notice**.

#### **CURFEW ARRESTS**

75. If an officer suspects a violation of the city's curfew ordinance, the officer shall follow the guidelines of **Chapter 44.3 - Juvenile Warning Notice**.

#### **INCIDENT REPORTS**

76. Arresting officers shall complete his/her original incident report, if required, and supply a copy of the report to the Juvenile Intake Unit prior to transferring custody of the arrested juvenile offender. All juvenile reports, including incomplete reports, shall contain a Gist page covering the probable cause for arrest. 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 and approved copy of the offense report to the Juvenile Intake Unit at a later date.
77. In all cases, parents and caretakers are provided with a brief explanation surrounding a juvenile offender's arrest by Juvenile Intake staff. In those cases, involving felonies or capital offenses, the parents and caretakers of juvenile offender arrested subjects are normally briefed on the details by the case investigator prior to the juvenile offender's arrest.
78. In certain misdemeanor offenses covered in **Chapter 44.3 - Juvenile Warning Notice**, no EPR is required. But, if required, 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.
79. **All required offense reports (EPR) submitted to the Juvenile Intake Unit, in conjunction with a custodial arrest, shall be reviewed for form and content and approved by the investigating officer's supervisor prior to the Juvenile Intake Unit accepting custody of the offender unless the Juvenile Intake Unit supervisor**

**grants and documents an exception.**

80. It is the responsibility of the arresting officer's supervisor to forward a copy of any approved supplemental report involving the custodial arrest of a juvenile offender to the Juvenile Intake Unit as soon as possible after supervisory approval. This can be done by informing the Juvenile Intake supervisor of the supplemental by an email with a delivery and read receipt.

**JUVENILE WARNING NOTICE**

81. When utilizing a Juvenile Warning Notice, the investigating officer shall follow the guidelines of **Chapter 44.3 - Juvenile Warning Notice.**



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 44.2

### TITLE: JUVENILES

**EFFECTIVE: 08/26/2018**

**REVISED: 12/20/20**

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#### PURPOSE

The purpose of this Chapter 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.

#### POLICY STATEMENT

1. When an officer can lawfully take a juvenile into custody, based upon the officer's finding of probable cause or pursuant to an order of the court, the officer should, whenever possible, rely on the least restrictive and most reasonable alternative consistent with preserving public safety, order, and individual liberty. See **Chapter 44.3 – Juvenile Warning Notice**.
2. The NOPD Juvenile Intake Unit will not accept or process ANY child under the age of 10 years charged with ANY felony or misdemeanor offense. Those who have not reached the age of 10 years are exempt from criminal responsibility (see: **RS 14:13 – Culpability**).
3. Investigating officers and supervisors shall properly document the incident involving a child under the age of 10 as the perpetrator and consult the Orleans Parish District Attorney's Office for further action.

#### DEFINITIONS

**Delinquent Act**—An act committed by a child of ten years of age or older which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the offense occurred there, or under federal law, except traffic violations. (See: CHC Art. 804). "Delinquent act" shall not include a violation of R.S. 14:82, 83.3, 83.4, 89, or 89.2 for a child who, during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E)).

**Habitual**—A runaway or truant shall be considered habitual when the condition continues to exist after all reasonable efforts by any school personnel, truancy officer, or other law

enforcement personnel have failed to correct the condition after the fifth unexcused absence or fifth unexcused occurrence of being runaway or tardy within a 12-week period.

**Juvenile**— A person under the age of 18 years who has not been judicially emancipated or emancipated by marriage as provided by law.

**Juvenile Offender**—A person under the age of 18 years, who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense), i.e., a Delinquent Act, or who is alleged to have illegal possession of a handgun by a juvenile (R.S. 14:95.8), to have sexted (R.S. 14:81.1.1A (2)), or have committed a direct contempt of court.

**Runaway**—The continued absence of the juvenile (under age 18) from the home of his caretaker without the caretaker's consent (CCH Art. 728).

**Secure Detention Facility**—A facility that provides a physically restricting environment for the temporary care of children in accordance with the Minimum Standards for Licensure of the Louisiana Detention Association (CCH Art. 116).

**Status Offense**—Those acts that would not be a violation if not for the age of the offender (e.g., running away, underage drinking, curfew violation, truancy).

**Truant**—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 (Article 728 of the Louisiana Children's Code).

**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 or 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.

## **JUVENILES AS VICTIMS RUNAWAY / MISSING CLASSIFICATION**

4. 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 can be consulted for assistance, if requested, but members of the Juvenile Intake Unit do not make scenes. (See also: **Chapter 41.23 – Missing Person Reporting**).

## **RUNAWAY JUVENILES**

5. A juvenile can be “missing” unless other information is available to the officer to indicate the juvenile ran away. The 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.

6. When a juvenile has been classified as a runaway, the initial investigation, report and bulletin shall be the responsibility of the district officer. The reporting officer shall use the **Form 7 – Affidavit to Missing Person Report** and indicate in all blanks where “Missing Person” is used that it is a “**Runaway Juvenile**.” 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.
7. If a person refuses to sign, the officer shall note that fact in the narrative and process the report.
8. Bulletins shall include pertinent information, including the name, address and telephone number of a parent or guardian. The NCIC Unit shall enter the runaway information into NCIC upon receipt of the bulletin.
9. Investigating officers shall send a bulletin on return of missing or runaway juvenile who are delivered to the Juvenile Intake Unit for processing.
10. Officers encountering juveniles where it is suspected that the juvenile is a runaway shall make every effort to verify his/her 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, after all reasonable efforts of locating the parents or guardian are exhausted and the parent or guardian is unable to be located, the officer shall transport the juvenile to the Juvenile Intake Unit.
11. When the investigation 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 an investigator to respond to the scene and assume responsibility for the investigation and original offense report.
12. 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 (EPR). The officer shall take the juvenile into protective custody and notify Communications Services to contact the Department of Child and Family Services (DCFS) and the ISB – Special Victims Section – Child Abuse Unit. The officer and juvenile shall remain on the scene until DCFS arrives and assumes custody of the Juvenile.
13. 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. Lost/runaway juveniles or juveniles in protective custody who are **UNDER THE AGE OF 10** are not brought to the Juvenile Intake Unit. The officer must contact the ISB – Special Victims Section – Child Abuse Unit to come to the scene and take custody.
14. Out-of-state runaways have a high probability of involvement in Human Trafficking or the sex trade. The Homeland Security Task Force and the ISB – Sex Crimes – Child Abuse Unit shall be contacted through Communications Services and requested to the scene of any investigation involving an out of state runaway. All out-of-state and out-of-parish runaways must be taken to Juvenile Intake for processing, per the Interstate Compact.
15. No out-of-state runaway will be accepted at the Juvenile Intake Unit without a medical clearance or a forensic interview (see: **Chapter 42.19 – Child Abuse**).

**JUVENILE INVESTIGATIONS**

16. 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 Chief of the Field Operations Bureau.
17. 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.
18. Once the immediate situation is stabilized, the district officer shall contact the District investigative Unit (DIU) to assume the investigation.
19. District Investigative Units shall have the responsibility for investigating all juvenile involved kidnappings, except aggravated kidnappings which will be handled by ISB – Specialized Investigation Section – Narcotics Unit. The Juvenile Intake Unit's supervisors and members shall serve as an information resource to district investigators and officers.
20. The following offenses involving juveniles shall be investigated as listed below:
  - (a) Police Shootings—PIB/Force Investigation team
  - (b) Child Abuse Cases—ISB/Special Victims Section/Child Abuse Unit
  - (c) Sex Offenses—ISB/Special Victims Section/Child Abuse Unit
  - (d) Aggravated kidnapping— ISB/Specialized Investigation Section/Narcotics Unit

**JUVENILE INTERVIEWS AND INTERROGATIONS**

21. Conditions of Interviews and Interrogations:
  - (a) Officers who have taken a juvenile into custody and who desire to conduct an interview or interrogation of the juvenile in one of the Department's authorized Interrogation / Interview Rooms shall first contact his/her immediate supervisor and obtain permission to transport the juvenile to the location and use the Interrogation / Interview Room. The request and authorizing supervisor shall be documented in all subsequent reports.
  - (b) All the requirements of a custodial interrogation in **Chapter 42.11 – Custodial Interrogations** shall be met when conducting an interrogation of a juvenile. Custodial interrogations shall be conducted in one of the Department's authorized Interrogation / Interview Rooms unless articulable exigent circumstances exist. The exigent circumstances shall be documented in the investigative case file and/or incident report.
  - (c) An interview or interrogation of a juvenile shall not be coercive in nature. This means, among other things:
    - i. Prior to commencing an interview/interrogation, and throughout the interview/interrogation, the questioning officers shall ensure that the following amenities are available to juveniles:
      1. Reasonable access to toilets and washing facilities.
      2. Reasonable access to drinking water or another beverage.
      3. Food if the juvenile has not eaten within four hours.
      4. Privacy during visits with parent/legal guardian and lawyer.
      5. Reasonable access to a telephone to contact parent/legal guardian and lawyer.
    - ii. A juvenile shall not be interviewed/interrogated by more than two officers simultaneously. The officers shall not be armed during a custodial interrogation.



- iii. Normally, the interview/interrogation of a juvenile should not go beyond a two-hour session, and frequent breaks should be taken. The investigator should obtain supervisory approval for extending any interview/interrogation and note the reason for the extension in the investigative report along with the supervisor's name.
  - iv. Juveniles shall not be shackled or otherwise restrained during interrogations/interviews unless the juvenile is engaging in behavior likely to cause injury to themselves or others.
22. All provisions of this Chapter, **Chapters 42.11 – Custodial Interrogations** and **Chapter 42.10 - Interviews** concerning the questioning of juveniles apply to alleged school misbehavior and school-based investigations. NOPD members shall not ask school officials or other non-NOPD members to question a student in an effort to circumvent these protections.
23. Consent and Presence of a Caretaker During Interrogation:
- (a) Caretaker Notification:
    - i. The officer who intends to conduct an interrogation or interview of a juvenile must take immediate steps to notify the juvenile's caretaker/parent/guardian immediately after arriving at the NOPD facility where the interrogation is to be conducted.
    - ii. Notification to the caretaker may be made by telephone, in person, or by going to the juvenile's home.
    - iii. When a caretaker is contacted, he/she shall be notified of the following:
      - 1. the juvenile is in custody,
      - 2. the juvenile's location;
      - 3. the reason the juvenile is in custody or to be interviewed;
      - 4. that the officer intends to advise the juvenile of his/her *Miranda* rights;
      - 5. that the juvenile has a right to consult with the caretaker prior to and during any questioning; and
      - 6. that questioning cannot proceed in the absence of a caretaker.
    - iv. Prior to commencing any questioning of a juvenile who is in custody, and prior to advising the juvenile of his/her rights, the officer(s) conducting the custodial interrogation shall obtain the consent of the juvenile's caretaker or attorney. Officers shall not interrogate a juvenile outside the presence of the juvenile's caretaker or attorney.
  - (b) The caretaker and the juvenile must be afforded an adequate opportunity to consult, in confidence and outside of the presence or the hearing of any law enforcement officer, in advance of any interview/interrogation.
24. Advice of Rights Prior to Custodial Interrogation
- (a) Whatever advice of rights has previously occurred, the officer(s) conducting a custodial interrogation of a juvenile must advise the juvenile and the juvenile's caretaker of the juvenile's *Miranda* rights in a manner consistent with the requirements of **Chapter 1.9.1 – Miranda Rights**, and secure a valid waiver from the juvenile and the interested adult present, prior to beginning the custodial interrogation. This advice of rights must be audio-video recorded. (See: **Chapter 1.9.1 – Miranda Rights**).
  - (b) Procedure for Administering Miranda Rights:
    - i. The officer shall provide the juvenile and the caretaker with a copy of the *Miranda* Rights Form:
      - 1. The officer shall give the juvenile the opportunity to read the form to his or herself.
      - 2. The officer shall then read the entire form to the juvenile.

3. After reading each right to the juvenile, the officer shall ask the juvenile to explain, in his or her own words, what that right means.
  - (c) The following language or similar language that attempts to convey the underlying meaning of Miranda, or a translation of the following language if an LEP situation exists, into the language understood by the juvenile, should be used when advising a juvenile of his or her *Miranda* rights:
    - i. You have the right to remain silent. That means you do not have to say anything to me.
    - ii. Anything you say can be used against you in court. That means anything you tell me could be used to try to show that you are guilty.
    - iii. You have the right to get help from a lawyer right now. If you ask for a lawyer, I have to stop this interview until you talk to a lawyer.
    - iv. If you can't pay a lawyer, the court will get you one for free.
    - v. You have the right to stop this interview at any time.
    - vi. Do you want to have a lawyer help you decide if you want to talk to me?
    - vii. Do you want to talk to me?
25. Juveniles can often misunderstand questions. They also often tell adults whatever the adults want to hear. So, when interviewing/interrogating juveniles the following techniques may be useful in avoiding misunderstandings between the interviewer/interrogator and the juvenile:
- (a) Use open-ended, free-recall questions that ask the child to produce a narrative: "What did you do last night?"
  - (b) Use targeted but open-ended questions to get additional information: "You said you were at home last night. Tell me about that."
  - (c) If officers suspect the juvenile is not being truthful, officers should use probing questions that are truthful and in no way deceptive, and avoid outright accusations: "Can you help me understand why there is a Facebook picture that shows you with your friends at a party?"
  - (d) Avoid leading questions, and instead use questions beginning with "who," "what," "where," "when," and "how" to get more information about specific parts of the juvenile's story: "Where was the victim standing?"
  - (e) Officers shall not provide deceptive or misleading information to the juvenile.
  - (f) Avoid offering the juvenile a limited set of options: "Was the victim standing by the couch or by the door?"

## JUVENILE CONSENT SEARCHES

26. Prior to seeking consent from a juvenile to conduct any sort of search of the juvenile's person or property, or any vehicle or premises under the juvenile's control, the officer must receive supervisory approval.
27. If the officer obtains supervisory approval and the juvenile's consent to search, the officer must follow the guidelines of **Chapter 1.2.4 – Search and Seizure** concerning consent to search requirements including his/her right to refuse and to revoke consent at any time.
28. In order to meet the burden of proving the consent is valid, the member seeking consent should use informative language targeted to the juvenile's age, understanding, and cognitive abilities. NOPD members should recognize that in many instances, juveniles may not have the capacity to provide valid consent to search.
29. In making this determination the officer shall consider:
  - (a) The juvenile's age,
  - (b) Education,

- (c) Mental capacity,
  - (d) Background,
  - (e) Prior experience with the juvenile or criminal justice systems,
  - (f) Whether the juvenile is distraught or mentally agitated,
  - (g) Whether the juvenile is under the influence of any mind-altering substances and
  - (h) the nature or circumstances of the search.
30. The search of a juvenile's person shall be conducted by an officer of the gender requested by the juvenile.
31. NOPD members shall not ask school officials or other non-NOPD members to search a student or a student's property student in an effort to circumvent these protections.

### JUVENILE IDENTIFICATIONS

32. Field identifications/Show-Ups, photographic lineups and physical lineups involving juvenile suspects shall follow the same guidelines as for adults. (See: **Chapter 42.8 – Eyewitness Identification**).

### ILLNESS OR INJURIES SUSTAINED BY THE ARRESTED JUVENILE

33. 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 (see: **Chapter 71.1 – Prisoner Transportation and Guarding**).
34. If the arrested juvenile is refused by the Juvenile Intake Unit for medical reasons / treatment and later returns for processing and booking, the juvenile detective on-duty will notify the parent or guardian of the juvenile's medical condition and status within the first hour of his/her arrival at the Juvenile Intake Unit.
35. Arrested juveniles shall not be left unattended at a medical facility when in custody of the Department. The arresting officer or an officer assigned to guard duty shall remain at the medical facility until a custodial release is obtained, if the incident for which the juvenile is accused permits such release.
36. In the event an arrested juvenile is to be admitted to a medical facility, the arresting officer shall immediately notify his/her immediate supervisor. The arresting officer's supervisor shall be responsible for establishing the guard detail. If the guard detail is cancelled by a supervisor, the supervisor cancelling the guard detail shall insure that a warrant is issued for the juvenile's arrest upon release of the juvenile from the medical facility. Once in custody, the juvenile shall be transported to the Juvenile Intake Unit for processing.

### JUVENILE DETENTION HEARINGS

37. If the offense took place when the arrested subject was under 18 years of age, and the arrested subject is, at the time of arrest 18 or older, arresting officers shall contact the Juvenile Intake Unit to determine the appropriate recommended charges and if the arrested subject is to be brought to Central Lockup for intake or booking.
38. Juvenile Court intake personnel (not NOPD Juvenile Intake Unit members) will assess the arrested juvenile and assigns a Risk Assessment Instrument (RAI Score) score to the subject to determine if the juvenile is held for detention or released. The outcome of the assessment shall be relayed to the NOPD Juvenile Intake Unit.

39. Anytime an arrested juvenile is detained in the Youth Study Center (YSC), the arresting officer's appearance at the scheduled detention hearing shall be mandatory.

40. Juvenile offenders held in the Youth Study Center (YSC) shall be brought to a detention hearing the day following his/her arrest, weekends and holidays excluded, in Juvenile Court.

### **YOUTH STUDY CENTER (YSC)**

41. 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.
42. If the arrested juvenile is assigned a detention hearing the next day, the arresting officer must sign the Notification Detention Log, located in the Juvenile Intake Unit, upon completion of the incident report and related paperwork.
43. 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/she make every effort to notify the issuing officer of the pending detention hearing and the mandatory appearance.
44. 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.
45. Only one arresting officer, or one officer who obtained the arrest warrant, need 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.

### **STATUS OFFENSES**

#### **TRUANCY**

46. Refer to **Chapter 44.3 – Juvenile Warning Notice** for more information.
47. When an officer observes a person between 7 and 17 years of age, off school property during periods of time when school is in session, the person will be questioned to ascertain the reason for his/her absence from school.
48. There is an exception if the person has already graduated from high school prior to age 17.
49. If there is no valid reason for the absence from school and no criminal charges are involved, the officer shall:
  - (a) Advise Communication Services of the location and nature of the stop.
  - (b) Transport the juvenile to his/her school or the Youth Opportunity Center (1331 Kerlerrec Street) as appropriate (see below).
  - (c) Complete an electronic Field Interview Card.
  - (d) Complete a Juvenile Warning Notice.
  - (e) Convey the Juvenile Warning Notice to the Youth Opportunity Center (with or without the juvenile as appropriate).
50. When a school absentee is not involved in a criminal offense, the officer shall transport the school absentee to:
  - (a) The school if it is in the district of occurrence, or

- (b) The school if it is in an adjacent district and the officer's supervisor authorizes the transport, or
- (c) The Youth Opportunity Center when the absentee's school is outside the District of occurrence and a supervisor has not authorized the direct transport to the school.

51. If the school absentee (truant) is being investigated in relation to a criminal offense, he/she is to be handled and processed according to the provisions of this Chapter, **Chapter 44.3 – Juvenile Warning Notice**, and **Chapter 44.1.4 – Temporary Custody of Juveniles**.

### **CURFEW**

52. If an officer suspects a violation of the city's curfew ordinance (**MCS 54-414**), the officer shall immediately detain and interview the suspected offender.
53. If the suspect is 16 years of age or younger, and is not engaged in one of the exempted activities defined in the municipal ordinance, the officer shall issue a Juvenile Warning Notice and release as appropriate. (See: **Chapter 44.3 – Juvenile Warning Notice**).
54. Exempted activities include any minor who is:
- (a) Accompanied by the minor's custodian (*Custodian* means a parent as defined in Louisiana Children's Code, Article 116 or a person with legal custody as defined in Louisiana Children's Code, Article 116 to whom the care or supervision of the child has been temporarily and lawfully delegated or assigned.);
  - (b) On a reasonable errand (*Reasonable errand* means the activity of a minor pursuant to a custodian's direction in a public place or establishment in order to accomplish an emergency mission or a legitimate family function in a normal and customary fashion considering the time of day, or going to or returning home from such an activity without any detour or stop.);
  - (c) In a motor vehicle involved in interstate travel;
  - (d) Engaged in an employment activity pursuant to the minor's custodian's direction, or going to or returning home from such an employment activity without any detour or stop;
  - (e) Involved in an emergency (*Emergency* means an unforeseen circumstance or the resulting state that demands for immediate action including, but not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.);
  - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, with the next-door neighbor's consent; or
  - (g) Attending an official school, religious, or other recreational activity supervised by adults or sponsored by the city or another public body, a civic organization, or other similar entity that takes responsibility for the minor; or going to or returning home from such an activity, without any detour or stop; or exercising First Amendment rights protected by the United State Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

### **CURFEW ENFORCEMENT ACTIONS**

55. A juvenile shall not be taken into custody for a status offense. The officer shall issue a **Juvenile Warning Notice** (see: **Code of the City of New Orleans, Section 102-1**) and release the juvenile to the school, parent, guardian or appropriate intervention center as appropriate. See **Chapter 44.3 – Juvenile Warning Notice**.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 44.3

### TITLE: JUVENILE WARNING NOTICE AND SUMMONS

**EFFECTIVE: 8/26/2018**

**REVISED: 10/07/18, 11/18/18, 12/20/20**

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#### PURPOSE

The purpose of this Chapter is to provide officers of the New Orleans Police Department with guidelines regarding when to take juveniles into custody and when to issue a Juvenile Warning Notice or Juvenile Summons only.

#### POLICY STATEMENT

1. When an officer can lawfully take a juvenile into custody, based upon the officer's finding of probable cause or pursuant to an order of the court, the officer should, whenever possible, rely on the least restrictive and most reasonable alternative consistent with preserving public safety, order, and individual liberty.
2. Juveniles may only be charged with State criminal charges, whether by summons or in an EPR for custodial arrest and booking, not the municipal equivalent.

#### DEFINITIONS

**Delinquent Act**—An act committed by a child of ten years of age or older which, if committed by an adult, is designated an offense under the statutes or ordinances of this state, or of another state if the offense occurred there, or under federal law, except traffic violations. (See: CHC Art. 804). "Delinquent act" shall not include a violation of R.S. 14:82, 83.3, 83.4, 89, or 89.2 for a child who, during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E).

**Juvenile**—A person under the age of 18 years who has not been judicially emancipated or emancipated by marriage as provided by law.

**Juvenile Warning Notice**—An oral notice issued to a juvenile, following an officer's finding of probable cause, in lieu of taking the juvenile into custody and referring the juvenile for prosecution.

**Juvenile Summons**—An instrument used to counsel and release a juvenile to the care of his/her parent or guardian upon his/her parent's or guardian's written promise to bring the juvenile to court at such time as may be fixed by the court, pursuant to La. Ch. Code article 814(B)(1).

**Juvenile Habitual Offender**—A juvenile with a criminal history of two or more felony convictions or five or more felony or misdemeanor arrests for any offense. (See: **Section 102-1 of the Code of the City of New Orleans.**)

**Juvenile Offender**—A person under the age of 19 years, who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense), i.e., a Delinquent Act, or who is alleged to have illegal possession of a handgun by a juvenile (R.S. 14:95.8), to have sexted (R.S. 14:81.1.1A (2)), or have committed a direct contempt of court.

**Protective Custody**—Taking a child into custody without a court order based on reasonable grounds to believe that the child's surroundings are such as to endanger the child's welfare and immediate removal appears to be necessary for the child's protection (La. Ch.C. art. 621).

**Status Offense**—Those offenses that would not be a criminal violation if not for the age of the offender (e.g., running away, underage drinking, curfew violation, truancy).

### STATUS OFFENSE

3. A juvenile shall not be taken into custody for a status offense, alone. The officer shall issue a **Juvenile Warning Notice** (see: **Code of the City of New Orleans, Section 102-1**) and release the juvenile as appropriate, including to the:
  - (a) Juvenile's school administrator if during school hours;
  - (b) Juvenile's parent or guardian; or
  - (c) The appropriate intervention center such as the Youth Opportunity Center during working hours.

### DELINQUENT ACTS

4. A juvenile who has not been previously arrested or received a Juvenile Warning Notice for a delinquent act in the prior 365 days shall be issued a Juvenile Warning Notice when an officer finds probable cause for any of the following misdemeanor-grade delinquent acts, or attempts thereof, and shall be released as appropriate, including to the juvenile's school administrator if during school hours, parent, guardian, or appropriate intervention center:
  - (a) Criminal mischief;
  - (b) Criminal trespass;
  - (c) Disturbing the peace;
  - (d) Misdemeanor illegal possession of stolen things;
  - (e) Misdemeanor obstruction of justice;
  - (f) Misdemeanor theft or theft of goods;
  - (g) Obstruction of public passages;
  - (h) Simple assault;
  - (i) Simple battery; or
  - (j) Simple possession of marijuana.
5. A juvenile who does not meet the guidelines above for a Juvenile Warning Notice for a simple assault or simple battery offense, or attempts thereof, [(4(h) and 4(i) cannot be issued a summons and released. He/she shall be custodially arrested, booked, and processed at the Juvenile Section under an affidavit for the offense as DNA sampling and testing may be required. (see: RS 15:603(10) and RS 15:609).

### JUVENILE WARNING NOTICE

6. When issuing a Juvenile Warning Notice, the investigating officer shall:
  - (a) Obtain an Item Number from Communications Services for an appropriate police



signal and supply a disposition of “**N.A.T., one juvenile warning notice**” when completed.

- (b) Document the stop and Juvenile Warning Notice in an FIC. (See: **Chapter 1.2.4.1 – Stops / Terry Stops**).
  - (c) Instruct the juvenile to immediately advise his/her parent or guardian of the Juvenile Warning Notice.
  - (d) Release the juvenile as appropriate, including to the juvenile’s school administrator if during school hours, parent, guardian, or appropriate intervention center.
7. When an officer finds probable cause for any of the enumerated offenses listed in this Chapter and the juvenile has previously been arrested or already received a Juvenile Warning Notice for any delinquent act in the prior 365 days, unless otherwise restricted by this Chapter, the officer may exercise his/her discretion to issue a Juvenile Warning Notice or Juvenile Summons in lieu of a custodial arrest, in all cases, the officer should rely on the least restrictive and most reasonable alternative consistent with preserving public safety, order, and individual liberty.
8. Prior Juvenile Warning Notices can be found in the Departmental FIC database.

### JUVENILE SUMMONS AND RELEASE

9. Juvenile Summonses shall be issued when the juvenile is:
- (a) Engaged in misdemeanor grade delinquent act not listed in this Chapter for **Juvenile Warning Notice**;
  - (b) Engaged in misdemeanor grade offenses that are listed herein for **Juvenile Warning Notice** when the juvenile has previously been arrested or already received a Juvenile Warning Notice for any delinquent act in the prior 365 days and the circumstances warrant that the officer exercise his discretion to issue a summons; or
  - (c) Has an outstanding warrant for misdemeanor grade delinquent act or for “Failure to Appear” unless a judge has ordered that the juvenile be detained.
10. When citing a juvenile solely for one of the violations enumerated herein for summons and release, an officer shall issue a Juvenile Summons and may not make a custodial arrest, except when one of the following circumstances exists:
- (a) The juvenile’s parent or guardian cannot be located after reasonable efforts have been made;
  - (b) The juvenile’s parent or guardian does not possess identification issued by municipal, state, territorial, federal, or other governmental authority;
  - (c) The juvenile’s parent or guardian makes a statement that indicates an intent to disregard the Juvenile Summons, or his/her parent or guardian refuses to sign the Juvenile Summons;
  - (d) The juvenile acts in a violent or destructive manner or makes a statement indicating that he/she intends to inflict injury to self or another or damage to property;
  - (e) The juvenile is a Juvenile Habitual Offender;
  - (f) The offense for which the officer stopped the juvenile is one involving simple battery or simple assault pursuant to R.S. 14:35 or R.S. 14:38.
  - (g) The offense for which the officer stopped the juvenile is one involving weapons;
  - (h) The offense for which the officer stopped the juvenile is one involving domestic violence pursuant to R.S. 14:35.3, and the officer deems that the child poses a threat to another household member or family member (see: **Chapter 42.4 – Domestic Violence**); or
  - (i) Based on the circumstances, the officer determines that it is **absolutely**

necessary to make a custodial arrest and the arrest decision is concurred by the officer's supervisor.

11. If one of the circumstances listed immediately above (other than 10(i)) does exist, the officer may still use discretion to issue a Juvenile Summons instead of making a custodial arrest.
12. Notwithstanding the provisions of the prior paragraphs regarding Juvenile Summons and release, above, an officer may use his/her discretion to take a juvenile into lawful, protective custody, instead of issuing a Juvenile Summons if:
  - (a) The juvenile has no identification and refuses to cooperate in locating a parent or guardian, but the officer will first make an independent reasonable effort to locate a parent or guardian before taking the juvenile into custody;
  - (b) The juvenile requires medical examination or medical care, or if he or she is unable to care for his/her own safety (including self-harm); however, the officer shall ensure the juvenile is examined by a medical professional and provided treatment before taking the juvenile into custody; or
  - (c) The juvenile is so intoxicated that he/she could be a danger to himself/herself or to others.
13. If the officer exercises discretion as outlined above in taking a juvenile into protective custody, rather than issuing a Juvenile Summons, the officer must document the reason(s) for the exercise of discretion in the FIC, affidavit or EPR. The officer shall notify Communications Services to contact the Department of Child and Family Services (DCFS) if such a custody occurs and immediately transport the juvenile to Juvenile Intake Unit unless medical attention is required. The Juvenile Intake Unit member will contact DCFS for follow-up as well.
14. Members who 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 notify the Child Abuse Unit (La. Ch.C. arts. 609-610). (See also: **Chapter 42.19 – Child Abuse** for protective custody requirements).
15. For purposes of notification of a parent or guardian and obtaining the required signature for a Juvenile Summons, officers may:
  - (a) Wait on the scene for a reasonable amount of time, including the time necessary to have the juvenile call his/her parent or guardian, have the officer call the parent or guardian, have the officer transport the juvenile to the residence to contact the parent or guardian to obtain the required signature or request another police unit to go to the residence to contact the parent or guardian to obtain the required signature;
  - (b) Transport the juvenile to his/her parent or guardian if he/she is within a reasonable travel distance to obtain the signature; or
  - (c) Transport the juvenile to Juvenile Intake if the officer cannot obtain the necessary signature within the guidelines of (a) or (b) above.
16. Juvenile Intake will accept the juvenile and continue to attempt to contact the parent or guardian after the juvenile is turned over to Juvenile Intake.
17. In cases where a Juvenile Summons or Affidavit is issued as covered in this Chapter, an EPR by the original officer(s) **is required** and must contain the details of the attempts by the officer(s) to contact the parent or guardian if a signature was not obtained.
18. The required EPR, the signed summons, and all required paperwork and documents, along with all supervisory approvals and signatures, shall be completed and submitted

to the Juvenile Section prior to the issuing and reporting officer's ETOD. In addition, the officer shall notify a member of the on-duty Juvenile Section at 504-658-5265 whenever a juvenile summons is issued.

### SUMMONS REQUIREMENTS FOR JUVENILES

19. Any Juvenile Summons issued **shall** (see: C. Cr. P. 208; C. Cr. P. 211.1) meet the requirements of **Chapter 41.8 – Affidavits and Summons** and must be signed by the parent or guardian.
20. After determining that a Juvenile Summons may be issued in lieu of custodial arrest, officers shall ensure that the parent or guardian acknowledges that his/her signature is his/her written promise to appear with the juvenile on the date, time and place specified by Juvenile Court for appearance.
21. Cases involving felony and misdemeanor charges will not be separated into different cases. If a misdemeanor charge is part of a felony arrest, the misdemeanor will be charged as a state law violation. (Example: If a juvenile is arrested for armed robbery (a felony) and is in possession of a small amount of marijuana (misdemeanor), the officer shall book with RS14:64 and RS40:966.)
22. All summonses that are issued to a juvenile as a “stand alone” **misdemeanor charge** (no felony charges) shall also be documented in an electronic Field Interview Card (FIC). (Refer to **Chapter 1.2.4.1 – Stops / Terry Stops** for completion of documentation.)
23. Juvenile Summons (summons and release) cases shall be set by Juvenile Court. The eCitation system will indicate “To Be Set” on the form; the issuing officer does not need to determine or set a date.
24. The electronic version (eCitation) and any hard copy paper Summon shall be conveyed to the Juvenile Section, along with all related ERPs, by the issuing and reporting member prior to the member's ETOD. All required documents must be approved / signed by the member's supervisor prior to the member's ETOD.
25. The Juvenile Section is responsible for the processing of the Summons, Affidavits, and related paperwork (EPR) with the Orleans Parish District Attorney's Office – Juvenile Division for screening.

### JUVENILE ARREST CASES FOR MISDEMEANOR OFFENSES

26. Officers shall handle juvenile custodial arrests on misdemeanor charges pursuant to **Chapter 44.1.4 – Temporary Custody of Juveniles**.

The required EPR, the affidavit (eCitation or hard copy), and all related paperwork and documents, along with all required supervisory approvals and signatures shall be conveyed to the Juvenile Section when the juvenile is delivered for booking and processing.

### REPORTING

27. The issuing officer shall record the issuance of the Juvenile Warning Notice, Juvenile Summons, or Juvenile Affidavit in an FIC. (See also: **Chapter 41.12 – Field Interview Card**). The juvenile offender information, along with the offense for which it was issued, shall be recorded and retained in the Departmental FIC database in such a fashion as to be accessible to officers in the future.

28. When an officer issues a Juvenile Summons, the officer must document and report details of the incident in accordance with La. Ch. Code article 814(E) and (F). The officer must also secure a written promise from the juvenile's parent or guardian to bring the child to court, pursuant to La. Ch. Code article 814(B)(1). At a minimum, the summons must contain the following information:
- (a) The name, address, date of birth, sex, and race of the juvenile.
  - (b) The name and address of the parent or guardian, or spouse, if any, of the juvenile.
  - (c) A plain and concise statement of the facts and circumstances of the officer's taking the juvenile into custody or issuing the Juvenile Summons.
  - (d) A plain and concise statement of facts and circumstances showing probable cause that the juvenile committed a delinquent act.
  - (e) A statement indicating whether the juvenile was released or placed in a shelter care facility (YOC).
  - (f) An explanation of the reasons whenever an officer exercises discretion for issuing a Juvenile Summons in lieu of issuing a Juvenile Warning Notice or making a custodial arrest as allowed above.
29. When an officer effectuates a custodial arrest of a juvenile, the officer shall appropriately document all information, including specifying the circumstances justifying the custodial arrest in an EPR for all charges as appropriate pursuant to **Chapter 44.1.4 – Temporary Custody of Juveniles**.
30. In all cases involving domestic violence, including those where the juvenile is issued a summons in lieu of custodial arrest, an EPR shall be written. (See **Chapter 42.4 – Domestic Violence**.)
31. NOPD shall prepare and submit quarterly reports to the Criminal Justice Committee of the City Council. Such reports shall include the following data from the preceding quarter:
- (a) The number of juvenile custodial arrests and reasons for those arrests;
  - (b) The number of unique juveniles under custodial arrest;
  - (c) The number of Juvenile Warning Notices and reasons for those notices;
  - (d) The number of unique juveniles issued a Juvenile Warning Notice;
  - (e) The number of Juvenile Summonses and reasons for those Juvenile Summonses;
  - (f) The number of unique juveniles issued a Juvenile Summons;
  - (g) The number of juvenile custodial arrests made in instances where the juvenile was eligible to receive a Juvenile Warning Notice and the reasons for those custodial arrests;
  - (h) The number of Juvenile Summonses issued in instances where the juvenile was eligible to receive a Juvenile Warning Notice and the reasons for those Juvenile Summonses;
  - (i) The number of Juvenile Summonses issued where the juvenile was eligible for a custodial arrest;
  - (j) The number of juvenile custodial arrests made in instances where the juvenile was eligible to receive a Juvenile Summons and the reasons for those custodial arrests; and
  - (k) The number of juveniles under custodial arrest who previously received a Juvenile Warning Notice or Juvenile Summons.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 45.2

### TITLE: EMERGENCY UTILITY NOTIFICATION

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy430**

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#### PURPOSE

The City of New Orleans has personnel available to handle emergency calls not related to law enforcement issues 24 hours a day, seven days a week. Non law enforcement calls for service during non-business hours for other City departments are frequently directed to the New Orleans Police Department. This Chapter provides guidelines for handling non law enforcement related calls for service normally involving other City agencies that do not provide emergency response after normal working hours.

#### POLICY

1. The New Orleans Police Department may respond to emergency utility calls on a Code 1 basis when no other law enforcement related calls are pending except as otherwise noted in this Chapter.

#### BROKEN WATER LINES

2. 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.
3. Upon observing a damaged water line, the officer shall advise Communications Services of the location. Communications Services shall make the necessary notification to the proper maintenance agency.
4. If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by Communications Services. Emergencies can also be reported directly to the New Orleans Sewerage & Water Board via 24-7 helpline (504) 529-2837 or online at [http://www.swbno.org/form\\_reportaleak.asp](http://www.swbno.org/form_reportaleak.asp).

#### ELECTRICAL LINES

5. 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.

6. Upon observing a downed power line, the officer shall advise Communications Services of the location. Communications Services shall make the necessary notification to the proper maintenance agency. Electrical service in New Orleans is provided by Entergy New Orleans, Inc. Citizens can report emergencies directly via 9-1-1 or by calling 1-800-ENTERGY (1-800-368-3749).

#### **NATURAL GAS LEAK**

7. Natural gas services in New Orleans are provided by Entergy New Orleans, Inc. Entergy Gas Service Representatives are available 24 hours a day, 7 days a week. In the event of a natural gas emergency, an officer shall advise Communications Services of the location. Communications Services shall make the necessary notification to the proper maintenance agency. Emergency contact gas control numbers are:
  - (a) 1-504-670-3544 (Local) or
  - (b) 1-800-648-7411 (toll free)

#### **TRAFFIC SIGNAL MAINTENANCE**

8. 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.
9. Upon observing a damaged or malfunctioning signal, the officer will advise Communications Services of the location and problem with the signal. Communications Services shall make the necessary notification to the proper maintenance agency.

#### **EMERGENCY NUMBERS**

10. A current list of emergency personnel who are to be notified or call out for any municipal utility emergencies will be maintained by Communications Services.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.1

### TITLE: HOSTAGE, BARRICADE AND SNIPER INCIDENTS

**EFFECTIVE: 11/26/2017**

**REVISED: Replaces Policy/Procedure 414**

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#### PURPOSE

The purpose of this Chapter is to provide guidelines for situations where a person refuses to submit to the lawful requests of the officers by barricading themselves in a structure or vehicle, creating a sniper situation and/or by taking a hostage.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to address snipers, 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.
2. The scope of this Chapter is not intended to address all variables that officers encounter during their initial response or when a sniper, hostage or barricade situation has developed nor does it require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### DEFINITIONS:

Definitions relevant to this Chapter 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. An incident 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.

#### COMMUNICATION WITH SUBJECTS ON SCENE

3. Responding officers 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 the Special Operations Division (SOD) Tactical Commander. Officers should only attempt to identify any additional subjects, inquire about victims and injuries and gather intelligence information.
4. When available, Crisis Negotiation Team (CNT) members shall respond to the scene as soon as practicable and take over communication responsibilities, at the direction of the SOD and Incident Commander. CNT members are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources. (See: **Chapter 46.7 – Crisis Response Unit**).

### **FIRST RESPONDING OFFICER'S RESPONSIBILITIES**

5. 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.
6. In those incidents where the suspect 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 suspect(s) can escape.
7. During sniper situations, officers should determine areas vulnerable to the suspect shooter'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.
8. The first responding officer should immediately request a supervisor respond to the scene as soon as he/she has determined that a hostage or barricade situation exists.
9. The first responding officer shall assume the duties of the Incident Commander until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to other officers, to the persons involved, to bystanders, and the resources currently available.
10. The Incident Commander 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.
11. All transfers of command shall be broadcast to Communications Services on air and specifically identify the ranking members involved and the specific time of transfer.

### **BARRICADE SITUATION**

12. 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, while waiting for the Crisis Response Unit, District 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 but inside the outer perimeter.
  - (c) Establish a patrol emergency/arrest response team prior to SWAT arrival. The



team actions may include:

- Securing any subject or suspect who may surrender.
- Taking action to mitigate a lethal threat or behavior.
- Evacuate any injured persons or citizens in the zone of danger if it can be done without placing them at risk.
- Attempt to establish preliminary communications with the suspect.

**(NOTE: 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.

13. If necessary and available, establish a tactical or exclusive radio frequency for the incident through Communications Services. Have Communications Services broadcast the location of the incident on all channels to let other officers know to avoid the area.

### HOSTAGE SITUATION

14. Unless circumstances require otherwise, officers handling 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:
- (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 patrol emergency/arrest 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: **Chapter 46.14 – Active Shooter.**)
  - (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 Communications Services.
15. 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 Communications Services and a District supervisor.

16. Supervisory personnel shall maintain control of the incident (traffic routes, responding units and accessibility) as they would for a foot or vehicle pursuit. (See: **Chapter 41.4 – Foot Pursuits and Chapter 41.5 – Vehicle Pursuits**).

### **SUPERVISOR RESPONSIBILITIES**

17. Upon being notified that a hostage or barricade situation exists, the District 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 once briefed and 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, and telephone service).
  - (h) Ensure adequate law enforcement coverage for the remainder of the District / 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 department 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.

### **SWAT RESPONSIBILITIES**

18. The highest ranking officer on the scene should assume the role of Incident Commander once briefed by the on scene IC and will utilize available on duty officers to maintain effective inner and outer perimeters until the arrival of the Special Operations Division Commander or his/her designee who shall assume tactical responsibility.
19. The Incident Commander will be responsible for setting up a Command Post, an outer perimeter utilizing on-duty District personnel unless or until sufficient Special Operations Division personnel or officers from other specialized assignments (i.e., SOD Traffic) are available for outer perimeter control.
20. The SOD Commander will be responsible for field related tactical measures from which to assure containment, control and handling of the incident.
21. The Incident 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. The

Incident Commander shall be responsible for control of all police personnel and the monitoring of police officer safety.

### **MEDIA COORDINATION**

22. All media activities will be coordinated under the guidance of the department's Public Information Officer. The Public Information Officer is directed to contact the Incident Command Post on arrival at the scene of the incident. Media releases will be made in accordance with department policy and only with the acknowledgment and permission of the Commander of the Special Operations Division.

### **REPORTING**

23. The first responding officer from the district of occurrence shall be responsible for the completion of the initial incident report (EPR).
24. District officers, assigned by the Incident Commander, shall be responsible for obtaining warrants and/or Order of Protective Custody (OPC) papers that are necessary.
25. Once they have assumed command of the scene the Special Operations Division shall complete a Supplemental Report, to the initial report written by the first responding officer from the district of occurrence.
26. The Special Operations Division shall complete reports of its deployments required by **Chapter 46.7 – Crisis Response Unit - SWAT**. A copy of SOD's reports shall be forwarded to the unit or division conducting the original investigation.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.02.1

### TITLE: FIRST AMENDMENT ASSEMBLIES, MASS DEMONSTRATIONS, AND CIVIL DISTURBANCES

EFFECTIVE: 10/18/2020

REVISED: 8/13/2023

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#### PURPOSE

The guidelines in this policy (**with chapter 1.3 - Use of Force and Chapter 1.3.6 - Reporting Use of Force**) are to ensure that this department is prepared to respond effectively and efficiently in accordance with applicable law to any unlawful conduct occurring in the context of First Amendment assemblies, demonstrations, rallies, marches, picket lines, or other similar gatherings conducted by persons expressing their political, social, or religious views.

#### POLICY STATEMENT

1. This Chapter established general policy and shall serve as the framework for all standard operating procedures for members in dealing with all demonstrations, rallies, marches, picket lines, or other similar gatherings conducted for the purpose of persons expressing their political, social, or religious views. This Chapter may exceed constitutional requirements and attempts to satisfy heightened requirements of statutory law and best practices.
2. The Chapter recognizes the concept of operational flexibility within the requirements of the National Incident Management System (NIMS). It is impossible to devise specific standard procedures for handling all possible situations, for each has its own characteristics and problems. The overarching philosophy is one of moderation, flexibility, and controlled response. Since each situation is unique, commanders and supervisors must plan to respond according to the nature and size of the crowd. The tactical procedures established within this Chapter are a guide, and not a substitute for

the exercise of sound judgment and proper command, control, and supervision within the context of general departmental policy.

3. It is imperative that members of the New Orleans Police Department understand their role during mass demonstrations and major disturbances in our city and how the department prepares itself to fulfill this role.
4. The New Orleans Police Department recognizes that persons and groups have a right to organize and participate in peaceful First Amendment assemblies on the streets, sidewalks, other public ways, and in the parks of the City of New Orleans. To engage in First Amendment assembly near the object of their protest so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, property, and to accommodate the interest of persons not participating in the assemblies to use the streets, sidewalks, and other public ways to travel to their intended destinations, and use the parks for recreational purposes.
5. It is the statutory responsibility of the New Orleans Police Department to preserve the public peace, to prevent crime, arrest offenders, and to protect the rights of persons and of property. As part of this responsibility, the department provides trained personnel to respond to the scene of First Amendment assemblies in our city to preserve peace while protecting the constitutional and statutory rights of people to assemble peacefully and exercise free speech. In fulfilling these responsibilities, the department will make reasonable efforts to employ methods of crowd management that do not involve custodial arrests as the primary means of maintaining order. Should such methods prove unsuccessful, custodial arrests shall be made of individuals for specific violations of the law. To the extent possible under the circumstances, arrests shall be made in an organized manner by units at the direction of the Superintendent of Police or his/her designee.

## **DEFINITIONS**

Definitions related to this Chapter include:

### **Civil Disturbance—**

A generic term for all forms of civil disobedience, demonstration, protest, march, or riot.

**Civil Disobedience** - the refusal to obey civil laws to affect change in government.

**Civil Disorder** - Group acts of violence and disorder prejudicial to public law and order.

**Civil Protest/Demonstration—**A person or persons who overtly take a public action to physically demonstrate their/his/her views concerning the support, contradiction or other statement or issue involving politics, government, law enforcement, etc.

**Crowd Management** - the monitoring and peaceful response to a civil disturbance to ensure public safety and the de-escalation of any agitators BEFORE an event becomes non-peaceful, as a means of ensuring the protection of First Amendment rights with minimal interference, while ensuring public safety for everyone.

**Crowd Control** the tactical response to civil disorder by law enforcement.

**Event** – a happening that was planned or anticipated in advance.

**Incident** – a happening that was not anticipated or expected.

**Incident Action Plan (IAP)** – An oral or written plan containing a general objective reflecting the overall strategy for managing an incident (time permitting, the IAP should be a written document). It shall include the identification of operational resources and assignments, as well as plans and contingencies for the demobilization of resources at the conclusion of the operation. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods. (see: ICS Form 202).

**Incident Commander (IC)** – The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. Responsibilities of the IC begins with the officer handling the original call to the chief of the department and any additional qualified officers, depending on the size, scope and complexity of the incident or event.

**Kettling** - confinement by police of a group of demonstrators or protesters in a small area, as a method of crowd control.

**Mobil Field Force (MFF)** – a selected group of commissioned members, both officers and supervisors, who provide a pool of trained and equipped officers to respond to civil protests / demonstrations and civil disturbances under an incident command structure or Operations Plan.

**Operations security (OPSEC)** - a process that identifies **critical information** to determine if planned actions or assessments by law enforcement can be observed or inferred by civil disturbance leaders, to determine if information obtained by protestors/demonstrators could be interpreted to be useful to them or propagandized, and then execute selected measures that eliminate or reduce the exploitation of friendly critical information.

**Protest** – an organized public demonstration of disapproval, complaint, objection or display of unwillingness, usually to an idea or course of action.

**March** - an event in which many people walk through a public place to express their support for something, or their disagreement with or disapproval of something.

**Riot** - A riot is defined by state law as a public disturbance involving an assemblage of three or more persons acting together or in concert which by tumultuous and violent conduct, or the imminent threat or tumultuous and violent conduct, results in injury or damage to persons or property or creates a clear and present danger or injure or damage to persons or property (LA R.S. 14:329.1).

**Riot control agents / chemical agents** - (sometimes referred to as “tear gas”) are **chemical compounds** that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin.

**Rules of Engagement (ROE)** - are the internal rules or directives within an Operations Order or Incident Action Plan that define the circumstances, conditions, degree, and manner in which actions, which might be construed as provocative, may be applied. They provide authorization for and/or limits on, among other things, the use of force and the employment of certain specific

capabilities. ROE are lawful commands. Rules of Engagement do not normally dictate how a result is to be achieved, but will indicate what measures may be unacceptable.

**Uniformed Extraction Team (UET)** – A group of police officers that are assembled to enter the crowd when directed and remove any protesters that are determined to be unruly, rescue injured people or isolated officers. .

**Specialized Weapons** - weapons which require specialized training, certification, and authorization prior to use, such as chemical agents, 40mm launchers, stinger rounds and grenades, flashbangs, LRAD systems, etc. (see: **Chapter 46.2.3 – CRU SWAT Equipment and Storage.**)

**Specialty Impact Munitions** - Refers to extended range impact munitions. These munitions may include impact rounds containing chemical agents.

**Terrorism**—The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives.

**Unlawful Assembly-** A “compelling or clear evidence” of an intent to use or incite violence. However, acts of violence by a small number of participants do not render a whole assembly violent or an unlawful assembly. If there is violence and property damage and danger around the circumstances, that might impact whether the announcement to disperse will be given.

## **ORGANIZATIONAL AUTHORITY**

6. The Superintendent of Police, or specific individual designated by him/her in the chain of command, or by virtue of deployment of personnel pursuant to an Operations Plan / Incident Action Plan will be the Incident Commander at scenes of First Amendment assemblies.
7. Incident Command responsibility, once established, does not pass from one officer or official to another simply by virtue of the appearance or arrival at the scene of a First Amendment assembly of an official senior in rank to the officer or official operating as the Incident Commander. Incident Command responsibility passes in such instances **only upon acceptance and overt acknowledgement of that responsibility** by the senior official. Any change in Incident Commander shall be disseminated to all members participating in the incident.
8. Each civil disturbance situation is unique, and commanders and supervisors must, therefore, plan and respond according to the nature and size of the disturbance. The policies and procedures presented in this chapter are based upon the concept of operational flexibility, and it is expected that officials will exercise sound judgment and proper command, control, and supervisory responsibility in the control of a civil disturbance.
9. NOPD recognizes the following general principals and guidelines regarding First Amendment Assemblies, Crowd Control, or Civil Unrest:

- a. First, all members of a crowd of demonstrators are not the same and even when some members of a crowd engage in violence or destruction of property, other members of the crowd are not participating in those acts.
- b. Second, once members of a crowd become violent, the situation often turns chaotic, and individuals in the crowd who do not want to participate in the violent or destructive acts may be blocked from leaving the scene because the crowd is so large or because they are afraid they will move into a position of heightened danger.
- c. Third, this does not mean Law Enforcement Officers cannot take enforcement action against elements or individual members of the crowd as permitted by legal standards, training, and policy, but NOPD should seek to minimize the risk that force and arrests may affect or be directed at innocent persons.

### **ETHICAL POLICING IS COURAGEOUS (EPIC)**

10. The officers are required to exercise the skills they learned from EPIC which is the NOPD peer to peer intervention program. Officers are not only expected to practice peer to peer intervention, they are required to, especially in protest situations.
11. An EPIC briefing shall be conducted prior to each planned response to a protest where the officers and supervisors are reminded to monitor each other, "tap out" when they feel they are losing control and submit to an intervention. Supervisors are instructed to pay close attention to the officers on the front line to ensure they are not getting agitated and if so, to intervene immediately to avoid a confrontation.

### **PLANNED/PERMITTED FIRST AMENDMENT ASSEMBLIES**

12. Planned events are those that the department are aware of in advance, either through the submission of a permit request or other means that allow for the advance planning of resources and response.
13. When large-scale planned/permited First Amendment assemblies are anticipated, the Superintendent of Police, or specific individual designated by him/her in the chain of command shall serve as the Incident Commander(s) at various sites to manage events.
14. During First Amendment protected demonstrations, Incident Command responsibility, once established, does not pass from one officer to another simply by virtue of the arrival of a member of higher rank. **Incident Command responsibility passes in such instances only upon acceptance and overt acknowledgement of that responsibility by the senior official.** Any change in Incident Commander shall be disseminated to all members participating in the incident.
15. The Deputy Chief of the Field Operations Bureau (FOB), under the direction of the Superintendent of Police, is responsible for preparing the Event / Operation Plans or Incident Action Plan and any required tactical response plans for events that are scheduled to occur within the City of New Orleans. In this capacity they shall:
  - a. Coordinate all aspects of the plan with the affected elements, units, and personnel;
  - b. Coordinate activities with other law enforcement and federal agencies, as



- necessary; and
  - c. Designate liaison officers to deal with demonstration leaders before, during, and after the demonstration.
  - d. Ensure consideration is given to venue security, sanitation, crisis management, transportation, traffic, legal issues, and media relations.
16. The Investigation and Support Bureau (ISB) – Investigation Support Division (ISD) - Intelligence Unit will conduct an analysis of all known / planned protest events in advance and will provide a written "Threat Assessment." This threat assessment is an internal document and shall be deemed **CONFIDENTIAL or OPSEC**. It shall include the following information:
- a. The expected size of the crowd,
  - b. The goal/objectives of the gathering (i.e., occupying locations, blocking traffic, removal of statues/monuments, calls for action),
  - c. The potential for counter protesters,
  - d. The potential for crowd mobility,
  - e. The potential for escalation to a civil disorder (i.e. does the group have a history of violence, do counter-protesters have a history of violence).

## **THREAT LEVELS**

17. The following threat levels provide a relative guide to facilitate clear communication between members when evaluating and assessing the hazards associated with and possible resource needs of incidents relating to crowds, events, and gatherings.
- (a) **LOW LEVEL:**
    - i. The threat is vague and indirect;
    - ii. Information within the threat is inconsistent, implausible or lacks detail;
    - iii. Threat lacks realism; and
    - iv. Content suggests group / person is unlikely to carry it out.
  - (b) **MEDIUM LEVEL:**
    - i. Threat is more direct and more concrete than a LOW - LEVEL threat;
    - ii. Wording suggests threatening group / person has given some thought to how the act will be carried out;
    - iii. General indication of a possible place and time (but not a detailed plan); and
    - iv. Strong indication the threatening group / person has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to that possibility.
  - (c) **HIGH LEVEL:**
    - i. The threat is direct, specific, and plausible;
    - ii. Threat suggests concrete steps have been taken toward carrying it out.

## **THREAT TYPES**

18. The following threat types provide a relative guide to facilitate clear communication between members when classifying the hazards associated with and possible resource

needs of incidents relating to crowds, events, and gatherings:

- (a) **DIRECT THREAT** – Identifies a specific act against a specific target and is delivered in a straightforward, clean, and explicit manner.
  - (b) **INDIRECT THREAT** – Has a tendency to be vague, unclear, or ambiguous.
  - (c) **VEILED THREAT** – Strongly implies but does not explicitly threaten violence.
  - (d) **CONDITIONAL THREAT** – Warns that a violent act will happen unless certain demands or terms are met.
19. The Threat Assessment will be distributed to the following individuals only and not circulated outside of the distribution group (see: **OPSEC**):
- a. Superintendent of Police,
  - b. Deputy Chief of the Investigations and Support Bureau (ISB),
  - c. Deputy Chief of the Field Operations Bureau,
  - d. Captain of the ISB – Investigation Support Division
  - e. Affected District Captain(s), and
  - f. The Special Operations Division Captain.

### **UNPLANNED EVENTS (INCIDENTS)**

20. Unplanned events/incidents are ones of which the Department has no prior knowledge. Such events/incidents may consist of spontaneous gatherings and/or large- scale demonstrations. Unplanned events/incidents are often peaceful and pose little problem for law enforcement; however, peaceful gatherings can turn violent, so contingency plans must be in place to provide guidance and direction for members to respond as necessary to safeguard life and property.
21. Unplanned civil disturbances may arise from several causes such as, political grievances, economic conflicts, community unrest, or in response to police action taking place in neighborhoods, or in the midst of a crowded street, park, or public place. Civil disturbance participants may come from all walks of life and cover the entire political spectrum.
22. Whenever an unplanned First Amendment assembly arises, the first officer on the scene will serve as the initial Incident Commander. That member will be responsible for assessing the scene, notifying Communication Services and the District platoon commander of the situation, and requesting assistance from the Special Operations Division if necessary.

### **Response to Un-permitted (Unplanned) First Amendment Assemblies**

23. The first officer(s) to arrive on the scene of a First Amendment Assembly is/are responsible for the following actions:
- a. Observe the situation to determine if the gathering is peaceful or has the potential/likelihood to turn violent. District patrol officers may encounter gatherings of people, including but not limited to:
    - i. Civil protest / demonstrations,
    - ii. Civil disturbances, and
    - iii. Un-permitted parades (those not granted permit in advance by the City thru

Special Events Section of FOB).

- b. Notify Communication Services (OPCD) of the nature and size of the assembly and request the assistance of a supervisor.
  - c. If peaceful, attempt to identify and make contact with the group organizers or leaders to determine the duration of the event, the number of persons expected to attend and if civil unrest is anticipated or planned.
  - d. If criminal activity has already occurred, attempt to identify those individuals who were involved. Absent exigent circumstances involving life safety, District patrol officers shall request the presence of a supervisor on scene, brief the supervisor of conversations and actions already taken and obtain supervisory approval before taking enforcement action.
24. In larger gatherings the SOD Captain or on-duty SOD supervisor shall be requested to respond to the scene. If an SOD supervisor is unavailable, the District Platoon Commander shall respond to the scene and assume command of the event/incident as the Incident Commander (IC) until relieved. All Incident Commander Responsibilities outlined below apply regardless of rank and should be implemented as soon as possible.

#### **INCIDENT COMMANDER RESPONSIBILITIES**

25. The primary responsibility of the IC is the rapid assembly of sufficient staffing and resources to provide a safe environment for the gathering and ensure disruptions to the area are minimized. The IC should immediately:
- a. Assess the situation for disruption and its potential for escalation. If the assembly is peaceful and adequate resources are available, efforts should be made to allow for the protest action to continue, by redirecting vehicular and pedestrian traffic around the incident.
  - b. Ensure that the following information about the incident is continuously provided to the OPCD:
    - i. Location of the event/incident,
    - ii. Number of participants,
    - iii. Activities of the participants (i.e., blocking traffic, destruction of property),
    - iv. Direction of movement of participants (if mobile),
    - v. The presence of any weapons, and
    - vi. Ingress/Egress routes for emergency vehicles.
26. If a peaceful assembly escalates to a civil disturbance beyond the capacity of on-site personnel to effectively control the situation, the Incident Commander shall:
- a. Evaluate whether additional staffing is required to control the situation,
  - b. Notify Communication Services (OPCD) of the change in the situation,
  - c. Determine, and recommend if a partial or full activation of Mobile Field Force personnel will be necessary,
  - d. Determine and recommend if a recall of off-duty personnel or a hold-over of shift personnel may be necessary.
  - e. Determine and recommend the level of personal protection equipment (PPE) to be utilized and the tactics employed in response.

## COMMUNICATION WITH ORGANIZERS

27. The Planning Section Chief (PSC) or their designee, will reach out to the event organizer(s), if known, and discuss the objective and goals of the peaceful protest. The PSC is responsible for identifying what resources may be required (vehicles, number of officers, barricades, etc.). The PSC will obtain all available contact information on the event organizers (phone number and/or email address). This contact information shall be shared with the Operations Section Chief and Incident Commander.
28. The Operations Section Chief and/or the Incident Commander shall reach out to the event organizer or their representative. They shall discuss the objective and goals of the protest, determine if it will be stationary, or if a march will be included. If a march is a part of the protest, they shall attempt to ascertain what the destination is and what routes are planned or likely.

## VIOLENT CIVIL DISTURBANCES

**NOTE: Once the peaceful civil protest or demonstration becomes civil disorder and a portion of the crowd agitates or incites violence, the below protocol goes into effect.**

29. The Incident Commander, at the direction of the Superintendent of Police, will determine when chemical agents and any Specialized Weapons will be deployed. The deployment of chemical agents and any Specialized Weapons will only be authorized by the Superintendent when there is an immediate threat of death or serious bodily injury. The decision to deploy chemical agents and any Specialized Weapons will be made in accordance with **Appendix D**, the Pre- Crowd Dispersal Checklist. Each element of the Checklist shall be specifically addressed and noted as part of the After-Action report along with the date and time when specific Available Munitions listed in **Appendix E** are authorized.
30. The Incident Commander, in coordination with the Operations Section Chief, and Tactical Branch Director, has the responsibility to determine the Rules of Engagement and how the rules of engagement will be implemented when a peaceful protest transitions to civil disorder and a portion of the crowd violates the law or disregards lawful orders.
31. In a violent Civil Disturbance, the primary objectives of the Incident Commander will be to:
  - a. Protect persons (life safety), including non-participants and participants alike.
  - b. Disperse disorderly or threatening crowds to eliminate the immediate risks of escalation and further violence.
  - c. Deploy personnel to isolate and contain the individuals within a crowd who are acting unlawfully and effect the arrest, based on probable cause of those individuals.  
Protect property at risk unless doing so places persons at unreasonable risk.
32. The Incident Commander will establish a Field Command Post (Incident Command Post) at a safe location near the event or disturbance, from which he/she will control and coordinate police tactical operations. A Staging Area, under the Staging Area Manager,

will also be established as the assembly point for all responding emergency personnel and equipment prior to deployment. Deployment of the personnel and equipment from the Staging Area will be at the express direction of the Incident Commander or the Operations Section Chief. The Staging Area Manager need not be a member of NOPD.

33. The Incident Commander or his/her designee shall coordinate with New Orleans Emergency Medical Services (EMS) to ensure medical personnel are available to respond in the event of injuries to participants, non-participants, or emergency personnel. EMS personnel and equipment shall report to the Staging Area. EMS deployment shall be directed by the IC or the Operations Section Chief (or designee).
34. The Operations Section Chief will direct all field response to the incident or event and coordinate with the Tactical Branch Director (SOD Captain) to ensure the Rules of Engagement, including the type and use of chemical agents and other specialized weapons, will be decided based on direct, first-hand field observations.
35. The Tactical Branch Director (SOD Captain) will be the responsible party for determining how best to implement the Rules of Engagement regarding the deployment of chemical agents and other specialized weapons, in coordination with intelligence obtained from the Operation Section Chief. The actual deployment, based on those recommendations, can only be authorized by the IC at the direction of the Superintendent of Police.

#### **ISSUANCE OF WARNINGS (SEE APPENDIX C)**

36. When the intensity level of a crowd escalates and unlawful disruption (violations of law), either through violent or passive means, is occurring to the extent that the Incident Commander determines there is a need to take police action, the IC will instruct the affected Mobile Field Force Supervisors to issue Official Warnings (**Appendix C**) to the crowd to disperse.
37. The warnings found in "**Appendix C**" SHALL be made using the LRAD (Long Range Acoustic Device) system or a similar sound amplification device, if the situation allows, at least 3 times, with a minimum of a 30 second interval between warnings, if possible. This provides participants ample time to hear and respond to the warnings and instructions prior to the deployment of any chemical agents or specialized weapons.
38. If the individuals are cooperating with instructions / warnings, allow them to continue to comply with the instructions and delay deployment. The warnings and subsequent response shall be recorded on BWC by the supervisors issuing the warnings.

NOTE: The deployment of any CHEMICAL AGENTS OR SPECIALIZED WEAPONS FOR CROWD CONTROL AND DISPERSAL SHOULD ONLY BE USED AS A **LAST RESORT** WHERE THE IMMINENT THREAT OF DEATH OR SERIOUS BODILY INJURY EXISTS.

39. Once the warnings have been issued and cooperation is not forthcoming, the first tactic will be to custodially arrest those individuals who break the police cordon by using the Uniformed Extraction Team (UET) to make the arrest. This will allow for the least intrusive method to take protestors into custody who cross the police cordon.

40. Cordon line officers are not to take direct enforcement/arrest actions without the express approval of a supervisor except for life safety emergency situations. If possible, the supervisor will advise the Operation Section Chief and/or Incident Commander in advance and receive permission to do so. The supervisor should forward the relevant information needed to the Incident Command Post so the IC can make an informed decision.

#### **Authorization of Personal Protective Equipment**

41. The Incident Commander may authorize the wearing of hard personal protection equipment (such as helmets, gloves, chest protectors, shin guards. etc.) and tactical dress uniform (TDU) only when there is a foreseeable, imminent risk of violence.
42. Following any deployment of officers in personal protective equipment and TDU, the Incident Commander shall make a written report of the assessed need and objective reasons for deployment to the Superintendent of Police within 3 days of the conclusion of the incident, unless directed sooner by the Superintendent.

#### **Mobilization of Personnel**

43. Upon being informed of a civil disturbance and the need for the mobilization of the Mobile Field Force (MFF), the Superintendent of Police or the Incident Commander if designated by the Superintendent, shall review and evaluate all information pertaining to the civil disorder and make a determination as to which level of mobilization shall be implemented.
44. Upon being notified that the Department has authorized the Mobile Field Force deployment, each Deputy Chief and Bureau/District Captain shall ensure that all supervisors under his/her command are notified and carry out their duties and responsibilities as required.
45. The New Orleans Police Department is the primary law enforcement authority during an unlawful assembly, civil disorder or riot situation in the City of New Orleans. Assistance may be requested from partner agencies or jurisdictions and from law enforcement mutual aid and military assistance agreements as necessary.

#### **Providing Security for Fire/EMS and Other Responders**

46. The Incident Commander shall ensure that all necessary police protective security will be provided to New Orleans Fire (NOFD) and Emergency Medical Services (EMS) Department personnel, as well as to other clearly identified medical and public utility responders, to ensure their safety within the disorder area while performing emergency tasks.

#### **ORGANIZATION OF MOBILE FIELD FORCE**

47. The organizational structure of the Mobile Field Force (MFF) is designed to facilitate command, control, and communication. Additionally, the structure allows for clear lines

of authority and accountability and will follow the National Incident Management System (NIMS).

48. The following outlines the elements of the selection, training and equipping of the MFF:
  - a. Prospective members are selected by each District/Division Captain keeping in mind that supervision ratios must be maintained. Maturity and restraint are key qualities in selection and Captains shall review a member's personnel jacket and PIB history before selection. Any sustained complaints of excessive force or open investigations of excessive force complaints are cause for the members immediate removal from the MFF.
  - b. Selected members shall attend special training at the E&TD on tactics of crowd management and control, proper wearing, use and maintenance of issued PPE, and working with Mounted Units. The E&TD shall maintain records of all members trained and provide the names and dates to SOD upon completion of initial and annual re-certification training.
  - c. Upon successful completion of training, the members shall be issued related PPE to include:
    - i. Helmets
    - ii. Face shields
    - iii. Elbow, knee, and chest protectors
    - iv. Batons
    - v. "Riot" shields
    - vi. Gas mask / respirator.
49. Each District/Division will ensure the required number of trained MFF officers and supervisors are assigned to an event in accordance with the Incident Action Plan or as requested / directed by the Incident Commander for quickly evolving incidents.
50. Notification procedures for "activation" or call-out of the MFF shall be made from a Master List of MFF members found on the NOPD web applications. The list shall be maintained by SOD and include the member's name, rank, email address and contact phone number. The list shall be kept in alphabetical order.
51. Once the IC has determined that the MFF may be needed, a determination as to activation of **on-duty members only** or **all members** shall be made.
52. For on-duty activation, the IC will contact Communications Section – Supervisor Desk for a general broadcast that on-duty MFF members have been activated and provide the Staging Area location for assembly and the communications channel used for the incident. Each District shall ensure that the on-duty members are notified to report immediately to the designated Staging Area (reference the active MMF list posted on the NOPD web applications page).
53. For an all members activation, the IC will contact Communications Section – Supervisor Desk for automated notification (**Rave Notify**) of all MFF members and provide the Staging Area location and the communications channel used for the incident.

54. MFF trained officers should always have issued PPE and TDU available and ready for use in their vehicles. MFF members will only deploy in the TDU when activated. All issued PPE shall be inspected at least quarterly by qualified members of SOD. This inspection shall be noted, and records retained by SOD. Any deficiencies shall be noted in an SFL entry and corrective action taken, including repair or replacement of equipment. ~~This should include shields, batons, and gas masks.~~
55. All officers, including MFF officers and rank working the demonstration/protest shall be equipped with a fully charged Body Worn Camera (BWC). The BWC shall be mounted on the exterior of their TDU or protective gear (chest protector). The placement of the BWC shall be verified by a supervisor at roll call. If an officer does not have a BWC, they should be issued a BWC on the day of the demonstration by the Performance Standards and Accountability Bureau (PSAB) – Information Systems Section – BWC Unit, in the event of a planned event. The issuing of BWCs shall also apply to all supervisors, including Majors, Captains and Lieutenants designated to work any demonstrations/protests. Any officer who has any contact with demonstrators shall have their BWC activated.

## COMMAND ASSIGNMENTS AND RESPONSIBILITIES

56. For planned events or once activated and on scene the following shall be designated:
  - a. **Incident Commander** – Chief Deputy Superintendent of the Field Operations Bureau. The Incident Commander will be responsible for directing the overall response to the incident and all instructions involving officers' actions (ROE) unless there are exigent circumstances that dictate that immediate action and intervention is necessary to protect lives and prevent violent criminal behavior. The decision to activate the **Tactical Operations Plan** rests with the Superintendent of Police or the Incident Commander.
  - b. **Operations Section Chief** – Field Operations Bureau Captain, as designated by the Incident Commander (Chief Deputy Superintendent) – will be responsible for the following:
    - i. Ensuring the rules of engagement, including the use of chemical agents and Specialized Weapons are adhered to and decided based on direct observation during all forms of protests and civil disturbances/riots (“eyes on the ground”).
    - ii. The response of officers assigned to the Mobile Field Forces, who are not assigned to the Special Operations Division (SOD) or the Investigation Support Division (ISD).
    - iii. One motorcycle platoon, assigned from the Traffic Section, will report on motorcycles, and provide traffic control and/or divert traffic, at the direction of the Operations Section Chief. Motorcycle Officers will escort, and parallel movements made by protestors and provide updated locations for the Incident Commander. Vehicular traffic will be diverted away from moving protests.



- c. **Intelligence Branch Director** – Captain of Investigation Support Division – will be responsible for the following:
  - i. For planned events the Intelligence Branch Director will be responsible for ensuring the completion and updating of a “Threat Assessment.”
  - ii. For unplanned events the Intelligence Branch Director or his/her designee will be responsible for coordinating the response of personnel for intelligence gathering and identification purposes.
  
- d. **Tactical Operations Branch Director** – Captain of the Special Operations Division – will be responsible for the following:
  - i. Determining how to implement the rules of engagement regarding the deployment of chemical agents and specialized weapons, in coordination with the intelligence obtained from the Operation Section Chief, who has direct observation of events on the front line.
  - ii. Mounted Units will assist at the direction of the Operations Section Chief. The Incident Action Plan will determine the number of Mounted Units needed for the event.
  - iii. Tactical Platoon(s) will be on standby and shall be ready to respond as directed by the Tactical Operations Branch Director or his designee. The Tactical Platoon will be responsible for executing all gas and munitions deployments. They will make determinations on the removal of protestor distraction devices. If it is determined that it is not safe to remove the device, because it is flammable or consistent with bomb making material the SOD/EOD and the Tactical Commander will determine how to disengage or deactivate the device. The Tactical Platoon will be staged at SOD headquarters.
  - iv. SOD/EOD will be responsible for the investigation of suspicious devices, packages or items. They will also assist the Tactical Platoon when removing protestor distraction devices. They will respond to all bomb threat calls.
  - v. SOD/Armory will be responsible for the issuance of gas and munition packages, the delivery and retrieval of the Mobile Command Post, and the delivery of the Bear and Bearcat when needed
  - vi. The Tactical Operations Branch Director or his/her designee will designate officers to act as the Uniformed Extraction Team (UET), consisting of 2 Sergeants and 10 Officers. The UET role will be assembled to enter the crowd when directed and remove any protesters that are determined to be unruly, rescue injured people or isolated officers..
  
- e. **Planning Section Chief** – The supervisor or designee from the Special Events Section of FOB.
  - i. The Planning Section Chief will be responsible for attempting to communicate with event organizers for planned events and ensuring the preparation and/or documentation of the Incident Action Plan or Operations Plan.

- f. **Logistic Section Chief** – Deputy Superintendent of the Management Services Bureau – will be responsible for the following:
  - i. Ensuring 2 truckloads of metal barricades are always available for deployment.
  - ii. Assigning sufficient personnel to deliver and erect barricades at any locations designated by the Incident Commander or Operations section Chief.

## **MOBILIZATION OF PERSONNEL IN SUPPORT OF EVENTS**

- 57. When a full mobilization of personnel is necessary to support large events or First Amendment assemblies the following units shall provide support as enumerated:
  - a. The Public Integrity Bureau shall monitor, assess, and investigate allegations or instances of misconduct and/or use of force through the **Force Investigation Team (FIT)** of the Public Integrity Bureau (PIB). The FIT shall investigate all incidents involving uses of force arising from a First Amendment Assembly.
  - b. A ranking member of the Field Operations Bureau, shall be assigned by the Incident Commander (Deputy Chief of FOB) to the **Office of Emergency Preparedness**, located at City Hall, and act as a liaison between the NOPD field units and the Office of Emergency Preparedness.
  - c. One member of the New Orleans Police Department **Joint Terrorism Task Force**, as assigned by the Incident Commander, shall respond to the Incident Command Post and act as a liaison between the field units and the Federal Bureau of Investigations.

## **New Orleans Emergency Medical Services (EMS) and New Orleans Fire Department (NOFD)**

- 58. When it has been determined that a civil disturbance of major proportions is contemplated or underway, The Incident Commander shall request the New Orleans Fire Department and New Orleans Emergency Medical Service to provide the necessary units and assistance, staged for response to medical or emergency requests. (See: Staging Area Manager above.)
- 59. Whenever medical treatment is required for protesters or police officers because of a civil disturbance, a written and photographic record shall be made by NOFD or EMS of all injuries to police officers or protesters. See: NOPD Chapter 1.3.6 – Reporting Use of Force for guidance.) The FIT shall also be notified of each occurrence through Communications (OPCD).

## **GENERAL GUIDELINES FOR RULES OF ENGAGEMENT**

- 60. A fundamental set of tactics which is incorporated in all possible police confrontations is De-escalation. De-escalation guidelines shall always be the first tactic used, when

possible. The guidelines are –

- a. When it is consistent with protecting the safety of the officer, the subject, or the public, officers shall use de-escalation techniques to avoid or reduce the need for the use of force.
  - b. These techniques include:
    - i. gathering information about the incident,
    - ii. assessing the risks,
    - iii. assembling resources,
    - iv. attempting to slow momentum, and
    - v. communicating and coordinating a response.
  - c. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
  - d. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance to consider or deploy a greater variety of force options.
61. The Rules of Engagement for each type event or incident should address:
- a. The first priority shall be preservation of life.
  - b. Channels of communication will be established so that situations can be de-escalated if necessary.
  - c. Police will provide public information that makes it clear who is making decisions and the process for deciding when police response will be escalated.
  - d. Every attempt should be made to communicate with participants to reach common sense agreements based on these protocols both ahead of time and at the scene.
  - e. Clear standards of professionalism and sound community friendly policing will be maintained and adhered to at all times.
  - f. Police will wear only the attire minimally required for their safety. Specialized “riot” gear will be avoided except as a last resort.
  - g. Crowd control equipment such as armored vehicles, rubber bullets, rifles and chemical agents will not be used except as a last resort.
  - h. Police or other government authorities will not interfere with the free flow of information through tactics such as limiting cell or internet access, interception of cell or other mobile conversations or un-warranted wiretaps.
  - i. Every attempt will be made to pinpoint arrests so that only individual lawbreakers will be arrested. “Kettling” and mass arrests will not be used.
  - j. Media, legal observers and medics shall not be considered participants in civil disturbances and shall be allowed to perform their duties safely.
  - k. Every attempt will be made to provide alternate routes or other means for non-involved persons to get to work, home or meet other necessities and directing crowds away from dangerous traffic.
  - l. Officers will be instructed to be tolerant of minor lawbreaking before deciding to escalate the use of force.
  - m. Officers and supervisors will be instructed to provide latitude to allow for free assembly, movement to final locations for gathering and expression, treating participants as citizens and not “enemy combatants”.
  - n. Intimidation of participants will not be tolerated. Pretextual pedestrian or traffic stops, pre-emptive arrests or detention of leaders is not condoned.
  - o. Medical care will be liberally made available and attorneys will be able to travel to and meet with clients without impediments.

## **GENERAL OPERATIONAL GUIDELINES FOR MASS DEMONSTRATIONS**

62. Mass demonstrations and circumstances or events surrounding them do, on occasion, give rise to situations in which substantial numbers of persons engage in unlawful conduct jointly or simultaneously within proximity of one another.
63. It is the policy of the New Orleans Police Department to ensure individuals may enjoy free and open expression in this city with confidence that their constitutional rights will be respected.
64. It is the policy of the New Orleans Police Department to avoid making arrests of substantial numbers of persons in response to such incidents, when arrest avoidance is reasonably possible in the interests of safety and security.
65. Each MFF supervisor shall be designated a specific staging area, from which the operations of that unit can be coordinated.

### **Crowd Management**

66. Where the threat of violence is expected, a minimum number of personnel shall be positioned for crowd management as "crowd managers". These members shall be dressed in the uniform of the day and shall be positioned, where possible, in such arrangements that direct physical contact with the crowd can be kept to a minimum.
67. Each member of the MFF should assess the mood of the crowd and respond to changes in crowd behavior as directed by the Operations Section Chief or Incident Commander. Accordingly, it is important that supervisors are aware of the type of crowd that is being managed; and that prior to deployment, members are reminded at the staging site on what to expect from the participants and what types of alternative responses the members may anticipate. Absent exigent circumstances, the Incident Commander will determine the type of response deemed necessary; thereby causing the unit to act in concert following his/her direction.
68. Members of the MFF shall not engage in demonstration-related discussion with participants. They shall conduct themselves to display an attitude of neutrality. However, members shall be courteous and helpful, mindful that expressions of friendliness are a valuable tool in maintaining peace. Communication is an essential tool in crowd management. It ensures unity of action among police officers, and that police officials and crowd leaders understand one another. Communications must be constant, clear, and immediate, and on many occasions, can serve to defuse threatening situations.
69. Supervisors shall constantly observe and speak with members under their charge to ensure that they are complying with orders, that they are completely aware of probable responses to crowd attitude change, and that members who are showing strain are provided temporary relief.

70. MFF supervisors shall establish communication with demonstration leaders as soon as possible, and maintain the same as a sign of cooperation, as a means of obtaining first-hand knowledge of crowd mood, and as a tool to facilitate negotiations and maintain the peace.

### **Verbal Persuasion**

71. As a first means of dispersing a crowd under static conditions, the unit commander shall attempt to verbally persuade the crowd to disperse of its own accord by announced available exit routes.

### **Arrest**

72. An assembly of persons will not be arrested simply because the group does not possess a permit. Such an arrest may only occur after an order to disperse (See: **Appendix C – Warning Format**) has been authorized and clearly communicated in a manner that is reasonably calculated to be heard by each of the persons in the group and a reasonable opportunity to disperse has been afforded, but not utilized by members of the assembly.
73. Each arrest of any individual person must be supported by probable cause. An issuing official shall not recommend the arrest of any person unless probable cause to support the arrest of that person exists. The Incident Commander shall not order the arrest of any person for whom he or she has not verified the existence of probable cause to arrest.
74. It is the policy of the New Orleans Police Department to avoid mass arrests.
75. The number of warnings given, the method used, and the time intervals between warnings, shall be recorded on the issuing supervisor's log. The procedures shall be recording on BWC. The documentation of procedures must reflect the availability and location of exit routes available to the crowd, and of any persons who leave the area.

### **Commander's Mass Demonstration Event Log**

76. The Incident Commander and Unit level supervisors (Platoon Lieutenants) shall designate one member of his/her unit to serve as the unit recorder for the purpose of entering all significant events associated with the operation of the unit on the Commander's Mass Demonstration Event Log. (**Appendix B**). Entries into the log will be made at the direction of the unit level supervisor or Incident Commander. When it becomes necessary for subordinate supervisory officials to initiate any independent action or engage in or observe events that could be considered significant, they shall, as soon as possible, advise the unit commander for inclusion into the commander's log. Examples of events warranting entry into the log would be:
  - a. Occasions requiring the use of force. Entries shall include the circumstances, type of force used, duration, and effect.
  - b. Tactical orders issued to personnel.
  - c. Orders received from higher authority.
  - d. Significant acts on the part of the demonstrators.
  - e. Incidents involving any arrests.
  - f. Complaints alleging serious police misconduct.

- g. Issuance of warnings.

### **Termination of Mass Demonstrations Assignments**

- 77. When conditions have subsided, the Incident Commander shall personally survey the affected areas and determine whether additional police personnel are still needed at a particular location. If it is determined by the Incident Commander that no further enhanced police presence / action is required, other than normal patrol, the assignment shall be terminated.

### **Accountability of Equipment and Personnel**

- 78. All police supervisors shall be responsible for accounting for all personnel under their command at the conclusion of incident event cycle and the conclusion of police operations or participation. In the event NOPD members are not immediately located, the supervisor will then notify the Incident Commander through the incident chain of command. The Incident Commander, in turn, will assign responsibility for the formulation of a search plan for the missing member(s).
- 79. Prior to relieving members of their command, unit supervisors shall ensure all items of equipment that were issued by the SOD Armory are accounted for and returned to that unit within the required due date and time. Receipts from SOD Armory are required. This is to include coordination with the SOD/CDU Storeroom to return any rented vehicles.
- 80. Section Chiefs and their designees shall prepare an After-Action Report and submit it to the Chief Deputy Superintendent, within five calendar days of the return to normal operations.
- 81. The Section Chiefs' After-Action Reports shall contain a list of all actions and events that occurred in chronological order, to include:
  - h. The date and time that each event occurred.
  - i. Brief description of the event.
  - j. Unit action(s) taken.
  - k. Outcomes of actions taken, such as number of persons arrested.
  - l. A complete and detailed report of:
    - 1. Problem areas encountered.
    - 2. Highlights of significant events and unsatisfactory conditions.
    - 3. Losses of equipment due to "hostile" action.
    - 4. Injury to officers indicating degree of injury and cause.
    - 5. Any recommendations for improvement.
    - 6. Negative reports are required.
- 82. The Incident Commander shall prepare an After-Action Report to the Superintendent, Assistant Superintendents, and the Office of Emergency Preparedness within (7) seven days of the conclusion of NOPD participation in the incident containing:
  - (a) Incident item number, location, date, and time of incident;
  - (b) Duration of the incident;
  - (c) Incident command staff;
  - (d) Specialized units involved;
  - (e) Inventory of all department equipment utilized;

- (f) All agencies involved;
- (g) All personnel used;
- (h) Synopsis of the incident;
- (i) Weather conditions;
- (j) If any public resources were affected,
- (k) Any injuries, deaths, or arrests;
- (l) Problems encountered; and
- (m) Recommendations.
- (n) Use of Force Occurrences
- (o) Munitions Dispensed

## **APPENDIX A**

### **PUBLIC INFORMATION OFFICE**

The Public Information Office (PIO) handles all activities relating to the press and the release of information related to Civil Protests / Demonstrations and other large scale public events. The PIO will arrange all press conferences, staff and organize areas for staging of the press and or news media under the direction of the Incident Commander. The PIO will prepare press releases prior to scheduled events informing the public of any expected street closures, alternative traffic routes, demonstrator activity and other non-sensitive noteworthy information likely to impact the visitors and residents of the City of New Orleans.

In keeping with Department policy, the New Orleans Police Department (NOPD) shall allow media representatives' reasonable access to all areas where a First Amendment assembly is occurring. At a minimum, the NOPD shall allow media representatives the same access enjoyed by members of the general public and, consistent with public safety considerations, shall allow media representatives access to promote public knowledge of the assembly.

The NOPD personnel located in or near an area where a First Amendment assembly is ongoing shall recognize and honor media credentials issued by or officially recognized by the NOPD.

The NOPD shall make reasonable accommodations to allow media representatives effective use of photographic, video, or other equipment relating to their reporting of a First Amendment assembly.

All confrontations with, or reports of media misconduct shall be immediately forwarded to the PIO. This information shall include the name, press affiliation, and a synopsis of the incident as well as the necessary contact information for the member witnessing the activity including if the incident was recorded on BWC. In instances of confrontations with, or reports of media misconduct, the observing member shall notify an NOPD Official who shall immediately report the incident to the PIO office at 658-5858.





## APPENDIX C

### WARNING FORMAT

#### Warning Format

This is the New Orleans Police Department. We are here to protect your 1st Amendment right to peacefully protest.

1. **“Please stop** (state the actions that should be stopped such as attempting to advance on the Interstate, attempting to cross a police line, etc.). **If you do not stop**, (state the actions that should be stopped), **this demonstration/protest/march you may be subject to arrest, gas or other less lethal methods.**”
  
2. **“This is your second warning; “Please stop** (state the actions that should be stopped such as attempting to advance on the Interstate, attempting to cross a police line, etc.). **If you do not stop**, (state the actions that should be stopped), **this demonstration/protest/march you may be subject to arrest, gas or other less lethal methods.**”
  
3. **“This is your third and final warning; “Please stop** (state the actions that should be stopped such as attempting to advance on the Interstate, attempting to cross a police line, etc.). **If you do not stop**, (state the actions that should be stopped), **this demonstration/protest/march you may be subject to arrest, gas or other less lethal methods.**”

## APPENDIX D

### PRE-CROWD DISPERSAL CHECKLIST

Has the Official recommending dispersal articulated justification on these basis?

What actions, by the persons to be arrested, require the proposed mass arrest?

Has anyone been injured?

Who/What was the cause of the injury?

Has property been damaged?

What was the cause of the damage?

Will an effort to disperse likely cause more injuries than alternative police action?

Will an effort to disperse likely cause more property damage than alternative police action?

Will an effort to disperse likely cause greater disruption of traffic flow (or potentially block evacuation routes) than alternative police action?

What are the offenses committed/that could be charged?

If the offense is traversing a police cordon, unlawful assembly, obstructing public passages, and/or failure to obey a police order:

How many orders to disperse were given? How were the orders communicated?

When was each given?

Who gave each order to disperse?

Were audio and/or video recordings made of the warnings?

Is there another way to gain control of the situation?

Is there a viable alternative to a dispersal?

Is dispersal of the crowd and arrest of a smaller number of persons as the group disperses reasonable?

Is extraction of a limited number of offenders reasonable (snatch)?

Has the IC [Incident Commander] confirmed (or have you independently determined) that there are sufficient resources available to safely take action?

## APPENDIX E

### AVAILABLE MUNITIONS

MK – 9 Magnum First Defense Aerosol Pepper Projector

O.C. or “Pepper” Spray is NOT authorized for general use by the New Orleans Police Department. An exception to the general prohibition is made for SOD/SWAT use only; under highly specific circumstances including riots and violent demonstrations when a command level decision has been made to deploy same. The operator who deploys this less lethal option must be trained and certified to discharge these ordnates

Direct Impact LE Extend Range – CS/Chemical agent Operational Range (10 – 70 meters)  
Warning! DO NOT use this round at a distance at a distance closer than 10 meters (33 feet) as it could cause serious injury or death.

NO. 2 CS. CS Irritant Smoke Continuous Discharge

CS (chemical agent) is NOT authorized for general use by the New Orleans Police Department. An exception to the general prohibition is made for SOD/SWAT use only; under highly specific circumstances including riots and violent demonstrations, when a command level decision has been made to deploy same. The operator who deploys this less lethal option must be trained and certified to discharge these ordnates.

Triple Chaser Outdoor CS Canister (chemical agent)- breaks into three separate pieces, all dispersing chemical agent. Deployed by hand.

Flameless Tri-Chamber- can be used on crowds (mainly used in houses on SWAT Rolls) but No. 2 CS Irritant Smoke Canister, Triple Chaser Outdoor CS and Aerosol OC/CS are preferred choices. Deployed by hand.

Aerosol OC/CS canister (chemical agent)- has a residue from OC that will stick to skin, clothing.

60 Cal. Stingers/40MM Smokeless Powder Rubber Balls

Rubber balls are NOT authorized for general use by the New Orleans Police Department. An exception to the general prohibition is made for SOD/SWAT use only; under highly specific circumstances including riots and violent demonstrations, when a command level decision has been made to deploy same. The operator deploying this less lethal option must be trained and certified to discharge these ordnates.

Grenade Stinger- Rubber Balls/chemical agent, disperses several rubber balls for pain compliance and CS (chemical agent) upon deployment. Deployed by hand.

Impact Weapon

Impact Weapon – Any solid or semi-solid object used by an officer as a method of gaining control of a subject. Absent exigent circumstances, officers shall not use non-traditional

weapons/hard objects, such as firearms or radios, as impact weapons. Impact weapons shall be used as a last resort in a riot situation.

Direct Impact (Green)- Impact/marketing only, used as pain compliance and leaves a green florescent mark on objects, clothes, and skin. Deployed with 40mm launcher.

Direct Impact (Blue)- Impact only, used as pain compliance. Deployed with 40mm launcher.

ER Direct Impact (Blue)-Impact/chemical agent, extended range, used as pain compliance and disperse CS (chemical agent) upon impact. Deployed with 40mm launcher

Aerial 25 (Bang)- emits a loud bang above the crowd usually as a warning before a chemical agent.

Aerial CS (a chemical agent)- emits a loud bang and disperses a chemical agent which forms an aerosol and filters down on the crowd.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.2

### TITLE: EMERGENCY OPERATIONS PLAN

**EFFECTIVE: 12/17/2017**

**REVISED: 11/15/19, 06/05/2020**

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#### PURPOSE

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.

#### DEFINITIONS:

**Essential Employee**—A certain employee or class of employee deemed by the Appointing Authority (Superintendent of Police) as absolutely essential to the efficient and effective operation of the organization (NOPD) because of special skills or abilities. All commissioned members of the NOPD are classed as “essential employees” during the activation of the New Orleans Police Department Emergency Operations Plan.

**Incident Command System (ICS)**—A standard, on-scene, all-hazards incident management system. The ICS has been established by the National Incident Management (NIMS) as the standardized incident organizational structure for the management of all incidents.

**National Incident Management System (NIMS)**—A comprehensive national approach to domestic incident management, applicable at all jurisdictional levels and across all functional disciplines. The NIMS represents a core set of doctrine, principles, terminology, and organizational processes to enable effective, efficient and collaborative incident management at all levels. To provide the framework for interoperability and compatibility, the NIMS is based on a balance between flexibility and standardization.

**Underpass** - a crossing of a highway and another way (such as a road or railroad) at different levels. The lower level of such a crossing.

**NOPD** – New Orleans Police Department

**NOFD** – New Orleans Fire Department

**EMS** – New Orleans Emergency Medical Service

**NOHSEP** – New Orleans Office of Homeland Security and Emergency Preparedness.

**POLICY STATEMENT**

1. The New Orleans Police Department follows the principles of Incident Command (IC) and the structures and guidelines of the National Incident Management System (NIMS).
2. The New Orleans Police Department Emergency Operations Plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.
3. The City of New Orleans Emergency Operations Plan, including the department's-specific Emergency Operations Plan, shall comply with the State of Louisiana Emergency Operations Plan (**La. R.S. 29:722 (A) (3)**; Exec. Order BJ 08-32).
4. The City of New Orleans Emergency Operations Plan and the department's specific Emergency Operations Plan provide guidance for emergency operations within the City of New Orleans and outside as may be required.
5. When the Mayor of New Orleans declares an official emergency and orders that only "essential" employees report to work and that all "non-essential" employees remain away from work, such non-essential employees will be granted official emergency leave.
6. All members of the New Orleans Police Department, in any grade or classification, are required to familiarize themselves with the City of New Orleans Emergency Operations Plan, including the department's-specific Emergency Operations Plan.
7. Each Commander shall notify every member, in any grade or classification, under his/her command of the member's status as "essential employee" within the meaning of this Chapter and the member's duties under the Plans.

**ACTIVATING THE EMERGENCY OPERATIONS PLAN**

8. 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 City of New Orleans Emergency Operations Plan through the New Orleans Office of Homeland Security and Emergency Preparedness (NOHSEP) in response to a major emergency.
  - (b) The New Orleans Office of Homeland Security and Emergency Preparedness can activate the City of New Orleans Emergency Operations Plan in response to a major emergency/event.
9. Upon activation of the City of New Orleans Emergency Operations Plan or the department's specific Emergency Operations Plan, the Superintendent of Police, or his/her authorized designee, shall 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 with providing requested resources to this department.

**RECALL OF POLICE DEPARTMENT ESSENTIAL EMPLOYEES**

10. In the event that the plan is activated:
  - (a) **Essential employees** of the New Orleans Police Department are subject to immediate recall.
  - (b) All annual leave for essential employees will be terminated.
11. Employees are also subject to recall during “extraordinary circumstances” as deemed necessary by the Superintendent of Police, or his/her authorized designee. Extraordinary circumstances shall include, but are not limited to:
  - (a) The formation of a tropical storm or hurricane within the Gulf of Mexico.
  - (b) Natural disasters (flood, tornado, wildfires, etc.).
  - (c) Man-made disasters (HazMat spill, conflagration, etc.).
  - (d) Terrorist activity or suspected terrorist activity (mass casualty, bomb, active shooters, etc.).
  - (e) Civil disturbances (riot, large scale demonstration, etc.).
  - (f) Any other event declared to be an emergency by the Superintendent of Police or his/her designee.
12. Failure of an essential employee to promptly respond to an order to report for duty during a plan activation shall result in disciplinary action, up to and including dismissal.
13. Only the Superintendent of Police can grant annual leave to an essential employee once the Emergency Operations Plan has been activated or a recall during extraordinary circumstances has been ordered by the Superintendent.

**MEMBER RESPONSIBILITY**

14. Once a member is informed by any supervisor or made aware of an alert through the media or any other source, he/she shall immediately contact his/her unit for instructions.
15. If a member is an essential employee as defined in the Chapter or designated as such by an existing Plan or supervisor and cannot contact his/her unit or supervisor, the member shall report for duty at one of the following:
  - (a) His/her normal place of assignment.
  - (b) Any of the Major Field Command Posts listed in the Emergency Operations Plan.
16. If a member is an essential employee as defined in the Chapter or designated as such by an existing Plan or supervisor and cannot return to the City due to a physical impossibility such as road closures, flooding, etc., the member shall report for duty at one of the following:
  - (a) The Major Field Command Post located outside the City of New Orleans (see the Emergency Operations Plan for the location).
  - (b) The closest Louisiana State Police Troop and request assistance in returning to the City of New Orleans.

**THE EMERGENCY OPERATIONS PLAN**

17. A copy of the current City of New Orleans Emergency Operations plan is available in the New Orleans Office of Homeland Security and Emergency Preparedness.



18. A copy of the New Orleans Police Department Emergency Operations plan is available in the Professional Standards and Accountability Bureau - Policy Standards Section and on the department's website ([NOPD.org](http://NOPD.org) under the [Resources](#) folder / [Hurricane Plans](#)). All supervisors should familiarize themselves with the NOPD Emergency Operations Plan and the roles his/her members will play when the plan is implemented, as well as the City's plan.

### UPDATING THE PLAN

19. The Professional Standards and Accountability Bureau - Policy Standards Section is responsible for updating the NOPD Emergency Operations Plan on an annual basis and to ensure the plan conforms to any revisions made by the Governor's Office of Homeland Security and Emergency Preparedness or the National Incident Management System (NIMS).

### TRAINING AND BRIEFING

20. Each Bureau Chief and their Commanders shall have a briefing on the New Orleans Police Department Emergency Operations Plan and his/her Bureau's responsibilities under the plan within one month of the annual plan's release by the Compliance Bureau – Policy Standards Section. Commanders will be responsible for having briefings for all essential employees in his/her command after the Bureau briefing.
21. All supervisors should familiarize themselves with the department's Emergency Operations Plan and the roles his/her subordinates and/or essential employees will play when the plan is activated.
22. All members of the Department shall receive training in NIMS and IC commensurate with his/her individual responsibilities and duties within the organization and under the City and NOPD Emergency Operations Plans. (**See Appendix A – Incident Command / NIMS** Courses for access to training links.)
23. The following Incident Command / NIMS course requirements and deadlines apply to all commissioned members and all essential employees as defined in this Chapter:
  - (a) All commissioned members and essential employees must show satisfactory completion of IS 100 and IS 700 within 60 days of the effective date of this Chapter or prior to the conclusion of Phase 2 of the FTO Training Program for new hires.
  - (b) All commissioned supervisors and supervisory essential employees must show satisfactory completion of IS 200 and IS 800 within 120 days of the effective date of this Chapter or within 60 days of promotion to a supervisory position or classification.
  - (c) All Captains, Majors, Deputy Chiefs or any member (including civilians) who operates at the ICS level of Branch Director or above must show satisfactory completion of IS 300 and IS 400 within 1 year of the effective date of this Chapter or within 1 year of promotion to one of these positions or classifications.

### OPERATION UNDERPASS

24. Historically flood prone areas that pose a threat to public safety have been identified as priority locations for the pre-positioning of barricades to warn citizens of driving hazards when such locations are experiencing flooding from heavy rain or tropical activity. In order to minimize the threats of drowning, accidents and stalled vehicles, the following guidelines will be followed when Operation Underpass is

- implemented. Operation Underpass shall be deemed an Alert Level 0 (Zero) operation.
25. Because the nature of flooding issues within the City of New Orleans can be predicted or happen without warning, the authority to activate this procedure rests with the New Orleans Office of Homeland Security and Emergency Preparedness (NOHSEP), the Orleans Parish Communications District (OPCD), the New Orleans Fire Department (NOFD), New Orleans Emergency Medical Service (EMS) and or the NOPD. Whichever agency initiates Operation Underpass shall notify OPCD of such implementation.
  26. When a pre identified location is reported to be flooding to the OPCD by a civilian or city agency, OPCD will create an incident identifier and dispatch units from the NOFD and NOPD, as available, to the location(s) identified to move prepositioned Type 3 barricades into place to prevent unauthorized access, to both vehicular and pedestrian traffic.
  27. If the first arriving unit to the location is an NOFD unit, they will remain on scene after deploying the barricade(s) until relieved by NOPD unit(s), unless an emergency dictates they leave after placing the barricades. The NOPD Unit will relieve the NOFD unit, assume responsibility for traffic and pedestrian safety and control and remain on the scene until relieved by another NOPD unit or the emergency has been concluded and the item closed. Supervisors shall be cognizant of such situations where NOPD officers are needed to relieve the NOFD from any barricaded location and prioritize that relief as soon as possible.
  28. Once deployed, the barricades shall remain in place until the flood waters have receded to a safe level, the location has been inspected by a ranking member of the NOPD and the officers have received permission to remove the barricades and "open" the street(s) at that location.
  29. The approving supervisor has the responsibility to determine if an officer shall remain on the scene after the street is opened to traffic to monitor traffic, weather and road conditions or all officers may be cleared. Should the weather or flooded roadway conditions return, the location should be re-secured and monitored.
  30. Each District Commander shall be responsible for the allocation of resources, as needed, to each location to ensure that unauthorized access is controlled and safety maintained. This means, at a minimum, one officer for each direction of traffic flow at a closed location.
  31. Supervisors shall routinely check on the condition of the officers at each location, provide for relief if necessary and to confirm the local conditions. Updates shall be communicated to OPCD as they occur.
  32. If an emergency rescue is required at any flooded location, it shall be immediately reported to OPCD and any other first responder agency or unit (NOFD, EMS, SOD) with the training and equipment required to safely respond. Officers are cautioned to NOT endanger themselves beyond their personal or professional capabilities in attempting a rescue.
  33. This policy shall in no way inhibit an officer from positioning barricades when needed before being dispatched if the officer sees the need to do so. That officer shall notify OPCD and their supervisor of any such closures.

34. The pre-identified underpass locations are as follows:

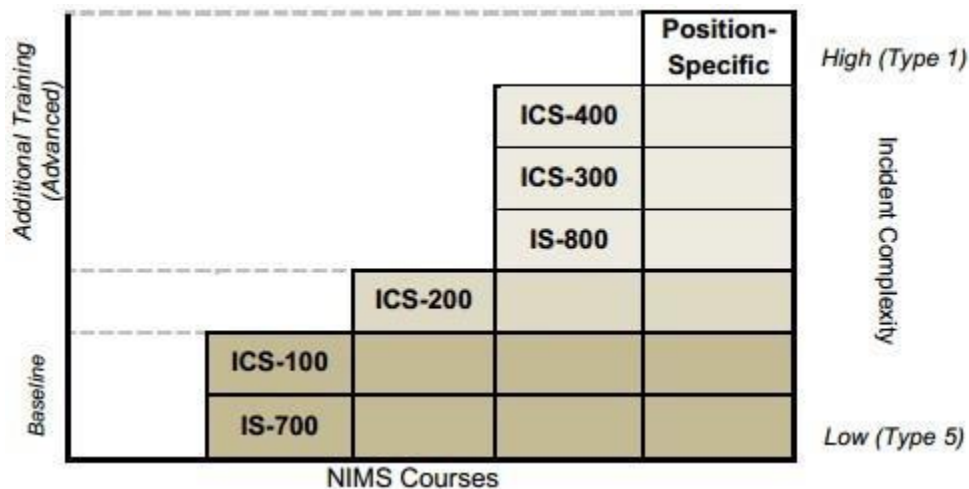
<u>Name</u>	<u>Intersection</u>
Carrollton Ave	N Carrollton Ave/I-10
Metairie Rd	City Park Ave/I-10
Canal Blvd	Canal Blvd/Pontalba St
Marconi	Marconi Dr/I-610
St Bernard Ave	St Bernard Ave/Florida Ave
Paris Ave	Paris Ave/I-610
Gentilly	Gentilly Blvd/I-610
Board St	Broad St/Florida Ave
Franklin Ave	Franklin Ave/I-10
Gentilly Blvd	Gentilly Blvd/Chef Menteur Hwy
SUNO/Leon C Simon	Press Dr/Leon C Simon Dr
Downman Rd	Downman Rd/Lake Shore Dr
Woodland Dr	General De Gaulle Dr/Woodland Dr
Westbank Expressway	General De Gaulle Dr/Westbank Expy
City Park (Golf Drive/610)	610 Underpass

## Appendix A – Incident Command / NIMS Courses

The course listed below are introductory courses that may be taken online from ANY computer with internet access. The member will have to create a student identification number / registration (which is outlined in every course link). Once successfully completed, the member can print a certificate and have it entered into INSIGHT / PowerDMS training records.

### Training Program

As illustrated below, the National Incident Management System (NIMS) Training Program identifies those courses critical to train personnel capable of implementing all functions of emergency management. This program establishes the NIMS core curriculum to ensure it adequately trains emergency and incident response personnel to all concepts and principles of each NIMS component. [Click on this link to access the NIMS Training Program document.](#)



### Baseline Courses

- **IS-700 NIMS, an Introduction:** This independent study course introduces the NIMS concept. NIMS provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents.
- **ICS-100 Introduction to the Incident Command System:** This independent study course introduces ICS and provides the foundation for higher level ICS training. It describes the history, features and principles, and organizational structure of the system. This course also explains the relationship between ICS and NIMS.

### Additional Courses

- **ICS-200 ICS for Single Resources and Initial Action Incidents:** This independent study course is designed to enable personnel to operate efficiently during an incident or event within the ICS. ICS-200 provides

training and resources for personnel who are likely to assume a supervisory position within the ICS.

- **IS-800 National Response Framework (NRF), an Introduction**: The course introduces participants to the concepts and principles of the NRF.

The below courses cannot be taken online but are available free to the agency. They are required for higher level ICS functions and Departmental decision makers (Captain, Major, and Deputy Chief) or anyone who operates at the ICS level of Branch Director or above.

- **ICS-300 Intermediate ICS for Expanding Incidents**: ICS-300 provides training and resources for personnel who require advanced knowledge and application of the ICS. This course expands upon information covered in the ICS-100 and ICS-200 courses.
- **ICS-400 Advanced ICS**: This course provides training and resources for personnel who require advanced application of ICS. This course expands upon information covered in ICS-100 through ICS-300.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.3

### TITLE: RESPONSE TO BOMB CALLS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 416**

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#### PURPOSE

This Chapter will assist officers in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents.

#### POLICY STATEMENT

1. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public.
2. When confronted with an incident involving explosives, safety shall always be the primary consideration.
3. All calls received of a bomb threat, explosive, explosion, or incendiary device are assigned a code two priority response and a district unit and supervisor shall be dispatched to the location.
4. Communications Services shall notify the Commander of Special Operations Division during regular working hours, or consult the call out roster when notified by responding units that extensive building search and/or evacuation is required.

#### DEFINITIONS

**Bomb / Explosive Device**—Any chemical compound, mixture or device, the primary purpose of which is to function by explosion.

**Bomb Threat**—The expression of an intention to detonate an explosive device.

#### FOUND EXPLOSIVES / SUSPECT DEVICES

5. When receiving a call of a suspected explosive device, the following guidelines shall be followed:
  - (a) Communications Services shall dispatch a district unit and supervisor on all suspected explosive devices, even when the accuracy of the call information is in doubt.
  - (b) Communications Services shall notify the New Orleans Police Department

- Special Operations Division Bomb Squad on all suspected explosive devices.
- (c) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
  - (d) The New Orleans Police Department Special Operations Division Bomb Squad should be notified once district response units confirm the possibility of a suspected explosive device even when in doubt.
  - (e) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
  - (f) As much initial information as possible should be promptly relayed to the District Platoon Commander by Communications Services or responding units, including:
    - The stated threat.
    - Exact comments.
    - Time of discovery.
    - Exact location of the device.
    - Full description (e.g., size, shape, markings, construction).
  - (g) The device should not be touched or moved except by qualified bomb squad personnel.
  - (h) 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 police radios, cell phones and any other personal communication devices.
  - (i) Consideration should be given to evacuating any buildings near the device.
  - (j) An incident report (EPR) shall be generated by the responding officer and a copy sent to the SOD Bomb Squad for tracking.

#### **BOMB THREATS RECEIVED AT A POLICE FACILITY**

- 6. Members 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.
- 7. 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 Department evidence procedures.
- 8. If the call is made to Communication Services, the Bomb Threat Call Checklist should be followed.
- 9. The member 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.
- 10. An incident report shall be generated and forwarded to the bomb squad for tracking by the member receiving the call.

#### **BOMB THREATS AT PUBLIC OR PRIVATE FACILITY**

- 11. 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.

12. Members 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, and
  - (g) Whether the facility is occupied, and if so, the number of occupants currently on scene.
13. The member receiving the bomb threat information should also ensure that the District Platoon Commander is immediately notified so that he/she can communicate with the person in charge of the facility.
14. The responding officer shall complete an incident report (EPR) and forward a copy of the report to the SOD Bomb Squad.

#### **BOMB THREATS AT A FEDERAL BUILDING OR PROPERTY**

15. Communications Services shall dispatch appropriate District repose units to a bomb threat incident at a federal building or property and shall report the call to the Federal Protective Service (FPS) (877-437-7411). The FPS may provide a uniformed police response, which may include use of its Explosive Detector Dog Teams.
16. Any devices or suspected devices will only be rendered safe by the SOD Bomb Squad according to established Bomb Squad Standard Operating Procedures/logic tree unless special circumstances deem otherwise.

#### **EVACUATION OR SEARCH ASSISTANCE**

17. If the person in charge of the facility makes a request for law enforcement assistance, the on scene supervisor or District 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 (EPR) shall be generated and a copy forwarded to the SOD bomb Squad upon its completion.
18. 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 on scene supervisor or District Platoon Commander. The warning provided by the on scene supervisor or District Platoon Commander should include the possibility of injury to facility staff and/or damage to the facility as a result of a search.

#### **BOMB SQUAD/TECHNICIAN**

19. The Commander of SOD Bomb Squad shall contact the military ordnance disposal



team when their assistance is needed.

20. A secure perimeter of 300 ft. will be established.
21. 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.
22. The Bomb Technician shall 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.
23. The SOD bomb technician will be the sole decision maker on the scene relative to the removal or safe rendering of a discovered device.
24. The SOD bomb technician shall summon any other support technicians and equipment he/she deems 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.
25. If no other explosive devices are discovered, the SOD Bomb Technician will assist the Crime Scene Technicians in collecting additional evidence.
26. The SOD Bomb Squad will make the necessary notifications to the Federal Bureau of Investigation (FBI) based on the incident.
27. The SOD bomb technician will complete an After Action Report concluding the rendering safe procedures and any additional technical follow-up.

#### **EXPLOSION / BOMBING INCIDENT RESPONDER RESPONSIBILITIES**

28. When an explosion has occurred, there are multiple considerations that may confront a responding officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.
29. Once an explosion has occurred, the response guidelines of **Chapter 46.16 – Weapons of Mass Destruction** shall be followed.
30. In all instances, the New Orleans Police Department shall use the National Incident Management System/Unified and Incident Command System.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.3.4

### TITLE: HAZARDOUS MATERIALS EXPOSURE AND RESPONSE

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 412**

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#### PURPOSE

Hazardous materials present a potential harm to department members, the public and the environment as a result of their public presence and uncontrolled exposure. This Chapter provides general guidelines for departmental members who may come into contact with a suspected hazardous material so they may take certain steps to protect themselves and the public.

#### POLICY

1. The New Orleans Fire Department (NOFD) is the lead agency in all non-criminal HazMat incidents.

#### DEFINITIONS

**Hazardous Material (HazMat)**—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)).

#### SAFETY AND RESPONSE GUIDELINES

2. 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 steps to protect themselves and other persons.
3. 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) Notify the New Orleans Fire Department and New Orleans Emergency Medical Service (NOEMS). Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
  - (d) Wear personal protective gear if available, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
  - (e) Begin evacuation of the immediate and surrounding areas as precaution even if the material is unknown using the **Emergency Response Guidebook** until properly trained members of the New Orleans Fire Department determine otherwise.
  - (f) 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:
    - Placards and use of the Emergency Response Guidebook.
    - Driver's statements or shipping documents from the person transporting the material.
    - Information obtained from any involved person with knowledge regarding the hazardous material.
  - (g) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:
    - The identity of the material.
    - How to secure and contain the material.
    - Any other information to protect the safety of those present, the community and the environment.
  - (h) Provide first aid to injured parties if it can be done safely and without contamination.
  - (i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
4. 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.
5. The New Orleans Fire Department is the agency trained and equipped to properly respond and mitigate most hazardous materials.
6. Hazardous materials shall not be transported by a department member or stored in the Central Evidence & Property Section.
7. Acids, and flammable substances shall only be processed and transported by HazMat Technicians or other governmental agencies utilizing the appropriate vehicle and transportation technique to be determined by the qualified technician and considered safe.

#### **SAMPLING OF POSSIBLE HAZARDOUS MATERIALS**

8. HazMat Technicians shall determine if a sampling of the explosive compound or chemical agent can be safely extracted for evidentiary processing.
9. 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.

10. If a sampling of the substance can be safely retrieved for forensic processing, it shall be the HazMat Technician's or other governmental agency's responsibility to transport same to the appropriate facility for processing.
11. Substances whereby samples cannot be safely extracted shall be disposed of in a manner considered safe by the HazMat 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 by the assigned District officer. The photographs shall be deposited as evidence in the Central Evidence and Property Section.

### **REPORTING EXPOSURE**

12. Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor.
13. 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.

### **SUPERVISOR RESPONSIBILITIES**

14. When a supervisor has been informed that an employee has been exposed to a hazardous material on duty, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.
15. The supervisor shall take all necessary steps to ensure that all persons, clothing and equipment (including vehicles) which may have been contaminated is identified, isolated and contained pending decontamination and inspection by a qualified HazMat technician.
16. 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 (NOFD).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.5

### TITLE: SECURITY OF VISITING DIGNITARIES

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 477**

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#### PURPOSE

The purpose of this Chapter is to provide for the planning and command structure in those instances where resources of the New Orleans Police Department are required to assist other governmental agencies in providing security for visiting dignitaries.

#### DEFINITIONS

**Dignitary**—An individual of high authority or rank usually within a political structure or other individuals, as deemed appropriate by the Superintendent of Police, in need of security or special transportation requirements while visiting the City of New Orleans.

**S.A.R.G.E System**—The United States Secret Service issues temporary lapel pins to individuals who will be near or around the president or other protected VIPs. The lapel letters designate the assigned position and access. It is not an acronym.

#### GENERAL INFORMATION

1. All requests for Department support involving visiting dignitaries will be coordinated through the Field Operations Bureau Special Events Section.
2. Special Events shall be responsible for the coordination, planning and deployment of Department members associated with dignitary visits or events.
3. Special Events Section is responsible for the overall site plan and if sufficient departmental resources are required, developing a Special Event Operations Plan.
4. Upon the request of the security services for a visiting dignitary, and once authorized by the Superintendent of Police, Special Events shall be assigned to coordinate the security assignment with other governmental agencies involved.
5. The assigned Special Events member shall contact all concerned agencies associated with the security detail furnishing them with his/her name, rank and telephone number where they may be contacted. The Special Events member shall obtain all pertinent details relative to the visit and determine to what extent resources of the Department are needed.

6. The Special Events member assigned to coordinate will meet with an assigned SOD supervisor and, if needed, an assigned member of the ISB Intelligence Section to assign responsibilities and coordinate activities.

#### **SPECIAL OPERATIONS DIVISION**

7. The Special Operations Division, when requested, will provide operational support for the security of visiting dignitaries.
8. A supervisory member of SOD shall be responsible for the operational planning and deployment of SOD members associated with dignitary visits or events under the overall coordination of the Special Events Section.
9. Specific equipment needs will be met by the inventory of the Special Operations Division to include, but is not limited to body armor, vehicles, and special weapons.
10. Special equipment needs will be based on the particular security assignment's threat level. The SOD supervisor in charge of the operational support of the assignment will identify the special equipment needs for the detail.
11. The SOD supervisor and/or the Intelligence Section member if assigned shall be responsible for surveying all locations where the dignitary may visit for threat level assessment. All avenues of travel shall be evaluated and alternate travel routes shall be preplanned and made part of the overall security operation.

#### **SPECIAL OPERATIONS DIVISION - TRAFFIC**

12. All motorcade movement involved in security efforts will be coordinated by the Special Operations Division's Traffic Section. The Traffic Section supervisor, in coordination with the Special Events Section, shall develop and provide a safe and efficient movement plan that is coordinated with the site security operation.
13. Motorcade teams shall travel the route of the dignitary prior to his/her departure and take appropriate action to remove any obstacles and or difficulties.

#### **SITE PLAN / SPECIAL EVENT OPERATIONS PLAN**

14. Security plan formulation shall include the identification of a nearby medical facility for emergency care.
15. Communication among department members assigned to the security function will utilize the departmental surveillance radio kit, comprised of a push to talk button and ear microphone. An additional radio talk group may be authorized by the Special Events coordinator.
16. Dignitary visit sites outside the original hosting jurisdiction shall be coordinated with a representative from the site agency. Movement plans from the hosting jurisdiction into other jurisdictions shall be made part of the overall security operation.
17. The Special Event Section member or an assigned SOD or Intelligence Unit member / supervisor shall accompany the dignitary to the visiting jurisdiction site and deploy crisis management as needed to ensure the successful return of the dignitary.
18. Site teams shall ensure all entrances, exits, walkways, and avenues of threat are monitored and secured. All entrances and exits will be secured and access to

unauthorized individuals and personnel disallowed.

19. Visits of foreign heads of state, President, or Vice President of the United States may require the detail to utilize support elements from other Bureaus and all police districts. These elements will be deployed as outlined in the Special Event Operations Plan and along the motorcade route preventing any interference with the motorcade.

#### **UNITED STATES SECRET SERVICE**

20. All security assignments associated with the United States Secret Service as part of the protective detail require the display of the S.A.R.G.E. system identification lapel pin. These pins shall be supplied by the Secret Service to those department members who are involved in the protective detail.
21. Assignments not directly associated with the protective detail or supported by the Secret Service shall require the display of the NOPD tie tack identification pins for all assigned plain clothes officers. The SOD or Intelligence Unit supervisor shall instruct the involved plain clothes NOPD members to utilize the tie tack affixed to the left lapel.

#### **SECURITY ASSIGNMENTS AND THE UNITED STATES SECRET SERVICE**

22. Requests for Department support of the United States Secret Service shall be staffed by members of the Special Operations Division and or the Intelligence Section. Large or multiple site visits may require the utilization of additional personnel from the Field Operations Bureau.
23. One department member shall be assigned to each Secret Service identification team, motorcade team, and site team. This ensures complete operational communications with all agencies.
24. Identification teams responding to suspicious activities observed by the Secret Service shall support the effort by enforcing all state laws and city ordinances as appropriate to the circumstances encountered. The NOPD officer shall also provide radio communication access for the Secret Service.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.7

### TITLE: CRISIS RESPONSE UNIT - SWAT

**EFFECTIVE: 11/26/2017**

**REVISED: Replaces Policy/Procedure 408**

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#### PURPOSE

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.

#### POLICY STATEMENT

1. The mission of the Special Operations Division's SWAT Team 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, high-risk apprehension, and terrorism response.
2. SWAT team tactics and equipment shall be prohibited from deployment or use for routine or proactive patrol functions, crime prevention, or for the service of non-high-risk warrants, unless approved in writing by a Deputy Chief.
3. Nothing in this Chapter prohibits SWAT Team members from providing uniformed policing services.
4. Barring emergency circumstances, the SWAT Team shall have the primary responsibility for execution of any high-risk warrant utilizing SWAT team officers equipped with special equipment, training, and weapons.
5. 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 shall develop sufficient resources to perform three basic operational functions:
  - (a) Command and control
  - (b) Containment
  - (c) Entry/apprehension/rescue
6. The New Orleans Police Department maintains a **Level III SWAT Team**.



## DEFINITIONS

Definitions relevant to this Chapter include:

**SWAT Team**—A designated unit of law enforcement officers, , including a multijurisdictional team, which 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 high-risk incidents.

**Level III SWAT Team**—An advanced level SWAT team whose personnel function as a unit. Generally, 25 percent of their on duty time is devoted to training and maintaining 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.

## OPERATIONAL AND ADMINISTRATIVE POLICY

7. The sections of this Chapter pertaining to the Crisis Response Unit (CRU) are divided into Administrative and Operational sections. The situations that necessitate the need for specialized a law enforcement response vary greatly from incident to incident, and such events often demand on scene evaluation.
8. The Operational section outlined in this Chapter serves as a guideline to Department personnel, allowing for appropriate on scene decision making. The Administrative section, however, is more restrictive and few exceptions should be taken.
9. 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 Chapter 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.
10. The SOD Commander, or his/her 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 shall consider the team's capabilities and limitations and review its training. This assessment shall be reported, in writing, to the Deputy Chief of the Field Operations Bureau no later than March 1<sup>st</sup> of each year.

## ORGANIZATIONAL PROCEDURES

11. The Commander of the Special Operations Division and the Deputy Chief of Field Operations shall jointly develop organizational procedures that should address, at a 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

## OPERATIONAL PROCEDURES

12. The Commander of the Special Operations Division and the Deputy Chief of Field Operations shall jointly develop operational procedures, in accordance with SOD's 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***.

13. Operational 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 Chapter. The operational procedures shall 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).
  - (b) All SWAT team members should have an understanding of operational planning.
  - (c) SWAT team training should consider planning for both spontaneous and planned events.
  - (d) SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
  - (e) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
  - (f) When reasonably possible, briefings should include the specialized units and supporting resources.
  - (g) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
  - (h) 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.
  - (i) The appropriate role for a trained negotiator should be defined.
  - (j) A standard method of determining whether a warrant should be regarded as high risk should be developed.
  - (k) 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.
  - (l) The elements of post incident scene management should include:
  - (m) Documentation of the incident should be prepared by the Negotiation Team.
  - (n) Transition to investigations and/or other units.
  - (o) Debriefing after every deployment of the SWAT team.
  - (p) 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.
  - (q) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.
  - (r) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
  - (s) When appropriate, debriefing should include specialized units and all personnel present during the incident.
  - (t) Sound risk management analysis should be included.
  - (u) Standardization of equipment should be addressed.

## INITIAL TRAINING

14. SWAT team officers and SWAT supervisors/team leaders should not be deployed until successful completion of the **NOPD 4 Week Basic SWAT Course**. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent after evaluation by the SOD Training Officer.
15. Required team training for the specialized SWAT functions and other supporting resources shall be completed prior to full deployment of the team.

16. SWAT team officers and SWAT supervisors/team leaders shall complete a two week update or refresher training course every 24 months.

### **SUPERVISION AND MANAGEMENT TRAINING**

17. Command and executive personnel in the chain of command for SWAT are encouraged to attend training for managing the SWAT function at the organizational level. This ensures that the personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.
18. Command personnel who may assume incident command responsibilities during a SWAT team deployment shall attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel shall attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

### **SWAT ONGOING TRAINING**

19. Training exercises shall include a review and critique of personnel and their performance in the exercise, in addition to the specialized training. Training shall consist of the following:
  - (a) Each SWAT member shall perform a physical fitness test twice each year. The physical fitness test is outlined within the SOD Standard Operating Guidelines and is a Pass / Fail test and must be successfully completed 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 and 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 leave, sick or are on limited duty status with a medical provider's notation of illness and treatment 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 Range Master 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 Range Master 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.

**SCENERIO BASED TRAINING / TRAINING SAFETY**

20. SWAT teams shall participate in scenario based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.
21. Use of a designated safety officer shall be employed for all tactical training. (Reference **Chapter 1.4.3 – Scenario Based Firearms Training** for general safety officer guidelines.)

**TRAINING DOCUMENTATION**

22. Individual and team training shall be documented and records maintained by the SOD Training Officer and Administrative staff. Such documentation shall be maintained in each member's individual training file. A separate SWAT training file shall be maintained with documentation and records of all team training.

**UNIFORMS**

23. SWAT team officers shall wear uniforms that clearly identify team members as law enforcement officers unless certain tactical conditions require covert movement. Attire appropriate to the specific mission shall be determined by the Commander of SOD.

**EQUIPMENT**

24. SWAT teams shall be adequately equipped to meet the specific missions identified by the Department and SOD Operational Procedures. (See: **Chapter 46.2.3 – CRU / SWAT Equipment.**)

**FIREARMS**

25. Weapons and equipment used by SWAT, the specialized units and the supporting resources shall be department issued, including any modifications, additions or attachments. **No personal weapons are authorized for SWAT officers other than the duty handgun.**

**OPERATIONAL READINESS INSPECTION**

26. The Commander of SOD 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 all equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicles.

**MANAGEMENT / SUPERVISION OF CRISIS RESPONSE UNIT**

27. The commander of SOD shall be selected by the Superintendent of Police. The Commander of SOD shall select the commander of the CRU with the Superintendent's approval.

**TEAM SUPERVISORS**

28. The Crisis Negotiation Team (CNT) and each SWAT team will be supervised by a Team Leader who has been appointed by the SOD Commander.

29. The Team Leaders shall be selected by the Superintendent of Police upon specific recommendation by the SOD Commander.
30. The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first line participation and other duties as directed by the SOD Commander.
31. The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, active incident participation and other duties as directed by the SOD Commander.

### **CRISIS NEGOTIATION TEAM (CNT) ADMINISTRATIVE PROCEDURES**

32. The CNT provides skilled, verbal communicators who may be utilized to deescalate and affect the suspects' surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

### **SELECTION OF PERSONNEL FOR CNT**

33. NOPD commissioned members, who are not on probation as a PO1 and have served 2 years, shall submit a request for training as a CNT member to their appropriate Division Commander. A copy of the request shall be forwarded to the SOD Commander and the CNT Team Leader.
34. Qualified applicants will then be invited to an oral interview. The oral interview board will consist of the SOD Commander, the CNT sergeant and a third person to be selected by the two. Applicants shall be evaluated on the following criteria:
  - (a) Recognized competence and ability as evidenced by performance as a police officer.
  - (b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process.
  - (c) Effective oral communication skills to ensure success as a negotiator.
  - (d) Special skills, training or appropriate education that may pertain to the assignment.
  - (e) Commitment to the unit's goals, understanding that the assignment may necessitate unusual working hours, conditions and training obligations.
35. The oral interview board shall submit a ranked list of successful applicants to the Field Operations Bureau Commander for final selection.

### **TRAINING OF NEGOTIATORS**

36. Those officers selected as members of the CNT shall attend a department approved, 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 only. Additional training will be coordinated by the team supervisor.
37. A minimum of one training day per quarter, and an additional 40 hour annual training shall be required to maintain proper skills and certification. This will be coordinated by the team supervisor.
38. Continual and ongoing evaluation of a CNT team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor as part of every After Action Report. Performance and efficiency levels established by the team supervisor must be met and maintained by all team members.

Any of the CNT who performs or functions at a less than satisfactory level shall be subject to dismissal from the CNT.

## **SWAT TEAM ADMINISTRATIVE PROCEDURES**

### **SELECTION OF PERSONNEL FOR SWAT**

39. NOPD commissioned members, who are not on probation as a PO1 and have served 2 years as a platoon officer, shall submit a request for training as a SWAT member to their appropriate Division Commander. A copy of the request shall be forwarded to the SOD Commander and the SWAT Team Leader.
40. Qualified 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.
41. The oral interview board will consist of personnel selected by the SOD Commander. Applicants will be evaluated on the following criteria:
  - (a) Recognized competence and ability as evidenced by performance as a police officer.
  - (b) Demonstrated good judgment and an understanding of the critical role of a SWAT team member.
  - (c) Special skills, training or appropriate education that may pertain to the assignment.
  - (d) Commitment to the unit's goals, understanding that the assignment may necessitate unusual working hours, conditions and training obligations.
42. The physical agility test will determine the physical capabilities of the applicant as they relate to performance of SWAT related duties. The test and scoring procedure will be established by the SOD Commander. A passing score shall be attained by the applicant to be considered for the position.
43. Selected applicants will be invited to shoot the SWAT basic drill for the handgun to assess his/her skill level.
44. Current SWAT team members will individually evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills the applicant possesses that could benefit the team.
45. A ranked list of successful applicants shall be submitted to the Deputy Chief of Field Operations Bureau by the SOD Commander for final selection.

### **TEAM EVALUATION**

46. Continual and ongoing evaluation of a SWAT team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor as part of each After Action Report. Performance and efficiency levels established by the team supervisor must be met and maintained by all team members. Any member of the SWAT team who performs or functions at a less than satisfactory level shall be subject to dismissal from SWAT.

### **OPERATIONAL GUIDELINES FOR CRISIS RESPONSE UNIT**

47. 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. A SWAT team may be used in a situation not requiring the physical presence of the CNT, such as high risk warrant service operations at the discretion of the SOD Commander.

### **ON SCENE DETERMINATION**

48. The on scene supervisor in charge at the scene of a particular event will contact Communications Services to notify the SOD Commander, or his designee, and advise him/her of the circumstances. The SOD Commander or designee shall determine if the Crisis Response Unit should respond and advise the on scene supervisor.

### **APPROPRIATE SITUATIONS FOR USE OF A CRISIS RESPONSE UNIT**

49. 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 that qualify as high-risk.
  - (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.
  - (f) Special consideration should be given to structures requiring forced entry. These structures require specialized equipment to safely execute entry and may pose a significant threat to uniformed personnel.

### **OUTSIDE AGENCY REQUESTS**

50. Requests 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.

### **MULTI-JURISDICTIONAL SWAT OPERATIONS**

51. The NOPD SWAT team, including specialized units and supporting resources, shall develop protocols, cooperative endeavor agreements (CEA), and memorandums of understanding (MOU), as well as working relationships to support multi-jurisdictional or regional responses.
52. If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multiagency and multidisciplinary joint training exercises should be conducted.
53. Members of the New Orleans Police Department SWAT team shall only operate under the policies, procedures, supervision and command of the New Orleans Police Department when working in a multiagency situation.
54. Outside agency SWAT Teams requested by NOPD and deployed in the City of New Orleans shall be under the command of NOPD SOD supervisors. The only exception, absent a specific MOU or CEA, is the Louisiana State Police SWAT Team when called to handle a secondary location deployment where they operate independent of direct NOPD supervision. LSP has concurrent jurisdiction in Orleans Parish.

**MOBILIZATION OF CRISIS RESPONSE UNIT**

55. The on scene supervisor shall make a request to the District Platoon Commander for the Crisis Response Unit to respond. The District Platoon Commander shall then notify Communications Services and request the SOD Commander. If unavailable, a CRU team supervisor shall be notified. An up to date mobilization list shall be maintained in the SOD and CRU Platoon Commander's office by the SOD Commander. The Platoon Commander will then notify the Field Operations Bureau Deputy Chief as soon as practicable after activation of CRU.
56. The District Platoon Commander shall brief the SOD Commander with the following information if available:
- (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 or engaged on the scene.
  - (h) Whether the suspect has refused an order to surrender.
  - (i) Any other important facts critical to the immediate situation.
57. The SOD Commander shall call selected SOD / CRU / SWAT officers to respond based on his/her assessment of the tactical situation and resource needs.

**FIELD UNIT RESPONSIBILITIES**

58. While waiting for the Crisis Response Unit, District 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:
    - Securing any subject or suspect who may surrender.
    - Taking action to mitigate a lethal threat or behavior.
    - Evacuate any injured persons or citizens in the zone of danger if it can be done without placing them at risk.
    - Attempt to establish preliminary communications with the suspect.**(NOTE: 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.

**ON SCENE COMMAND RESPONSIBILITIES**

59. Upon arrival of the Crisis Response Unit at the scene, 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.
60. 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.



**COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL**

61. All persons who are non-Crisis 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 non-emergency communications shall be channeled through the CNT sergeant or his/her authorized designee.

**REVIEW AND REPORTING**

62. Supervisory review of CRU / SWAT Team deployments shall be conducted by an uninvolved, 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.
63. The SOD Commander or his/her designee will track and analyze the number of CRU / 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, and
  - (f) Whether a person or domestic animal was injured or killed.
64. Supervisory review of CRU / SWAT Team deployments shall be maintained in a database that is accessible through INSIGHT and included in the NOPD's annual Use of Force Report.
65. In addition to any Use of Force Reports, the CRU / 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.9

### TITLE: MARINE SEARCH & RESCUE

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 831**

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#### PURPOSE

The Marine, Search and Rescue Unit is established for the purpose of recovering evidence, searching for lost or missing boaters, recovering bodies from area lakes and bayous, as well as retrieving submerged vehicles, evidence or other assignments as directed by the Superintendent of Police or his/her designee.

#### POLICY STATEMENT

1. Louisiana Department of Wildlife and Fisheries is the lead agency on all maritime accidents occurring on state waterways. NOPD will coordinate with the Department of Wildlife and Fisheries to provide assistance as requested.
2. The Special Operations Division Marine Search and Rescue Unit is available on a 24 hour basis. The Special Operations Division Commander will provide a monthly roster of available call-out personnel to Communications Services.
3. Due to the hazardous nature of underwater operations, the SOD Commander shall determine if operations will be conducted in a particular body of water.
4. Command of Marine Search and Rescue Unit personnel on the scene of a dive will be the responsibility of the Team supervisor or the on scene SOD Commander.
5. Communications Services shall contact the Marine Search and Rescue Unit duty supervisor with 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.

#### OFFICER'S RESPONSIBILITIES

6. The officer on the scene shall contact his/her supervisor once it has been determined the assistance of the Marine Search and Rescue Unit is desired / needed.

#### SUPERVISOR'S RESPONSIBILITIES

7. The requesting officer's supervisor shall proceed to the scene and obtain all pertinent

information from the officer prior to requesting the Marine Search and Rescue Unit.

**OTHER REQUIREMENTS**

8. All reporting requirements, evidence transport and logging and scene documentation shall be the responsibility of the requesting officer and other Departmental support units (SCIS, CE&P, etc.).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.14

### TITLE: ACTIVE SHOOTER

**EFFECTIVE: 04/15/2018**

**REVISED: Replaces Policy/Procedure 409**

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#### PURPOSE

The purpose of this Chapter is to provide protocols for assessing the threat and performing rapid intervention tactics to limit serious injury or loss of life during active shooter situations. While the term “active shooter” is used throughout, this policy applies to all situations where there is an active, ongoing deadly threat, to include those from firearms, explosives, knives, and other instrumentalities.

#### POLICY

In situations where ongoing deadly force is being employed by a suspect and delay in taking police action could result in injury or death, the rapid intervention of officers at the scene is authorized to prevent further injuries or loss of life.

#### DEFINITIONS

**Active Shooter**—An armed person who has used deadly force on other persons and continues to do so while having unrestricted access to additional victims.

**Contact Team**—A team of officers who make immediate entry into a location to locate and neutralize the threat posed by the active shooter.

**Incident Command System (ICS)**—A standardized on-scene emergency management system that provides for the adoption of an integrated organizational structure. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. ICS can be used for all kinds of emergencies, and is applicable to small as well as large and complex incidents. In each emergency or incident, regardless of its size, the principles of ICS apply. The first on-scene officer has management responsibility.

**Incident Commander (IC)**—The individual, on scene (officer or supervisor) responsible for all incident activities, including the development of strategies and tactics, and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. The first on-scene officer will be the IC unless and until IC responsibilities are assumed by a supervisor or other qualified officer, up to the chief of the department, depending on the size, scope, and complexity of the incident or event.

**Rapid Response or Rapid Intervention**—An assessment decision made by the on-scene incident commander that the situation presented is a dynamic, active shooter incident rather than a hostage situation and requires immediate intervention by law enforcement officers to stop the shooter.

**Rescue Team**—A team of officers who make entry after the contact team to provide first aid and evacuate wounded individuals or officers from a hostile environment.

### OFFICER'S RESPONSIBILITIES

1. Initial responding officer(s) shall make a situational assessment based on available information from dispatched responders or officers already at the incident scene to verify that an active shooter situation exists through information provided by dispatch, from persons confined within or exiting the target location, witnesses, reports of—or sounds of—gunfire, or related means.
2. Where available and as time permits, witnesses, or others on scene should be asked about the location and number of suspects, the suspects' weapons, persons injured, the number and location of persons in possible jeopardy, and the use or location of improvised explosive devices (IEDs). (See also: **Chapter 46.3 – Bomb Calls**).
3. In those incidents where it has been determined/established the active shooter is on the scene in a fixed location, the officer(s) on the scene shall focus their response on the active shooter and determine if:
  - (a) Violence is currently taking place,
  - (b) The suspect(s) is shooting his/her weapon, or
  - (c) The shooter(s) has access to additional potential victims.
4. Upon completion of the initial, on-scene assessment, the IC shall:
  - (a) Advise Communications Services and request resources as necessary, and
  - (b) Determine whether to take immediate action alone, with another officer, or wait until additional resources are available.
5. The initial, on-scene assessment by the Incident Commander and the subsequent determination of rapid intervention does not require approval of a supervisor not already on scene. The IC will be responsible for following Departmental guidelines and reporting requirements.

### RATIONALE FOR RAPID INTERVENTION

6. The responding officers shall determine whether rapid intervention is legally justified and reasonable. This decision may be based on such considerations as whether or not
  - (a) Deadly weapons are available to or have been used by the suspect;
  - (b) Victims are under the suspect's control, are readily accessible, or both; and
  - (c) The suspect poses an ongoing threat of deadly force.
7. The officer's assessment of his/her capability to effectively intervene should be based on such factors as whether:
  - (a) The officer is armed and in possession of appropriate equipment;
  - (b) It is reasonable to believe that persons will be killed or injured if immediate response to the threat is not taken;
  - (c) The size, configuration, and related physical aspects of the incident site allow for movement, stealth, cover, and related tactical needs;
  - (d) The suspect is accessible; and

- (e) The incident site offers opportunities for cover and concealment to assist tactical options, adequate routes for evacuation, or secure locations in which to hide.

### COMMUNICATION SERVICES RESPONSIBILITIES

8. Communications Services shall immediately make a multi-channel broadcast on all available channels. The Commander or on-duty supervisor of the Special Operations Division (SOD) shall be notified. Communications Service shall follow the critical incident protocol in making notifications to the Command Staff.
9. The Communications Services Liaison shall assume responsibility for all notifications. All requests for support assistance will be routed through Communications Services.

### METHOD OF DEPLOYMENT - INDIVIDUAL OFFICER RESPONSE

10. The majority of active shooter incidents involve one suspect, a factor that makes individual officer intervention a potentially viable option for saving lives, even if additional resources are not readily available. In some instances, an individual officer may be present within or nearby the active shooting location, such as a mall or school. Whether on or off duty, in uniform or civilian clothes, he or she may determine that immediate tactical intervention is necessary and reasonable to stop the threat. That decision should be based on the factors noted in Rationale for Rapid Deployment.
11. As soon as practical, officer(s) shall notify Communications Services that an active shooter situation exists. The officer should provide the following information and updates as available:
- (a) The identity, location, manner of dress (uniform, **plainclothes**), and proposed actions of the officer(s) at the scene;
  - (b) All available information on the suspect to include a physical description, weapons, explosives, equipment such as body armor, and suspect's current location and actions; and
  - (c) Available information on persons injured or under threat, their locations, emergency resources required, and recommended points of entry.

**NOTE: The presence of plainclothes officers on the scene of an active shooter incident presents a very high risk of "friendly fire" casualties. Every effort shall be made to minimize the use, risk and exposure of plainclothes officers on an active shooter scene. Plainclothes officers shall be replaced with uniformed officers on an active shooter scene as soon as possible.**

12. When displaying firearms while in plainclothes, officers shall verbally identify themselves as police officers, and conspicuously display NOPD badge and/or other police identification to alert security personnel, arriving officers, or civilians who may be armed.
13. If feasible, officers should facilitate evacuation by:
- (a) Locating points of egress from danger zones and directing people to those evacuation points if reasonably safe for them to do so; and
  - (b) Locating and directing persons hiding in unsecure locations (e.g., under desks, inside unlocked rooms) to evacuation points.
14. If evacuation is not possible, officers should:
- (a) Help locate and direct persons to safer locations, preferably with thick walls; solid doors with locks; or, in the absence of such locations, rooms that can be barricaded with heavy furniture or objects;

- (b) Direct individuals to silence all personal electronic devices, take cover, and remain silent;
- (c) Take any actions possible to distract, disrupt, divert, or incapacitate the shooter using surprise attacks and force; and
- (d) When possible, officers should assist with the injured and direct incoming teams to injured persons.

#### **METHOD OF DEPLOYMENT - CONTACT TEAM RESPONSE**

15. A contact team response to an active shooter situation is preferred in nearly all active shooter situations—irrespective of any initial actions that may have been taken. Even if the threat seemingly has been terminated, contact teams are required to render the location safe, assist in screening and orderly evacuation of persons to a designated area, and locating any other persons still in hiding.
16. Normally, only one contact team shall be deployed at any given time but additional teams may be deployed at the direction of the IC to provide tactical advantage. The IC shall ensure that each team is aware of the other teams' locations and actions. The mission of the contact team is to locate and stop the threat.
17. The contact team shall move as quickly as possible towards the active shooter. The active shooter may be armed with dangerous instruments other than a firearm. Contact team officers may have to ignore injured persons requiring medical treatment.
18. One officer on the contact team shall be responsible for broadcasting the team's progress. The contact team shall be provided a clear communications channel to provide the following types of information:
  - (a) The team's progress and location.
  - (b) The location and number of victims and their medical needs.
  - (c) The estimated number of suspects involved.
  - (d) The suspects' descriptions and weapons if known.
  - (e) The location of any booby traps or explosives. If discovered, the contact team leader shall determine whether to post an officer near it, report it, or mark it for later removal.
19. The contact team shall locate the suspect(s) in the most expeditious manner possible in order to stop the threat. In doing so, as long as locating and neutralizing the threat remains the priority, officers **should not stop** to render aid or assistance to victims but may, where reasonably possible, inform them that rescue teams are forthcoming and direct them to a safe point of egress or hiding if they are ambulatory and it is deemed safe for them to do so.
20. The contact team should employ tactical advantages such as avoiding use of the main entrance to provide an element of surprise and to avoid potential booby traps or ambush.
21. The contact team should not attempt to conduct a thorough clearing of the location but should follow sounds (such as gunfire, yelling, and screaming); observe victims and bystanders; and locate the suspects as soon as possible.
22. Once the suspects have been located and the threat eliminated, the contact team should proceed to clear all portions of the location in the event that more suspects are in hiding.

23. Arriving SWAT, Emergency Response Teams (ERTs), or other officers should be called upon to help clear the location of potential suspects, locate and evacuate persons in hiding, and render safe any dangerous munitions or armament.

#### **METHOD OF DEPLOYMENT - RESCUE TEAM**

24. Once the contact team is deployed, and as officers and resources arrive at the incident scene, the IC should ensure that rescue teams are formed to provide first aid and to help evacuate victims. Rescue teams generally consist of four to six officers but may be expanded to include medical personnel or other officers as the situation dictates.
25. Rescue teams shall be organized under a team leader, deploy in tactical formations consistent with departmental training, and be prepared to respond to hostile action as rapidly changing circumstances may place them in contact with suspects. In such instances, the team shall be prepared and equipped to serve as the contact team.
26. Rescue teams shall be deployed only after the contact team has made entry, provided a status report, notified Communications Services of the location of victims, and determined that rescue efforts may begin. Wounded and injured persons shall be quickly searched, if reasonable, for weapons and removed to the designated emergency first aid area with cover and movement of such persons provided by team members. If emergency medical personnel are not yet in place, basic first aid shall be the responsibility of rescue team members until they are relieved by medical personnel.
27. Medical personnel may be permitted to accompany or respond to rescue team members if wounded persons are incapable of being moved.
28. Rescue team members shall search uninjured persons in the hostile environment before moving them to a designated safe area in the hostile environment or the evacuation site.
29. Rescue and recovery operations shall continue until the IC has declared the scene clear and safe.
30. Officers assigned to the evacuation site shall maintain custody and control of all persons and document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until such time as they may be safely transported to a hospital or home in the care of family or friends.

#### **INCIDENT COMMAND AND COMMAND POST**

31. The IC shall ensure that the following actions are accomplished:
  - (a) Establish Incident Command System and Command Post.
  - (b) Establish communication.
  - (c) Identify (and staff) a staging area for first responders, a second staging area for family members, and a third staging area for the media.
  - (d) Identify an additional staging area for SWAT, if employed.
  - (e) Request mutual aid if necessary.
  - (f) Organize unified interagency telecommunications if necessary.
  - (g) Establish traffic control and management (ingress and egress routes).
  - (h) Contact appropriate aviation resources to control air space for possible medical evacuation resources and to establish restricted air space for law enforcement use only.
  - (i) Request emergency medical assistance and designate a safe staging area for treatment of the injured and evacuation by EMS or medevac.



- (j) Initiate intelligence gathering on possible suspects.
  - (k) Select a safe location to place/hold evacuees, i.e., the evacuation site.
  - (l) Summon police chaplains and officers to provide information to relatives of victims.
  - (m) Coordinate with owners or officials of the target location for floor plans, site layout, and a roster (including emergency contact information as available) of employees, students, residents, visitors, or others believed to be on-site.
  - (n) Assign a recorder to document actions at the command post.
32. When SOD/SWAT arrives on the scene they shall be briefed by the current IC and will determine if and when their supervisor will assume command as IC. The change of command to SOD/SWAT shall be broadcast on all working communications channels.
33. The active shooter incident shall not be declared "safe" until the Commander of SOD/SWAT or his/her on-scene designee broadcasts that the scene has been secured by SOD/SWAT. This does not mean the incident has been concluded. Active shooter incidents are lengthy, can require multiple shifts and possibly days to investigate before the scene can be released.

### **REPORTING AND DEBRIEFING**

34. The initial responding officer shall be responsible for preparing the original incident report unless assigned to another officer by the officer's supervisor.
35. The Commander of the SOD is responsible for the internal after-action report if SOD has assumed responsibility on the scene prior to a Code 4.
36. As soon as reasonably possible after the incident, a debriefing of essential personnel involved in the incident shall be conducted. It will be done by the Commander of the unit responsible for the after-action report if SOD has not assumed responsibility on scene prior to a Code 4, or the Commander of SOD if SOD has assumed responsibility for the scene.
37. The debriefing shall identify both positive and negative aspects of the deployment with the intent of addressing areas in need of improvement and to determine whether changes in operational protocols, policy, or training may be warranted as a result.

### **TRAINING**

38. The Department shall provide active shooter training to all commissioned members. Whenever possible, simulation training exercises should be utilized in real-life facilities such as schools, churches, and public venues.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.16

### TITLE: WEAPONS OF MASS DESTRUCTION (WMD)

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 411**

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#### PURPOSE

The purpose of this chapter is to establish guidelines in the reporting of, and response to, incidents involving Weapons of Mass Destruction (WMD).

#### DEFINITIONS

**Weapon of Mass Destruction—Means: (see: U.S. Code Title 18 Part I Chapter 113B § 2332a)**

- (a) Destructive device as defined in 18 USCA § 921;
- (b) 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;
- (c) Any weapon involving a biological agent, toxin, or vector; or
- (d) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

The types of WMDs include:

- (a) Biological agents;
- (b) Nuclear and radiological weapons;
- (c) Incendiary Devices;
- (d) Chemical agents;
- (e) Explosives.

**Destructive device—Means: (U.S. Code Title 18 Chapter 44 § 921)**

- (a) Any explosive, incendiary, or poison gas
- (b) Bomb,
- (c) Grenade,
- (d) Rocket having a propellant charge of more than four ounces,
- (e) Missile having an explosive or incendiary charge of more than one - quarter ounce,
- (f) Mine, or
- (g) Device similar to any of the devices described in the preceding clauses;
- (h) 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; or
- (i) 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.

### COMMUNICATIONS SERVICES RESPONSIBILITIES

1. Upon receiving a complaint of a WMD incident, the Communications Services shall obtain the following information:
  - (a) Caller information;
  - (b) Location of WMD;
  - (c) Type of WMD if known;
  - (d) 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.
  - (e) When the WMD was delivered, and by whom or how it was delivered;
  - (f) How the WMD was transported through the building , if delivered to a building;
  - (g) How many people have handled the WMD once inside the building; and
  - (h) Keep the caller on the phone, if possible, to provide additional information if needed.
  
2. Once the initial information is obtained and entered into the complaint history, Communications Services shall immediately notify the NOPD Liaison.
  
3. The NOPD Liaison shall:
  - (a) Notify the Patrol Supervisor of the affected district or districts,
  - (b) Advise the Patrol Supervisor which units are clear to respond to the incident,
  - (c) Obtain the weather conditions and wind speed and direction and advise the dispatcher responsible for the incident,
  - (d) Immediately notify the Superintendent, Assistant Superintendents, and all departmental commanders via the email and text messaging system,
  - (e) Notify the City of New Orleans Office of Homeland Security and Special Operations Division Commander, and
  - (f) Contact the Emergency Medical Services (EMS) and New Orleans Fire Departments (NOFD) and advise them of the incident.
  
4. Communications Services shall assign the complaint to a supervisor, and two District patrol units if available from the affected district. Communications Services shall also advise the responding units of the weather conditions and wind direction.
  
5. Once Communications Services has been notified of a confirmed WMD incident, they shall make the required notifications from a notification log book containing names of each agency to be notified depending on the type of incident. This information shall be maintained and updated, by each respective agency, on a quarterly basis.
  
6. During normal business hours, Communications Services shall notify the Assistant Superintendent of the Management Services Bureau to have Police Headquarters locked down and secured. In the event of evening hours and weekends, Communications Services shall notify the NCIC Unit and have Police Headquarters locked down and secured. In both instances, non-departmental members shall be evacuated from the building, and only department members shall have access to Police Headquarters.

7. Communications Services shall notify the Commander of the Homicide Cold Case Squad in the event of a confirmed WMD incident.
8. Communications Services personnel shall broadcast an Emergency Alert across all radio dispatcher controlled talk groups maintained by the New Orleans Police Department, the NOFD and EMS and on all MDT's. This Emergency Alert shall be repeated every hour until the threat is secured or the Incident Commander instructs otherwise. The Emergency Alert shall contain the location, weather conditions and basic information about the incident.

### **RESPONSIBILITIES OF THE RESPONDING UNITS**

(Refer to *WMD Response Guide Book*, U.S. Department of Justice)

9. 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, responding units shall:
  - (a) Advise on scene arrival (10-97);
  - (b) Turn off all electronic equipment, radio, cell phones, pagers, etc. prior to entering the scene;
  - (c) One unit is to maintain a safe distance of at least 700 - 1000 feet to communicate with Communications Services advising of a Code 4, or if additional units/support units are needed;
  - (d) The other unit should approach the area cautiously from an upwind direction, resisting the urge to rush in;
  - (e) Secure the scene;
  - (f) Identify the hazards;
  - (g) Assess the situation, considering the following:
    - Is there a fire, a spill, or a leak?
    - What are the weather conditions?
    - 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?
  - (h) Notify dispatcher of safe ingress and egress routes; and
  - (i) Document all actions.

### **SUPERVISOR RESPONSIBILITIES**

10. Once the on scene supervisor has determined the scene appears to be the result of a WMD incident, the supervisor shall:
  - (a) Ensure the scene is secured;
  - (b) Notify Communications Services of the incident and advise of observations;
  - (c) Have the NOPD Liaison notify NOFD and EMS and advise them of the observations noted;
  - (d) Account for all personnel involved and assign their duties, traffic control, etc.;
  - (e) Identify ingress and egress routes;
  - (f) Request additional units, if needed;
  - (g) What resources (human and equipment) are required and estimate the time to deployment;
  - (h) Advise their platoon commander and/or commander of the district;
  - (i) Evacuate, as necessary, or as directed;
  - (j) Assign responsibility to document all actions.

## CONTROL OF THE SCENE

11. 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 New Orleans Police Department shall use the National Incident Management System/Unified and Incident Command System.

## OVERALL SCENE SUPERVISION

12. The Commander of Special Operations Division shall assume responsibility as the Incident Commander for the NOPD unless another agency has assumed that designation. The Commander of the Special Operations Division shall work in conjunction with the New Orleans Fire Department, Emergency Medical Services and City Office of Homeland Security in order to do the following:
  - (a) Designate a safe area for an Incident Command Post;
  - (b) Designate a safe area for a decontamination area;
  - (c) Designate a safe area for first aid;
  - (d) Ensure all department members complete a trip sheet, and
  - (e) Document all actions.
13. Once representatives of the Federal Bureau of Investigation (FBI) or other designated federal agency arrive on the scene, they may assume the responsibilities of the scene and crisis management of all incidents involving Federal violations. The assumption of scene responsibility shall be communicated clearly and over all utilized communications systems. New Orleans Police Department shall maintain participation, as needed and directed under the National Incident Management System/Unified and Incident Command System.

## MEDIA RELATIONS

14. The NOPD Public Information Officer, or his/her designee, shall respond to the scene. Once on the scene, he/she will designate an area for the media and establish ground rules for scheduled briefings.

## DE-ESCALATION OF AN INCIDENT

15. All police supervisors shall be responsible for accounting for all personnel under their command at the conclusion of incident event cycle and the conclusion of police operations or participation. In the event NOPD members are not immediately located, the supervisor will then notify the Incident Commander through the incident chain of command. The Incident Commander, in turn, will assign responsibility for the formulation of a search plan for the missing member(s).
16. NOPD Supervisors shall be responsible for the accounting of all equipment issued to members under their command.
17. The Incident Commander shall prepare an After-Action Report to the Superintendent, Assistant Superintendents, and the Office of Emergency Preparedness within (7) seven days of the conclusion of NOPD participation in the incident containing:
  - (a) Incident item number, location, date and time of incident;
  - (b) Duration of the incident;
  - (c) Incident command staff;
  - (d) Specialized units involved;
  - (e) Inventory of all department equipment utilized;

- (f) All agencies involved;
- (g) All personnel used;
- (h) Synopsis of the incident;
- (i) Weather conditions;
- (j) If any public resources were affected,
- (k) Any injuries, deaths, or arrests;
- (l) Problems encountered; and
- (m) Recommendations.

### **DOCUMENTATION OF A WMD INCIDENT**

18. The Federal Bureau of Investigation 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 Federal Bureau of Investigation.
- (a) All WMD incidents involving biological, chemical, nuclear, or radiological warfare, the New Orleans Police Department's Special Operations Division shall document the incident.
  - (b) All WMD incidents involving serious injury or death shall be documented by the New Orleans Police Department's Homicide Cold Case Squad.
  - (c) All incidents involving bombings, intentional explosion or arson with a non-terrorism motive shall be handled in accordance with the current Chapter, except in the following instances:
  - (d) If the bombing, intentional explosion or arson incident is clearly an act of terrorism, the New Orleans Police Department Special Operations Division shall document the incident, after consultation with the Federal Bureau of Investigation;
  - (e) If the bombing, intentional explosion or arson incident is clearly an act of terrorism and results in serious injury or death, the New Orleans Police Department's Homicide Cold Case Squad shall document the incident, after consultation with the Federal Bureau of Investigation.

### **CRITICAL INCIDENT STRESS DEBRIEFING**

19. Members 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 in accordance with **Chapter 22.2.7 – Officer Assistance Program Traumatic Incident Stress**.

### **OTHER RESOURCES**

20. This Chapter is to be used in conjunction with the New Orleans Police Department's Emergency Management Plan.
21. A ranking member of the Field Operations Bureau, with the rank of Captain or higher shall be assigned by the Deputy Chief of FOB to the Office of Emergency Preparedness, located at City Hall, and act as a liaison between the NOPD field units and the Office of Emergency Preparedness.
22. One member of the New Orleans Police Department Joint Terrorism Task Force, as assigned by the Deputy Chief of ISB, shall respond to the local Federal Bureau of Investigations Headquarters and act as a liaison between the field units and the Federal Bureau of Investigations.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.19

### TITLE: AIRCRAFT ACCIDENTS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 434**

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#### PURPOSE

This Chapter describes situations involving aircraft accidents and the responsibilities of members.

#### DEFINITIONS

**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).

#### OFFICER RESPONSIBILITIES

1. Officers should treat an aircraft accident site as a major crime scene until it is determined that such is not the case.
2. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may also require additional security due to the potential presence of confidential equipment or information.
  - (a) The duties of the responding officer at the scene of an aircraft accident include the following:
    - (b) Implement Incident Command System (ICS).
    - (c) Determine the extent of the accident.
    - (d) Notify his/her immediate supervisor.
    - (e) Advise Communications Services to notify the district commander.
    - (f) Request additional officers and other resources to respond as needed.
    - (g) Provide assistance for any injured parties until the arrival of NOFD or EMS.
    - (h) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
    - (i) Provide traffic and crowd control and other assistance until directed otherwise by a supervisor.
    - (j) Ensure the Coroner's Office is notified if a death occurs.
3. 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.

4. 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.
5. The NOFD 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.
6. Once rendered safe for containment, NOPD will be responsible for preserving the scene until relieved by the principal investigating authority, such as the National Transportation Safety Board (NTSB).
7. Once the scene is relinquished to the principal investigating authority, NOPD may assist in containment of the scene until the investigation is completed or assistance is no longer needed.
8. 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.

### **NATIONAL TRANSPORTATION SAFETY BOARD**

9. The National Transportation Safety Board has the primary responsibility for investigating accidents and making notifications involving civilian aircraft, including aircraft of foreign registry.
10. 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.
11. 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.
12. Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.
13. 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.
14. 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.

### **COMMUNICATIONS SERVICES RESPONSIBILITIES**

15. Communications Services and the NOPD Liaison are responsible for making 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, Communications Services or the NOPD Liaison will need to notify the following agencies or individuals when an aircraft accident has occurred:
  - (a) New Orleans 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 Chief

16. Communication Services will notify the Traffic Division Commander of the incident.
17. If requested, the Communications Services shall provide a dedicated channel for management of the incident.
18. When an aircraft accident is reported by the airport tower personnel, Communications Services shall verify that the tower personnel will contact the 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.

#### **RECORDS MANAGER RESPONSIBILITIES**

19. The Records Division Commander or his/her designee shall:
  - (a) Forward and maintain an approved copy of the NOPD report to the Louisiana Department of Transportation and Development, Aviation Section.
  - (b) Forward a copy of the NOPD report to the Deputy Chief of Field Operations Bureau.

#### **PRESS INFORMATION OFFICER RESPONSIBILITIES**

20. 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 or military Press Information Officer on preparing a press release and distributing it to the media.
21. Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.
22. Officers on scene shall not give information to the media and direct all media related questions to the Public Information Officer.

#### **COMMANDER RESPONSIBILITIES**

23. When notified of an aircraft incident commanders have the following responsibilities:
  - (a) The **Traffic Division Commander** will send personnel to the scene to conduct an investigation and determine whether to request additional aid to the scene to contain the area of the accident from civilians and others that should not be present at the scene.
  - (b) 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.

#### **DOCUMENTATION**

24. Any aircraft accident within the city, regardless of whether injuries or deaths occur, shall be documented in an incident report (EPR). The Traffic Division will be responsible for completing the initial incident report.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 46.20

### TITLE: CRIME AND DISASTER SCENE INTEGRITY

**EFFECTIVE: 05/20/2018**

**REVISED: (Replaces Policy/Procedure 406)**

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#### PURPOSE

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

#### POLICY STATEMENT

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

#### DEFINITIONS

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

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

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

Major crimes include:

- (a) All deaths (homicides, suicides and unclassified) except for "natural" causes
- (b) Aggravated battery (with serious injury, possibly fatal and/or multiple victims)
- (c) Level 4 uses of force investigated by PIB-FIT (see: **Chapter 1.3 – Use of Force**)

- (d) Sexual assaults handled by ISB-SVS (see: **Chapter 42.2 – Sexual Assault**)
- (e) Aggravated kidnapping
- (f) Arson (with serious injury, possibly fatal)

### FIRST RESPONDER CONSIDERATIONS

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

### CRIME SCENE RESPONSIBILITIES

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

### FIRST RESPONDER SEARCHES AT CRIME OR DISASTER SCENE

6. First responding officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once officers have determined that no unsecured suspects are present and/or there are no injured persons to be treated, the exigent circumstances

that allow for the warrantless search will likely no longer exist. Officers should thereafter secure the scene and conduct no further searches until proper authority for the search is obtained.

## **FIRST RESPONDER INVESTIGATIVE RESPONSIBILITIES**

### **IF A MAJOR CRIME SCENE**

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

### **IF NOT A MAJOR CRIME SCENE**

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

## **COMMAND AT A CRIME SCENE**

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

## **SUPPORT SERVICES NEEDED ON SCENE**

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

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

## **PRESERVATION AND PROTECTION OF PHYSICAL AND WITNESS EVIDENCE**

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

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

### **ATTENDING TO THE VICTIM(S)**

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

### **APPREHENSION OF THE OFFENDER(S)**

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

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

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

Form #187.

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

#### **SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION**

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



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 51.1

### TITLE: CRIMINAL INTELLIGENCE

EFFECTIVE: 5/13/2018

REVISED: 10/2/2022

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#### PURPOSE

The purpose of this Chapter is to provide department members with guidelines and principles for the collection, analysis, and distribution of criminal intelligence information, as well as requesting access to certain information systems for use in criminal investigations.

#### POLICY STATEMENT

1. Information gathering is a fundamental and essential element in the duties of any law enforcement agency.
2. Criminal intelligence information is used to prevent crime, pursue, and apprehend offenders, and obtain evidence necessary for conviction or exoneration of suspects. By themselves, **the individual results of the use of this information may be insufficient to constitute probable cause** but can be an element of reasonable suspicion or probable cause when viewed with other elements of the investigation to obtain an arrest or search warrant.
3. It is the policy of this Department to lawfully gather criminal intelligence 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.
4. It is the policy of this Department to allow lawful access, for criminal investigative purposes, to criminal intelligence information through the Investigation Support Division – Intelligence Unit of ISB. All requests shall be reviewed by the requesting investigator's supervisor and verified by the Intelligence Unit for appropriateness and conformance to the requirements of this Chapter and **Chapter 51.1.1 – Use of Surveillance Technology and Facial Recognition for Criminal Investigation**.
5. Criminal intelligence information will be gathered with due respect for the rights of those involved and disseminated only to those agencies or members authorized by law and only as appropriate for legitimate law enforcement purposes in accordance with the law and procedures established in this Chapter.
6. While the criminal intelligence function may be assigned to specific members within the department, all members of the New Orleans Police Department are responsible for reporting information that may help identify criminal suspects.



7. 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 strategic intelligence on the existence, identities, and capabilities of criminal suspects and enterprises generally and to further crime prevention and enforcement objectives/priorities identified by the New Orleans Police Department.
8. 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.
9. Information that implicates or 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.

## DEFINITIONS

**Actionable intelligence**—Information gleaned from a range of sources that enables decision makers—from agency leaders to field commanders—to take appropriate and timely action when faced with a security threat like an imminent terrorist attack or the shipment of weapons of mass destruction. The collection of critical information related to the targeted criminality that provides substantive insight into crime threats and identifies individuals for whom there is a reasonable suspicion of relationship to a crime. Actionable intelligence aims to find out what criminals are doing now and when and where they plan to do it.

**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 persons who are suspected of being involved in or having been involved in:

- (a) The actual or attempted planning, organizing, financing, or commission of criminal acts;  
or
- (b) 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:

- (a) 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: or
- (b) 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.

**Law Enforcement Purpose** - the investigation, detection, analysis or enforcement of a crime or a violation of law; operations associated with an AMBER, SILVER, BLUE, or YELLOW alert; searches for missing persons, endangered persons or wanted persons; suspicious activity possibly related to terrorism or other public safety issue.

**Link analysis**—A data-analysis technique used to evaluate connections or relationships between organizations, people, and transactions. It can be used in the investigation of criminal activity for fraud detection, counterterrorism, and intelligence.

**Strategic Intelligence** – information about the broader capabilities and intentions of criminals or criminal organizations. Strategic intelligence is utilized for overall planning and future direction of operations.

**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**—Specific, objective, articulable facts, within the totality of the circumstances, that, taken together with rational inferences, create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct.

**Fusion Centers** - are state-owned and operated centers that serve as focal points in states and major urban areas for the receipt, analysis, gathering and sharing of threat-related information between State, Local, Tribal and Territorial (SLTT), federal and private sector partners.

## **RESPONSIBILITY FOR CRIMINAL INTELLIGENCE FUNCTION**

10. The Investigations & Support Bureau's - Investigation Support Division's (ISD) primary responsibility for the direction of criminal intelligence operations; coordination of members; and collection, evaluation, collation, analysis, and dissemination of intelligence information.
  - (a) The Captain of the Investigation Support Division's (ISD) shall report directly to the Deputy Chief of the Investigations & Support Bureau (ISB) on a schedule prescribed by the ISB Deputy Chief.
  - (b) Intelligence-related to narcotics information shall be the responsibility of the Investigation Support Division Captain 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, and hate crimes) shall be the responsibility of the ISD Captain.
11. The Investigations & Support Bureau's (ISB) Investigation Support Division – Intelligence Unit of ISB has primary responsibility for:
  - (a) Receiving requests (NOPD RFI Form 360) from NOPD investigative units for information thru the law enforcement Fusion Centers for criminal investigations or a law enforcement purpose.
  - (b) Reviewing the submitted requests for appropriateness and compliance with this Chapter.
  - (c) Processing the requests, if approved, through the Fusion Centers and databases to which NOPD has access by law or MOU.
  - (d) Vetting any responses received prior to release to the original requestor.
  - (e) Forwarding the vetted response to the original requestor when appropriate and within the guidelines of this Chapter.
  - (f) Maintaining a record of all requests and the responses.

## **REQUESTING INFORMATION FROM CRIMINAL INTELLIGENCE FILES OF FUSION CENTERS**

12. Members who have investigation and require information from the Criminal Intelligence Unit or a Fusion Center in relation to a law enforcement purpose within the meaning of this Chapter, shall utilize **Form 360 – Request for Information Form** to document the request.
13. All requests shall be reviewed for appropriateness and approved by the requestors immediate supervisor prior to sending to Investigation Support Division – Intelligence

Unit of ISB for processing.

14. The underlying reasons for the requested information (Form 360) as an investigative lead shall be documented in an NOPD EPR. The item number for that EPR shall be reflected in the request form. A copy of the form shall be included as an attachment to the EPR.
15. The results of the request shall also be documented in the same NOPD EPR or a supplemental EPR as the original request item number.
16. No requests for criminal intelligence information or access to information from a Fusion Center or any outside agency shall be made by any member directly to another jurisdiction, the State, or any federal agency without prior approval of the supervisor of the NOPD Intelligence Unit. All requests shall be reported to and tracked through NOPD – Investigation Support Division – Intelligence Unit of ISB only.

### INVESTIGATIVE STANDARDS

17. The intelligence function is often confronted with the need to balance information-gathering requirements for law enforcement with the rights of individuals. 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 as minimally intrusive as necessary to gather sufficient information to prevent the criminal act and/or to identify and prosecute violators.
  - (c) The Investigation Support 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 Investigation Support Division.
  - (d) Information gathered and maintained by the New Orleans Police Department for intelligence purposes may be disseminated only to those agencies or members authorized by law and only as appropriate for legitimate law enforcement purposes in accordance with the law and procedures established in this Chapter.
  - (e) A record shall be kept by the Investigation Support Division regarding the request and dissemination of all such information to persons within the department or other law enforcement agencies.

### COMPILING INTELLIGENCE

18. Intelligence investigations/files may be opened by the Investigation Support Division with sufficient information and justification. File information may include, but is not limited to, the following types of information:
  - (a) The subject, victim(s), and complainant as appropriate;
  - (b) Summary of suspected criminal activity;
  - (c) Anticipated investigative steps to include proposed use of informants, photographic, or electronic surveillance;
  - (d) Resource requirements, including personnel, equipment, buy/flash monies, travel costs, etc.;
  - (e) Anticipated investigative results; and
  - (f) Problems, restraints, or conflicts of interest.
19. Members **shall not retain official intelligence documentation for personal reference**

or other than for purposes of their investigation. If further information is required for investigative purposes, members shall submit such information directly to the Investigation Support Division.

20. 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.
21. All information designated for use by the Investigation Support Division shall be submitted and reviewed by the officer's immediate supervisor prior to submission, through his/her appropriate chain of command.

### **ANALYSIS OF INFORMATION SUBMISSIONS**

22. The Investigation Support Division shall establish and maintain a process to ensure that information gathered is reviewed and analyzed to derive its meaning and value.
23. The review and analysis process should be accomplished by trained analysts or by law enforcement personnel experienced in data analysis procedures.
24. 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.

### **RECEIPT / EVALUATION OF INFORMATION**

25. The following steps are taken to ensure the quality and reliability of information:
  - (a) Information shall be evaluated with respect to reliability of the source and validity of the content. While evaluation may not be precise, this assessment must be made to the degree possible to guide others in using the information.
  - (b) A record shall be kept of the source of all information where known.
  - (c) 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.
  - (d) Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given to another entity except with the consent of the originating agency.
  - (e) 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.

### **FILE CLASSIFICATIONS AND STATUS**

26. Intelligence file status will be status of the case classified as either "**open**" or "**closed**," in accordance with the following:
  - (a) **Open**—Intelligence files which are actively being worked. To remain open, officers working such cases must file intelligence status reports covering case developments at least every 180 days.
  - (b) **Closed**—Intelligence files 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 in the EPR or a related report.

**CLASSIFICATION / SECURITY OF INTELLIGENCE**

27. Intelligence files will be access level classified to protect sources, investigations, and individual's rights to privacy and to provide a structure that will enable this department to control access to intelligence information.
28. These access level classifications shall be reevaluated whenever new information is added to an existing intelligence file.
  - (a) **Restricted**—Intelligence files that contain information that could adversely affect an ongoing investigation, create safety hazards for officers, informants, or others and/or compromise their identities. Restricted intelligence may only be released by approval of the Investigation Support Division Captain, ISB Deputy Chief or Superintendent of Police and only to authorized law enforcement agencies with a need and a right to know. Restrictions on the release and sharing of information in any multi-agency operation shall be governed by the Memorandum of Understanding or Cooperative Endeavor Agreement in place at the time.
  - (b) **Confidential**—Intelligence files that are less sensitive than restricted intelligence. It may be released to department personnel when a need and a right to know have been established by the SD Captain or his designee.
  - (c) **Unclassified**—Intelligence files that contain 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.
29. Any restricted and confidential intelligence files maintained by the NOPD shall be secured both physically and electronically, and access to all intelligence information shall be controlled and recorded by procedures established by the Investigation Support Division.
30. Informant files shall be maintained separately from intelligence files and in accordance with established department procedure.
31. Intelligence files shall be maintained in accordance with state and federal law.
32. Release of intelligence information in general and electronic surveillance information and photographic intelligence to any authorized law enforcement agency shall be made only with the express approval of the Investigation Support Division Captain and with the stipulation that such intelligence not be duplicated or otherwise disseminated without the approval of the ISD Captain, ISB Deputy Chief or Superintendent of Police.
33. All files released under freedom of information provisions or through disclosure shall be carefully reviewed and redacted as legal and appropriate.

**AUDITING / PURGING FILES**

34. The captain of the division/district is responsible for ensuring that criminal intelligence files housed within that division/district are maintained in accordance with the law and the provisions of this Chapter and include information that is both timely and relevant.
35. All criminal intelligence files shall be audited and purged on an annual basis as established by the ISB Deputy Chief. This shall include District Intelligence Reports that have been uploaded to the Department intranet (NOPD.org). (See also: **Chapter 43.6 – Criminal Street Gangs**.) Data utilized by MAX, or for ongoing investigations shall be retained until it is anonymized, or the investigation is concluded and/or any related judicial proceedings are final.

36. When a criminal intelligence file has no further information value and/or meets the legal criteria, it shall be destroyed in accordance with public records law.
37. A record of the purging of criminal intelligence files shall be provided to and maintained by the Investigation Support Division for a minimum of seven years after the purge.

#### **DISTRICT INTELLIGENCE REPORTS**

1. District Intelligence Reports produced by each district contain criminal intelligence that is specific to each district. The reports should be generated monthly and uploaded to the District Intelligence Report folder on the secured department intranet (NOPD.org) by the District Captain or his/her designee. District Intelligence Reports are accessible on the Department intranet (NOPD.org). If the report details information outside the scope of criminal street gang intelligence (See also: **Chapter 43.6 – Criminal Street Gangs**), its use and any follow-up action shall be determined by the Captain of ISB-Investigation Support Division in consultation with the District Investigative Unit commander.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 51.1.1

### TITLE: USE OF FACIAL RECOGNITION FOR CRIMINAL INVESTIGATIONS

EFFECTIVE: 10/02/2022  
REVISED: NEW POLICY

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#### PURPOSE

The purpose of this Chapter is to provide department members with guidelines for requesting access to facial recognition software for use in criminal investigations.

#### POLICY STATEMENT

1. Information gathering is a fundamental and essential element in the investigative duties of any law enforcement agency.
2. Facial recognition technology must be used in a manner consistent with the requirements and protection of the Constitution of the United States, the Louisiana State Constitution, and applicable statutory authorities. The facial recognition process does not by itself establish a basis for a stop, probable cause to arrest, or to obtain an arrest or search warrant. However, it may generate investigative leads through a combination of automated biometric comparisons and human analysis.
3. Facial recognition can be used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for the conviction or exoneration of suspects involved in a crime of violence or in cases of missing persons to identify or locate the missing person. **The individual results of the use of this technology alone are insufficient to constitute probable cause** but may be an element of reasonable suspicion or probable cause when viewed with other elements of the investigation to obtain an arrest or search warrant.
4. The safeguards and protocols built into this policy for the use of facial recognition technology mitigate the risk of biased law enforcement. This NOPD facial recognition policy integrates human investigators in all phases. All possible facial recognition matches undergo a peer review by other facial recognition investigators. Further, the possible match report includes the submitted image, and a notification stating that **the determination of a possible match candidate alone does not constitute probable cause to effect an arrest or obtain an arrest or search warrant, and that further investigation is needed to establish probable cause.**
5. The approval, screening and use of any facial recognition function shall be assigned to specific members within the Investigation Support Division – Intelligence Unit of ISB by

the Captain of the Investigation Support Division. All members of the New Orleans Police Department are responsible for compliance with this Chapter.

6. All requests for use of or access to facial recognition software shall be made through the Investigation Support Division – Intelligence Unit of ISB. All requests shall be reviewed by the requesting investigator's supervisor and verified by the Intelligence Unit for appropriateness and conformance to the requirements of this Chapter and **Chapter 51.1 – Criminal Intelligence**. All requests for use of facial recognition (Form #357) shall be directed toward specific individuals where there is reasonable suspicion that said individuals may be planning, have engaged in, or are engaging in a crime of violence.
7. Use of facial recognition will be requested and authorized with due respect for the rights of those involved and disseminated only to those agencies or members authorized by law and only as appropriate for legitimate law enforcement purposes in accordance with the Constitution, Federal, State, and Municipal law and the procedures established in this Chapter. It is especially important that facial recognition not be used to suppress First Amendment rights, violate privacy, or otherwise adversely impact an individual's civil rights and civil liberties.
8. Information obtained using facial recognition that implicates or potentially implicates complicity of any public official in criminal activity or corruption shall be immediately reported to the Superintendent of Police.
9. The NOPD shall not use facial recognition technology to monitor and identify people in public gatherings or political rallies, except as provided in this chapter.
10. NOPD shall not use facial recognition technology as a surveillance tool.
11. NOPD Investigators shall not use facial recognition technology to authenticate an already identified subject or where identifiable information has been provided.
12. Facial recognition shall not be used for the investigation of a violation or attempted violation of any law criminalizing (1) abortion or the provision thereof by a licensed physician, and (2) any consensual sexual act between persons of the age of majority, including without limitation any law purporting to criminalize sexual contact between same-sex partners.
13. Facial recognition shall not be used for any internal administrative investigation
14. The misuse of facial recognition technology will subject members to administrative and potentially criminal penalties.

## DEFINITIONS

**Crime of Violence**— a felony involving the infliction or threatened infliction of serious bodily injury or death. (see RS 14:2(B))

**Facial Recognition** – is an automated or semi-automated system or process that displays the closest matches of a photograph, sketch or image uploaded to an image database and assists in identifying an individual, capturing information about an individual based on the physical characteristics of an individual's face. Used in combination with human analysis and additional investigation, facial recognition technology can serve as a valuable tool in solving crimes and increasing public safety.

**Law Enforcement Purpose** - the investigation, detection, analysis or enforcement of a crime or



a violation of law; operations associated with an AMBER, SILVER, BLUE or YELLOW alert; searches for missing persons, endangered persons or wanted persons; suspicious activity possibly related to terrorism or other public safety issue.

**Reasonable Suspicion** - specific, objective, articulable facts, within the totality of the circumstances, that, taken together with rational inferences, create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct.

**Automated decision systems** (also known as "ADS") - include any software, system, or process that aims to automate, aid, or **replace human decision making**. Automated decision systems can include both tools that analyze datasets to generate scores, predictions, classifications, or some recommended actions(s) that are used by agencies to make decisions that impact human welfare and the set of processes involved in implementing those tools.

**Surveillance** - the act of observing or analyzing the movements, behavior, or actions of identifiable individuals.

**Fusion Centers** - are state-owned and operated centers that serve as focal points in states and major urban areas for the receipt, analysis, gathering and sharing of threat-related information between State, Local, Tribal and Territorial (SLTT), federal and private sector partners.

## REQUESTING USE OF FACIAL RECOGNITION SYSTEMS

15. Members who have an image relating to an individual they wish to identify in relation to a law enforcement purpose within the meaning of this Chapter, shall utilize **Form 357 – Facial Recognition Request Form** to document the request.
16. All requests shall be reviewed for appropriateness and approved by the requestor's immediate supervisor prior to sending to Investigation Support Division – Intelligence Unit of ISB for processing.
17. The use of facial recognition technology must be approved on a case-by-case basis by an NOPD supervisor. The NOPD Form 357, or its' electronic equivalent, will serve as a sworn affidavit certifying (a) the reason for the request and the enumerated crime justifying the use of facial recognition technology and (b) that all other reasonable means of identifying the individual have been exhausted, absent exigent circumstances.
18. Access to facial recognition technology is limited to NOPD facial recognition investigators. Facial recognition investigators are provided with direct access to facial recognition technology only after completing mandatory training related to the general use of the technology and image comparison principles, including the requirements of 28 CFR Part 23, Privacy, Civil Rights, and Civil Liberties Training.
19. The source of the image and underlying reasons for the requested use of facial recognition systems as an investigative lead shall be documented in an investigative report. The item number for that report shall be reflected in the request form. A copy of the form shall be included as an attachment to the report.
20. NOPD prohibits the use of facial recognition technology to examine body-worn camera video to identify people who may have open warrants. However, if an officer, whose body-worn camera is activated, witnesses a crime but is unable to apprehend the suspect, a still image of the suspect may be extracted from body-worn camera video and submitted for facial recognition analysis.

21. The results of the request shall also be documented in the same investigative report or a supplemental report as the original request item number.
22. No requests for the use of Facial Recognition Technology or access to information from a Fusion Center or any outside agency shall be made by any member directly to another jurisdiction, the State, or any federal agency without prior approval of the supervisor of the NOPD Intelligence Unit. All requests shall be reported to and tracked through NOPD – Investigation Support Division – Intelligence Unit of ISB and the Professional Standards Section.

### **RESPONSIBILITY FOR VETTING REQUESTS FOR FACIAL RECOGNITION SEARCHES**

23. The Investigations & Support Bureau's (ISB) Investigation Support Division – Intelligence Unit of ISB has primary responsibility for:
  - (a) Receiving requests from NOPD investigative units for the use of facial recognition for a law enforcement purpose.
  - (b) Ensuring the submitted requests have been reviewed by the requestor's supervisor for appropriateness and compliance with this Chapter.
  - (c) Processing the requests, if approved, through the facial recognition systems and databases to which NOPD has access by law or MOU.
  - (d) Reviewing any responses received prior to release to the original requestor.
  - (e) Forwarding the response to the original requestor when appropriate and within the guidelines of this Chapter.
  - (f) Maintaining a record of all requests and the responses.

### **INVESTIGATIVE STANDARDS**

24. The use of facial recognition for investigative purposes is a balance between information-gathering requirements for law enforcement and possible legal and privacy rights of individuals. To promote an equitable balance, members of this department shall adhere to the following:
  - (a) Information gathering by use of facial recognition shall be premised on circumstances that provide a reasonable suspicion that specific individuals may be planning, have engaged, or are engaging in a specific crime of violence, sex crime, crime against a juvenile, or for a law enforcement purpose as defined in this Chapter, as governed by New Orleans Municipal Code Section 147-2. This can include:
    1. Identifying a crime victim or witness,
    2. Identifying a deceased person,
    3. Identifying an incapacitated person or one unable to identify themselves when exigent circumstances are present,
    4. Identifying an individual under arrest who does not possess a verifiable identification, is not forthcoming with identification or who appears to be using another's identity, identification, or false identification, and
    5. To mitigate an imminent threat to health or public safety (e.g., to thwart an active terrorism plot, etc.)
  - (b) Investigative techniques employed shall be lawful and as minimally intrusive as necessary to gather enough information to prevent the criminal act and/or to identify and prosecute violators.
  - (c) The Investigation Support Division – Intelligence Unit of ISB shall take reasonable steps to ensure that information regarding the use and access to facial recognition systems is relevant to an active, current, or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the requests for use of facial recognition and the source of all information received.

- (d) Facial recognition shall not be used for the investigation of minor offenses, except as part of an investigation of a serious criminal offense.
- (e) Information gathered and maintained by the New Orleans Police Department for law enforcement purposes may be disseminated only to those agencies or members authorized by law and only as appropriate for law enforcement purposes in accordance with the law and procedures established in this Chapter and **Chapter 51.1 – Criminal Intelligence**.
- (f) A record shall be kept by the Investigation Support Division – Intelligence Unit of ISB regarding the dissemination of all such information to persons within the department or other law enforcement agencies.

### **COMPILING INFORMATION FROM FACIAL RECOGNITION SYSTEMS**

- 25. Information gathering using facial recognition systems, as well as electronic, photographic, and related images shall be performed in a legally accepted manner and in accordance with procedures established by this department.
- 26. All information requests designated for the Investigation Support Division – Intelligence Unit of ISB shall be submitted, reviewed, and approved by the requesting officer's immediate supervisor prior to submission.
- 27. Members **shall retain official documentation relating to facial recognition only for purposes of their investigation** and as documented in a police report or official case file. Members shall not maintain documentation relating to facial recognition for personal reference or use.

### **ANALYSIS OF FACIAL RECOGNITION INFORMATION SUBMISSIONS**

- 28. The Investigation Support Division – Intelligence Unit of ISB shall establish and maintain an internal process to ensure that information requested and gathered is reviewed and analyzed to derive its appropriateness and value in an investigation.
- 29. The review and analysis process should be accomplished by trained law enforcement personnel experienced in facial recognition procedures and criminal intelligence processes.
- 30. Images submitted and approved for comparison to a law enforcement repository of individuals that have been charged with a crime where a criminal court has jurisdiction that generate possible match candidates are manually reviewed by trained members of the ISD – Intelligence Unit or trained members of a U.S. Department of Homeland Security Designated Fusion Center to determine the differences between the submitted image and the possible matches.
- 31. If a possible match candidate is identified, the facial recognition investigator must then manually review and analyze each result. This process, known as facial identification, consists of visual comparison of the facial characteristics of each candidate against the submitted image. Comparisons are made with regard to various facial features such as the eyes, ears, nose, mouth, chin, lips, eyebrows, hair/hairline, scars, marks, and tattoos.
- 32. A possible match candidate is submitted for peer review by other facial recognition investigators. A supervisor of the facial recognition investigator performs a final review of a possible match candidate and provides final approval, if appropriate.
- 33. If there is a difference of opinion with the findings, the facial recognition investigators'

supervisor will direct personnel to continue investigation for a possible match candidate. A report of negative results will be provided to the requesting investigator if a possible match candidate is not identified or approved by the supervisor.

34. If a possible match candidate is approved, the facial recognition investigator will prepare a possible match report and attach it to the requesting investigator's request form. The possible match report includes the submission image, and **a notification stating that the determination of a possible match candidate alone does not constitute probable cause to effect an arrest or obtain an arrest or search warrant, and that further investigation is needed to establish probable cause.**

#### RECEIPT / EVALUATION OF INFORMATION

35. The following steps shall be taken to ensure the quality and reliability of facial recognition system information:
- (a) Information shall be evaluated with respect to reliability of the source and validity of the content. While evaluation may not be precise, this assessment must be made to the degree possible to guide others in using the information.
  - (b) A record shall be kept of the source of all information where it is known.
  - (c) 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 unless an MOU or CEA between NOPD and the source agency states otherwise.
  - (d) Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given to another entity except with the consent of the originating agency.
  - (e) 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.
36. Within 30 days of the request, investigators requesting the use of the technology must provide information in writing (by email notification or 105) to the Investigative Services Division and the Professional Standards Section a brief description of how the technology was used and whether the use of the technology successfully assisted with their investigation (i.e., led to an arrest or exoneration).
37. The Professional Standards Section Bureau shall be responsible for ensuring the following data is collected:
- (a) The total number of requests for the use of facial recognition technology.
  - (b) For each request:
    - i. the requesting officer's name and badge number;
    - ii. the name of the NOPD supervisor approving the request and the date on which the request was granted;
    - iii. the enumerated crime(s) justifying the request;
    - iv. the age, gender, and race of the suspect;
    - v. the accompanying NOPD item numbers;
    - vi. whether the use of facial recognition technology resulted in a match; and
    - vii. whether the use of facial recognition technology resulted in an arrest and/or charges.

#### CLASSIFICATION / SECURITY OF FACIAL RECOGNITION SYSTEMS

38. All requests and results will be “access level classified” to protect sources, investigations, and individual's rights to privacy and to provide a structure that will enable this department to control access to sensitive information.
39. These access level classifications shall be reevaluated whenever new information is added to an existing file or request for facial recognition system use.
  - (a) **Restricted**—Files, requests or results that contain information that could adversely affect an ongoing 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 Unit commander, Investigation Support Division of ISB Captain, ISB Deputy Chief or Superintendent of Police and only to authorized law enforcement members or agencies with a need and a right to know. Restrictions on the release and sharing of information in any multi-agency operation shall be governed by the Memorandum of Understanding or Cooperative Endeavor Agreement in place at the time.
  - (b) **Confidential**—Files, requests or results that are less sensitive than restricted intelligence. It may be released to department personnel when a need and a right to know have been established by the Investigation Support Division of ISB Captain or his/her designee.
  - (c) **Unclassified**—Files, requests or results that contain 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.
40. All restricted and confidential files shall be secured both physically and electronically, and access to all intelligence information shall be controlled and recorded by procedures established by the Specialized Investigations Division.
41. All files regarding facial recognition system requests shall be maintained in accordance with state and federal law.
42. All files regarding s facial recognition system requests released under freedom of information provisions or through disclosure shall be carefully reviewed and redacted as legal and appropriate.

#### **AUDITING / PURGING FILES**

43. The use of facial recognition systems and search requests shall be audited by the PSAB. Users will be required to provide appropriate justification for the use or request of facial recognition searches. PSAB shall have access to all documentation relating to facial recognition requests.
44. Appropriate justification will include the reason for the facial recognition system search, an NOPD Incident / Investigative Report and offense type. For searches conducted on behalf of another individual, the name and job title of the individual who requested the search will also be required.
45. The Captain of the division/district is responsible for ensuring that criminal intelligence files housed within that division/district are maintained in accordance with the law and the provisions of this Chapter and include information that is both timely and relevant.
46. All facial recognition system request files shall be audited and purged on an annual basis as established by the ISB Deputy Chief. Data utilized by MAX, or for ongoing investigations, shall be retained until it is anonymized, the investigation is concluded and/or any related judicial proceedings are final.

47. When a facial recognition system request file has no further information value and/or meets the legal criteria, it shall be destroyed in accordance with public records law.
48. A record of the purging of facial recognition system request files shall be maintained by the Investigation Support Division – Intelligence Unit of ISB for a minimum of seven (7) years after the purge.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 52.1.1

### TITLE: MISCONDUCT COMPLAINT INTAKE AND INVESTIGATION

EFFECTIVE: 07/19/2015

REVISED: 05/21/17; 03/18/18; 06/27/21

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#### 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. Supervisors whom the Public Integrity Bureau (PIB) assigns to conduct a misconduct investigation of an accused employee shall conduct a thorough investigation, exhaust all leads, and be completed in a timely manner. Misconduct investigations shall be as thorough as necessary to reach reliable and complete findings.
5. 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. 40:2531, “Rights of Law Enforcement Officers While Under Investigation”).

## DEFINITIONS

**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:

- (a) The initiation of a Formal Disciplinary Investigation on the basis of a public complaint of employee misconduct;
- (b) The initiation of a Formal Disciplinary Investigation on the basis of an internally generated complaint of employee misconduct;
- (c) The documentation of a minor violation/infraction resolved through non-disciplinary counseling or training; or
- (d) 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 – Non-Disciplinary Responses to Minor Violations**). 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.

**Grievance**—As per CAO Policy Memorandum No. 4 (R) (see [http://www.nola.gov/chief-administrative-office/policies/policies/no-4-\(r\)-employee-grievance-procedure//Appendix “A”](http://www.nola.gov/chief-administrative-office/policies/policies/no-4-(r)-employee-grievance-procedure//Appendix%20A)), a grievance is any dispute about working conditions, alleged violations of City Policy, including an alleged abuse of discretion by a supervisor in the treatment of employees, and disputes as to the interpretation, application, or enforcement of specific employee provisions or rights. Matters under the jurisdiction of the City Civil Service Commission shall not be subject to the grievance procedure described in this Chapter. If any questions arise as to whether a particular dispute is or is not a grievance, the question may be taken up through the grievance procedure.

**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**—Office of 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).

**Member**—An individual who works for the NOPD. This includes volunteers and Reserve Officers while “on-duty” and performing functions under the auspices of the NOPD.

**Minor violation/infraction**—A violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through redirection, retraining and/or counseling to correct the employee’s behavior (e.g., tardiness, uniform requirement, forgetting to complete an FIC, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be sufficiently minor that it is correctable by minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of similar violations within a twelve-month period (based on the date of the observed violation) may require discipline. Refer to **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations** for guidance.

**Misconduct**—Any action or inaction that violates any Departmental Rule, Policy, Procedure, Order, verbal or written instruction, or criminal law other than a grievance as defined in **CAO Policy Memorandum 4(R)** and **Chapter 25.1 – Employee Grievances**.

**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:

- (a) 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;
- (b) 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;
- (c) 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
- (d) 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**—A non-punitive process used to correct a subordinate's behavior that is not fully compliant with Department rules, regulations, Chapters, or policies but is not sufficiently egregious to elevate the action to formal discipline. A supervisor must meet with the non-compliant member, explain the manner in which his or her actions are not compliant, and review the relevant policy (or Chapter, rule, or regulation) with him or her. The non-disciplinary counseling shall be documented in the Supervisor Feedback Log.

**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 (Force Investigation Team), Special

Investigations Section, Staff Programs, and Special Projects Section. PIB also administers the Professional Performance Enhancement Program (See: Chapter 13.27 - 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

**Transmittal form** – a paper form, generated by PIB and attached to the front of each disciplinary investigation, which tracks and documents each delivery and receipt of the hard copy portion of the Disciplinary Investigation from the case initiation and assignment, to the final submission to the Deputy Chief of PIB. (See Appendix “B” for example.)

**RETALIATION**

6. 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.
7. 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**

8. 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.
9. 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**

10. A complaint may be made at any time (24 hours a day, seven days a week) to:
  - (a) Any NOPD member;
  - (b) Directly to PIB (in person during regular business hours, or by telephone);
  - (c) To the Office of the Independent Police Monitor;
  - (d) In person at any police station or facility; or
  - (e) At the complainant’s location (such as his/her residence or business in Orleans Parish), at the complainant’s request.
11. 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.

12. 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.
13. 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.
14. 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 pursuant to **Chapter 55.4 – Limited English Proficiency Services** to file a complaint.

#### **RESPONSIBILITY OF ALL MEMBERS TO REPORT MISCONDUCT**

15. 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.  
**NOTE:** Officers have a duty to intercede to prevent the use of unreasonable force if the officer has reason to know that unreasonable force is being used and there is a realistic opportunity to intervene to prevent harm. The action required by the officer will depend on the circumstances of the incident. (See **Chapter 1.3 – Use of Force.**)
16. 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.
17. A supervisor may elect to address and resolve a minor violation/infraction through non-disciplinary means, in accordance with **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations.**
18. 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.

19. 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**

20. 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.
21. 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.
22. 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 through the OPCD Supervisor's Desk 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.
23. 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.
24. 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 complaint 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 be notified at the conclusion of the investigation of the final disposition.
25. 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.

26. 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 OPCD Supervisor's Desk, which shall notify the on-call PIB investigator.
27. If the alleged misconduct involves a serious use of force, the supervisor shall (in addition to obtaining a CTN) immediately notify PIB FIT through the OPCD Supervisor's Desk. FIT shall respond to the scene and otherwise proceed in accordance with NOPD **Chapter 1.3.2 – Force Investigative Team**.
28. 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

29. 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 **A refusal by a person to provide personal and contact information shall not be grounds for a refusal to accept a complaint.**
30. 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.
31. 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.**
32. If the complainant cannot sign his/her own statement, the supervisor should document the reason on the form.
33. 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.

34. 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. The complainant's actual refusal to allow taking of the photographs should be audio/video-recorded if possible

### **TRANSMITTING COMPLAINT TO PIB**

35. 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.
36. 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.
37. 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**

38. 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**

39. 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 Form 105 must contain the reason(s) the supervisor is requesting to cancel the complaint or to utilize a different form of complaint action.

40. The original Form 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 Form 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 Form 105 which will become a part of the request and follow through the chain of command.
41. 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**

42. 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.
43. Once PIB is notified of possible criminal activity involving an NOPD officer or employee, PIB shall immediately notify the Superintendent of Police, the PIB Commander, IPM, and the District Attorney and/or United States Attorney's Office.
44. PIB's responsibilities also include:
  - (a) Review of every complaint;
  - (b) Review of all video evidence pertaining to every complaint prior to categorization and classification;
  - (c) 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;
  - (d) Classification of every complaint, no matter the categorization, as use of force, criminal, or administrative;
  - (e) 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;
  - (f) Assignment of every complaint to the appropriate bureau for investigation;
  - (g) Assignment of due dates for all investigative forms and investigations;
  - (h) Investigation of all complaints retained by PIB;
  - (i) Review and approval of every completed complaint action, investigation, report, or document, whether completed by PIB or another bureau;
  - (j) 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**).
  - (k) Final determination of the disposition of all complaint actions, whether



- investigated by PIB or another bureau;
- (l) 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
- (m) 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**

45. 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**

46. Upon receiving a completed Complaint Form or other allegation of misconduct, PIB shall determine whether the allegation of misconduct constitutes:
- (a) A public complaint;
  - (b) An internally generated complaint;
  - (c) A minor violation/infraction resolved through counseling or training; or
  - (d) A complaint that qualifies as an NFIM.
47. 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.
48. 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, if appropriate:
- (a) Use of Force;
  - (b) Criminal; or
  - (c) Administrative.
49. 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.
50. 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**

51. 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**.

52. 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**

53. Complaints involving allegations of criminal conduct will be investigated by PIB/Criminal, including but not limited to:
- (a) Commission of a crime;
  - (b) False arrest;
  - (c) Domestic Violence;
  - (d) Unlawful Search; and
  - (e) Civil Rights Violation(s).

### **ALLEGATIONS OF SERIOUS MISCONDUCT**

54. 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:
- (a) discriminatory policing;
  - (b) false arrest;
  - (c) “planting” evidence;
  - (d) untruthfulness/false statements;
  - (e) unlawful search;
  - (f) retaliation;
  - (g) sexual misconduct;
  - (h) domestic violence;
  - (i) misconduct implicating the conduct of the supervisory or command leadership of the subject employee; and
  - (j) 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**

55. 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:
- (a) discourtesy;
  - (b) neglect of duty;
  - (c) service complaints;
  - (d) missed court; and
  - (e) lack of professionalism.

### **NEGOTIATED SETTLEMENT**

56. 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**.
57. 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**

58. 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.
59. An employee accused of criminal conduct shall be provided with all rights and privileges afforded to an individual under the State and Federal constitutions.
60. 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.
61. 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.
62. 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**

63. 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.
64. 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.
65. 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.
66. 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.
67. The Division/District-Level investigation reports and all related documentation and evidence shall be provided to PIB immediately upon completion and approval by the appropriate supervisor of the investigation, but no later than three business days,

**EMERGENCY SUSPENSION OR ADMINISTRATIVE RE-ASSIGNMENT**

68. 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 and Emergency Suspensions of Members** and PIB Directive No. 8, Administrative Reassignment and Emergency Suspension Procedures).

**ACCUSED OR WITNESS EMPLOYEE RESPONSIBILITIES**

69. 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**

70. 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.
71. In any administrative investigation of an employee, an accused or witness employee shall:
- (a) Cooperate fully in the investigation process;
  - (b) Give a written and/or audio/digitally/video-recorded statement upon request by the investigator;
  - (c) Sign any written or transcribed statement made by the employee;
  - (d) Appear at any disciplinary hearing when instructed by an authoritative source;
  - (e) Submit to a breath test when ordered by a supervisor;
  - (f) 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;
  - (g) 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;
  - (h) Sign a Confidentiality Admonishment form (NOPD Form 305). The form shall be supplied by the PIB investigator; and
  - (i) 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**

72. 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.

73. 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 / RESPONSIBILITIES**

74. Upon assignment to a formal disciplinary investigation, the investigator shall:
- (a) Comply with La. R.S. 40-2531 (Police Officer's Bills of Rights) by meeting the due dates set by PIB and the investigator's bureau representative and which have been written on the PIB Transmittal form.
  - (b) Before taking a formal statement from an accused employee, but not including immediate field investigation, the investigator shall provide notification (Form 196) to the accused employee informing the employee of the:
    - i. Allegation(s) against the employee;
    - ii. Employee's rights and responsibilities relative to the investigation; and
    - iii. Date, time, and location the employee is to appear for the statement.
  - (c) The investigator shall instruct the accused employee to sign the Form 196 indicating receipt of the original form. A copy of the signed notification shall be labeled as an exhibit and made a part of the investigative report.
  - (d) During the formal investigation, the investigator shall obtain a digitally recorded statement from the accused employee in every case, using the statement format for "Administrative Investigation of a Commissioned and/or Civilian NOPD Member" (Form 196).
    - i. The audio file shall be labeled with the PIB Complaint Tracking Number, date the statement is taken, the accused employees' name, and the name of the person(s) whose statement(s) is recorded. The file(s) shall be labeled as an exhibit and made a part of the investigative report. Digitally recorded statements shall be preserved pursuant to **Chapter 83.1 – Collection of Evidence** (previous Policy 808) and **Chapter 83.2 – Computers and Digital Evidence** (previous Policy 814).
    - ii. In an investigation that does not involve criminal allegations, the interview shall normally take place during the employee's tour of duty.
    - iii. The PIB Deputy Superintendent shall have the authority to extend or change an employee's regular tour of duty hours if necessitated by the demands of the investigation. Should the interview time extend past the employee's tour of duty, for payroll purposes, the employee shall be listed as working in the payroll system. If the employee is suspended or on any other leave status, the employee may be ordered to appear at any given time at a designated location to give a statement.
  - (e) Conduct a complete investigation and thoroughly exhaust all leads;
  - (f) Separately interview and digitally record each accused employees' statement;
  - (g) Separately interview and digitally record the statements of the complainant, any principal, and every known witness, both for and against the accused employee (For non-department employees, the investigator shall audio tape or digitally record the witnesses' statement in their entirety absent specific documented objection. However, all department employees shall be subject to audio taping or digital recording in their entirety. Where the alleged misconduct is particularly serious or interviews with the subject officer(s) or witnesses may be necessary to sufficiently investigate the allegation, the investigator shall conduct the interviews in-person.);
  - (h) Seek to identify all persons at the scene giving rise to a misconduct allegation;

- (i) Note in the investigative report the identities of all officers or other witnesses who were present on the scene but assert that they did not witness and were not involved in the incident and conduct further investigation of any such assertions that appear unsupported by the evidence;
- (j) Collect evidence and property, when applicable, and maintain chain of custody records (evidence in criminal cases should be submitted to Central Evidence & Property CE&P under the Complaint Tracking Number);
- (k) Prepare and forward correspondence to the complainant and accused members, as specified in this Chapter;
- (l) Address each section of the investigative report, documenting all facts;
- (m) Reach a conclusion supported by the preponderance of the evidence and prepare a written recommendation;
- (n) Apply for an extension of the due date (within the first thirty (30) days of the investigation, i.e. within thirty days of the classification date) when necessary, and particularly when any complainant, witness, principal, or evidentiary material will not be available in time to complete the investigation by the investigator's assigned due date;
- (o) Provide a copy of the date-stamped extension request (if requested) to PIB within 48 hours of the date-stamp.
- (p) When appropriate for the finding reached, prepare a Notice of Completed Investigation, i.e. "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), and submit the form along with the investigative report;
- (q) Investigators should avoid the use of leading questions when taking statements of accused employees.
- (r) If, when ordered, an employee refuses to make an administrative statement as an accused employee or witness, the investigator shall digitally record the refusal unless extenuating circumstances prevent the recording, in which case the extenuating circumstances shall be documented in an Interoffice Correspondence (Form 105). The investigator shall immediately notify the accused employee's Deputy Superintendent and the PIB Deputy Superintendent, and submit a Complaint Form to PIB.
- (s) In an interview lasting more than two hours, the investigator shall provide breaks for rest, personal needs and meals. No interview shall last more than eight hours in any 24-hour period, unless authorized in writing by the Superintendent.
- (t) Prior to the taking of any formal investigatory statement, but not including immediate field investigation:
  - i. In an administrative investigation, the investigator shall begin the accused employee's administrative statement with a reading to and acknowledgment by the commissioned employee of "Rights of Law Enforcement Officers While Under Investigation" using Form 196.
  - ii. In a criminal investigation, the investigator shall begin the accused employee's criminal statement with a full reading to and acknowledgment by the commissioned employee of "Rights of Law Enforcement Officers While Under Investigation" and, if relevant, the Constitutional rights relative to the giving of a criminal statement in a criminal investigation. Criminal investigations shall be separately from administrative investigations.
- (u) If an employee waives his/her criminal rights at any time during the interview process, the investigator shall stop the interview and further question the employee as to his/her understanding of the rights. The investigator shall immediately request that the employee sign a "Rights of Arrestee" form, announcing to the audio tape recorder that the employee has signed the "Rights

- of Arrestee" form number [state number]. The form shall be labeled and listed as an exhibit.
- (v) Submit a complete, coherent investigative report to his/her immediate supervisor by the investigator's assigned due date; the date of the investigative report shall be the date the completed report is submitted to the immediate supervisor for approval and forwarding through the chain of command to the PIB Deputy Superintendent; and
  - (w) Update the PIB Transmittal form.
75. 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:
- (a) used force during the alleged incident;
  - (b) conducted himself/herself during the alleged incident in a manner that led to the injury of a complainant;
  - (c) authorized the conduct that led to the alleged incident; or
  - (d) witnessed or was directly involved in the alleged incident leading to the allegation of misconduct.
76. 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.
77. 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. If due to extenuating circumstances (e.g., unavailability or uncooperativeness of a witness) a witness cannot be interviewed or if a witness refuses to be interviewed, those facts shall be documented.
- (a) 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.
  - (b) 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.
78. 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.
79. The investigator shall search for, and obtain copies of, relevant video evidence, including body-worn camera footage, mobile-video unit footage, surveillance video of the incident, the accused, witnesses, or other relevant recordings (such as video evidence of the accused, the complainant, or involved witnesses). Copies of the video shall be included as exhibits and labeled with the PIB Complaint Tracking Number. If the investigator is unable to find video evidence, he or she shall provide an explanation for the

unavailability of evidence, such as "Officer's body worn camera not activated."

80. 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. Statements may contain some inconsistencies and contradictions. When inconsistencies occur, investigating supervisors should not automatically disbelieve the person who made the statement. The investigator should consider whether the inconsistencies relate to significant or insignificant matters and whether the inconsistency is reasonable in light of the circumstances. 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.
81. Factors to consider when making a credibility assessment include, but are not limited to:
  - (a) The person's opportunity to see or hear the things that the person claims to have seen or heard;
  - (b) Any motive the person has to lie;
  - (c) Any interest the person may have in the outcome of the case;
  - (d) Any bias of the person;
  - (e) The person's memory and ability to recall events;
  - (f) Information pertaining to the person's truthfulness or lack thereof;
  - (g) Any inconsistencies in the person's statement and whether they are supported or contradicted by evidence;
  - (h) Information, including criminal or disciplinary history that suggests a habit, routine, or pattern of relevant behavior. Information about a person's character or reputation alone, without more, shall not be considered.
82. The resolution of any misconduct complaint must be based upon the preponderance of the evidence.
83. 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.
84. If an investigator becomes aware at any time, including during an interview or the taking of a statement, of criminal conduct on the part of any member or employee, the investigator shall immediately suspend the investigation and notify the PIB commander.

#### **TRANSCRIPTION OF STATEMENTS**

85. The initial recording of the complainant's allegations, if taken by PIB Intake personnel, shall be transcribed only if no subsequent statement is taken from the complainant by the investigator and the investigation culminates with a recommended disposition of SUSTAINED.



86. If an investigation results in a recommended disposition of sustained by the investigator, each recorded statement shall be transcribed by the investigator. Each page of the transcript shall be initialed by the accused employee, and the last page shall be signed and dated by the accused employee. Each transcript shall be labeled as an exhibit and made part of the investigative report.
87. A transcript of an audio taped or digitally recorded statement is not required in an investigation which has the recommended disposition of NOT SUSTAINED, UNFOUNDED, or EXONERATED.
88. Any reviewing authority, including the PIB Deputy Superintendent, may return an investigation for a transcript in any case where a transcript is deemed necessary for the review process.
89. The Deputy Superintendent of PIB may grant written approval for a statement not to be transcribed in an investigation that includes recommendation for sustained violations. To ensure the accuracy of investigative conclusions, the PIB Deputy Superintendent shall be responsible for conducting a random check of completed investigative cases in which no transcripts are provided.

### **INVESTIGATOR'S FINDINGS AND RECOMMENDED DISPOSITION(S)**

90. In each investigation, the fact that a complainant plead guilty or was found guilty of an offense shall not be the deciding factor as to whether an accused employee committed the alleged misconduct, nor shall it justify discontinuing the investigation.
91. The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

**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.

92. When the recommended disposition is UNFOUNDED, EXONERATED, or NOT SUSTAINED, the investigator shall cite only the number and title of the RULE the employee allegedly violated with the recommended disposition. After each Rule, make reference to any applicable Departmental regulation, order, or procedure (Chapter, 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 41.3.10 – Body Worn Camera**). If a **criminal or traffic law** was allegedly violated, the specific law shall be cited by statute number and wording. Multiple rules shall be cited in ascending numerical order.
93. When the recommended disposition is SUSTAINED, the investigator shall quote each rule for which he/she recommends a sustained disposition and the applicable Departmental regulation, order, procedure or law, and provide a complete explanation of how the employee may have violated the rule (i.e., if untruthful, state how, when and to whom the employee was untruthful and how, when, and by whom the employee's information is disputed). Multiple rules shall be cited in ascending numerical order.
94. When a charge is sustained, the investigator must include a violation of Rule IX of the Civil Service Rules for the City of New Orleans, as it pertains to Maintaining the Standards of Service, using the following phrase after the last listed violation:

*[Accused employee's name] may also have violated Rule IX of the Civil Service Rules for the City of New Orleans, relative to Maintaining Standards of Service]*

#### **UNFOUNDED AND EXONERATED COMPLAINTS**

95. If the intake member or investigator determines the complaint is clearly, demonstrably unfounded or exonerated based on camera footage and no other misconduct is evident, the intake member or investigator shall notify the reviewing supervisor.
96. The reviewing supervisor shall review and approve the conclusion as appropriate. The supervisor shall prepare a brief report documenting the review and the rationale for the decision.
97. If the reviewing supervisor approves the unfounded or exonerated disposition, the investigation shall conclude, and the investigator need not conduct additional investigatory requirements, such as interviewing all witnesses.
98. If the supervisor disapproves the preliminary disposition, the investigator shall continue investigating the complaint according to this Chapter.

#### **MINOR VIOLATIONS/INFRACTIONS DISCOVERED THROUGH INVESTIGATION**

99. If the investigator identifies a minor violation/infraction that is not the principal basis of the complaint, the investigator shall note the minor violation in the investigative report and communicate the minor violation to the member's supervisor for appropriate follow-up. The minor violation/infraction may be considered an additional misconduct violation (other sustained misconduct) within the complaint investigation, but the investigator should consider non-disciplinary methods for handling the minor violation/infraction as appropriate, including if the member has no pattern of similar minor violations within the preceding year (i.e., more than three times within a 12-month period). The investigator shall still pursue the original allegation even if it is a minor violation.
100. See **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**.

**REPORT FORMAT**

101. The investigator shall utilize an NOPD Form 105 (Interoffice Correspondence) to document the formal investigation. The heading shall be as follows:

TO: Superintendent of Police  
 FROM: [Investigator's rank, name, and place of assignment]  
 SUBJECT: PIB CTN # [Complaint Tracking Number]  
 [Name of accused employee(s), ID #, rank, and place of assignment]]  
 DATE: [Date investigator submits report to supervisor]

102. The investigator shall address each of the following areas using the following clearly labeled and defined headings and subheadings:

(a) **INTRODUCTION:** This section shall identify the investigator by rank, name, and assignment. It shall recount by whom and when the investigator was assigned the investigation. The introduction shall include the following subheadings:

1. **BRIEF SYNOPSIS:** Give a brief synopsis of the allegation(s) including what, when, where, how, and by whom the alleged violation(s) was committed, and any other pertinent information that the investigator deems necessary.
2. **ALLEGATIONS:** The synopsis of the allegations shall also set forth the alleged violations. Identify and list every possible misconduct violation contained within the complaint or identified during the supervisor's initial inquiry into the complaint or through his/her own observation. The investigator shall pursue all allegations in the original complaint but may choose to refer minor violations/infractions discovered through the course of investigation to the relevant supervisor for appropriate follow up (see **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**) rather than including the minor violations/infractions as formal allegations. The investigator shall clearly document in a report any minor violations that were referred to the member's supervisor. Cite the numbers and title of the Rule and Chapter, order, etc., that may have been violated. If an allegation involves a criminal law, the state or municipal number and title shall be included. If multiple alleged violations, each shall be listed in numerical order by rule number, then by paragraph number. Each allegation shall be numbered as V1, V2, V3. The only allegation(s) which shall be listed under the individual accused employee is (are) the allegation(s) made against that specific employee.

(b) **INVESTIGATION:** The investigator shall document a detailed account of every aspect of the investigation, including an individual summary of each interview, whether recorded or written. If the interview is recorded, the transcription of this interview (if one is required) shall be labeled and listed as an exhibit. If the investigator obtained a written statement from any party, the written statement shall be labeled and listed as an exhibit.

3. **WITNESSES:** List every witness, including members, and identify whether each witness was contacted or provided a written statement, and whether any interviews were recorded. If a witness was not

contacted or an interview was not recorded, give an explanation. For example: "Joe Doe could not be reached despite numerous attempts; he provided a non-working telephone number and refused to provide an address."

4. **CREDIBILITY ASSESSMENT:** Provide a relevant assessment of the complainant(s) and witness(es) (see Paragraphs 80 & 81 above).
- (c) **SUMMARY:** This section shall summarize the important aspects of the investigation and why the investigator arrived at the conclusion of culpability or innocence on each allegation. The Summary Section shall contain only **information** already fully documented in the Investigation Section, and shall not introduce any new information.
- (d) **RECOMMENDATION(S):** Each alleged violation shall be addressed individually, with a recommended disposition on each rule allegedly violated, and a complete justification of the recommended disposition of each rule appearing in the original Misconduct Investigation Initiation Form. Any additional sustained misconduct violations (not alleged in the original form) shall be listed after the original violation(s) under the sub-heading "Additional Sustained Violations." Any additional accused employees and their sustained misconduct violations shall be listed under the subheading "Additional Accused and Sustained Violations."

The investigator must also assess whether: (i) the accused's conduct was in compliance with training and legal standards; (ii) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures; and (iii) the incident suggests that NOPD should revise its policies, strategies, tactics, or training. (see: Program Review Request Form #358).

- (e) **EXHIBITS:** The final page of the investigative report shall be the Exhibit page. Each exhibit (Misconduct Investigation Initiation form, recording, written order, evidence receipt, photograph, etc.) shall be assigned a letter. A list of exhibits that contains more than **twenty-six** (26) items shall utilize a double-alphabet designation (AA-ZZ). Each exhibit shall carry a corresponding label on the exhibit itself. Each exhibit listed shall include a description of the exhibit, the number of pages in the exhibit, and whether the document is an original or a photocopy; as indicated below:

**EXHIBITS [EXAMPLE]**

Exhibit A	PIB Transmittal page, original
Exhibit B	Formal Disciplinary Investigation initiation form, original
Exhibit C	Transcribed statement of [XXX], 5 pages, original
Exhibit D	Incident report, Item # X-XXX-XX, 4 pages, photocopy
Exhibit E	TRIP record for [XXX]. Dated XXX, one page, original
Exhibit F	Photographs, taken by Crime Lab, Item # X-XXX-XX, four

103. Any extension request submitted to Civil Service, along with any response, shall be included as an exhibit to the investigative report.
104. The investigator's signature, with the rank, title, and date typed below the signature, shall conclude the report. The investigator's initials shall also be hand written on each page of the investigation in the bottom right hand corner.

105. The report shall conclude with the following format for each person in the investigator's chain of command, up to and including the Superintendent of Police:

CONCUR / DO NOT CONCUR

\_\_\_\_\_

Date:

\_\_\_\_\_

[rank and name of person in chain of command]

[title and/or place of assignment]

The date alongside each signature will be the date the reviewer signed the document, not the date appearing at the top of the report.

106. The complete investigative report shall be assembled unstapled and in the order outlined in the Investigative Case File Organization provided in **Appendix A**, with all exhibits in order. Each page of the investigative report shall be sequentially numbered. The entire package shall be placed into a large manila envelope, labeled with the PIB Complaint Tracking Number on the front, and shall be forwarded to PIB through the investigator's chain of command for approval.
107. Every exhibit page shall have the Complaint Tracking Number at the top left and the page number on the top right. For example, the top of the fifth page of a 10-page exhibit shall note: **PIB CTN #: 201X-XXXX Page 5 of 10.**

## FORMS

108. Refer to the Resources folder on nopd.org for forms that shall be used for:
- Any statement taken from an accused employee in an administrative investigation.
  - Any statement taken from an accused employee in a criminal investigation.
  - Any statement taken from an employee witness in an administrative or criminal investigation.
  - Any statement taken from a complainant and/or non-employee witness in an administrative or criminal investigation.

## FORMAL DISCIPLINARY INVESTIGATION DUE DATE CALCULATION

109. An administrative investigation shall be completed within the time limitation mandated by LA RS 40:2531, which requires every investigation to be initiated within 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.
110. Every investigation must be completed within 60 days of the Classification Date unless an extension of 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**

111. 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.
112. 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.
113. 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**

114. 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**

115. 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 Form 105 shall be placed on top of the investigative report and shall accompany it to the Deputy Superintendent of PIB. The composing of this Form 105 shall not delay the processing of the investigation in the bureau.



116. 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.
117. 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**

118. 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).
119. 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 Form 105 shall be placed on top of the investigative report and shall accompany it to the PIB Deputy Chief. The composing of this Form 105 shall not delay the processing of the investigation in the bureau.
120. 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**

121. 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**

122. 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.

123. 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. (see: Program Review Request Form #358). If the supervisor determines during his/her review of an incident that NOPD should revisit policy, tactics, training, or strategy related to the incident, the supervisor shall document that in a PRR Form #358. The supervisor submitting a PRR form #358 is responsible for thoroughly completing the form’s “Request” section. The supervisor shall make a digital copy of the form and email it to PSAB@nola.gov. The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions the PSAB reviewer may have.
124. 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**

125. 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)).
126. 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.
127. 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**

128. The PIB Deputy Superintendent shall review every completed investigative report from every bureau.
129. For investigative reports completed by a bureau other than PIB, the PIB Deputy Superintendent shall compose a Form 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.
130. The Public Integrity Bureau shall review past case reports and specific allegations and dispositions to determine whether there is commonality or a pattern similar to the allegations in the case at hand, considering the time between complaints and their similarity to the subject case. When a member's disciplinary history includes Unfounded, Exonerated, or Not Sustained cases, these cases cannot be used in a credibility determination unless there is a clear pattern or relevancy to the subject case.
131. The Public Integrity Bureau may contact the accused person's supervisor and ask that supervisor to provide his or her observations and assessment of the accused employee.
132. Investigative reports will not be returned informally; they can only be returned with a Form 105 from the PIB Deputy Superintendent to the Deputy Superintendent of the investigator's bureau, a copy of which will be placed in the investigation's permanent file.
133. 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.
134. 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 Form 105. If he/she does not concur with any of the recommended dispositions, he/she shall compose his/her own Form 105 addressed to "Memo to File" if he/she determines a differing recommended disposition.
135. The PIB Deputy Superintendent is responsible for ensuring that the disposition approved by the Superintendent is fully implemented in a timely manner, consistent with all rights of the accused member.

### **SUPERINTENDENT OF POLICE**

136. 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**

137. 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**

138. 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.
139. The investigator shall forward correspondence to the non-member complainant, via departmental letterhead, on the following timetable:
- (a) Immediately upon being assigned the formal investigation, a letter introducing him/herself to the complainant as the investigator of the complaint (Form 197), and
  - (b) Every 45 days from the date the investigator's commanding officer received the complaint, updating the status of the investigation. This shall continue until the investigation is submitted for approval (Form 198).
140. If the investigator is unable to contact the complainant via the telephone number(s) or at the address provided in the Complaint Form, he/she shall mail to the complainant's recorded address a certified letter advising the complainant of the need to immediately contact the investigator. The letter shall advise the complainant that the investigation may be severely impeded without the complainant's assistance if the complainant fails to respond. The investigator shall utilize the wording of the letter shown in Form 199. This correspondence and certification of delivery/receipt shall be included as part of the investigative case file. Even if the complainant cannot be contacted, the investigation shall continue as necessary to resolve the original allegation based on the evidence and investigatory procedures available.
141. All correspondence shall be included as part of the investigative case file.

**RELEASE OF INFORMATION TO THE PUBLIC**

142. The release of member information to the public shall be coordinated through the Public Information Office and the Office of the Superintendent of Police.
143. 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.
144. A member's disciplinary history shall consist of all sustained and not sustained complaints. PIB shall maintain records of complaints with a disposition of unfounded, exonerated, or NFIM, but the disciplinary history will not include these complaints.

**ANNUAL STATISTICAL SUMMARIES OF INTERNAL INVESTIGATIONS**

145. 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) a summary of each misconduct complaint including a description of the allegation, the final approved disposition, and any discipline imposed;
  - (b) aggregate misconduct complaint data showing the number of each type of complaint and the number and rate of sustained cases after final approval;
  - (c) 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**

146. 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.

### **Appendix A – Investigative Case File Organization**

The case file shall be organized in a uniform fashion by the case investigator prior to submission to his/her supervisor. The new investigation report format will include colored paper. Each color will be used as a divider to divide the investigation and make it easy to locate documents quickly.

- (a) Pink = Hearing Forms (Sustained)**
- (b) Orange = Tracking and Miscellaneous Forms (including buck slips, inventory forms, etc.)**
- (c) Green = Exhibits**
- (d) Blue = Notice of Disposition**
- (e) Yellow= Initial Complaint (left hand side)**

The completed investigative report should be placed on the left hand side of the opened folder on top. A yellow paper shall be placed below the completed report. The initial complaint shall be placed under the yellow paper. These pages should be secured with an “acco” fastener in two holes punched at the top of every page.

The right hand side of the folder should have the tracking forms, exhibits (labeled and in order), and notices of disposition. Place all CD's, tapes, loose pictures, and small items (i.e. certified receipts) in one manila envelope and place the envelope on top of all forms on the right-hand side of the folder. These items should be secured with an “acco” fastener with two holes punched at the top of every page.

**FORMAL DISCIPLINARY INVESTIGATION TRANSMITTAL**

**ORIGINAL TRANSMITTAL-INVESTIGATIVE CASE EXHIBIT A** Updated 7/20/20

PIB Control # \_\_\_\_\_ IPM# \_\_\_\_\_ OIG # \_\_\_\_\_ Originated from Web \_\_\_\_\_

PIB Commander Review (initial) \_\_\_\_\_ Date: \_\_\_\_\_ RFC: \_\_\_\_\_

**CASE TYPE**

Adherence to Law     Criminal (Orleans)     Unauthorized Force     False/Inaccurate     1st Amend  
 Administrative     Criminal (Other Juris)     Domestic Violence     BWC     Workplace Discrimination/Retaliation  
 Bias/Racial Profiling/Discrimination Policing     LGBTQ

**PIB ONLY**

Emergency Suspension Date \_\_\_\_\_ Reassignment Date \_\_\_\_\_  
 From Unit \_\_\_\_\_ To Unit \_\_\_\_\_

Date of Cognization of Allegation \_\_\_\_\_  
 Date Control # Issued \_\_\_\_\_  
 Date Complaint Form Received in PIB \_\_\_\_\_  
 Date Investigation Determined (w/n 3 days receipt) \_\_\_\_\_  
 Date of Classification (due w/n 14 days of cognizance)  
 (Date of Classification is DATE FORM COMPLETED) \_\_\_\_\_  
 Date Invest due in PIB (40 days from classification) 2/9/1900  
 Date Invest due to PIB if extension is approved 4/9/1900  
 Date Invest Final (60 days from classification) 2/29/1900  
 Date Invest Returned to PIB \_\_\_\_\_  
 90 Days 3/30/1900  
 120 Days 4/29/1900    150 Days 5/29/1900

TRANSMITTAL FORM	
Form Completed by:	_____
Date Form Rec'd/completed	_____

Assigned to: \_\_\_\_\_

Number of CDs:	_____
Number of Photos:	_____
Other (Specify):	_____

REC'D BY BUREAU REP (SIGN & DATE)  
 \_\_\_\_\_

Remarks \_\_\_\_\_

**MUST BE COMPLETED BY INVESTIGATOR AND INVESTIGATOR'S COMMANDER**

Date Investigator Rec'd from Bureau Rep \_\_\_\_\_  
 Assigned Investigator (sign & print name) \_\_\_\_\_  
 Date Extension Request sent to Civil Service \_\_\_\_\_  
 Date receipted copy of ext. request email to PIB \_\_\_\_\_  
 Date intro letter sent to complainant \_\_\_\_\_  
 Date completed invest due to invest's supervisor \_\_\_\_\_  
 Date Comp. invest given to invest's commander \_\_\_\_\_

Granted: _____ (Circle one below)
Y / N / MOOT / Mediation / PIB

Date(s) status letter(s) sent \_\_\_\_\_  
 Date Rec'd by Supervisor \_\_\_\_\_  
 Approved by Commander \_\_\_\_\_

DATE BY WHOM

Verbal notice of disposition to accused \_\_\_\_\_  
 Written notice of disposition to accused \_\_\_\_\_  
 Written notice of disposition signed by accused \_\_\_\_\_

**MUST BE COMPLETED BY INVESTIGATOR'S BUREAU**

Rec'd by Bureau Rep (signature, printed name, and date of receipt) \_\_\_\_\_  
 Date completed investigation due to Bureau Chief \_\_\_\_\_  
 Date Completed Investigation rec'd by Bureau Chief \_\_\_\_\_  
 Completed Invest approved by Bureau Chief (sign and date) \_\_\_\_\_



## NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

### CHAPTER: 52.1.2

## TITLE: MISCONDUCT COMPLAINT INVESTIGATOR RESPONSIBILITIES

**EFFECTIVE: 05/15/2016**

**REVISED: 05/21/2017**

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### PURPOSE

The purpose of this policy is to establish standards for Department members in the investigation of misconduct complaints. This policy supplements Chapter 52.1.1, "Complaint Investigation" and describes the specific responsibilities of misconduct investigators.

### POLICY STATEMENT

- Supervisors who are assigned to conduct a misconduct investigation of an accused employee shall conduct a thorough investigation and exhaust all leads. Misconduct investigations shall be as thorough as necessary to reach reliable and complete findings.

### DEFINITIONS:

Definitions relevant to this Chapter include:

**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 No Formal Investigation Merited.

**Complaint Form**—The universal form that any person may use to file a complaint against a member 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.

**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.

**Exonerated**—The recommended disposition when a misconduct investigation determines by a preponderance of the evidence that the alleged conduct did occur but did not violate NOPD regulations, policies, procedures, or training.

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

**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.

**Not sustained**—The recommended disposition when an investigation is unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

**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.

**Sustained**—The recommended disposition when an investigation determines by a preponderance of the evidence that the alleged misconduct did occur.

**Unfounded**—The recommended disposition when an investigation determines by a preponderance of the evidence that the alleged misconduct did not occur or did not involve the accused member.

## INVESTIGATOR RESPONSIBILITIES

2. Upon being assigned a formal disciplinary investigation, the investigator shall:
  - (a) Conduct a complete investigation and thoroughly exhaust all leads;

- (b) Interview and digitally record the accused employee's statement;
- (c) Interview and digitally record the statements of the complainant, any principal, and every known witness, both for and against the accused employee. (For non-department employees, a written statement, signed and dated by the individual giving the statement, may be substituted for an audio taped or digitally recorded statement. However, only audio taped or digitally recorded statements shall be taken from department employees.)
- (d) Collect evidence and property, when applicable, and maintain chain of custody records (evidence in criminal cases should be submitted to CE&P under the Complaint Tracking Number);
- (e) Prepare and forward correspondence to the complainant, as specified in this Chapter;
- (f) Address each section of the investigative report, documenting all facts;
- (g) Reach a conclusion supported by the preponderance of the evidence and prepare a written recommendation;
- (h) Apply for an extension of the due date (within the first thirty (30) days of the investigation, i.e. within thirty days of the classification date) when necessary, and particularly when any complainant, witness, principal, or evidentiary material will not be available in time to complete the investigation by the investigator's assigned due date;
- (i) Provide a copy of the date-stamped extension request (if requested) to PIB within 48 hours of the date-stamp.
- (j) Prepare a Notice of Completed Investigation, i.e. "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), and submit the form along with the investigative report;
- (k) Submit a complete, coherent investigative report to his/her immediate supervisor by the investigator's assigned due date. The date of the investigative report shall be the date the completed report is submitted to the immediate supervisor for approval and forwarding through the chain of command to the PIB Deputy Superintendent; and
- (l) Update the PIB Transmittal form.

### **ACCUSED EMPLOYEE'S STATEMENT**

3. During the formal investigation, the investigator shall obtain a digitally recorded statement from the accused employee in every case, using the statement format for "Administrative Investigation of a Commissioned and/or Civilian NOPD Member" (Form #196). The audio file shall be labeled with the PIB Complaint Tracking Number, date the statement is taken, the accused employees' name, and the name of the person(s) whose statement(s) is recorded. The file(s) shall be labeled as an exhibit and made a part of the investigative report. Digitally recorded statements shall be preserved.
4. 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 investigator.
5. At least five days before taking a statement from an accused employee, the investigator shall provide notification (Form #196) to the accused employee informing the employee of the:



- (a) Allegation(s) against the employee;
  - (b) Employee's rights and responsibilities relative to the investigation; and
  - (c) Date, time, and location the employee is to appear for the statement
6. The notification shall be signed by the employee indicating receipt of the original form. A copy of the signed notification shall be labeled as an exhibit and made a part of the investigative report.
7. If, when ordered, an employee refuses to make an administrative statement as an accused employee or witness, the investigator shall digitally record the refusal unless extenuating circumstances prevent the recording, in which case the extenuating circumstances shall be documented in an Interoffice Correspondence (Form 105). The investigator shall immediately notify the accused employee's Deputy Superintendent and the PIB Deputy Superintendent, and submit a Complaint Form to PIB.
8. In an investigation that does not involve criminal allegations, the interview shall normally take place during the employee's tour of duty. The PIB Deputy Superintendent shall have the authority to extend or change an employee's regular tour of duty hours if necessitated by the demands of the investigation. Should the interview time extend past the employee's tour of duty, for payroll purposes, the employee shall be listed as working in the payroll system. If the employee is suspended or on any other leave status, the employee may be ordered to appear at any given time at a designated location to give a statement.
9. In an interview lasting more than two hours, the investigator shall provide breaks for rest, personal needs and meals. No interview shall last more than eight hours in any twenty-four hour period, unless authorized in writing by the Superintendent.
10. Prior to the taking of any statement, the investigator shall begin the accused employee's administrative and/or criminal statement with a full reading to and acknowledgment by the commissioned employee of "Rights of Law Enforcement Officers While Under Investigation" and the Constitutional rights relative to the giving of a criminal statement in a criminal investigation.
11. If an employee waives his criminal rights at any time during the interview process, the investigator shall stop the interview and further question the employee as to his/her understanding of the rights. The investigator shall immediately request that the employee sign a "Rights of Arrestee" form, announcing to the audio tape recorder that the employee has signed the "Rights of Arrestee" form number [state number]. The form shall be labeled and listed as an exhibit.
12. When an employee's counsel and/or representative is present during the rendering of a statement in an administrative investigation, he/she shall be allowed to advise the employee and make statements on the record regarding any question. The counsel may also provide names of witness(es), as per "The Rights of Law Enforcement Officers While Under Investigation," on behalf of the employee.

### **TRANSCRIPTION OF STATEMENTS**

13. The initial recording of the complainant's allegations, if taken by PIB Intake personnel, shall be transcribed only if no subsequent statement is taken from the complainant by the investigator and the investigation culminates with a recommended

disposition of SUSTAINED.

14. If an investigation results in a recommended disposition of sustained by the investigator, each recorded statement shall be transcribed by the investigator. Each page of the transcript shall be initialed by the accused employee, and the last page shall be signed and dated by the accused employee. Each transcript shall be labeled as an exhibit and made part of the investigative report.
15. A transcript of an audio taped or digitally recorded statement is not required in an investigation which has the recommended disposition of NOT SUSTAINED, UNFOUNDED, or EXONERATED.
16. Any reviewing authority, including the PIB Deputy Superintendent, may return an investigation for a transcript in any case where a transcript is deemed necessary for the review process.
17. The Deputy Superintendent of PIB may grant written approval for a statement not to be transcribed in an investigation that includes recommendation for sustained violations. To ensure the accuracy of investigative conclusions, the PIB Deputy Superintendent shall be responsible for conducting a random check of completed investigative cases in which no transcripts are provided.

#### **CORRESPONDENCE TO A NON-MEMBER COMPLAINANT**

18. The investigator shall forward correspondence to the non-member complainant, via departmental letterhead, on the following timetable:
  - (a) Immediately upon being assigned the formal investigation, a letter introducing him/herself to the complainant as the investigator of the complaint (Form #197), and
  - (b) Every 45 days from the date the investigator's commanding officer received the complaint, updating the status of the investigation. This shall continue until the investigation is submitted for approval (Form #198).

Immediately upon completion of his or her investigation, the investigator shall forward to PIB, through the chain of command, a completed letter to the complainant indicating the outcome of the investigation, i.e. the investigator's recommended disposition, along with the completed investigative report. PIB shall send the letter to the complainant upon review and approval.

All correspondence shall be included as part of the investigative case file.

19. If the investigator is unable to contact the complainant via the telephone number(s) or at the address provided in the Complaint Form, he/she shall mail to the complainant's recorded address a certified letter advising the complainant of the need to immediately contact the investigator. The letter shall advise the complainant that the investigation may be severely impeded without the complainant's assistance if the complainant fails to respond. The investigator shall utilize the wording of the letter shown in Form #199. This correspondence and certification of delivery/receipt shall be included as part of the investigative case file. Even if the complainant cannot be contacted, the investigation shall continue as necessary to resolve the original allegation based on the evidence and investigatory procedures available.

**THE INVESTIGATION**

20. 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.
21. All witnesses, including members witnessing or involved in an incident that becomes the subject of a misconduct complaint, shall be interviewed. If due to extenuating circumstances (e.g., unavailability or uncooperativeness of a witness) a witness cannot be interviewed, or if a witness refuses to be interviewed, those facts shall be documented.
22. Where the alleged misconduct is particularly serious or interviews of the subject member(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-member witnesses, specific documented objection.
23. Each member, witness, and complainant shall be interviewed separately. A New Orleans Police Department Authorized Interpreter 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.
24. The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation. The investigator shall note in the investigative report the identities of all members and other witnesses who were on the scene, but note if they assert that they did not witness or were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.
25. The investigator shall search for, and obtain copies of, relevant video evidence, including body-worn camera footage, mobile-video unit footage, surveillance video of the incident, the accused, witnesses, or other relevant recordings (such as video evidence of the accused, the complainant, or involved witnesses). Copies of the video shall be included as exhibits and labeled with the PIB Complaint Tracking Number. If the investigator is unable to find video evidence, he or she shall provide an explanation for the unavailability of evidence, such as "Officer's body worn camera not activated."
26. In each investigation, the investigator 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 a member's statement over a non-member's statement, nor will the investigator disregard a witnesses' statement merely because the witness has a connection to the complainant or because of their prior criminal history. The investigator shall make efforts to resolve material inconsistencies between witness statements. Material inconsistencies shall be directly noted in the investigative report along with the rational used by the investigator to resolve the inconsistencies

27. If an investigator becomes aware at any time, including during an interview or the taking of a statement, of criminal conduct on the part of any member or employee, the investigator shall immediately suspend the investigation and notify the PIB commander.

#### **MINOR VIOLATIONS/INFRACTIONS DISCOVERED THROUGH INVESTIGATION**

28. If the investigator identifies a minor violation/infraction that is not the principal basis of the complaint, the investigator shall note the minor violation in the investigative report and communicate the minor violation to the member's supervisor for appropriate follow-up. The minor violation/infraction may be considered an additional misconduct violation (other sustained misconduct) within the complaint investigation, but the investigator should consider non-disciplinary methods for handling the minor violation/infraction as appropriate, including if the member has no pattern of similar minor violations within the preceding year (i.e., more than three times within a 12-month period). The investigator shall still pursue the original allegation even if it is a minor violation.

#### **CREDIBILITY ASSESSMENTS**

29. Investigators shall not give automatic preference to a member's statement over a complainant's statement or vice-versa.
30. In all investigations, investigators shall may make credibility assessments when reviewing the statements/allegations of complainants, accused employees, and witnesses in accordance with the nature of the statements/allegations and the issues of the case. Investigators shall use a preponderance of the evidence standard when making credibility determinations.
31. Factors to consider when making a credibility assessment include, but are not limited to:
  - (a) The person's opportunity to see or hear the things that the person claims to have seen or heard;
  - (b) Any motive the person has to lie;
  - (c) Any interest the person may have in the outcome of the case;
  - (d) Any bias of the person;
  - (e) The person's memory and ability to recall events;
  - (f) Information pertaining to the person's truthfulness or lack thereof;
  - (g) Any inconsistencies in the person's statement and whether they are supported or contradicted by evidence;
  - (h) Information, including criminal or disciplinary history that suggests a habit, routine, or pattern of relevant behavior. Information about a person's character or reputation alone, without more, shall not be considered.
32. Investigators must recognize that statements may contain some inconsistencies and contradictions. When inconsistencies occur, investigating supervisors should not automatically disbelieve the person who made the statement. The investigator should consider whether the inconsistencies relate to significant or insignificant matters and whether the inconsistency is reasonable in light of the circumstances.
33. The Public Integrity Bureau shall review past case reports and specific allegations and dispositions to determine whether there is commonality or a pattern similar to the allegations in the case at hand, considering the time between complaints and their

similarity to the subject case. When a member's disciplinary history includes Unfounded, Exonerated, or Not Sustained cases, these cases cannot be used in a credibility determination unless there is a clear pattern or relevancy to the subject case.

34. The Public Integrity Bureau may contact the accused person's supervisor and ask that supervisor to provide his or her observations and assessment of the accused employee.

#### REPORT FORMAT

35. The investigator shall utilize an NOPD Form 105 (Interoffice Correspondence) to document the formal investigation. The heading shall be as follows:

TO: Superintendent of Police  
 FROM: [Investigator's rank, name, and place of assignment]  
 SUBJECT: PIB CTN # [Complaint Tracking Number]  
 [Name of accused employee(s), ID #, rank, and place of assignment]]  
 DATE: [Date investigator submits report to supervisor]

36. The investigator shall address each of the following areas using the following clearly labeled and defined headings and subheadings:

(a) **INTRODUCTION:** This section shall identify the investigator by rank, name, and assignment. It shall recount by whom and when the investigator was assigned the investigation. The introduction shall include the following subheadings:

1. **BRIEF SYNOPSIS:** Give a brief synopsis of the allegation(s) including what, when, where, how, and by whom the alleged violation(s) was committed, and any other pertinent information that the investigator deems necessary.
2. **ALLEGATIONS:** The synopsis of the allegations shall also set forth the alleged violations. Identify and list every possible misconduct violation contained within the complaint or identified during the supervisor's initial inquiry into the complaint or through his/her own observation. The investigator shall pursue all allegations in the original complaint but may choose to refer minor violations/infractions discovered through the course of investigation to the relevant supervisor for appropriate follow up (see **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**) rather than including the minor violations/infractions as formal allegations. The investigator shall clearly document in a report any minor violations that were referred to the member's supervisor. Cite the numbers and title of the Rule and Chapter, order, etc., that may have been violated. If an allegation involves a criminal law, the state or municipal number and title shall be included. If multiple alleged violations, each shall be listed in numerical order by rule number, then by paragraph number. Each allegation shall be numbered as V1, V2, V3. The only allegation(s) which shall be listed under the individual accused employee is (are) the allegation(s) made against that specific employee.

(b) **INVESTIGATION:** The investigator shall document a detailed account of

every aspect of the investigation, including an individual summary of each interview, whether recorded or written. If the interview is recorded, the transcription of this interview (if one is required) shall be labeled and listed as an exhibit. If the investigator obtained a written statement from any party, the written statement shall be labeled and listed as an exhibit.

1. **WITNESSES:** List every witness, including members, and identify whether each witness was contacted or provided a written statement, and whether any interviews were recorded. If a witness was not contacted or an interview was not recorded, give an explanation. For example: "Joe Doe could not be reached despite numerous attempts; he provided a non-working telephone number and refused to provide an address."
  2. **CREDIBILITY ASSESSMENT:** Provide a relevant assessment of the complainant(s) and witness(es) (see Paragraphs 28 through 33 above).
- (c) **SUMMARY:** This section shall summarize the important aspects of the investigation and why the investigator arrived at the conclusion of culpability or innocence on each allegation. The Summary Section shall contain only **information** already fully documented in the Investigation Section, and shall not introduce any new information.
- (d) **RECOMMENDATION(S):** Each alleged violation shall be addressed individually, with a recommended disposition on each rule allegedly violated, and a complete justification of the recommended disposition of each rule appearing in the original Misconduct Investigation Initiation Form. Any additional sustained misconduct violations (not alleged in the original form) shall be listed after the original violation(s) under the sub-heading "Additional Sustained Violations." Any additional accused employees and their sustained misconduct violations shall be listed under the subheading "Additional Accused and Sustained Violations."
- The investigator must also assess whether: (i) the accused's conduct was in compliance with training and legal standards; (ii) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures; and (iii) the incident suggests that NOPD should revise its policies, strategies, tactics, or training.
- (e) **EXHIBITS:** The final page of the investigative report shall be the Exhibit page. Each exhibit (Misconduct Investigation Initiation form, recording, written order, evidence receipt, photograph, etc.) shall be assigned a letter. A list of exhibits that contains more than **twenty-six** (26) items shall utilize a double-alphabet designation (AA-ZZ). Each exhibit shall carry a corresponding label on the exhibit itself. Each exhibit listed shall include a description of the exhibit, the number of pages in the exhibit, and whether the document is an original or a photocopy; as indicated below:

#### **EXHIBITS [EXAMPLE]**

Exhibit A	PIB Transmittal page, original
Exhibit B	Formal Disciplinary Investigation initiation form, original
Exhibit C	Transcribed statement of [XXX], 5 pages, original

Exhibit D Incident report, Item # X-XXX-XX, 4 pages, photocopy  
 Exhibit E TRIP record for [XXX]. Dated XXX, one page, original  
 Exhibit F Photographs, taken by Crime Lab, Item # X-XXX-XX,  
 four

37. Any extension request submitted to Civil Service, along with any response, shall be included as an exhibit to the investigative report.
38. The investigator's signature, with the rank and title typed below the signature, shall conclude the report. The investigator's initials shall also be hand written on each page of the investigation in the bottom right hand corner.
39. The report shall conclude with the following format for each person in the investigator's chain of command, up to and including the Superintendent of Police:

CONCUR /DO NOT CONCUR

Date:

\_\_\_\_\_  
 [rank and name of person in chain of command]  
 [title and/or place of assignment]

Each signature shall be dated.

40. The complete investigative report shall be assembled unstapled, with all exhibits in order. Each page of the investigative report shall be sequentially numbered. The entire package shall be placed into a large manila envelope, labeled with the PIB Complaint Tracking Number on the front, and shall be forwarded to PIB through the investigator's chain of command for approval.
41. Every exhibit page shall have the Complaint Tracking Number at the top left and the page number on the top right. For example, the top of the fifth page of a 10-page exhibit shall note: **PIB CTN #: 201X-XXXX Page 5 of 10.**

### **INVESTIGATOR'S FINDINGS AND RECOMMENDED DISPOSITION(S)**

42. In each investigation, the fact that a complainant plead guilty or was found guilty of an offense shall not be the deciding factor as to whether an accused employee committed the alleged misconduct, nor shall it justify discontinuing the investigation.
43. The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:
  - (a) Unfounded
  - (b) Exonerated
  - (c) Not sustained
  - (d) Sustained
44. When the recommended disposition is UNFOUNDED, EXONERATED, or NOT SUSTAINED, the investigator shall cite only the number and title of the RULE the employee allegedly violated with the recommended disposition. After each Rule, make reference to any applicable Departmental regulation, order, or procedure (Chapter,



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 41.3.10 Body Worn Camera). If a **criminal or traffic law** was allegedly violated, the specific law shall be cited by statute number and wording. Multiple rules shall be cited in ascending numerical order.

45. When the recommended disposition is SUSTAINED, the investigator shall quote each rule for which he/she recommends a sustained disposition and the applicable Departmental regulation, order, procedure or law, and provide a complete explanation of how the employee may have violated the rule (i.e., if untruthful, state how, when and to whom the employee was untruthful and how, when, and by whom the employee's information is disputed). Multiple rules shall be cited in ascending numerical order.
46. When a charge is sustained, the investigator must include a violation of Rule IX of the Civil Service Rules for the City of New Orleans, as it pertains to Maintaining the Standards of Service, using the following phrase after the last listed violation:

*[Accused employee's name] may also have violated Rule IX of the Civil Service Rules for the City of New Orleans, relative to Maintaining Standards of Service.*

#### **DUE DATE**

47. All investigations that do not involve criminal activity shall be completed within the time limitations mandated by La.R.S.40:2531, unless granted an extension as provided for under state law or Civil Service exemption, in which case the investigation shall be completed within 120 days.

#### **FORMS**

48. Appendix A to this chapter is the format that shall be used for any statement taken from an accused employee in an administrative investigation.
49. Appendix B to this chapter is the format which shall be used for any statement taken from an accused employee in a criminal investigation.
50. Appendix C to this chapter is the format which shall which shall be used for any statement taken from an employee witness in an administrative or criminal investigation.
51. Appendix D to this chapter is the format which shall be used for any statement taken from a complainant and/or non-employee witness in an administrative or criminal investigation.



STATEMENT FORMAT FOR AN INTERVIEW RELATIVE TO AN ADMINISTRATIVE  
INVESTIGATION OF A COMMISSIONED OR CIVILIAN NOPD EMPLOYEE

[Transcription Date]  
P.I.B. CTN # [Number]

[The following shall be read onto the audio tape by the investigator]

This is a statement under P.I.B. CTN # [control #] of New Orleans Police Department employee [accused employee's name], badge number [badge number], employee ID number [number], assigned to [assignment]. This statement is being taken by [rank/name, and assignment of person conducting interview] at [location where recording is being taken] on [date of recording].

This statement is relative to a complaint of alleged [title and number of alleged violation or law], reported under police item # [item # if applicable], which occurred on [date/time of violation] at [location of violation].

"Q" denotes questions by [rank/name of person conducting interview].

"A" denotes answers given by [rank/name of accused commissioned employee].

Those present during the taking of this statement are [rank/name & assignment; include rank/names of accused and interviewer, also rank/name(s) and place(s) of assignment of any other person(s) present during interview].

The starting date and time of this statement is [starting time of statement].

Q: [name of accused employee], are you aware of your rights as outlined in the Police Officer's Bill of Rights, Louisiana Revised Statute 40:2531?

A:

Q: Per the provisions of the Police Officer's Bill of Rights, I will read into this record the following information:

1. The nature of this investigation is a complaint of alleged [Departmental rule, Chapter or state statute, etc.].
2. The name(s) and position(s) of the (those) person(s) conducting this investigation is (are) [rank/name and assignment of anyone presenting questions during interview].
3. Those present during the taking of this statement are [interviewer's rank/name], [accused employee's name], [rank/names of others

*present].*

4. *You may take notes during or record this statement.*

5. You may have counsel or other representative, or both, present during any interrogation, and you will be allowed a reasonable time to summon either or both to be present, if you so desire.

6. Your counsel may call witnesses to testify on your behalf.

Q: Do you understand what I have just read to you?

A:

Q: Do you wish to exercise any of the rights I have just read to you?

A:

Q: Be advised that I am now beginning a Departmental internal administrative investigation. I hereby advise you New Orleans Police Department Chapter 52.1.1, requires all New Orleans Police Department employees to answer questions in official inquiries. Additionally, employees must answer truthfully all questions asked in all matters and official investigations related to the scope of their employment.

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.

In view of this, are you willing to comply with the New Orleans Police Department Chapter 52.1.1, and make a statement, and answer questions in this Departmental internal administrative investigation?

A:

Q: Please state your name, badge number, and place of assignment.

A:

Q: I would like to bring your attention to [date, time, and location of violation]. Will you state all the pertinent facts, of which you have knowledge, concerning the incident which occurred at that time and location?

[AND/OR PROCEED WITH PREPARED QUESTIONS]

A:

Q: Is there anything you would like to add or delete from this statement?

A:

Q: Is this statement true and correct to the best of your knowledge?

A:

This concludes the statement given by [accused employee's name].

Concluding date and time of this statement is [concluding time of statement].

*STATEMENT FORMAT FOR AN INTERVIEW RELATIVE TO A  
CRIMINAL INVESTIGATION OF AN NOPD COMMISSIONED OR CIVILIAN EMPLOYEE*

*[Transcription Date]  
P.I.B. CTN # [Number]*

*[The following shall be read onto the audio tape by the investigator]*

*This is a statement under P.I.B. CTN # [complaint tracking #] of New Orleans Police Department employee [accused employee's name], badge number [badge number], employee ID number [number], assigned to [assignment]. This statement is being taken by [rank/name, and assignment of person conducting interview] at [location where recording is being taken] on [date of recording].*

*"Q" denotes questions by [rank/name of person conducting interview].*

*"A" denotes answers given by [rank/name of accused commissioned employee].*

*Those present during the taking of this statement are [rank/name & assignment; include rank/names of accused and interviewer, also rank/name(s) and place(s) of assignment of any other person(s) present during interview].*

*The starting date and time of this statement is [starting time of statement].*

*Q: [name of accused employee], are you aware of your rights as outlined in the Police Officer's Bill of Rights, Louisiana Revised Statute 40:2531?*

*A:*

*Q: Per the provisions of the Police Officer's Bill of Rights, I will read into this record the following information:*

- 1. The nature of this investigation is a complaint of alleged [nomenclature of violation or law].*
- 2. The name(s) and position(s) of the (those) person(s) conducting this investigation is (are) [rank/name and assignment of anyone presenting questions during interview].*
- 3. Those present during the taking of this statement are [interviewer's rank/name], [accused employee's name], [rank/names of others present].*
- 4. You may take notes during or record this statement.*
- 5. You may have counsel or other representative, or both, present during any interrogation, and you will be allowed a reasonable time to summon either or both to be present, if you so desire.*
- 6. Your counsel may call witnesses to testify on your behalf.*

*Q: Do you understand what I have just read to you?*

*A:*

*Q: Do you wish to exercise any of the rights I have just read to you?*

*A:*

*Q: Are you fully aware of your constitutional rights relative to the giving of a criminal statement in a criminal investigation?*

*A:*

*Q: Per the provisions of the Constitutions of the United States and the State of Louisiana, I will read into this record the following information:*

- 1. You need not make any statements, that is, you have the right to remain silent.*
- 2. Anything you say may be used against you in trial.*
- 3. You have the right to consult with and obtain the advice of an attorney before answering any questions.*
- 4. If you cannot afford an attorney, the court will obtain an attorney to represent you and advise you.*
- 5. You have the right to have your attorney or an appointed attorney present at the time of any questioning or giving of any statement. Do you understand what I have just read to you?*

*A:*

*Q: Will you waive your constitutional rights and give a statement in a criminal investigation?*

*A:*

*If the answer to the preceding question is "NO," proceed to the appropriate section of Appendix B on page 3. If the answer is "YES," go to page 4 of Appendix B.*

**IF RIGHTS ARE NOT WAIVED AND NO ADMINISTRATIVE STATEMENT IS TO BE TAKEN AT THIS TIME, USE THIS STATEMENT.]**

*Q Because of your refusal to waive your rights in a criminal investigation, I will now advise you that this statement is now concluded.*

*This concludes the statement given by [accused employee's name]  
Concluding date and time of this statement is [concluding time of statement]*

**IF RIGHTS ARE NOT WAIVED AND AN ADMINISTRATIVE STATEMENT IS TO BE TAKEN AT THIS TIME, USE THIS STATEMENT.**

**If the accused employee to be interviewed refuses to waive his or her rights, each investigator must first consult with the commander of PIB before proceeding with the administrative statement.**

*Q: Because of your refusal to waive your rights in a criminal investigation. I will now advise you I am terminating the criminal investigation and now beginning a Departmental internal administrative investigation. Do you understand this?*

*A:*

*Q: Be advised that I am now beginning a Departmental internal administrative investigation. I hereby advise you New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination. Additionally, employees are to be truthful at all times in all matters and official investigations relating to the scope of their employment and failure to comply will result in termination. 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. In view of this, are you willing to comply with the New Orleans Police Department Chapter 52.1.1, and make a statement, and answer questions in this Departmental internal administrative investigation?*

*A:*

*Q: Please state your name, badge number, and place of assignment.*

*A:*

*Q: I would like to bring your attention to [date, time, and location of violation]. Will you state all the pertinent facts, of which you have knowledge, concerning the incident which occurred at that time and location? [AND/OR PROCEED WITH PREPARED QUESTIONS ]*

*A:*

*Q: Is there anything you would like to add or delete from this statement?*

*A:*

*Q: Is this statement true and correct to the best of your knowledge?*

*A:*

*[This concludes the statement given by [accused's name]. Concluding date and time is \_\_\_\_.]*

[IF CRIMINAL RIGHTS ARE WAIVED, USE THIS STATEMENT. ALSO HAVE THE EMPLOYEE SIGN "Rights of an Arrestee/Suspect" form.]

*Q: You have stated that you wish to waive your constitutional rights relative to the giving of a criminal statement in a criminal investigation. I am showing you "Rights of an Arrestee/Suspect" form #. Please read the form and sign the form. [Wait for accused to sign form.] [Name of accused officer ] has now signed "Rights of an Arrestee/Suspect" form # \_\_\_\_*

*A:*

*Q: Please state your name, badge number, and place of assignment.*

*A:*

*Q: I would like to bring your attention to [date/time & location of violation]. Will you state all the pertinent facts, of which you have knowledge, concerning the incident which occurred at that time and location?*

*A:*

*OR [PROCEED WITH PREPARED QUESTIONS]*

*Q: Is there anything you would like to add or delete from this statement?*

*A:*

*Q: Is this statement true and correct to the best of your knowledge?*

*A:*

*This concludes the statement given by, [accused employee's name]*

*Concluding date and time of this statement is [concluding time of statement]*



STATEMENT FORMAT RELATIVE TO AN INTERVIEW OF AN EMPLOYEE  
WITNESS IN ADMINISTRATIVE & CRIMINAL INVESTIGATIONS

NEW ORLEANS POLICE DEPARTMENT

[Transcription Date]  
P.I.B. CTN # [Number]

This is a statement under P.I.B. CTN # [control #] of [employee witness's name], badge number [badge number], employee ID number [], assigned to [assignment].

This statement is relative to a complaint of alleged [violation name], which occurred on [date/time of violation] at [location of violation].

This complaint has been lodged against [accused employee's name]. This statement is being taken at [location] on [date of statement]. "Q" denotes questions by [investigator's rank/name].

"A" denotes answers given by [witness employee's name].

Those present during the taking of this statement are [rank/name & assignment]

NOTE: 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. Failure to comply will result in termination.

The starting date and time of this statement is [starting time of statement].

Q: Please state your name, badge number, and place of assignment.

A:

Q: This is to advise you that you are being interviewed only as a possible witness in this case and as of this time you are not being accused of any misconduct. Do you understand this?

A:

Q: I would like to bring your attention to [date, time, & location of violation]. Will you state all the pertinent facts, of which you have knowledge concerning the incident which occurred at that time and location?

A:

OR [PROCEED WITH PREPARED QUESTIONS]

[Continue with Questions & Answers]

Q: Is there anything you would like to add or delete from this statement?

A:

Q: Is this statement true and correct to the best of your knowledge?

A:

This concludes the statement given by [witness employee's name]

Concluding date and time of this statement is [concluding time of statement]

**STATEMENT FORMAT FOR AN INTERVIEW OF A COMPLAINANT OR NON-EMPLOYEE WITNESS IN ADMINISTRATIVE & CRIMINAL INVESTIGATIONS**

P.I.B. CTN NUMBER: [Number]

This is a statement under P.I.B. CTN # [control#] made by [name], [race], [sex], [date of birth], [address], [home phone #], [business phone# ]

This statement is relative to a complaint of alleged [violation(s) name(s)] against employee(s) [accused employee(s) name(s)] , assigned to [accused employee(s) assignment] which occurred on [date/time of violation] , at the location of [location of violation]

This statement is being taken at [location] on [date of statement].

"Q" denotes questions by [investigator's rank/name].

"A" denotes answers by [complainant/witness's name].

Those present during the taking of this statement are [rank/name & assignment]

The starting date and time of this statement is [starting time of statement].

Q: Please state your name and address.

A:

Q: Please state what happened on [date/time/location of violation].

A:

OR [PROCEED WITH PREPARED QUESTIONS ]

Q: Is there anything you would like to add or delete from this statement?

A:

Q: Is this statement true and correct to the best of your knowledge?

A:

This concludes the statement given by [subject's name]

The concluding date and time of this statement is [concluding time of statement]



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 52.2

### TITLE: NEGOTIATED SETTLEMENT AGREEMENTS

**EFFECTIVE: 11/15/15**

**REVISED: 8/28/16; 11/04/18**

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#### PURPOSE

The purpose of this policy is to define the use of a Negotiated Settlement Agreement (NSA) that allows for a more efficient resolution of an alleged misconduct violation or vehicle crash assessment without a formal hearing and applies consistency in the application of corrective action.

#### POLICY STATEMENT

1. Misconduct allegations do not require extensive investigation and adjudication when clear evidence demonstrates a violation and the accused member does not contest the allegations. In such cases, a negotiated settlement can provide a more efficient, timely resolution that uses minimal Department resources. 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.
2. Negotiated Settlement Agreements may utilize education-based discipline where training may help prevent future violations of a similar nature. Education-based discipline is designed to focus on behavioral change through education and training rather than the exclusive use of punishment. See **Chapter 26.2.1 – Disciplinary Matrix** for guidelines regarding the use of education-based discipline.
3. 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.
4. The Crash Review Board may utilize Negotiated Settlement Agreements (see also: **Chapter 13.22 – Crash Review Board**). For purposes of this Chapter, the Crash Review Board notification form follows the same procedure as the Misconduct Investigation Initiation form.
5. For purposes of this Chapter, in the case of a Departmental vehicle crash involving a negotiated settlement agreement, the following shall apply:
  - (a) The Deputy Chief of MSB performs the same duties as the Commander of PIB as outlined in this Chapter.
  - (b) The MSB Bureau Commander performs the same duties as the PIB Administrative Lieutenant as outlined in this Chapter.

- (c) The MSB Crash Screening Committee performs the same functions as the Public Integrity Bureau (PIB) as outlined in this Chapter.
- (d) The MSB Crash Screening Committee reporting secretary performs the same functions as the PIB Intake Supervisor as outlined in this Chapter.

## 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 Appendix).

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

**Penalty Schedule**—A guide to be used by management in determining the appropriate discipline to impose by type of violation committed (See **Chapter 26.2.1 – Disciplinary Matrix**).

**Presentation Meeting**—The first meeting, scheduled by the initiating Bureau and held as soon as practical but no more than five 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 Complaint**—An alleged violation reported by an NOPD supervisor.

**Reflection Period**—A period of reflection during which 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.

## ELIGIBILITY AND SCOPE

6. For an accused employee to be eligible for negotiated settlement, the alleged violation must be minor. For purposes of this Chapter, a minor violation is defined as an infraction or set of infractions that are subject to discipline of a letter of reprimand to a maximum of ten days' suspension as categorized within the penalty schedule listed in **Chapter 26.2.1**

– **Disciplinary Matrix** and listed in the eligibility schedule listed in the Appendix.

Complaints initiated by citizens shall not be eligible for negotiated settlement but may be eligible for a mediation settlement (see **Chapter 24.2 – Mediation Settlement**).

Complaints eligible for negotiated settlement include rank initiated complaints in which:

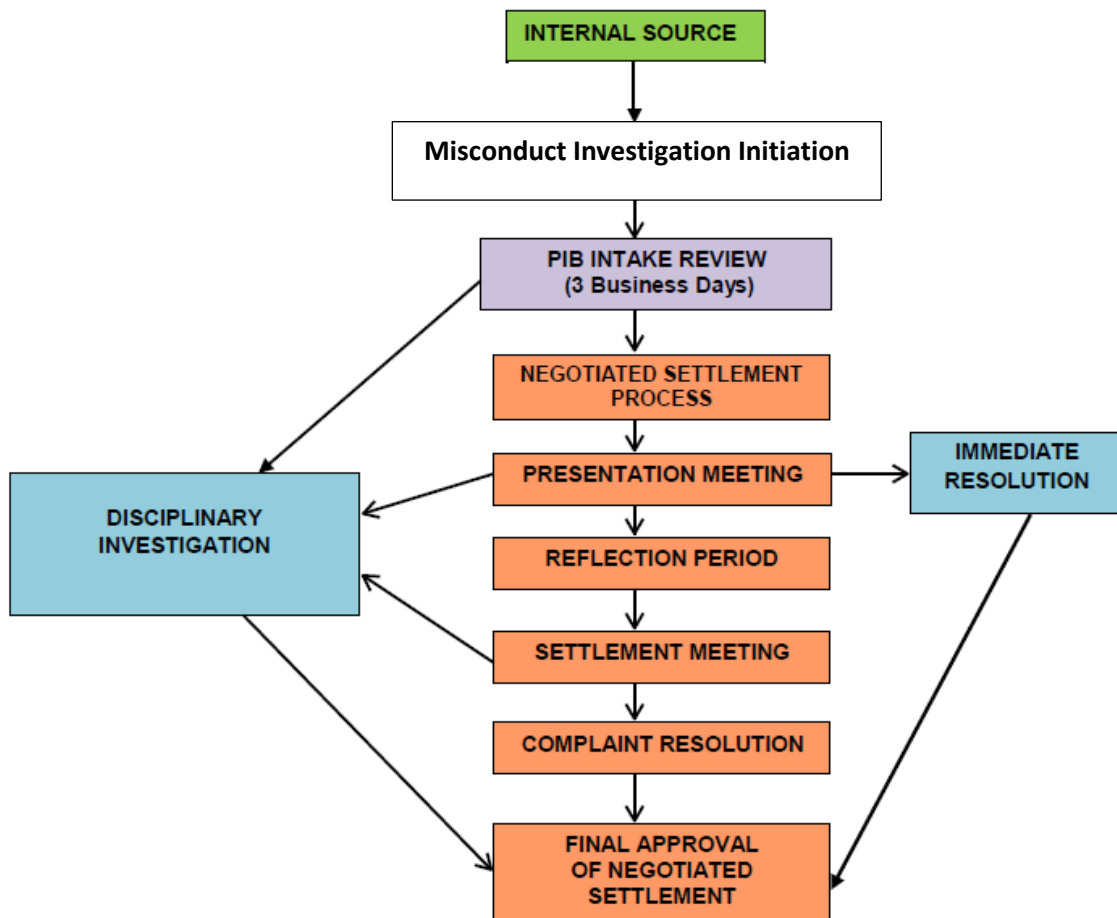
- (a) A minor violation is alleged that is listed in the Appendix;
- (b) The alleged violation relates only to the use, misuse or failure to use a body-worn camera; or
- (c) The member has been involved in a Departmental vehicle crash where preliminary review has determined member culpability (see **Chapter 13.22 – Crash Review Board**) and the crash is not part of a vehicle pursuit as defined in **Chapter 41.5 – Vehicle Pursuits**.

#### **NECESSITY OF TRUTHFULNESS**

7. 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.

#### **PARTICIPATION IN NSA PROCESS**

8. 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 their signature(s) along with the signature of their Division-level Commander on the Civil Service Extension Request Form # 304.



**COMPLETION OF FORM**

<b>FORM COMPLETION</b>	<b>PIB REVIEW</b>	<b>PRESENTATION MEETING</b>	<b>SETTLEMENT MEETING (after reflection period)</b>	<b>EXTENSION – EXTRAORDINARY CIRCUMSTANCES</b>	<b>TIME FRAME FOR COMPLETION (Report to Resolution by Settlement)</b>
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 5 <sup>th</sup> 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)

9. 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 Misconduct Investigation Initiation form.

10. 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 Misconduct Investigation Initiation form and the member's PIB Short Form (i.e., discipline summary).

### PRESENTATION MEETING

11. 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.
12. The Presentation Meeting shall be held as soon as practical but no more than 5 calendar days from receipt of the Misconduct Investigation Initiation form, 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 (i.e., not to exceed five 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.
13. When scheduling the Presentation Meeting, copies of the documentation used to determine the corrective or disciplinary action, along with the Misconduct Investigation Initiation form and Public Integrity Bureau Disciplinary Resolution Form #302, will be provided to the employee in order that he/she may prepare for the Presentation Meeting.
14. The Presentation Meeting is the first meeting after completion of Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302.
15. 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.
16. 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 **Chapter 26.2.1 – Disciplinary Matrix**; or
  - (b) **Reflection period**—The employee may elect to have a period of reflection during which the employee has up to five calendar days to consider the findings and the recommended penalty. When an employee makes this selection, the employee's Division-level Commander shall require the employee's signature acknowledging receipt of Public Integrity Bureau Disciplinary Resolution Form # 302 and his or her obligations during the five-day reflection period; or
  - (c) **Request a case investigation**—The employee may elect to have the case investigated under normal procedure.
17. Prior to the conclusion of the Presentation Meeting, a follow-up Settlement Meeting will be scheduled for the fifth day from the date of the Presentation Meeting for an employee opting for a Reflection Period (or as close thereto as practical without exceeding five calendar days) for final resolution.



18. During the time prior 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.
19. At any point prior to or at the Settlement Meeting, the matter may be resolved by settlement agreement.
20. If any employee does not make a selection at or before the Settlement Meeting, the employer will be deemed to have selected a disciplinary investigation and the matter(s) pending shall be referred to an investigator.

### **SETTLEMENT MEETING**

21. The Settlement Meeting is the final meeting. The accused employee will not be allowed a third opportunity to consider the allegations.
22. At the Settlement Meeting, the accused employee and his or her 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.
23. 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, or
  - (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.
24. 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.

### **EXTRAORDINARY CIRCUMSTANCES EXTENSION**

25. 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.

**CONFIDENTIALITY**

26. 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.

**RESOLUTION DISAGREEMENT**

27. If the accused employee has agreed to accept responsibility for his or her behavior but disagrees only with the extent of discipline proposed, every effort should be undertaken 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 of 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.

**ADDITIONAL INFORMATION**

28. At any time during the presentation or settlement process the employee may present exonerating or exculpatory evidence to the Division-level Commander for consideration.
29. 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 participate in the settlement negotiations.
30. 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.
31. 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.
32. A formal investigation may be conducted if the Public Integrity Bureau or the employee's supervisor receives any new information regarding the original matter.
33. 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.
34. 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.

**REQUEST FOR SETTLEMENT NEGOTIATIONS BY EMPLOYEES**

35. 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.

36. The PIB Administrative Lieutenant will not be required to be present at the meeting unless requested by the employee of the Division-level Commander.
37. 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.

#### **ALTERNATIVES TO SUSPENSION**

38. The Department's suspension policy is outlined in **Chapter 52.8 – Suspensions and Emergency Suspensions of Members**.
39. 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.
40. Upon mutual agreement by the Superintendent of Police and a disciplined employee, suspensions of up to five 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 the officer's attorney or representative, investigating officer, her or his commanding officer and the Superintendent of Police or his designee.
41. Upon mutual written agreement by the Superintendent of Police and the disciplined employee, an employee receiving a suspension of six 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.

## SUSPENSIONS

42. When an employee's Division-level Commander recommends that the accused employee be suspended, **Chapter 26.2.1 – Disciplinary Matrix** 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.
43. 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.
44. 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.
45. 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.
46. Any settlement agreement shall be subject to the approval of the Superintendent of Police.

## PUBLIC INTEGRITY BUREAU RESPONSIBILITIES

47. 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.
48. To be eligible for negotiated settlement, the alleged violation must be rank-initiated and a minor violation. For purposes of this Chapter, a rank initiated violation is a violation reported by an NOPD supervisor. For purposes of this Chapter, a minor violation is defined as an infraction or set of infractions that are:
  - (a) Subject to discipline only of reprimand to a maximum of ten days' suspension as categorized within **Chapter 26.2.1 – Disciplinary Matrix**.
  - (b) Listed in the Criteria for NSA Eligibility Schedule within the Appendix.
49. Complaints initiated by citizens shall not be eligible for negotiated settlement but may be eligible for a mediation (see **Chapter 24.2 – Community-Police Mediation**).
50. 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 Misconduct Investigation Initiation form.
51. Once both forms are approved by the Commander of PIB, they will be forwarded to the accused employee's Bureau Liaison.
52. 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.
53. 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.

**BUREAU LIAISON RESPONSIBILITIES**

54. 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 one working day of the receipt of the Public Integrity Bureau Disciplinary Resolution Form #302.
55. The Bureau Liaison shall be responsible for forwarding all documentation (Misconduct Investigation Initiation form or the Crash Review Board Notification in the case of a Departmental vehicle crash, PIB Internal Resolution Form, PIB Short Form and/or any applicable documents) to the Division-level Commander.

**COMMANDER'S RESPONSIBILITIES**

56. 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 within PR 1021.
57. The accused officer shall be notified within two working days of receipt of the alleged complaint from the Bureau Liaison.
58. The Division-level Commander shall schedule a Presentation Meeting with the accused officer.
59. 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.
60. 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.
61. 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.
62. 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.
63. If a Reflection Period is requested by the accused employee, the Division-level Commander will allow the accused employee and his/her representative a five 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.
64. 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.

65. 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. The Crash Review Board shall receive a copy in the case of a Departmental vehicle crash. If a settlement is reached, the Division-level Commander shall also document whether the subject incident 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 revise its policies, strategies, tactics, or training.
66. 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. In the case of a Departmental vehicle crash in which a settlement is not reached, a copy of the form must also be sent to the Crash Review Board to schedule a hearing.

#### **ACCUSED EMPLOYEE'S RESPONSIBILITIES**

67. 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.
68. 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.
69. 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.
70. The accused employee can request a Reflection Period of up to five 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.
71. The accused employee must then attend a Settlement Meeting (within five days from the date of the Presentation Meeting) for a final resolution. Once again, the accused employee may negotiate the recommended penalty.
72. 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, or Crash Review Board hearing in the case of a Departmental vehicle crash, will be conducted upon completion of an investigation if a sustained violation has been recommended.

73. The accused employee has the right to request an investigation into the alleged violation at any point during the Presentation, Reflection or Settlement meeting.
74. 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.
75. The accused employee shall maintain confidentiality of the complaint and settlement process.

**APPENDIX: CRITERIA FOR NSA ELIGIBILITY 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
- Municipal: Off-Duty (Personal)
- Municipal: On-Duty
- Municipal: Off-Duty (Color of Law)

**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**

### **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:

- (a) Failing to take appropriate and necessary police action;
  - (b) Failing to respond to all assignments promptly and failing to report dispositions of assignments to the dispatcher immediately upon completion;
  - (c) 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;
  - (d) Failing to make a written report when such is indicated;
  - (e) Unauthorized sleeping on duty;
  - (f) Failing to take necessary actions so as to insure that a prisoner shall not escape as a result of carelessness or neglect;
  - (g) Failing to thoroughly search for, collect, preserve, and identify evidence in an arrest or investigative
  - (h) situation;
  - (i) 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



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 52.8

### TITLE: SUSPENSIONS AND EMERGENCY SUSPENSIONS OF MEMBERS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 1053**

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#### PURPOSE

This Chapter establishes guidelines for effecting the suspension, emergency suspension or arrest of a member of the New Orleans Police Department.

#### DEFINITIONS

**Suspension**—The relieving of a police department member 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 member from all work related duties.

#### DISCIPLINARY SUSPENSION

1. A member may be suspended as a result of a disciplinary infraction only after a Disciplinary Letter has been signed by the Superintendent of Police and issued to the member.
2. In the event that a member refuses to sign for the Disciplinary Letter, additional disciplinary action may be taken. This refusal will not negate the disciplinary letter and/or the penalty assessed. The supervisor issuing the disciplinary letter shall note on it refused to sign and/or unavailable to sign.

#### DISCIPLINARY SUSPENSION – COMMANDER'S RESPONSIBILITIES

3. Commanding Officers shall review a copy of the Disciplinary Letter noting a suspension on any members under their command and shall ensure that the members are carried suspended the correct number of days as indicated on the suspension letter and within the time frame designated.
4. The suspended member's Commander shall be responsible for ensuring the disciplined member is instructed to surrender all Departmental property in his/her possession prior to serving the suspension. The disciplined member's commander shall assign an on-duty supervisor from the member'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 the member a receipt for same:

- (a) Member's badge and frontispiece;
- (b) Member's police or departmental identification;
- (c) Member's personal PIM Card;
- (d) Member's radio;
- (e) Member's assigned vehicle, keys, and gas card;
- (f) Member's departmental weapon(s);
- (g) Member's vest;
- (h) Any other department issued property specified by the Superintendent of Police or the member's Bureau Chief.

5. The member's Commander shall be responsible for securing all confiscated Department property until the member 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.

#### **DISCIPLINARY SUSPENSION – PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

6. 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 completion of the suspension form. A receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file in PIB.

#### **DISCIPLINARY SUSPENSION – MEMBER'S RESPONSIBILITIES**

7. A member while on suspension / emergency suspension **is not commissioned**. That member shall not:
- (a) Drive any city vehicle,
  - (b) Carry a firearm as a "peace officer" (La. R.S. 40:2405),
  - (c) Wear uniform parts,
  - (d) Make any public appearances representing themselves as a member of the New Orleans Police Department, or
  - (e) Work police secondary employment.

#### **EMERGENCY SUSPENSIONS**

8. Only the Superintendent or his/her designee may authorize emergency suspensions.
9. Reasons for an emergency suspension shall include, but shall not be limited to:
- (a) The accused member'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 member's continued ability to perform his/her duties; or
  - (d) The member's physical arrest and booking.

#### **EMERGENCY SUSPENSION – SUPERVISOR'S RESPONSIBILITIES**

10. The supervisor who receives approval for an emergency suspension of a subordinate shall document the emergency suspension on a **Notification of Suspension Form** (Form #310), including the name of the person by whose authority the member was suspended. The Notification of Suspension Form shall be distributed as indicated on the form prior to the end of the initiating supervisor's tour of duty.

11. PIB shall ensure a copy of the suspension form is 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 in PIB.
12. The supervisor effecting the emergency suspension shall notify the accused member's Commander of the emergency suspension proceeding. The accused member's Commander shall follow the same guidelines and procedures as outlined herein for Disciplinary Suspensions in the confiscation of departmental property in the member's possession, custody and control.
13. If no on-duty supervisor is available from the accused member's unit, the accused member's Commander shall be responsible for insuring Department property is confiscated within 24 hours from the time of the suspension.
14. The receipt issued to the accused member shall include:
  - (a) The Public Integrity Bureau's case number,
  - (b) Police item number, if applicable,
  - (c) A complete description of the property,
  - (d) The date confiscated, and
  - (e) The signatures/dates of both the supervisor and member.
15. The original, signed receipt shall be forwarded to the Public Integrity Bureau to be made a part of the case file.
16. The supervisor issuing the receipt shall insure a copy is sent to the accused member's Commander.
17. If the property is returned to the member, the returning supervisor shall have the member 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.
18. It is important the Department have the ability to readily contact a suspended member.
19. At the time the emergency suspension is initiated, the supervisor effecting the suspension shall obtain from the member a current mailing address and any contact telephone numbers where he/she can be reached.
20. Suspended members shall insure they can be reached at the address and phone numbers provided.
21. If, during the suspension, the member's contact address or telephone numbers change, the member 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.

#### **EMERGENCY SUSPENSION – COMMANDER'S RESPONSIBILITIES**

22. If all departmental property is not immediately available at the time of the emergency suspension, the suspended member's commander shall be responsible for confiscating the property and issuing a receipt within 24 hours of the suspension.
23. The member's commander shall be responsible for securing all confiscated Department property until the member 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.

#### **EMERGENCY SUSPENSION – PUBLIC INTEGRITY BUREAU’S RESPONSIBILITIES**

24. 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 member's Deputy Chief if the member may be restored to duty pending final disciplinary action.
25. Only the Superintendent of Police, through the Deputy Chief of the Public Integrity Bureau, shall terminate the emergency suspension of a member.
26. When an emergency suspension is terminated, the Deputy Chief of the Public Integrity Bureau shall notify the member's Deputy Chief and the Personnel Director in an interoffice correspondence utilizing Department letterhead.
27. The correspondence shall indicate:
  - (a) The date the emergency suspension began,
  - (b) The effective date of return to duty, and
  - (c) The number of calendar days of the suspension.
28. The Deputy Chief of 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 in PIB.

#### **ARREST OF POLICE DEPARTMENT MEMBERS**

29. The Public Integrity Bureau Chief shall be notified of the pending arrest of any member of the department, in advance of the arrest if possible.
30. If circumstances require a member 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 member's Bureau Chief are notified.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 54.1

### TITLE: MEDIA RELATIONS AND PUBLIC AFFAIRS DIVISION

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 346**

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#### PURPOSE

The purpose of this Chapter is to set forth guidelines with respect to media releases and media access to scenes of disasters, crime investigations, emergencies, and other law enforcement activities.

#### DEFINITIONS

**Public statement**—Information released to the general public and/or representatives of the news media concerning NOPD or its operations.

#### POLICY STATEMENT

1. Police related incidents and their results are matters of public concern.
2. NOPD is committed to establishing a cooperative climate in which the news media may obtain timely and accurate communication pertaining to issues within the purview or mandate of the Department, except in those instances where the Constitutional rights of the individuals involved in the investigation, the investigative process or the fair administration of justice might be hampered by premature disclosure of investigative information to the public.
3. Information released pursuant to the provisions of this Chapter shall be relayed to the Public Affairs Division – Public Information Officer as soon as possible.
4. Members shall make every effort to ensure the Public Affairs Division – Public Information Officer, acting in his/her capacity as the Department's information officer, is apprised of all newsworthy developments prior to learning of them through the media.
5. Information to be released to the public is often shared by two or more public agencies, often involved in a mutual effort. This can include the New Orleans Fire Department (NOFD), the Federal Bureau of Investigation (FBI), or other law enforcement agencies that work with the NOPD. In these instances, coordination on the release of information with other partner agencies shall be accomplished prior to releasing the information to determine the agency with primary/principal jurisdiction. The agency with primary/principal jurisdiction will be responsible for the release of information.

6. NOPD's policy is to support the crime fighting capabilities of the **Crimestoppers Program** by providing a Crimestoppers Liaison Officer that shall coordinate a Department wide information sharing system and work in conjunction with the Public Affairs Division Public Information Officers.
7. NOPD is committed to working with the entire community to achieve the goal "**to provide professional police services to the public in order to maintain order and protect life and property**" expressed in our Mission Statement.

#### **PUBLIC AFFAIRS DIVISION**

8. The Communications Director is the overall coordinator of the Department's Public Affairs Division and the Department's public relations efforts.
9. The Department's public relations efforts include participating in speaking engagements involving and held before civic groups, social organizations, religious/church groups and schools.
10. The New Orleans Convention and Visitors Bureau convention planners rely on the Department to provide safety tips to their participants. The Public Affairs Division – Public Information Officers speak before thousands of conventioners who are interested in our public relations approach.
11. The Department's public relations efforts are also directed to promoting, producing, participating and coordinating numerous public service announcements (PSAs) for television, radio, and print media. Major emphasis in the Department PSAs are directed toward the following topics:
  - (a) Tourist Safety.
  - (b) Mardi Gras Safety.
  - (c) 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.
  - (d) DWI Prevention.
  - (e) Auto Theft Prevention.
  - (f) Holiday Crime Prevention brochures
12. The Public Affairs Division is part of the Office of the Superintendent and shall be responsible for:
  - (a) All release of information to the news media by the Department.
  - (b) Informing the public through the news media of current police operations and services.
  - (c) Acting as the Department's liaison with the news media to foster and maintain a professional rapport between the news media and the Department.
  - (d) Gathering, assessing, and disseminating relevant and pertinent news worthy information from units within the Department to the news media.
  - (e) Responding to crime scenes, major incidents, and events which draw media attention and facilitating the coordination and release of information to the news media.
  - (f) Processing and issuing Department press releases to media representatives.
  - (g) Preparation of the Public Affairs Annual Report.
  - (h) Coordinating, assisting, and authoring the release of information concerning agency investigations and operations.

**PUBLIC STATEMENTS AND APPEARANCES**

13. Members of the Department are constrained in their activities involving the public and private disclosure of information. Specifically:
  - (a) **Rule 6, paragraph 3** – Public Statements and Appearances;
  - (b) **Rule 3, paragraph 13** – Social Networking Websites, Facebook, Myspace, Print or Transmitted media, etc.; and
  - (c) **Rule 2, paragraph 3** – Honesty and Truthfulness.

**PRESS RELEASE PROCEDURES**

14. The Public Affairs Division shall:
  - (a) Assist at all Department news conferences;
  - (b) Assist in facilitating information exchange in crisis situations, disasters, and emergencies handled by the Department:
    - i. With other agencies of City government,
    - ii. With external partner agencies, and
    - iii. With the public through media outlets.
  - (c) Coordinate the arrangements of information exchange and release external to the Department.
15. The assigned, on-duty Public Affairs Division – Public Information Officer will prepare the information provided by Department members for release to the media.
16. This may be achieved through a formal written news release approved by the Superintendent of Police or by the Communications Director or his/her designee and then disseminated equally to media agencies through:
  - (a) Media Information,
  - (b) Flyers, or
  - (c) Verbal and/or other communicative means.
17. Media information, within the constraints of this Chapter and law, will be provided upon request, or where deemed of sufficient interest to public welfare or safety.
18. Copies (electronic or physical) of all written and disseminated information will be maintained in the Public Affairs Division for a period of 3 years after release unless involved in litigation where it will be maintained for 3 years after the litigation and all appeals are concluded.
19. When investigators have determined a crime trend is occurring, or the public's safety is at risk, the on-duty Public Information Officer shall be notified by the Communications Director to prepare a public advisory (i.e., sexual assaults, missing persons, etc.) for dissemination to the news media.

**AUTHORIZED PERSONNEL TO RELEASE MEDIA INFORMATION**

20. NOPD may specifically designate members to release brief information but shall do so only after authorization by the Superintendent of Police, Communications Director, and his /her designee.
21. This authorization should be based on the member's experience or position within the Department.
22. Any information released to the media must be factual and accurate at the time released. No supposition, suspicions or inferences will be allowed.

23. Information provided at the scene will be brief.
24. Requests for an on-camera interviews may be allowed provided the request is first approved and coordinated through the Public Affairs Division.
25. Clothing or 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 prior to the interview.
26. No member shall be coerced or ordered to provide an interview. **Each member of the Department has the right to decline on-camera interviews or interviews in any other form without specifying a reason.**

#### **MEDIA ACCESS TO POLICE SCENES**

27. Police lines on police scenes are established to restrict persons from entering the area of a crime scene or the scene of a major fire, natural disaster, or other catastrophic event.
28. 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) The media presence does not jeopardize police operations or the investigation;
  - (c) When authorized by the supervisory member or principal investigator in charge of the scene; and
  - (d) The media admission is coordinated through the Public Affairs Division – Public Information Officer on the scene. The Public Affairs Division – Public Information Officer must be consulted and concur prior to any approval.
29. While a media representative may be permitted into a restricted police area, they shall not be admitted into a crime scene or other area which has been secured to preserve evidence or is under active investigation.

#### **REVIEW OF DEPARTMENT RECORDS AND INFORMATION**

30. Only the Superintendent of Police or his/her designee may release of information regarding an ongoing criminal investigation.
31. Members shall not release the following without prior express authorization:
  - (a) The prior criminal record, character, or reputation of the accused;
  - (b) Photographs of the accused from police data, evidence, or private sources that are turned over to the Department;
  - (c) Reference to the existence or content of any confession, admission of 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 present or prospective witness;
  - (f) Any opinion by police personnel regarding the strength or weakness of the investigation, guilt or innocence of the accused;
  - (g) Any opinion of the Department's personnel regarding the merits of the case or quality of evidence gathered;
  - (h) Personal information identifying the victim, or information identifying juveniles, or information received from other law enforcement agencies without their

- agreement to release the information.
- (i) Personal information and/or incidents involving juvenile victims, juvenile suspects, or adult victims of sexual assault;
  - (j) Exact municipal addresses or residential locations where incidents of sexual assaults may have occurred;
  - (k) The identity of deceased persons shall remain undisclosed or confidential until such times as proper notification of the deceased's family can be completed;
  - (l) Video tapes, photographs, sketches, or any other images of suspects being sought by the Department; or
  - (m) Information deemed "**Law Enforcement Sensitive**," particularly information involving internal departmental investigations of members or member photographs.
32. Department members who represent organizations (i.e. PANO, FOP, BOP, Mardi Gras Krewe, etc.) other than NOPD 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.
33. Members are prohibited from contacting news media representatives for the purpose of staging photographs or video opportunities for showing arrested subjects being walked and booked into Central Lock-Up or any other holding facility. Only the Superintendent of Police or his/her designee may authorized this type of activity and it shall be coordinated through the Public Affairs Division, Communications Director.
34. The use of any Departmental vehicles (marked or unmarked), equipment, or other property, in the filming of any commercial, television, or motion picture productions without prior written approval of the Superintendent of Police or his/her authorized designee is prohibited.
35. Requests for the use of Departmental vehicles (marked or unmarked), equipment, or other property in a production shall be in writing along with a copy of the production script attached.
36. Such a request shall be addressed to the Superintendent of Police and forwarded through the chain of command to the Public Affairs Division – Communications Director.
37. The Public Affairs Division – Communications Director, or his/her designee, shall review the script to determine:
- (a) NOPD's role is in the production, and
  - (b) If the Department's image is portrayed in a positive manner.
38. If the request for the use of Departmental vehicles (marked or unmarked), equipment, or other property, in a production is approved by the Superintendent of Police, the requesting person shall be instructed to contact the Public Affairs Division – Communications Director to discuss the restrictions and/or parameters for the use of the requested departmental property as outlined in the Superintendent's approval.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.1

### TITLE: VICTIM AND WITNESS ASSISTANCE

**EFFECTIVE: 12/18/16**

**REVISED: Replaces Policy/Procedure 336**

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#### PURPOSE

The purpose of this Chapter is to ensure that crime victims and witnesses receive appropriate assistance and are provided with information from government and private resources that may assist them in coping with the aftermath of crime, in addition to ensuring that the Department meets all legal mandates.

#### POLICY STATEMENT

1. The New Orleans Police Department is committed to providing guidance and assistance to the victims and witnesses of crime, which can have an immediate and long-term impact on their emotional recovery by developing security and stability as well as mitigating the traumatic effects of crime. The employees of the NOPD shall show compassion and understanding in all interactions with witnesses and victims. NOPD employees shall make reasonable efforts to provide support and information as identified in this Chapter.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**T-Visa (Nonimmigrant Status)**—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.

**U-Visa (Nonimmigrant Status)**—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.

**Victim**—A person who has been killed, injured, or otherwise directly harmed by a crime committed by another person. For purposes of this Chapter, victims may include family members and witnesses as defined in relevant statutes, when applicable.

**Victim/Witness Assistance Unit coordinator**—A member of the Department appointed by the Superintendent of Police who serves as the principal point of contact for individuals requiring assistance or information from the NOPD, beyond that provided by responding officers,

regarding benefits from programs for crime victims, their families, and witnesses.

### **BASIC RIGHTS FOR VICTIMS AND WITNESSES**

2. Services and information concerning services available under state law to victims and witnesses of a crime are outlined in La. R.S. 46:1844 and ChC. Art. 811.1. These include, but are not limited to, the right to be notified of, and to be present for, certain judicial proceedings; the right to seek restitution; and consultation with victims regarding the prosecution and disposition of a criminal case.
3. As appropriate, victims, their family members and witnesses of the crimes listed in **Appendix A** may be eligible for registration under La. R.S. 46:1842-1844 and ChC. Art. 811.1-811.3, respectively. Registration under La. R.S. 46-1842-1844 is the mechanism used to notify the La. Department of Public Safety and Corrections Crime Victims Services Bureau to publicize and provide a mechanism for crime victims and their families to be kept informed of their cases and rights.
4. Registration affords the victim or his/her representative benefits, such as:
  - (a) Assistance with safety planning to reduce repeat victimization by the offender;
  - (b) Information regarding the criminal justice proceedings; and
  - (c) Information regarding social services and financial assistance available as a result of being the victim of a crime.

### **CRIME VICTIM/WITNESS ASSISTANCE UNIT AND COORDINATOR**

5. The Victim/Witness Assistance Unit is under the supervision of the Commander of the Investigations and Support Bureau/Criminal Investigations Division. The Victim/Witness Assistance Unit coordinator shall be responsible for maintaining up-to-date information about the programs available to victims, their families, and witnesses.
6. The Superintendent may appoint a member of the Department to serve as Victim/Witness Assistance Unit coordinator. The appointed member's contact information shall be maintained by Communications Services and promulgated by the Deputy Chiefs of FOB and ISB to the members of their respective commands.
7. The Victim/Witness Assistance Unit coordinator shall be responsible for maintaining up-to-date information about the program and also shall be responsible for maintaining compliance with all legal mandates related to programs and assistance for crime victims, their families, and/or witnesses.

### **DISTRICT OFFICER AND INVESTIGATOR RESPONSIBILITIES**

8. During an initial investigation, reporting officers shall ensure that crime victims, their families and witnesses receive emergency, social and medical services as soon as possible.
9. Officers who encounter victims of a major crime (see Appendix A) shall forward the victim's contact information to the Victim/Witness Assistance Unit within 24 hours of the report.
10. Each investigator is responsible for coordinating private rooms for victim/witness interviews.



11. Officers shall refer all domestic violence and sexual assault victims to the New Orleans Family Justice Center (NOFJC).
12. Officers shall provide the Assistance for Victims of Crime brochure to all victim(s), their families or witnesses, and document the provision of this brochure in an incident or supplemental report, to advise them of the following:
  - (a) As a victim/family member/witness, you may be contacted by a representative of the NOPD or Orleans Parish District Attorney's Office about this matter.
  - (b) 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.
  - (c) All New Orleans Police Department and Orleans Parish District Attorney's Office personnel have clearly marked identification as either "New Orleans Police Department" or "Orleans Parish District Attorney's Office."
  - (d) Examine any ID's, Badges, or other documents carefully.
  - (e) If there is any doubt, please call the NOPD (821-2222) or the DA's Office (822-2414) to verify anyone's identity.
  - (f) Louisiana Victim Notification System (LAVNS) is a free service that allows victims to check on an offender's custody status and to register for notification when a person is released from jail. The telephone number is (866) 528-6748.
  - (g) Individuals can conduct an inmate query via [www.opcso.org](http://www.opcso.org) and can register for LAVNS if the inmate is in custody.
  - (h) Domestic violence victims have rights to initiate criminal or civil proceedings with the assistance of the Domestic Violence and Family Justice Center. (See Chapter 42.4, Domestic Violence).
13. Officers should never guarantee a victim's safety from future harm or that his/her identity will remain confidential always. However, officers may make practical safety suggestions to victims or witnesses 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 they may direct victims to the proper written material or available victim resources.
14. Officers shall provide all crime victims, within the meaning of this Chapter, with the Louisiana Victim Notice and Registration Form (La. R.S. 46:1844), and document the provision of this form in an incident or supplemental report.
15. The Louisiana Victim Notice and Registration Form should only be completed when:
  - (a) A physical arrest is made;
  - (b) A warrant is issued; or
  - (c) The subject is known and the arrest or warrant is pending additional information.
16. The on-scene officer shall complete sections A and B of Louisiana Victim Notice and Registration Form and ensure the following:
  - (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.
  - (c) The blue copy shall be given to the victim in all instances.
  - (d) All copies must be legible.

17. The Louisiana Victim Notice and Registration Form consists of five copies labeled as follows:
  - (a) Clerk of Court Copy
  - (b) District Attorney Copy
  - (c) Arresting Agency/Victim Services Copy
  - (d) Jail/Detention Center Copy
  - (e) Victim's Copy
18. The officer shall submit the remainder of the form 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 Victim Service Copy shall be delivered to the Victim/Witness Assistance Unit within twenty-four (24) hours via Department mail or by hand delivery, along with a copy of the face sheet (first page of incident report).
19. A photocopy of the completed form shall be kept in the officer's District/Unit files.

#### **ARREST DURING INITIAL INVESTIGATION**

20. **If an arrest is made during the initial investigation**, the arresting officer shall deliver the **Jail Copy** of the original form to Central Lock-Up along with the arrestee. The Clerk of Court Copy and District Attorney Copy shall be submitted to the District Attorney's Office, along with other pertinent documentation, from the A-Case Officer of each district/unit. The **Victim Service Copy** will be forwarded to the Victim/Witness Services Unit.

#### **ARREST WARRANT GENERATED**

21. In instances when an arrest warrant is generated, the 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 Clerk of Court Copy and District Attorney Copy 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 **Victim Service Copy** will be forwarded to the Victim/Witness Services Unit.

#### **KNOWN SUBJECT BUT NO ARREST OR WARRANT FILED**

22. In instances when there is a known subject but with no arrest warrant on file, the **Jail Copy, Clerk of Court Copy, and District Attorney Copy** 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 **Victim Service Copy** will be forwarded to the Victim/Witness Assistance Unit.

#### **NO KNOWN SUBJECT**

23. In instances when there is no known subject, the victim will be provided with the Assistance for Victims of Crime brochure, and the provision of this brochure shall be documented in an incident or supplemental report. 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 **Victim Service Copy** to the Victim/Witness Assistance Unit.

**INCAPACITATED VICTIM/WITNESS**

24. 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, and document completion of the form in an incident or supplemental report.
25. Officers shall provide all crime victims, their families and witnesses with all available and applicable information handouts, including a copy of the Assistance for Victims of Crime brochure, along with a completed NOPD item number slip (Form #26) and the investigating detective's name. Officers and investigators should specifically note in their reports that the appropriate forms and resources were provided.

**VICTIM/WITNESS INTIMIDATION OR RETALIATION**

26. Officers should investigate allegations of victim/witness intimidation or retaliation and take enforcement action when lawful and reasonable.
27. The investigating officer's supervisor and the Orleans Parish District Attorney's Office should be notified immediately when handling an investigation of victim or witness intimidation/retaliation.
28. The investigation of intimidation/retaliation shall be documented in an NOPD incident report (electronic police report) and forwarded to the Orleans Parish District Attorney's Office by way of the District/Division A-Case Officer as soon as possible after the report is approved by the investigator's supervisor.

**VICTIM/WITNESS ASSISTANCE UNIT COORDINATOR RESPONSIBILITIES**

29. 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) Assisting with language barriers, hearing impaired, disabled or other special needs by using the department resources or resources from outside agencies;
  - (d) Developing comprehensive Victims/Witness Assistance Unit standard operating guidelines; and
  - (e) Ensuring the department is supplied with the appropriate forms.
30. The Victim/Witness Assistance Unit coordinator shall ensure that victim information handouts are available and current for all divisions and districts that respond to calls for service or handle initial and follow-up investigations. 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 (see La. R.S. 40:1216.1);
  - (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 that may be in place or available and how they can be obtained;
  - (f) Information regarding available compensation for qualifying victims of crime and how to apply;
  - (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 (NOPD Form No. 26);
  - (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 ChC. Art. 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) The Crescent House crisis line (504-866-9554), the Louisiana Domestic Violence Hotline (1-888-411-1333) or the National Domestic Violence Hotline telephone number (1-800-799-7233/1-800-787-3224);
  - (o) Address confidentiality program for victims of abuse, sexual assault or stalking (La. R.S. 44:52);
  - (p) Crime Victim's Reparations Board eligibility information (LAC 22:XIII.301);
  - (q) 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 shall have appropriate credentials.
31. The NOPD Victim/Witness Assistance Unit coordinator is responsible for distributing current referral information to Communications Services.
32. The Victim /Witness Assistance Unit coordinator is also 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; and
  - (c) Ensuring that call-takers at the Orleans Parish Communications District (OPCD) are adequately informed about victim services and resources through consultation with the OPCD executive director and training as necessary.

### **T-VISA AND U-VISA FOR NON-IMMIGRANT VICTIMS/WITNESSES**

33. 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.
34. 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.
35. The T-Visa (T Non-immigrant declaration) and U-Visa (U Non-immigrant classification) were enacted through the Violence Against Women Act of 2000, for victims of domestic

violence, sexual assault, human trafficking and other criminal offenses. This act, in keeping with the humanitarian interests of the United States of America, was designed to provide victims/ witnesses with critical immigration protection while strengthening the ability of law enforcement agencies to detect, investigate and prosecute cases.

36. In cases where an **arrest is made**, the responsibility to complete the Federal Form T-Visa declaration or Federal Form U-Visa certification forms rests with the Orleans Parish District Attorney's Office, not the NOPD officer.
37. In cases when no arrest is made and no warrant issued, it is the responsibility of the New Orleans Police Department to complete T-Visa or U-Visa forms upon the request of a qualifying individual. All such requests should be made through the NOPD's Victim/Witness Assistance Unit.
38. 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 following 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; and
  - (e) The individual can identify the perpetrator.
39. Individuals who are victims/witnesses of the below listed crimes are eligible to obtain a certification or declaration:
  - Abduction
  - Abusive Sexual Contact
  - 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
40. 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, and document the provision of this brochure in an incident or supplemental report.
41. Upon the request of the individual, the case will be reviewed by 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 Chief of the Investigations and Support Bureau or his/her designee.
- (a) The Deputy Chief of the Investigations and Support Bureau or his/her 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 be 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**. The recommendation to withdraw shall clearly document the reasons for the recommendation and be requested by the investigating officer, through his/her chain of command to the Deputy Chief of the Investigations and Support Bureau for approval.
  - (c) The Commander of Communications Services 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; and
    - 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 Communications Services.
  - (e) 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.

**RECORDS AND IDENTIFICATION SECTION RESPONSIBILITIES**

42. The Records and Identification Division shall be responsible for establishing safeguards designed to prevent the improper release of information related to juvenile victims and victims of sex offenses.
43. Records involving sex offenses and juveniles are considered **SECURE** files and are stamped "SF" and are NOT to be released.

**COMMUNICATIONS DISTRICT RESPONSIBILITIES**

44. The Executive Director of the Orleans Parish Communications District 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, and
  - (b) Referral information for any victim/witness in need of medical attention, counseling, or emergency financial assistance, including services available throughout the Metropolitan New Orleans area.

**EDUCATION AND TRAINING RESPONSIBILITIES**

45. The Commander of the Education and Training Division shall prepare a recruit and in-service training lesson plan for all members who routinely interact with victims/witnesses.
46. The Commander of the Education and Training Division shall prepare a recruit and in-service training lesson plan for all members who will encounter an immigrant victim.

**EMERGENCY NOTIFICATIONS**

47. In the case of victim or witness 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 NOPD 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.

**APPENDIX A**

Victims of the following crimes, along with the victims' family members, may be eligible for registration under La. R.S. 46:1842-1844 and ChC. Art. 811.1-811.3, respectively:

- 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
- 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" 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).





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.2.6

### TITLE: HOSPITAL PROTOCOL FOR INJURED OFFICERS OR MEMBERS WHILE ON DUTY

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 1067**

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#### PURPOSE

The purpose of this Chapter is to set guidelines for the notifications of Communications Services, the injured officer's Commander, and family members or other close concerned individuals of police officers who are injured while on duty, at a paid detail, or in the line of duty, and whose family members have not been notified. This chapter provides guidance on providing a NOPD waiting room, at University Hospital (2021 Perdido Street) or Tulane Medical Center (1415 Tulane Avenue), where officers can gather to prevent crowded conditions in the Emergency Room which can disrupt medical care. This chapter also provides guidelines on centralizing, updating, and disseminating medical status reports and providing an opportunity for group counseling, if necessary.

#### POLICY

1. 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.
2. 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.
3. 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.
4. An assigned supervisor from the injured person's place of assignment, as designated by the member's Commander, shall be in charge of the hospital area. If, because of the unit size of the injured person's place of assignment, no ranking officer is available, a ranking officer from the District of occurrence, assigned by the District Commander, 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. The assigned supervisor 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) Ensure the injured person's Commander 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.
5. The assigned supervisor 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 proper notification has been made.
6. The assigned supervisor 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.
7. The assigned supervisor in charge of the hospital area shall contact the NOPD Liaison to Communications Services and supply a telephone number(s) to the waiting room.
8. The NOPD waiting room shall be open until the injured officer has been removed from the emergency room. The assigned supervisor in charge of the hospital area shall notify Communications Services when the NOPD waiting room has been closed.

#### **DUTIES OF THE INJURED MEMBER'S COMMANDING OFFICER**

9. If the assigned supervisor 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:
    - i. Restrict visitors completely, upon orders of the injured person's physician;
    - ii. Limit visitors to immediate family members and/or persons specifically requested by the injured person and his/her family;
    - iii. Provide information on the person's medical condition to individuals who are denied the opportunity to visit the injured person; and
    - iv. Notify Communications Services, the Public Affairs Office, and the injured person's Commander when there is a significant change in the person's medical condition.
  - (b) The guard detail shall end when the individual is no longer in need of the services provided, or when a long period of hospital recuperation is expected.
  - (c) The Commander of the injured individual shall immediately and personally notify the relative or person listed on the **Emergency Notification Form (Form #162)** which can be found in the Forms folder at <http://www.nopd.org>. 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 Commander shall cause the following to happen:

- i. The Commander and at least one other officer shall proceed to the residence and inform the relatives of the incident.
  - ii. The relative(s) shall be transported to the hospital where the injured individual is being treated.
  - iii. 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.
  - iv. Upon arrival at the hospital, the Commander 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.
  - v. The Commander 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 Commander shall:
- i. Inform the relative of the nature and extent of the injury emphasizing the injuries are not life threatening;
  - ii. Provide the name, address and telephone number of the hospital where the individual is being treated;
  - iii. Offer transportation to and from the hospital if needed;
  - iv. 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 Commander shall inform the Public Affairs Office that notification of the family has been made.

#### **DUTIES AND RESPONSIBILITIES OF THE PUBLIC INFORMATION OFFICER**

10. Upon notification that a police officer or other department member 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.
11. 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 Commander that family notification has been made.
12. 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.
13. The Public Information Officer shall gather information and release information to the media as per current policy and unit procedure.

#### **ADDITIONAL RESPONSIBILITIES**

14. In the case of serious injury, Communications Services 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 Commander.
15. In the case of serious injury, Communications Services shall notify the Police Chaplain(s) and the commander of the Employee Relations Section. 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.

## **PROHIBITIONS**

16. Visitor limitation, at times, is in the best medical interest of the injured person. 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.
17. When visiting an injured party at the hospital, officers shall not park on the emergency ramp or other locations reserved for emergency vehicles.
18. 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 or in a manner which is likely to reveal those facts prior to the official public information release.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.2.6.1

### TITLE: OFFICERS KILLED WHILE ON DUTY

**EFFECTIVE: 10/22/2017**

**REVISED: Replaces Policy 1065**

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#### PURPOSE

The purpose of this Chapter is to set guidelines for the notifications of Communications Services, the deceased officer's Commander, and 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.

#### POLICY STATEMENT

1. In the event a police officer is killed on duty, in the line of duty or while on a paid detail, the welfare of the officer's family is of the utmost importance.
2. When it has become apparent that a police officer has been killed while on duty, in the line of duty or while working a paid detail, a supervisor on the scene of the incident shall immediately notify Communications Services and ensure the deceased officer's Commander is notified.
3. A supervisor from the District of occurrence, not involved in the scene investigation or direct supervision, shall proceed to the hospital where the deceased member has been taken and immediately assume the responsibilities of the hospital area (see: **Chapter 55.2.6 – Hospital Protocol for Injured Officers** for additional guidance).
4. The supervisor at the hospital 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.
5. The supervisor 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.
6. Upon notification, the Communications Services Police Liaison shall notify the Police Chaplain and the Police Department Psychologist and instruct them to proceed to the medical facility where the deceased officer was taken.
7. 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 Chaplain to inform the family of the officer's death.

8. 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 or in a manner which is likely to reveal those facts prior to the official public information release.

#### **DUTIES OF THE DECEASED OFFICER'S COMMANDER**

9. A Commander, upon being notified of the on duty death of a member of his/her command, shall obtain the necessary notification information from the member's **Emergency Notification Form (Form #162)**.
10. The Commander 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.
11. If the specific individual named on the Emergency Notification Form as Primary Individual to be notified 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 individuals for the purpose of transportation to the medical facility.

**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.**

12. Upon arrival at the medical facility, the deceased officer's Commander shall escort the surviving family member(s) to the predetermined secure area. The Commander shall remain with the surviving family member(s) until the arrival of the Police Psychologist and Police Chaplain.
13. The deceased officer's Commander shall assign officers from his/her command 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).
14. Should it be necessary, the Commander shall determine if the officers assigned must be replaced or authorized overtime for extended duty with the surviving family.

#### **DUTIES OF THE PUBLIC INFORMATION OFFICER**

15. Upon notification that a police officer has been killed, the Public Information Officer shall proceed to the Medical Facility where the deceased officer has been brought and act as a liaison between the department and the media.
16. The Public Information Officer shall gather and disseminate information to the media according to Department and City policy.
17. The identity of the deceased officer **shall not** be released to the media until all family notifications have been made.

18. If the identity of the deceased officer is already known to the media, the Public Information Officer will request the media withhold the identity of the officer and that it not be broadcast until notification of the family has been made.

#### **DUTIES OF THE EMPLOYEE RELATIONS UNIT**

19. The Employee Relations Unit shall:
  - (a) Offer assistance, or if requested, assist in making funeral, wake, and burial arrangements for the deceased member.
  - (b) Ensure security checks are made at the deceased member's residence both before and after the funeral services.
  - (c) Contact the CAO Hospitalization Office regarding death benefits.
  - (d) Contact the Municipal Police Employee's Retirement System office and notify them of the officer's death and provide contact information on the officer's family.
  - (e) Assist the family in obtaining marriage licenses, birth records, social security numbers, etc., for the completion of necessary documents for survivor benefits.
  - (f) Inform the family of survivor benefits available through the State and Federal Government and offer assistance as needed.
  - (g) Prepare any documents needed by the family to receive benefits and insure the beneficiaries are receiving the proper benefits.
  - (h) 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.2.6.2

### TITLE: POLICE FUNERALS

**EFFECTIVE: 10/22/2017**

**REVISED: 11/15/19**

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#### PURPOSE

The purpose of this Chapter is to provide a process for requesting a police funeral for active or retired members of the New Orleans Police Department.

#### POLICY

1. Uniform Department members may be assigned to participate in funeral ceremonies for active or retired members of the New Orleans Police Department upon request of the deceased member's family or the individual in charge of the funeral arrangements.
2. When a police funeral is requested for an active or retired member, an NOPDAI1 (*group email message to all Department members*) email message shall be sent notifying all members of the funeral arrangements. Active members who wish to volunteer for a particular funeral shall contact Human Resource Services.
3. The Deputy Superintendent of the Field Operations Bureau may authorize motorcycle officers to provide a "city roll escort" (escort motorcycles working on-duty) for the deceased member's motorcade to the cemetery.
4. 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 at the time of death or upon retirement may, with approval of the unit's commanding officer, be detailed (working on-duty) to the funeral ceremony.
5. 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.
6. If the deceased member was a Superintendent or Deputy Superintendent, active or retired, the officer in charge of the police funeral detail shall hold the rank of Captain, or Major.

#### OFFICER'S DEATH - LINE OF DUTY

7. The participation of the New Orleans Police Department and its members in an active duty or retired member's funeral or memorial activities is entirely contingent on the



request or permission of the deceased member's closest relative(s).

8. 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.
9. The Police Funeral Honor Guard will be staffed, in whole or in part, by members of the Special Operations Division, ranking officers, and other members of the deceased officer's unit depending upon the availability of staffing from that unit.
10. The Special Operations Division Commander shall be in overall command of the police funeral ceremony, funeral detail and the Honor Guard within the limitations, if any, imposed by the deceased member's closest relative(s).
11. The Special Operations Division shall coordinate the police funeral ceremonial burial procedure.
12. The police funeral 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.
13. The Commanding Officer of the Traffic Section shall provide an appropriate motorcycle escort for the Funeral Detail.
14. For line of duty deaths, the **Class C - Dress Uniform** shall be worn by all commissioned members assigned as pallbearers and Honor Guard.
15. Where the deceased died of other causes and not in the line of duty, the class of uniform worn shall be at the discretion of the Commander of the Special Operations Division.
16. The Special Operations Division shall coordinate all departmental participation and police funeral procedures with the deceased's family or the person in charge of arrangements.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.4

### TITLE: LIMITED ENGLISH PROFICIENCY SERVICES

**EFFECTIVE: 12/18/16**

**REVISED: 11/1/20; 8/15/21**

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#### PURPOSE

The New Orleans Police Department (NOPD) recognizes the importance of effective and accurate communication between its personnel and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers sometimes can inhibit or even prohibit individuals with **limited English proficiency** (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the NOPD with safety, evidentiary, and ethical challenges. Seeking to ensure maximum communication between law enforcement and all segments of the community serves the interests of both groups.

The purpose of this policy is to establish effective guidelines for Departmental personnel to follow when providing services to, or interacting with, individuals who are LEP.

#### POLICY STATEMENT

1. The New Orleans Police Department's will take prompt and reasonable steps to provide LEP individuals timely, meaningful access to services and benefits the Department provides in all sponsored programs or activities. All NOPD personnel shall provide free language assistance services, including oral interpreter services and translated communications, to LEP individuals whom they encounter or whenever an LEP individual needs or requests language assistance services. Department personnel who interact with LEP individuals will inform those individuals that language assistance services are available free of charge to LEP persons and that NOPD personnel will provide these services to them.
2. NOPD personnel are not permitted to tell any LEP individual that he or she must learn English to use police services or bring or provide their own interpreter. NOPD personnel are prohibited from using racially or culturally insensitive or hostile comments toward LEP persons.

## DEFINITIONS

**Bilingual**—A demonstrated competence and ability to speak in English and a second language including all necessary vocabulary, terms, and phrases.

**Electronic Interpretation Device**—A hands-free, mobile interpretation device that provides 24-hour access to interpreters able to communicate in 180 different languages.

**Exigent circumstance**—with respect to LEP situations means a compelling or true emergency in which prompt action is necessary to prevent injury to a person such that the usual procedure for obtaining the services of an interpreter or interpretation services cannot be followed, such as when a description of a perpetrator must be obtained from a victim.

**Interpretation**—The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English proficiency (LEP)**—Refers to a person who does not speak English as his/her primary language and has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**NOPD authorized interpreter (NOPDAI)**—A bilingual NOPD employee who has been assessed, tested, and demonstrated their competency in English and a second language using the terminology, phrases, vocabulary, and phrases needed. Once an interpreter establishes competence and receives training on ethical and professional conduct as an interpreter, the officer will be certified and NOPD may authorize him or her to interpret for others in certain situations, such as interviews, interrogations, or talking and responding to citizen complaints.

**NOPDAI list**—A list of New Orleans Police Department members who are bilingual and are authorized to perform interpreter services. The NOPDAI list shall be published on the Department's intranet and available to all members.

**Primary language**—An individual's native tongue or the language in which an individual most effectively communicates. Members of the Department should make every effort to ascertain an individual's primary spoken and written language to ensure effective communication.

**Translation**—The conversion of text from one language (source language) into an equivalent text in another language (target language) while retaining the same meaning.

**Vital materials or documents**—Materials identified by the Language Access Coordinator and routinely used by the NOPD for law enforcement business or investigative functions that are supplied to or used by members of the public. This includes Miranda Warnings, instructions on how to file a complaint, the Limited English Proficiency policy, Language Assistance Plan and policy, information forms provided to victims and witnesses and can include other information as well. (See **NOPD.org Resources folder – Vital Materials / Documents.**)

## LAC (LANGUAGE ACCESS) COORDINATOR

3. The Superintendent of Police shall appoint a member who has achieved the rank of lieutenant or higher as the Department's Language Access Coordinator, who shall be responsible for coordinating, implementing, and monitoring compliance with all aspects of the NOPD's services to LEP individuals with the assistance of the Performance Standards Section. This includes ensuring free language access services to all LEP individuals encountered

by members of the Department, consistent with this Chapter and the Department's Language Access Plan.

4. The Language Access Coordinator shall be responsible for having documents and communications translated and distributed to LEP communities. The Policy Standards Section will serve as the central repository of all translated documents and make them available to NOPD personnel and members of the public via NOPD's intranet website, [www.nopd.org](http://www.nopd.org). Vital documents and communications that must be translated into Spanish and Vietnamese include, but are not limited to:
  - (a) Consent to search forms.
  - (b) Witness and victim statement forms.
  - (c) Citation forms.
  - (d) Victim rights notification forms.
  - (e) Citizen complaint forms; and
  - (f) Notices advising LEP persons of free language assistance in connection with NOPD activities.
5. The Language Access Coordinator will be responsible for annually reviewing all new documents, forms, or communications issued by the NOPD to assess whether they should be considered vital materials requiring translation.
6. In cooperation with the Performance Standards Section, the Language Access Coordinator shall annually assess demographic data, review language access services utilization data, and consult with representatives of the LEP community and District commanders to ensure that the Department is providing the services and benefits the department provides in all NOPD-conducted programs or activities to LEP persons. The Language Access Coordinator shall use this review to determine whether vital documents or communications should be translated into additional languages and whether other related changes to the Department's LEP program are necessary.
7. The Language Access Coordinator shall prepare an annual report to the Superintendent of Police assessing the language assistance services they provide to LEP individuals, the effectiveness of those services, language assistance service complaints that have been received and the complaints' resolution, and any recommendations to improve language access policies and procedures.
8. Information to be tracked and analyzed for the report includes but is not limited to:
  - (a) The number of LEP individuals NOPD staff has encountered in person, by telephone, in written or electronic communications, and on the NOPD website.
  - (b) For each encounter in (a), the number of LEP persons that requested services and the number who were provided services.
  - (c) The primary spoken and written language of the LEP persons provided services.
  - (d) For each encounter described in (a), whether an in-person, remote, or other interpreter services was provided.
  - (e) Number of bilingual staff who have been evaluated for language proficiency including their level of proficiency.
  - (f) Use of document translators by number of documents or communications translated and non-English language.
9. The Language Access Coordinator shall be responsible for creating and maintaining the NOPDAI list that will include each interpreter's language(s) of proficiency, when language skills were assessed for each language, and if any complaints have been filed against them regarding their language skills. The Language Access Coordinator shall provide this listing to the executive director of the Orleans Parish

Communications District (OPCD) for the use of dispatchers. This list will also be available on the NOPD's intranet, and it shall be reviewed for accuracy every six (6) months with updates provided as appropriate.

10. The Language Access Coordinator shall assess the effectiveness and efficiency of the Department's Language Access Plan on an ongoing basis and shall report to the Superintendent or his/her designee regarding needed improvements and any accountability concerns. The Superintendent or his/her designee shall consider the information provided by the Language Access Coordinator and respond as necessary to ensure that NOPD's Language Assistance Plan is effective.
11. The Language Access Coordinator shall be responsible for collecting and tracking calls for service data about LEP contacts with NOPD. The Language Access Coordinator may collect these data through the review of OPCD CAD records on NOPDAI calls for service and/or independent telephonic and in-person interpreter services provide to NOPD members through OPCD protocol. The Language Access Coordinator shall prepare monthly reports to his/her respective Deputy Superintendent outlining LEP services coordinated through OPCD. The Language Access Coordinator shall incorporate this information into the annual report to the Superintendent of Police.

### **CRIMINAL INTERROGATIONS AND CRIME WITNESS INTERVIEWS**

12. Criminal interrogations and crime witness interviews potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. NOPD personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. An authorized interpreter shall be used for any interrogation or taking of a formal statement when the suspect's or witness's legal rights could be adversely impacted. When possible, consideration should be given to using an independent in-person interpretation service during an interrogation. Because of the dual role a NOPDAI may have when conducting interrogations and acting as an interpreter, all NOPDAI interrogations shall be video and/or audio recorded.

**NOTE:** *Miranda* warnings, and all other vital written materials, shall be provided to the suspect or witness in his or her primary language. In the case of a language for which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using either an independent interpretation service or NOPDAI. When a form is read to the suspect or witness in his or her primary language, that oral communication will be recorded.

13. NOPDAIs shall identify themselves as members of the Department before conducting an interrogation.

### **ELECTRONIC INTERPRETATION DEVICE USE**

14. Officers are encouraged to use an approved interpretation service, such as an Electronic Interpretation Device when a NOPDAI who speaks an LEP individual's primary language is not available. Electronic Interpretation Devices are available at every District station and may be obtained by requesting one from a supervisor. Before responding to a call for serving involving a known LEP individual, an officer shall request an Electronic Interpretation Device if a NOPDAI is not available.
15. The Electronic Interpretation Devices (smartphone) shall be securely maintained at the District or Unit along with a logbook or sign-out sheet/log. The devices shall be transferred between supervisors at the beginning and the end of each shift and a

notation make in the logbook or sign-out sheet/log. When the device is needed by an officer, the officer shall request the use and the supervisor shall make the necessary logbook or sign-out sheet/log entry indicating the transfer.

16. If the device is used or the interpretation service is called, the requesting officer **MUST** complete an NOPDAI Form located on the NOPD Web Apps page under FORMS prior to the end of the item/event or call for service. Officers who have Departmentally issued (City property) smartphones may access the proprietary application by following the same procedure as with the Electronic Interpretation Device.
17. Any use not authorized by this Chapter or on a device or phone not owned by the City / NOPD, or the sharing of the access phone number or NOPD Account Number with anyone not a member of the NOPD shall be a violation punishable by disciplinary action and possible criminal charges.
18. In addition to training provided by the Training Academy, guidance on the use of Electronic Interpretation Device shall be provided regularly through training bulletins and instructional materials provided on the Department intranet.

### COMMUNICATIONS RESPONSIBILITIES

19. Orleans Parish Communications District personnel shall consult the NOPDAI list to determine if a Department authorized interpreter is available to respond to a request for interpretive services. If no NOPDAI is available, the OPCD shall follow established protocol to provide an appropriate service, such as the Electronic Interpretation Device, to assist with either telephonic interpretation services or on-scene response.

### OFFICER RESPONSIBILITIES

20. Officers and investigators in the field who need interpretation services will attempt to identify a LEP individual's primary language through the use of "I Speak" language identification flashcards (attached) and request a NOPDAI, the use of an Electronic Interpretation Device, or other LEP resource that may be available through the OPCD/NOPD dispatcher. OPCD/NOPD dispatchers should make every effort to dispatch a bilingual officer to the assignment, if available.
21. NOPD personnel shall **not** use minor children to provide interpretation services to LEP individuals unless there are exigent circumstance.
22. In domestic violence incidents, officers shall not use the alleged perpetrator (or victim), or their companions or associates, or material witnesses to provide interpretation in person or remotely.
23. Using family members and friends of LEP individuals or bystanders at the scene of an incident to assist in interpretation is generally prohibited because it may result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. However, at an LEP individual's request, Department personnel may obtain **only** basic information from the LEP individual using family members, friends, or bystanders, and only in non- confrontational, non-emergency situations.
24. Departmental personnel will follow the general procedures outlined in this Chapter. However, some deviation may be required under exigent circumstances. In such situations, personnel shall use the most reliable, temporary interpreter available, such as bilingual NOPD personnel. Examples include the need to obtain descriptive information about a fleeing suspect, or the need to obtain information about an injured person. Once the exigency has passed, Departmental personnel shall resume the

general procedures in this Chapter.

25. If during the course of handling an assignment an officer or investigator is required to utilize either his/her bilingual skills, the services of a NOPDAI, an independent in-person interpreter, or a telephonic interpreter service, the letter designation, the officer or investigator shall enter "LEP" in the "Other" block under the 'ADM' section of the Electronic Police Report (EPR) or non-EPR generated incident report, along with the interpreter's name, arrival time, and departure time. And, unless an NOPDAI responds and completes an NOPDAI Form, the officer or investigator who used any such translation service shall complete an NOPDAI Form prior to the end of the item/event or call for service.
26. If during the course of handling an assignment an officer or investigator requires interpretive services but they are not available when requested, the officer shall complete the NOPDAI Form and under "Type of Service Provided", check "Other" and explain what service was requested and not available. If known, indicate why was service not available. This process shall be documented on the officers' BWC.

### **CONFLICTS OF INTEREST**

27. If an officer/investigator believes that an assigned interpreter has any perceived or actual conflict of interest with or bias toward a LEP individual, such as a personal relationship, or any other reason why the interpreter should be recused, the officer/investigator shall request a supervisor respond to the scene for assistance. If the supervisor determines that a conflict of interest exists, he or she shall document it in a written report of the incident.
28. Upon completion of an on-scene assessment, the supervisor shall determine if justification exists to warrant the response or replacement interpreter. If this should occur, the supervisor will forward a NOPD form 105 correspondence documenting the reasons for this decision via his/her chain of command to the Language Access Coordinator (LAC) for further review/action.

### **SUPERVISOR RESPONSIBILITIES**

29. A supervisor approving a non-EPR-generated incident reports carrying a "LEP" designation shall forward that report within 72 hours to the Language Access Coordinator. The Information System Section Commander shall submit a monthly listing of EPR reports with "LEP" designations to the Language Access Coordinator for review and tracking.

### **ENSURING COMMUNITY ACCESS AND INFORMATION**

30. At each NOPD building entry point or lobby open to public access, the Language Access Coordinator's designee shall post signage in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. The Language Access Coordinator's designee also shall display a notification listing the available translated forms and documents in the lobby of NOPD Police Headquarters, the Public Integrity Bureau, and each District station. NOPD shall also maintain translated written forms and documents, including a copy of this policy, for the most common LEP populations residing within the New Orleans area. The Language Access Coordinator shall ensure that these documents and forms, along with the available languages, are posted on the [www.NOPD.org](http://www.NOPD.org) website and available to all personnel under the "Resources" tab in either the Spanish or Vietnamese forms folder. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages using interpreter assistance procedures

previously described in this policy.

31. The Deputy Superintendent of the Management Services Bureau shall coordinate with the Language Access Coordinator for reproduction of LEP signage developed through the Policy Standards Section for display at NOPD Police Headquarters, the Public Integrity Bureau, and each District station.
32. The Language Access Coordinator shall ensure that, at a minimum, the placard and following vital documents are readily available at NOPD Headquarters (lobby); all Police District Stations (front desk); City Hall (front desk), Municipal/Traffic, Criminal and Civil District Courts (location at direction of Clerk of Courts); and all city libraries (checkout desk bulletin boards):
  - (a) How to file a complaint brochure (in English, Spanish, and Vietnamese).
  - (b) The PIB Complaint Form.
  - (c) The Language Assistance Plan and policy; and
  - (d) The LEP Policy.
33. The Language Access Coordinator shall develop a monthly schedule of inspections of all non-NOPD locations to ensure the placards, signage and materials listed in this Chapter are posted and available. Any depleted stocks of forms and signage shall be replaced. The schedule, facility location, inspection and noted deficiencies shall be kept in a log. Each logbook entry shall be maintained for three years after it is filed.
34. The maintenance of signage and materials at NOPD facilities shall be the responsibility of the Deputy Chief of MSB for Police Headquarters and the Commanders for each respective District of all police District Stations.
35. All contacts with LEP individuals at these facilities shall be recorded on a log sheet by the desk supervisor to be used in determining future assessment needs. The log sheets shall be forwarded by the desk supervisor on the first of every month to the Language Access Coordinator.
36. The Performance Standards Section shall conduct periodic checks to ensure signage is properly displayed and logs are correctly maintained at these locations consistent with policy requirements. The Performance Standards Section shall report any noted deficiencies to the Superintendent's Chief of Staff.

## **TRAINING**

37. The NOPD Academy will provide periodic training to all Department personnel on its Language Access Plan and LEP procedures, including how to access NOPD-authorized, telephonic, and independent in-person interpreters. The NOPD Academy shall conduct such training for new recruits, during annual police officer and supervisor in-service training, and on-line training for officers at least every two years. The Academy shall track participation in LEP-related in-service programs and provide this information to the Language Access Coordinator.

## **NOPD AUTHORIZED INTERPRETERS**

38. NOPD Authorized Interpreters (NOPDAIs) are available to provide written translation and oral interpretation services in Spanish and Vietnamese. A list of NOPDAIs can be found in the Resources folder on NOPD.org. Members requiring a translation or interpretation should contact an NOPDAI and should include the NOPDAIs supervisor in all communication. NOPDAIs are expected to perform requested duties during his/her regular working hours.
39. NOPDAIs shall complete the NOPDAI Form upon performing any translation or interpretation duties. Members must access the NOPDAI Form in the Online Forms



folder on NOPD.org. Use of this form will enable the Department to document the need for, and use of, services for populations with Limited English Proficiency.

40. NOPDAIs who fail to provide requested services, complete the NOPDAI Form, or complete required training and testing may face disciplinary action, including loss of their supplemental pay for providing interpretation services.
41. Members who encounter difficulties obtaining the services of an NOPDAI shall notify the Professional Standards and Accountability Bureau at PSAB@nola.gov.

### COMPETENCY OF INTERPRETERS

42. Civil Service will assess language skills of NOPD personnel identified as bilingual who are willing to act as NOPDAIs using a structured assessment procedure and/or other certified interpreter evaluation process.
43. Those NOPD personnel previously providing bilingual interpretation services to the Department prior to the effective date of this policy will be allowed conditional placement on the NOPDAI List pending final Civil Service assessment or successful completion of an approved certification process. All personnel conditionally placed on the NOPDAI List must successfully complete the required interpreter assessment/evaluation within one year. After successful completion of interpreter training and assessment, the Language Access Coordinator will place the individual on the NOPDAI List, subject to this policy.
44. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to NOPD and of any particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
45. Those persons who have been placed on the NOPDAI List must receive continuing training annually through Civil Service and/or a certified interpreter service provider or they shall be removed from the NOPDAI List. The Education, Training and Recruitment Division shall be responsible for coordinating the annual training of active NOPDAIs and will maintain a record of training that the interpreters have received. Authorized NOPDAIs shall be reassessed at least once every three years.

### TRANSLATION OF ADDITIONAL DOCUMENTS

46. If a Department member identifies a need to translate a specific NOPD form, document, or communication, he/she shall forward an NOPD Form 105 correspondence via chain of command to the Policy Standards Section explaining the reason for the translation request. The Policy Standards Section will review the request and confirm that no similar document or communication has already been translated. The request shall then be processed through the appropriate service provider. Once the request has been processed, the translated form, document, or communication will be catalogued by the Policy Standards Section for future use by NOPD staff and placed in the Resources / Vital Materials folder of **NOPD.org**.
47. If an investigator needs a note, letter, document, or other communication translated for investigative purposes, he/she shall forward an NOPD Form 105 correspondence via chain of command to Policy Standards Section, along with a clear **copy** of the original note, letter, or other communication to be translated. The request should indicate if the translation is needed immediately; otherwise, the request should specify the date required. For those materials determined to be sensitive in nature, the investigating officer shall be responsible for hand-delivering his/her authorization request through

the appropriate chain of command. In those investigations involving an arrest, the investigator is authorized to seek the assistance of the Orleans Parish District Attorney's Office for any translation services that the DA's Office may be able to provide.

### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

48. Any LEP individual who wishes to file a complaint with NOPD regarding language access, or the discharge of an officer's duties, shall be informed that translated Public Integrity Bureau (PIB) complaint forms are available in Spanish and Vietnamese, and those forms shall be provided. Complaints shall be accepted in other languages.
49. All PIB investigators shall utilize only independent in-person interpretation services when conducting any interviews of LEP complainants or witnesses.
50. PIB shall provide written notice of the disposition of any LEP complaint in the complainant's primary language.
51. The PIB shall independently track the process of receiving, responding to, and tracking citizen complaints and resolution of complaints filed by LEP individuals.

### **ELECTRONIC INTERPRETATION DEVICE ACCOUNT LIAISON**

52. The commander of the PSAB – Information Systems (IS) section shall designate a member to act as the Liaison for the electronic interpretation devices (hardware) and account (PIN) used by NOPD.
53. The Language Access Coordinator (LAC) and IS Liaison shall coordinate to develop basic familiarization training (video training format) for all members in the proper use of the devices and the service. This training shall be posted on the NOPD Applications page for members to view, regular Daily Training Bulletins (DTB) shall also be developed and presented when the devices first go into use and quarterly thereafter.
54. The LAC and IS Liaison shall work with the Education & Training Division to assist them in preparing basic and in-service training on the proper use of the devices and software for all new employees and as part of annual in-service.
55. Basic Fact and Use sheets are attached as links to this Chapter for the electronic interpretation devices and services in use by NOPD.



Test Access Card  
OPI.pdf



Test WEB VRI  
Access Card.pdf

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 1 of 3)****Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p>	1. Arabic
<input type="checkbox"/> <p>Խոսողո՞ւմ ե՞նք հայեր՝ կատարե՞ք այս քառակուսում, եթե խոսում է՞ք կարողո՞ւմ ե՞ք հայերեն:</p>	2. Armenian
<input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p>	3. Bengali
<input type="checkbox"/> <p>ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p>	4. Cambodian
<input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.</p>	5. Chamorro
<input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p>	6. Simplified Chinese
<input type="checkbox"/> <p>如果你能讀中文或講中文，請選擇此框。</p>	7. Traditional Chinese
<input type="checkbox"/> <p>Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.</p>	8. Croatian
<input type="checkbox"/> <p>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</p>	9. Czech
<input type="checkbox"/> <p>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</p>	10. Dutch
<input type="checkbox"/> <p>Mark this box if you read or speak English.</p>	11. English
<input type="checkbox"/> <p>اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بنيد.</p>	12. Farsi

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 2 of 3)****Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືຢາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 3 of 3)****Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратички уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำผ่านถ่านหรือทุกภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.5

### TITLE: DISABILITIES SERVICES

**EFFECTIVE: 06/25/2017**

**REVISED: Replaces Policy 370**

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#### PURPOSE

The purpose of this Chapter is to prohibit discrimination against persons with disabilities and to provide guidelines for members to assist persons with disabilities who require police services.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to comply fully with the Americans with Disabilities Act (ADA) and makes reasonable modifications of policies, practices and procedures to accommodate individuals with disabilities.
2. Persons with disabilities cannot be denied the benefits of services, programs, communications, or activities provided by the NOPD. Therefore, if a person with a disability requests a police service, NOPD will make arrangements for that person to participate or receive the service in a way that is accessible to him or her.
3. To ensure that persons with disabilities are not discriminated against, members shall be sensitive to the special needs of persons with disabilities. This may include noticing when persons appear to need assistance, asking if they need special assistance, and providing the required assistance to ensure that they have an equal opportunity to receive service that is equivalent to those provided to persons without disabilities.
4. For specific guidance on interacting with persons who are deaf or hard of hearing, please refer to **Chapter 55.5.1 - Communicating with Persons Who Are Deaf or Hard of Hearing**.
5. For specific guidance on interacting with individuals in crisis, please refer to **Chapter 41.25 - Crisis Intervention**.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Developmental disability**—Severe chronic disabilities that can be cognitive or physical or both. The disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition..

**Intellectual disability**—A disability characterized by significant limitations in both intellectual functioning and adaptive behavior that covers many everyday social and practical skills. Limitations in intellectual functioning involve the person’s difficulty processing information and making decisions. Limitations in adaptive behavior include problems communicating effectively and carrying out practical everyday living skills. Many people with intellectual disability are mildly affected, making the disability difficult to recognize. This disability generally originates before the age of 18.

**Person who is deaf**—A person who has a profound hearing loss and who may use sign language.

**Person who is hard of hearing**—A person who, because of an impairment, has a diminished or damaged sense of hearing and who may have difficulty understanding certain communications.

**Person with a disability**—As defined by the ADA, a person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is regarded by others as having such an impairment.

## GENERAL PROVISIONS

6. When interacting with a person that may have a disability, members shall not make assumptions about the perceived disability. Persons with disabilities make up a diverse community, and they experience their disabilities in different ways. Any decision about how to offer assistance to a person with a disability must be based on facts about that person and not on a generalization about what persons with that type of disability can or cannot do.
7. Unless immediate circumstances require otherwise, before rendering any assistance to a person with a disability, members must ask the person with a disability what assistance he or she needs.
8. Subject to the requirements of **Chapter 55.5.1 - Communicating with Persons Who Are Deaf or Hard of Hearing**, when speaking to a person with a developmental or intellectual disability, members shall speak clearly and slowly to ensure effective communication.
9. Members should be aware that some people with developmental or intellectual disabilities may have characteristics, such as slurred speech or a staggering gait, which can be mistakenly perceived as intoxication.

## PROVISIONS FOR SPECIFIC (VISUAL, MOBILITY) IMPAIRMENTS

10. In some situations, oral communication supplemented by gestures and visual aids or an exchange of written notes are some examples of methods that may be effective means of communicating with people with disabilities. Members may also use the Communications Cards (**Appendix A**) to help communicate when necessary.
11. Persons with visual impairments may request information in large print. When it is reasonable under the circumstances, such as when the request is made in a District station or police facility, members shall use a copier to enlarge a document or print the document using a larger font. If using a computer, members may use an increased font

size to enlarge the computer typeface or image.

12. Individuals with visual impairment may request that documents be read aloud. Upon request, members shall read aloud the information written on a Department form, notice, or other document provided to the person. When such individuals provide officers with substantive responses to forms or investigatory inquiries, officers shall accurately transcribe the responses onto the forms or in investigatory notes. Before asking such individuals to sign a completed form, officers shall read aloud the transcribed statements to ensure accuracy.
13. Members shall read aloud any documents that require the person's signature.
14. Members should be aware that some persons with disabilities may use a mobility device, such as a wheelchair, scooter, crutches, walker, or braces. When transporting a person with a mobility disability is necessary, members shall follow normal transportation practices when it is safe to transport the person with his or her mobility device. Members shall use caution not to damage the mobility device. When it is not possible to safely transport the person and the mobility device, members shall use a Department van or lift-equipped vehicle. Members shall ask the person with a disability what type of transportation he or she can use, and how to best assist him or her in transferring into and out of the vehicle. (For persons in custody, see **Chapter 71.1 – Prisoner Transportation and Guarding.**)

#### **SPECIAL COMMUNICATION NEEDS**

15. Persons with intellectual or developmental disabilities may have special communication needs, such as limited reading and comprehension skills or limited verbal skills. Members shall follow this Chapter's guidelines and offer appropriate assistance, such as completing a form, giving clear instructions, and providing information in a step-by-step format.

#### **MEETINGS OPEN TO THE PUBLIC**

16. Members who schedule or hold meetings open to the public shall ensure that the meetings are held in locations that are accessible to persons with physical and communication disabilities. All notices for meetings open to the public shall include statements that accommodations for persons with disabilities shall be made upon request.

#### **COMMUNITY OUTREACH**

17. Community outreach programs and activities offered by this Department shall include physical and communications accessibility. 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 individuals and groups with disabilities.

#### **TRAINING**

18. To ensure that the Department properly trains all members who have contact with the public or with those in police custody, this Department will provide periodic training on:
  - (a) The Department's obligation to provide services under the Americans with Disability Act, and any recent or relevant case law applicable to police services and agencies;
  - (b) This Chapter and related policies, procedures, forms, and available resources; and
  - (c) Working effectively with in-person and telephone interpreters and related equipment.

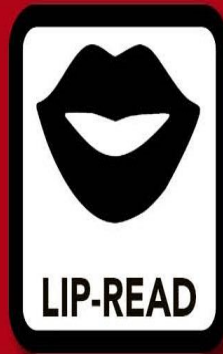
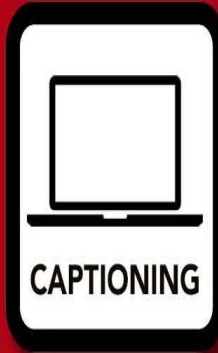


**APPENDIX A: COMMUNICATIONS CARDS**

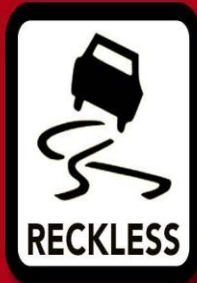
Members may use the following pages as visual aids to assist communication with persons with disabilities.



The best way to communicate with me is:



# VIOLATIONS





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.5.1

### TITLE: COMMUNICATIONS WITH PERSONS WHO ARE DEAF OR HARD OF HEARING

**EFFECTIVE: 06/25/2017**

**REVISED: 12/19/21**

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#### PURPOSE

The purpose of this Chapter is to provide guidelines for interactions with persons who are deaf, hard of hearing, or have a hearing impairment and may encounter difficulties in gaining meaningful access to, or an understanding of, important rights, obligations and services.

#### POLICY STATEMENT

1. Members shall respect and treat all individuals equally regardless of their ability to hear. Individuals who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons.
2. Effective communication with persons who are deaf or hard of hearing and involved in an incident requiring a police response—whether as a victim, witness, suspect, or arrestee—is essential to ascertain the type of incident, the level of urgency, and relevant facts.
3. The New Orleans Police Department has specific legal obligations under the Americans with Disabilities Act to communicate effectively with people who are deaf or hard of hearing. To carry out these obligations, members shall adhere to the guidelines of this Chapter.
4. The NOPD will ensure that appropriate auxiliary aids, including qualified interpreters, are made available to all members of the public who are deaf or hard of hearing so that they may participate in or benefit from NOPD's law enforcement and related services, programs, or activities on an equal basis with others.

#### DEFINITIONS

**Auxiliary aids**—Services or devices that enable persons who are deaf or hard of hearing to have an equal opportunity to understand and/or communicate effectively. These include, but are not limited to, the use of gestures or visual aids to supplement oral communication; the use of a notepad and pen or pencil to exchange written notes; the use of a computer or typewriter; the use of an assistive listening device or system; the use of a video phone or video remote interpreting service; or the use of a qualified interpreter.

**Exigent circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Intermediary interpreter/transliterater**--A person, including one who is hard of hearing, 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 person who is hard of hearing and a qualified interpreter/transliterater.

**Qualified interpreter/transliterater**—A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the individual who is deaf. The interpreter must be able to interpret in the language the individual who is deaf uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified.” A person certified by the Registry of Interpreters for the Deaf or, in the event a certified interpreter/transliterater is not available, a person able to accurately communicate with and convey information to and from a person who is hard of hearing (see <http://www.lrid.org/#> for additional information).

**Person who is deaf**—A person who has a profound hearing loss and who may use sign language.

**Person who is hard of hearing**—A person who, because of an impairment, has a diminished or damaged sense of hearing and who may have difficulty understanding certain communications.

**Transliterater**—A person who can transcribe or represent letters or words in the corresponding characters of another alphabet.

**TTY (Text Telephone/Teletype Terminal/Teletypewriter)**—A telecommunications device for persons who are deaf or hard of hearing that allows them to use the telephone to communicate through typed text messages. A TTY is required at both ends of the conversation. It can be used with both land lines and cellular phones. Unlike text messaging, it is designed for synchronous conversation, like a text version of a phone call.

**Video phone**—A device that assists persons who are deaf or hard of hearing who use sign language to communicate with each other or with hearing persons through a sign language interpreter.

**Video remote interpreting service**—A service that provides communication between persons who are deaf or hard of hearing and hearing persons that are in the same location, using an interpreter through a computer with a webcam and Internet connection.

## **PERSONS WHO ARE DEAF OR HARD OF HEARING-GENERAL PROVISIONS**

5. Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should be alert to the potential for miscommunication with persons who are deaf or hard of hearing. Members 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 person who has a known or

suspected communication impairment.

6. The type of auxiliary aid that may be required for effective communication with a person who is deaf or hard of hearing will depend on the length, complexity and context of the communication. Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department shall consider all information reasonably available to them when determining how to communicate with a person who is deaf or hard of hearing. These factors may include, but are not limited to:
  - (a) The extent to which a hearing impairment is obvious or otherwise made known to the involved member. People who are deaf or hard of hearing may be reluctant to acknowledge an impairment and may even feign a complete understanding of a communication, despite actual confusion;
  - (b) The nature of the impairment (e.g., total deafness or hard of hearing);
  - (c) The person's usual method of communication;
  - (d) The nature of the contact (emergency vs. non-emergency, custodial v. consensual);
  - (e) The nature, importance, and duration of the communication required; and
  - (f) The availability of auxiliary aids.
7. To communicate with all persons effectively, as soon as practicable in the interaction, Members will give primary consideration to the type of auxiliary aid or service requested by the individual who is deaf or hard of hearing. Members may use the communication card(s) in **Appendix A** to ascertain an individual's preferred method of communication and provide that aid when it is appropriate under the circumstances.
8. NOPD shall not charge persons who are deaf or hard of hearing for the cost of an auxiliary aid needed for effective communication.
9. Members shall not require a person who is deaf or hard of hearing to supply his or her own auxiliary aid.

#### **PROVIDING ASSISTANCE THROUGH AUXILIARY AIDS**

10. In many situations, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. In other situations, a device or interpreter may be necessary. The more lengthy, complex, and important the communication, the more likely it is that an interpreter will be required. For example:
  - (a) If a person who is deaf or hard of hearing is asking for directions to a location, gestures or an exchange of handwritten notes may be an effective means of conveying this information communication.
  - (b) If a member is conducting witness interviews as a result of a criminal incident, a sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language. An oral interpreter may be necessary to communicate with someone who can read lips.
11. Officers should document the type of communication utilized in any related report and whether a person who is deaf or hard of hearing 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 auxiliary aids:

##### **(a) FIELD RESOURCES**

Individual officers and members are encouraged to utilize resources immediately

available to them in any contact with a person who is deaf or hard of hearing. Examples of this would include such simple methods as:

- i. Hand gestures or written communications exchanged between the member and a person who is deaf or hard of hearing;
- ii. Using visual aids, such as the communication card(s) in the attached appendix;
- iii. Facing an individual who uses lip reading and speaking slowly and clearly; and
- iv. Slowly and clearly speaking or reading simple terms.

#### (b) INTERPRETIVE SERVICES

The Executive Director of the Orleans Parish Communications District will maintain a list of qualified interpreters and services to be contacted at Department expense with the approval of an NOPD supervisor, to assist persons who are deaf or hard of hearing, which approval will be granted unless it poses an undue burden on NOPD. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. Members shall not unreasonably prolong any detention of a deaf or hard of hearing person if an interpreter is not available to respond within a reasonable time. The Deaf Action Center has a list of individuals who are trained and will respond to callouts if needed. For emergency interpreting assistance, officers should call the Deaf Action Center at (504) 615-7122 or (504) 432-5794, once they have received supervisory approval.

#### (c) TTY AND RELAY SERVICES

Individuals who are deaf or hard of hearing must be given the opportunity to use text telephones (TTY or TDD), telecommunications relay services (TRS) or video relay services (VRS). All calls placed by such individuals through such services are accepted by the Orleans Parish Communications District, which is responsible for the 911 system for Orleans Parish. Once officers have responded to a call for service relayed through 911 and determined that an interpreter for an individual who is deaf or hard of hearing may be needed, they shall immediately contact his/her supervisor. Once the supervisor has approved the use of the Deaf Action Center services, its main number (504-615-4944) will be contacted and the Deaf Action Center will attempt to contact the nearest available interpreter to assist.

#### (d) OTHER DEVICES AND SERVICES

Members may also make use of other available, Department-authorized devices and services, such as assistive listening devices, video phones, or video remote interpretive services. Use of these other devices and services also requires NOPD supervisory approval.

12. The Department discourages the use of volunteer interpreters to assist communications with people who are deaf or hard of hearing. Volunteers, such as family members or friends of people who are deaf or hard of hearing, may be used to assist communications **only** under exigent circumstances when other auxiliary aids are unavailable or ineffective. The involved Members must consider the nature of the contact and relationship between the volunteer and the person who is deaf or hard of hearing and be mindful of the potential for conflicts of interest, particularly in domestic violence situations.

### **CUSTODIAL INTERROGATIONS, ARRESTS AND BOOKING**

13. To ensure that the rights of all persons who are deaf or hard of hearing are protected during arrest and custodial interrogation, the Department shall provide necessary

communication assistance during such situations. 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 must use auxiliary aids to accurately and effectively communicate with persons who are deaf or hard of hearing.

14. Whenever a person who is deaf or hard of hearing is arrested, the arresting officers shall procure a qualified interpreter/transliterater for any interrogation, warning, and notification of rights or taking of a statement ( see La. R.S. 46:2364 (E); La. R.S). 46:2366. The use of an interpreter/transliterater shall be noted in all written reports that document the interrogation.
15. Individuals who require communication aids (e.g., hearing aids) shall be permitted to retain such devices while in custody.
16. Whenever a person who is deaf or hard of hearing 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 (see **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**).

### **COMMUNITY OUTREACH**

17. 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 individuals and groups with disabilities.

### **TRAINING**

18. To ensure that all members who have contact with the public or with those in custody are properly trained, this Department will provide periodic training on:
  - (a) The Department's obligation to provide services under the Americans with Disability Act, and any recent or relevant case law;
  - (b) Member awareness of related policies, procedures, forms, and available resources;
  - (c) Working effectively with in-person and telephone interpreters and related equipment; and
  - (d) Awareness and understanding of the importance of this Chapter to ensure its implementation.

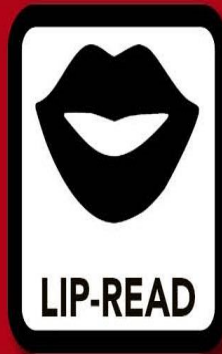
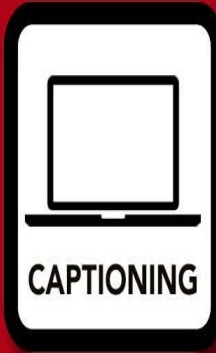


**APPENDIX A: COMMUNICATIONS CARDS**

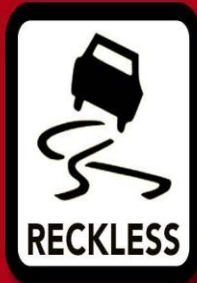
Members may use the following pages as visual aids to assist communication with persons who are deaf or hard of hearing.



The best way to communicate with me is:



# VIOLATIONS





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 55.5.2

### TITLE: SERVICE ANIMALS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 382**

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#### PURPOSE

This Chapter provides guidelines for officers to use when dealing with calls for service or complaints involving service animals.

#### POLICY

1. 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.
2. 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.

#### DEFINITIONS:

**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) (R.S. § 21:51).

#### USE OF SERVICE ANIMALS

3. 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.

4. Service animals may be used in a number of ways to provide assistance, including:
  - (a) Guiding people who are blind or have low vision.
  - (b) Alerting people who are deaf or hard of hearing.
  - (c) Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
  - (d) Pulling wheelchairs.
  - (e) Providing physical support and assisting with stability and balance
  - (f) 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.
  - (g) 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 with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### **MEMBER RESPONSIBILITIES**

5. 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).

### **REMOVAL OF SERVICE ANIMAL**

6. 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)).
7. 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.

### **SERVICE ANIMAL QUALIFICATIONS**

8. 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)):
  - (a) Is the animal required because of a disability?
  - (b) What task or service has the service animal been trained to perform?
9. 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.

**SERVICE ANIMAL CONTACT**

10. 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.
11. 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).
12. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.1.9

### TITLE: SPEED-MEASURING DEVICES

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 515**

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#### PURPOSE

This Chapter provides guidelines for use, training, maintenance, and equipment specifications for speed measuring devices approved for use by department members.

#### POLICY

1. Only department owned speed-measuring devices will be used by officers of the New Orleans Police Department.
2. Prior to a district officer engaging in a speeding checkpoint, he/she shall obtain permission from their platoon supervisor.
3. The Across-The-Road Radar, Down-The-Road Radar, and Lidar minimum performance specifications are published by the National Highway Traffic Safety Administration. These performance specifications are intended to ensure that the devices are accurate and reliable when properly operated and maintained.

#### DEFINITIONS

**LIDAR (Light Detection And Ranging)**—A laser speed-measuring device and system that transmit coherent infra-red light pulses, measure the time of flight for the pulses reflected from moving vehicles, then calculate and display or output the speed of the target vehicle, and may automatically record images of those vehicles which exceed a preset speed. Also, down-the-road speed-measuring equipment that determines target range and speed based on the time-of-flight of laser light pulses reflected off a target.

**RADAR (Radio Detection And Ranging)**—Police traffic radar. It is a Doppler radar unit that may be hand-held, vehicle-mounted or static. It measures the speed of the moving vehicles at which it is pointed by detecting a change in frequency of the returned radar signal caused by the Doppler Effect, whereby the frequency of the returned signal is increased in proportion to the vehicle's speed of approach if the object is approaching, and lowered if the vehicle is receding. Such devices are used for speed limit enforcement.

**ADMINISTRATIVE CONTROL AND CERTIFICATION**

4. Each District and the SOD—Traffic Section shall provide administrative control and ensure certification of each vehicle speed-measuring device as follows:
  - (a) Establish and maintain a separate file for each speed-measuring device.
  - (b) Ensure that each device is engraved or marked with an appropriate control number.
  - (c) Ensure that on a semi-annual basis each device and tuning fork is certified by its vendor or other qualified technician as being properly calibrated.
  - (d) Proof of certification shall be maintained in the respective file of each device.
  - (e) Ensure that all speed measuring devices are repaired on a regular and timely basis.
  - (f) Ensure proper storage of all speed-measuring devices when not issued to an officer or in active use.
5. Certification as an operator of the speed-measurement device requires that an officer must attend a training program administered by a qualified instructor. The program shall be designated and approved by the Commander of the SOD – Traffic Section.
6. The SOD—Traffic Section shall maintain records of all officers certified to operate an approved speed measuring device.
7. A copy of the certification and/or training record shall be forwarded to the Education and Training Division to be included in the officer's training / certification file.
8. Certification and required re-certification of an operator of a specific speed-measuring device shall be maintained in accordance with legal requirements and industry / manufacturer standards.
9. The officer's supervisor will ensure that a copy of all certifications and re-certifications shall be placed in the officer's personnel jacket with another copy forwarded to the Personnel Division.

**OFFICER RESPONSIBILITIES**

10. Officers shall properly store all speed-measuring devices when not in active use.
11. Officers will checkout a speed-measurement device from their respective District or the SOD – Traffic Section.
12. Upon approval by his/her supervisor to check out a speed-measuring device, the officer shall complete the Device Control Log maintained by the respective District or the SOD – Traffic Section.
13. Instrument tests for calibration on speed-measurement devices are to be performed at the beginning and end of the duty shift in which the device is operated. These tests are part of the setup and tear down process. Appropriate tests include:
  - (a) **Internal Circuit Test:** The internal circuit test is performed by pressing a button and checking the speed display to verify that the number 32 appears. In all cases, the internal test is passed only if the proper number appears exactly. If any other number appears, the radar unit should be taken out of service.
  - (b) **Light Segment Test:** The light segment test is performed by pressing a button and checking the speed display to verify that 188 (target display) and 88 (patrol display) appear. If a burned out segment is discovered, the radar unit should be taken out of service.



- (c) **External Tuning Fork Test:** The radar tuning fork is specially calibrated for use with the radar device and cannot be interchanged between devices. The speed measurement cannot differ from the certified value of the tuning fork by more than 1 mph (+/-). If the deviation persists, the radar unit should be taken out of service.
  - (d) **Patrol Speed Verification Test:** The patrol speed verification test applies to moving radar units. The purpose of this check is to establish that the moving radar unit is properly displaying the actual patrol car speed. The operator accelerates to a steady speed (25mph to 55 mph) and compares the radar's patrol speed readout with the patrol car's calibrated speedometer. The speeds must correspond. If there is any deviation, the radar unit should be taken out of service.
  - (e) Power up the laser unit to check the internal setting and the light segments.
  - (f) The laser has to be checked out at a distance of fifty and one hundred feet.
  - (g) The laser sight alignment test for the unit has to be tested for accuracy, both vertical and horizontal.
14. Immediately after use of a speed-measuring device to make an excessive speed case, the officer shall perform appropriate tests on the device being used.
15. All tests shall be documented in a log book that shall be kept for each speed-measuring device. These log books shall be maintained by the respective District or the SOD – Traffic Section.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.1.11

### TITLE: D.W.I. PROCEDURES

**EFFECTIVE: 07/14/2019**

**REVISED: 11/01/20**

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#### PURPOSE

This Chapter explains the procedures to be followed for the processing of individuals arrested for, and collecting evidence to establish, the crime of operating a vehicle while intoxicated.

#### POLICY STATEMENT

1. The New Orleans Police Department enforces DWI and impaired driving laws, including enforcement of zero tolerance laws. However, where the level of blood alcohol or symptoms of intoxication / impairment clearly indicate a high risk to the safety and health of the driver, or where the person has been injured, the medical care of the driver takes priority over the enforcement of the law.
2. **La. R.S. 14:98, La. R.S. 14: 98.1 and Municipal ordinance Section 154-381 are enforceable on both public highways and private property.**
3. The breath test is the primary/default method of chemical testing for intoxication. A urine sample is requested when a subject is suspected of being impaired from something other than alcohol, or when he or she is incapable of providing a breath sample (hospitalized or medical condition). Where impairment is suspected in a traffic fatality, suspected serious injury accident, or where the subject's medical condition precludes the breath or urine test, the blood test shall be used after obtaining a search warrant.

#### DEFINITIONS

**SFST**—Acronym for Standardized Field Sobriety Test. A battery of three tests administered to a person by a law enforcement officer and evaluated in a standardized manner so as to obtain validated indicators of impairment and assist in establishing probable cause for arrest. The three currently accepted tests are: Horizontal Gaze Nystagmus (HGN); Walk-and-Turn (WAT), and; One-Leg Stand (OLS). The SFST testing battery may only be used by officers trained and certified in their administration.

**Implied consent law**—If a person is lawfully arrested by an officer who has probable cause to believe that they have been operating a vehicle while intoxicated, then the driver impliedly **consents** to taking a chemical test of their blood, breath or urine for the purpose of determining

blood alcohol content (BAC) and/or the presence of any abused substance or controlled dangerous substance. (R.S. 32:661-669). Due to this implied consent, failure to submit to the test will result in consequences under state law.

**Suspected serious injury** - any injury other than fatal which results in any of the following:

- (a) Severe laceration resulting in exposure of underlying tissues, muscle, or organs, or resulting in a significant loss of blood.
- (b) Broken or distorted extremity.
- (c) Crush injuries.
- (d) Suspected skull, chest, or abdominal injury other than bruises or minor lacerations.
- (e) Significant burns.
- (f) Unconsciousness when taken from the crash scene.
- (g) Paralysis.

(See: Fourth Edition of the Model Minimum Uniform Crash Criteria Guideline.)

## ENFORCEMENT OF DWI

4. An officer who has reasonable suspicion that a driver has violated the DWI laws of the state or City shall stop the vehicle in accordance with **Chapter 1.2.4.1 – Stops** and **Chapter 1.2.4.3 – Vehicle Stops**.
5. Any officer may make a warrantless arrest of a person that the officer has probable cause to believe has violated the DWI laws of this state or City, whether or not the officer observed the violation firsthand
6. Reasonable suspicion to stop a driver, or probable cause to arrest a driver, must be established based on the officer's observation of a violation(s) of traffic laws, and/or driving behaviors which are not violations but recognized as indicative of impaired driving.
7. While any officer has authority to stop and/or arrest a driver where they establish the required reasonable suspicion and/or probable cause, only an officer certified and trained in the Standardized Field Sobriety Test (SFST) and suspecting a driver of impairment shall use the SFST in his/her investigation of a person suspected of DWI. If the investigating officer who has detained a person for suspicion of DWI is not certified and trained in the SFST, he/she shall immediately contact a Traffic Section officer who is certified to perform the test. Investigating officers shall transfer enforcement actions to the officer that has a primary traffic or DWI enforcement assignment. Only officers certified by the State of Louisiana in SFST and the Breathalyzer testing apparatus may complete the required testing and forms for DWI.
8. The Traffic Section Commander shall ensure that a Traffic Section officer, certified to conduct DWI testing, is available twenty-four hours a day.
9. If a certified Traffic Section DWI testing officer cannot be contacted via police radio communications by the detaining/investigating officer, the detaining/investigating officer shall notify his/her supervisor. The supervisor shall contact Communications Services and request the on-duty or on-call Traffic Section officer be notified.
10. Injured person(s) arrested for DWI or driving while impaired shall be immediately transported to a medical facility for treatment.
11. All persons arrested for DWI or driving while impaired who have not been hospitalized shall be transported to the Special Operations Division - Traffic Section Office (1899 Tchoupitoulas Street) for processing. The Special Operations Division - Traffic Section facility shall be the primary facility used to conduct the breath test.

12. The detaining and/or investigating officer(s) shall ensure their BWCs and ICC, if available, are activated before the stop and throughout the entire SFST testing process, advisements, and, if the subject is arrested, through transport until the subject is delivered to Central Lockup for booking.

#### FIELD TESTS FOR DETECTION OF IMPAIRMENT

13. An officer certified and trained by the Louisiana Department of Public Safety and Corrections in the Standardized Field Sobriety Test (SFST) and suspecting a driver of impairment shall use the SFST in his/her investigation of a person suspected of DWI unless the medical or physical condition of the suspect prohibits it.

#### RELEASE OF DETAINED DRIVERS WITH INSUFFICIENT PROBABLE CAUSE

14. In instances where officers who have detained a person for DWI lack sufficient probable cause to arrest for the offense but still believe the person should not drive, precautions should still be taken to protect the public while respecting the person's rights. Officers should request, though not require, that the person contact an alternate means of transportation. If the person complies with the officer's request, the officer should advise the driver of reasonable options for moving his or her car to a safe location. Since no charges will be placed nor will an incident report be required, officers should document the reasons for the contact and ultimate release of such individuals in an FIC (i.e. a person who is emotionally upset to a degree that it has affected his/her concentration and ability to drive safely).

#### USE OF "UPON NOTICE" IN LIEU OF BOOKING

15. 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 (i.e. a physical or medical condition which prohibits immediate booking) by checking the appropriate box on the arrest citation form. **An officer shall not issue an Upon Notice without first 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.

#### DWI TESTING ROOM VIDEO AND AUDIO RECORDINGS

16. When utilizing the Special Operations Traffic Division DWI testing facility, Traffic Section officers shall adhere to the following provisions:
  - (a) Upon arrival, officers shall ensure, including visually checking that the camera is functioning properly, the mobile closed circuit camera located in the testing room is turned on by pressing the "Record" button, and remains activated for recording 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.** The camera is equipped with a 30 second delay prior to activating and deactivating the system.
  - (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 pursuant to the guidelines of **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**. Absent extenuating circumstances, subjects shall be handcuffed when not detained inside the holding cell.
  - (c) Officers shall not leave prisoners unattended in the DWI testing facility.
  - (d) The Traffic Section officer shall maintain constant personal supervision and control of any arrested subject secured in the DWI testing facility.

- (e) Throughout the duration of the testing, the involved officer(s) shall ensure their BWCs are activated.
- (f) Video surveillance of the DWI testing area does not constitute constant personal supervision and control.

#### **AUTHORITY TO CONDUCT A CHEMICAL TEST – IMPLIED CONSENT**

17. A person arrested for DWI or driving while impaired is deemed to have consented to a chemical test or tests under any of the following circumstances (R.S. § 32:661(A)):
  - (a) The arresting officer has probable cause 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 probable cause 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.
18. 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 probable cause to believe that he/she was operating a motor vehicle while intoxicated (R.S. § 32:661(A)(1)).
19. A person who is dead, unconscious or otherwise incapable of refusal shall be deemed not to have withdrawn consent.
20. If a person deemed to consent under state law withdraws that consent and refuses to submit to the chemical test, they shall be informed of the consequences under state law. If the person has refused to submit to such test on two previous and separate occasions, refusing to submit may be a crime.
21. After all requirements are met relating to advisement of rights, if the person arrested for DWI or driving while impaired and is involved in a crash that resulted in suspected serious injury or near death still refuses to submit to chemical testing, the arresting officer shall notify a SOD – Traffic Section supervisor who will determine if the particulars of the case warrant applying for a Search Warrant mandating the subject provide a blood sample. If the officer believes, and the supervisor concurs that a blood sample is not warranted, the reasons for this decision and the name of the concurring supervisor shall be documented in the investigative report.
22. Officers should inform an arrestee that after submitting to the chemical test selected by the officer, if he/she chooses, he or she may have a qualified person of his/her choice administer a chemical test or tests in addition to the test chosen by the officer. The cost of any such test is at the expense of the tested person. After being advised of this right, he or she shall be given the opportunity to telephone and request a qualified person to administer such test.
23. Upon request, the individual or his or her attorney should be given copies of their test results.

#### **OFFICER RESPONSIBILITY - CHEMICAL TESTING**

24. Officers requesting a person arrested for DWI or driving while impaired to submit to a chemical test shall:

- (a) Read the **Rights relating to the Chemical Test for Intoxication** from the Department of Public Safety and Corrections (DPSC) standardized form (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 (R.S. § 32:661(C) (2)).
  - (c) Forward a report to the Department of Transportation and Development (R.S. § 32:666(B)):
    - i. Certifying that there were reasonable grounds to believe the person was operating a motor vehicle while under the influence of alcohol or controlled substances.
    - ii. Certifying that the person was informed of his/her rights in accordance with state law.
    - iii. Provides complete information regarding the chemical test that is available at the time the certified report is completed.
25. After being advised of his/her rights, the person will be given the opportunity to telephone and request a qualified person of his/her own choosing to administer a secondary chemical test in a reasonable amount of time after submitting to the department chemical test (R.S. § 32:664(B)). The person shall be responsible for any costs associated with the secondary test. Officers are prohibited from offering or suggesting any person or company to provide the additional test.
26. Any subject whose BAC test shows a reading of **0.30 or higher** shall be immediately taken to a medical facility and screened for possible alcohol poisoning or related complications.

#### **OFFICER RESPONSIBILITY – REFUSAL TO SUBMIT TO TESTING**

27. When a person is required to provide a chemical sample but refuses, officers should (see: R.S.32:666(A) (2)):
- (a) Advise the person of the consequences of the refusal.
  - (b) Audio record the **Rights relating to the Chemical Test for Intoxication** and response given. (BWC and L3)
  - (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:
    - i. There were reasonable grounds to believe the person was operating a motor vehicle while under the influence of alcohol or controlled substances.
    - ii. The person was informed of his/her rights in accordance with state law.
    - iii. Provides complete information regarding the chemical test that is available at the time the certified report is completed.
28. The law does not require an officer to reconsider an initial refusal to submit to testing. However, if the subject has refused to provide a breath or urine sample, and prior to transport to lockup for booking, the subject reconsiders, the officer shall allow him/her one additional opportunity to provide the requested sample. If the subject has been taken to a medical facility for a blood draw, and initially refuses, the subject may reconsider until he or she has left the medical facility.

#### **CHEMICAL TESTS FOR INTOXICATION**

29. Certified Traffic Section officers may obtain a chemical test(s) sample, including a breath

test, a blood test, or a urine test, in a manner consistent with the procedures set forth by State law from any person arrested for DWI or driving while impaired.

30. The breath test is the primary/default method of chemical testing for intoxication. A urine sample is requested when a subject is suspected of being impaired from something other than alcohol, or when he or she is incapable of providing a breath sample (hospitalized or medical condition). Where impairment is suspected in a traffic fatality, suspected serious injury accident, or where the subject's medical condition precludes the breath or urine test, the blood test shall be used after obtaining a search warrant.

### TESTING EQUIPMENT, CERTIFICATIONS AND RESTRICTIONS - TRAFFIC SECTION

31. The Traffic Section Commander will ensure all devices approved and regulated by the State of Louisiana for the collection and analysis of breath samples are properly serviced and tested, and applicable records of such are maintained by the Traffic Section.
32. Only officers certified by the Louisiana Department of Public Safety and Corrections/Office of State Police are authorized to operate an approved breath testing machine.
33. The Special Operations Division - DWI Testing Room shall be equipped with a Digital Video Audio Recording system. The system shall be used to record all encounters with an arrested subject entering the testing room.

### DWI BLOOD SAMPLES

34. A blood specimen may be requested by the Traffic Section investigating officer when the person arrested for DWI or driving while impaired was involved in a crash resulting in suspected serious bodily injury, and/or death. If the person refuses to submit to the test, the officer must obtain a Search Warrant prior to having a blood specimen taken.
35. Blood/urine collection kits approved by the Louisiana Department of Public Safety for the purpose of determining blood alcohol content are the only kits authorized by the New Orleans Police Department. The kits are maintained by the Traffic Section / DWI Unit.
36. If the person arrested for DWI has been transported to a medical facility for medical evaluation, the detaining/investigating officer shall relocate to the medical facility with the subject to ensure the subject is not released by medical personnel.
37. Blood specimens may only be collected by medical personnel in a medical facility. (R.S. 32:666(A)). The Traffic Section investigating officer shall notify medical personnel that the subject is under investigation for DWI and a blood sample is needed. The Search Warrant must be obtained **prior to the blood being drawn** by medical personnel if the suspect in custody for the DWI refuses to submit to the blood test (See: **Chapter 1.2.4 – Search and Seizure**). The officer should be prepared to show the signed search warrant to requesting medical personnel.
38. Only persons authorized by law may withdraw a blood sample (R.S. § 32:664(A)). The withdrawal of the blood sample shall be witnessed by the assigned officer. Persons authorized to draw blood include:
- (a) Physician;
  - (b) Physician's assistant;
  - (c) Registered nurse;
  - (d) Practical nurse;

- (e) Emergency medical technician;
  - (f) Chemist;
  - (g) Nurse practitioner; or
  - (h) Other qualified technician (i.e. phlebotomist).
39. NOPD officers, even if properly certified, **shall not** conduct the blood withdrawal.
40. 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.
41. Officers shall inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for them to be retained as evidence, which they can have independently tested at their own expense.
42. The Traffic Section investigating officer shall be responsible for transporting the blood and/or urine sample to the Central Evidence and Property Section where the proper forms, including a crime lab examination request form, shall be completed. Traffic Section personnel shall retrieve the blood and/or urine sample kits and a copy of the evidence receipt from Central Evidence & Property and transport it to the Louisiana State Police Crime Lab within seven days of sample collection.
43. Upon receiving the blood analysis results from the LSP testing facility, the Traffic Section investigating officer is responsible for completing a supplemental crash report documenting the results.
44. If a person arrested for DWI cannot submit to a blood test for medical reasons (for example, 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.** The person arrested for DWI or driving while impaired may be required to complete a remaining available test.
45. The Orleans Parish Coroner's Office shall conduct a chemical test of the blood of any traffic fatality victim (R.S. 32:661). The Traffic Section - Fatality Unit is responsible for documenting the post-mortem test results in the traffic fatality investigation.

## URINE SAMPLES

46. Traffic Section officers trained in SFST and authorized by a Traffic Section supervisor to collect urine shall do so in a manner to protect the person arrested for DWI or driving while impaired's privacy. Officers shall follow the same guidelines for protecting the suspect's privacy as outlined for strip searches (See: **Chapter 1.2.4 – Search and Seizure**). The officer(s) shall be of the same gender identity as the subject being tested. Urine shall be collected using an approved Louisiana Department of Public Safety blood/urine collection kit. The collection kits are maintained by the DWI Unit.

## CRASHES

47. Officers investigating a person arrested for DWI or driving while impaired shall obtain a chemical sample if the person was involved in a crash that resulted in a fatality or suspected serious physical injury.
48. A person who is dead, unconscious or otherwise in a condition rendering him/her incapable of refusal is deemed **not to have withdrawn consent** as a matter of State Law



(R.S. § 661(B)).

49. Whenever a district unit requests a DWI officer for a suspect involved in a motor vehicle crash (no injury), the district unit shall be responsible for transporting the suspect to The OPSO 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 at his/her discretion and duty permitting.

### **SEIZURE OF OPERATOR'S LICENSE**

50. An officer arresting a person for driving while intoxicated where the arrested person (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:
    - i. Seize the arrestee's driver's license, issue a receipt to the driver, and issue a temporary license as approved by the Department of Public Safety and Corrections. If an arrested subject is not in possession of his/her license a temporary license shall not be issued regardless of the state of issuance. Out of state driver's licenses are confiscated and forwarded to the Louisiana Office of Motor Vehicles, and a temporary license is issued.
    - ii. 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:
    - i. Seize the arrestee's driver's license and issue a temporary receipt of license as approved by the Department of Public Safety and Corrections. If an arrested subject is not in possession of his/her license a temporary license shall not be issued regardless of the state of issuance. Out of state driver's licenses are confiscated and forwarded to the Office of Motor Vehicles, and a temporary license is issued...
    - ii. 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.
    - iii. After thirty days from the date of arrest if test results have not been received or immediately upon learning 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, and the blood alcohol level was not at or above 0.02 percent, the license shall be returned to the driver by the Louisiana Office of Motor Vehicles.

### **ARRESTED PERSON'S VEHICLE**

51. The vehicle driven by a person arrested for driving while intoxicated shall be released as follows (R.S. § 32:667(4)):
- (a) If operable, to a passenger who is not under the influence of alcohol and has a valid driver's license. The officer shall not order or procure towing of the vehicle.
  - (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.
  - (c) If the vehicle can be properly, legally parked and secured, it can be left on the scene with the owner/driver's permission. This permission should be documented

in the FIC, BWC or other arrest related reports.

- (d) If release of the vehicle is not possible, Communication Services shall be contacted by the officer and the vehicle shall be towed according to the towing allocation list maintained by Communications Services.

### **ARREST BOOKING PAPERWORK**

- 52. 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 Operational Check List;
  - (e) Photocopy of Intoxilyzer Test printout result;
  - (f) Photocopy of the Uniform Arrest Report; and
  - (g) The arrest affidavit.

### **DWI ARREST CASE PROCESSING AND SCREENING**

- 53. The Traffic Section shall forward all records related to the arrest of a person for DWI to the appropriate prosecutor (Orleans parish District Attorney or Traffic Court City Attorney). This will include the following:
  - (a) The main case report
  - (b) All recordings and photographs in a format accessible to the prosecutor
  - (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

### **SOBRIETY CHECKPOINTS**

- 54. See **Chapter 61.15.1 – Vehicle Checkpoints** for conducting sobriety checkpoints. Those detailed at checkpoints for suspected violations of the DWI laws shall be processed in accordance with this Chapter.

### **TRAINING**

- 55. The Traffic Section commander shall ensure that appropriate training, as required by the State of Louisiana, is provided for officers participating in enforcement of DWI laws. The training records and certifications shall be forwarded to the Education & Training Division by the member receiving training for inclusion in the member's training record.
- 56. The Traffic Section commander should relate any training issues as they become apparent, such as information from the designated prosecutor's office that is relevant to improving the department's investigations. The information shall be provided to the Education & Training Division and, if appropriate, disseminated throughout the Department in an information bulletin.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.2

### TITLE: PARKING CITATIONS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 517**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for issuing parking citations, the proper procedure for voiding parking citations containing errors, and the forwarding of parking citations to the Ticket Processing Unit.

#### POLICY STATEMENT

1. Parking citations shall be completed, in their entirety, using a black or blue ballpoint pen. The issuing officer shall use sufficient pressure to ensure all copies of the citation are clearly legible.

#### PROCEDURE FOR VOIDING PARKING CITATIONS

2. Parking Citations containing errors, omissions, or write-overs shall be returned by the Ticket Processing Unit to the issuing unit for correction and/or voiding.
3. When required, parking citations shall be voided by the issuing officer in the following manner:
  - (a) Neatly print the word **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 the **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.

#### TICKET PROCESSING UNIT

4. Divisions, Units and Sections serviced by the ticket processor shall have the citations and receipts (Form 130) completed in accordance with a schedule established by the ticket processor.
5. Divisions, Units and Sections not serviced by the ticket processor shall forward the citations and receipts to the Ticket Processing Unit on a daily basis.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.3

### TITLE: TRAFFIC CITATIONS

**EFFECTIVE: 10/29/2017**

**REVISED: 11/01/20**

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#### PURPOSE

This Chapter outlines the responsibility for traffic citations, the collection of data, and the procedure for dismissal, correction and voiding of traffic citations

#### POLICY STATEMENT

1. NOPD officers shall be fair, impartial, and courteous during traffic violation stops and take the necessary action, including de-escalation, in a professional and positive manner.
2. Officers citing a person for a traffic violation **shall check** the violator through all available databases for warrants or bulletins and take appropriate action if an arrest warrant was issued and found to be current and verified through the NOPD N.C.I.C. Unit.
3. As important as the enforcement of traffic regulations is to the safety of individual drivers and the community, officers shall exercise good judgement and sound discretion when evaluating all circumstances involved in determining the best action to take that does not unnecessarily embarrass, demean, cause collateral harm to all parties involved, or present a public safety risk.
4. In the enforcement of traffic regulations, an arrest is not required for traffic violations if the person or operator lawfully possesses a valid driver's license. (See also: La. R.S. 32-411 and Sec. 154-136).

#### CITATION BOOKS AND CITATION COPIES - RESPONSIBILITIES

5. The SOD—Traffic Section commander shall be responsible for collecting all department traffic citations, including electronic tickets, in accordance with state law (R.S. 32:398.1).
6. The MSB—Facilities Support – Supply Unit shall be responsible for the supply and accounting of all traffic citations books issued to units of this department. Citations will be kept in a secure location. Unit representatives shall sign for the citation books when issued (R.S. 32:398.1(B)).
7. Members shall return to his/her Unit supervisor a copy of all citations that have been (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.
8. Upon separation from service with this department, all members who were issued traffic citation books shall return any unused citations to his/her Unit supervisor (R.S. 32:398.2(C)).
9. The Unit supervisor shall return the unused or used traffic citation books turned in to him/her by members to the MSB – Facilities Support – Supply Unit and obtain receipt for them.

### VOIDING TRAFFIC CITATIONS

10. Employees of this department do not have the authority to cancel or dismiss a citation once it has been issued (R.S. 32:398.3(A)). Only the court or prosecuting attorney has the authority to dismiss a citation that has been issued (R.S. 32:398.2(F)).
11. Voiding an incomplete traffic citation may occur when a traffic citation has:
- (a) Not been completed; or
  - (b) Where it is completed but not issued.
12. Any request from the issuing employee to void/alter/accept with error or duplicate an issued citation requires completion and submission of a **Form 40 - Request to Void Parking / Moving Citation**.
13. All copies of the voided citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the SOD - Traffic Section (R.S. 32:398.2(D)).
14. Employees shall only dispose of or destroy a traffic citation, or copies thereof, or of the record of the issuance of the citation, in a manner specified in this Chapter and consistent with state law (R.S. 32:398.2(C)).
15. All recipients of traffic citations whose request for voiding has been denied shall be referred to the appropriate court for adjudication of the citation.

### CORRECTION OF TRAFFIC CITATIONS

16. 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 immediate supervisor. The citation and Form 40 shall then be forwarded to the Traffic Court.
17. Three alternatives are possible on the Form 40:
- (a) **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.
  - (b) **Reissuing Citations**—A citation shall be reissued if the issuing officer misplaces the citation.
  - (c) **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.

**DISPOSITION OF TRAFFIC CITATIONS**

18. The court and file copies of all traffic citations issued by members of this department shall be:
- (a) Forwarded to the employee's immediate supervisor for review; and
  - (b) After 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.

**GENERAL**

19. Traffic citations issued by members of this department are processed by traffic court as follows:
- (a) The violator pleads not guilty and receives a court date.
  - (b) The violator opts to either:
    - i. Report to the Violations Bureau;
    - ii. Mail a payment; or
    - iii. Go 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 Sherriff at the booking facility.
20. A member of the Department may, when appropriate or directed by a supervisor, use his/her discretion and issue a verbal warning to a driver observed violating a traffic law provided:
- (a) The violation is not serious in nature;
  - (b) The violation is not part of a crash investigation;
  - (c) The driver and vehicle do not pose an immediate danger to the public; and
  - (d) The officer believes a warning sufficient to correct the observed violation.
21. The traffic citation form has three copies.
- (a) The original is white.
  - (b) The second copy is a blue non-perforated copy and remains in the ticket book as the officer's copy.
  - (c) The third copy is a hard white copy, given to the violator.
22. An officer can write remarks about the traffic stop on the back of the white copy, below the judge's signature line.
23. The issuing officer can write up to four observed violations on one traffic affidavit. Each violation listed counts as a citation issued.

**TRAFFIC LAWS**

24. 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 include:
- (a) R.S. 14:32.1 - Vehicular Homicide;
  - (b) R.S. 14:39.1 - Vehicular Negligent Injuring;
  - (c) R.S. 14:98 (et seq) - Operating a Vehicle While Intoxicated;
  - (d) R.S. 14:99 - Reckless Operation of a Vehicle; and
  - (e) R.S. 14:100 - Hit-and-Run Driving.
25. Operators charged with the below violations (State or Municipal equivalent) 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):

- (a) All Title 14 traffic-related offenses; i.e., R.S. 14:98 (DWI), R.S. 14:99 (Reckless Operation), R.S. 14:100 (Hit and Run Driving); or
  - (b) Driving with a suspended, revoked, or canceled operator's license.
26. Agreements with Traffic Court, the City Attorney's Office and the Office of the Orleans Parish District Attorney have defined when certain violations must be charged under Revised Statute Title 32 rather than Municipal charges. Appendix A – Enumerated State Traffic Charges lists the correct charge that officers shall use for the enumerated offenses.

### TRAFFIC ARREST CASES

27. Officers shall print "ARRESTED" in the area of the affidavit form (printed or electronic) for the court appearance date/time if the suspect was arrested and booked. No date or time shall be set.

### TRAFFIC CITATION (SUMMONS) CASES

28. Citation (summons and release) cases shall be set **ten (10) days** from the date of issuance, excluding Saturdays, Sundays, and holidays. Officers shall refer to the "**Traffic and Municipal Court Schedule**" for the current year in the Resource folder of NOPD.org for all court holidays. If the calculated date is on a date the court is "closed," it shall be set for the next available court date.
29. Officers shall calculate the appearance date and write or type "**REPORT ON OR BEFORE MM/DD/YYYY.**"

### CONFISCATION AND NON-CONFISCATION OF DRIVER'S LICENSE

30. 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**); or
  - (b) Failing to maintain compulsory security insurance. (See **Chapter 61.20 – Compulsory Motor Vehicle Liability Security**).
31. For all other violations, the operator can sign the citation 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.
32. 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:
- (a) The words "TEMPORARY OPERATOR'S LICENSE" shall be lined through;
  - (b) The words "VOLUNTARILY SURRENDERED MY DRIVERS LICENSE" shall be lined through and replaced with the words "SIGNED THIS CITATION"; and
  - (c) A violator refusing to sign the citation shall be arrested.

### PHYSICAL DRIVER'S LICENSE / DIGITIZED DRIVER'S LICENSE

33. An operator must have his/her physical driver's license or a digitized driver's license in his/her immediate possession at all times while operating a motor vehicle and shall

display it upon demand of any police officer. (See La. R.S. 32-411).

34. The only official Louisiana Digital Driver's License is available through the "LA Wallet Application." An image of a driver's license not through this application does not meet the requirements of the law.
35. Officers shall avoid taking physical possession of the mobile device displaying the digital driver's license for verification purposes. The display of a digital driver's license shall not serve as consent or authorization to view or access any other data or application on the mobile device.

### JUVENILE VIOLATORS

36. 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. (See also: **Chapter 44.2 – Juveniles**).

### COMPACT AND NON-COMPACT STATES

37. Drivers from Compact and Non-Compact States are issued citations in the same manner as Louisiana drivers as outlined in this Chapter.

### IMMUNITY

38. Members of the Louisiana State 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.
39. Certain foreign nationals are normally immune from criminal prosecution provided proper identification credentials issued by the State Department are presented to the investigating officer. See **Chapter 1.12 – Diplomatic Agents and Consul Officers**.

### MILITARY PERSONNEL

40. Active duty U.S. 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 this Chapter.

### OFFICER'S RESPONSIBILITIES

41. Officers shall make every effort, utilizing available police databases, to confirm the violator's operator's license is valid, and not revoked, suspended, or canceled.
42. Individuals operating a motor vehicle with an **expired operator's license** shall be issued a citation(s) with a trial date set for 10 (ten) calendar days. (See Sec. 154-304 – Unlawful Use of License).
43. If the **license is not in his/her possession**, the officer shall issue a citation to the violator for violation of RS 32:411 (F), No License in Immediate Possession.
44. If the violator was **not issued a valid operator's license**, the officer shall:
  - (a) Cite the violator and
  - (b) Issue a citation with an appearance date set **ten (10) days** from the date of issuance, excluding Saturdays, Sundays, and holidays. (Officers shall refer to the



**“Traffic and Municipal Court Schedule** “for the current year in the Resource folder of NOPD.org for all court holidays. If the calculated date is on a date the court is “closed”, it shall be set for the next available court date.

45. When issuing a traffic citation, officers shall advise a traffic violator of the following:
- (a) The court arraignment date located at the bottom of the citation.
  - (b) That he/she must appear at the Traffic Court Violations Bureau to:
    - Pay the fine, or
    - Enter a plea of not guilty and receive a trial date on or before the arraignment date set by the issuing officer.
    - If 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 20 mph in a school zone).
  - (c) The Traffic Court Violations Bureau telephone number located on the back of the violators copy.
  - (d) That questions on court procedures can be answered by a court representative or going to the website printed on the rear of the citation.
46. 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 submission to a supervisor. (See Municipal Ordinance Sec. 154-136).

### COMPLETING THE CITATION

47. The citation shall be completed using black or blue ink with a ball point pen.
48. Sufficient pressure should be applied to print on all carbon copies.
49. All entries must be legible.
50. Citations containing errors, omissions, or write-overs shall be returned by the Ticket Processing Unit to the issuing unit for correction and/or voiding.
51. 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.
52. All blanks on a traffic citation shall be filled in.
53. The below standard abbreviations for race shall be used on all traffic citations:
- (a) W - White
  - (b) B - Black
  - (c) H - Hispanic
  - (d) A - Asian/Pacific Islander
  - (e) I - American Indian/Alaskan Native
  - (f) U - Unknown
54. 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.
55. Officers shall enter item numbers in the appropriate location on the citation, if one was assigned.
56. 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:
- (a) Record the previous ticket number in the appropriate location on the new citation; and
  - (b) Use the same court appearance date for the new citation.

#### **CITATION PROCESSING PROCEDURE**

57. Officers shall present traffic citations for processing at the end of their tour of duty.
58. The issuing officer's supervisor shall:
  - (a) Check the citation for correctness;
  - (b) Administer an oath; and
  - (c) Instruct the issuing officer to sign and date the citation above the printed entry "**Signature of Officer Administering Oath.**"
59. Bureaus/Divisions/Sections/Units serviced by the ticket processor shall have the citations and receipts (**Form 130**) completed in accordance with a schedule established by the ticket processor.
60. Bureaus/Divisions/Sections/Units not serviced by the ticket processor shall forward the citations and receipts to the Commander of the SOD – Traffic Section – Ticket Processing Unit on a daily basis.
61. Form 130 shall be completed as follows:
  - (a) Each classification of offense shall have a separate receipt;
  - (b) Adult moving citation receipts shall be listed on a receipt separate from juvenile moving citation receipts, etc.;
  - (c) Only one category of the four separate classifications for traffic violations will be checked off per page; and
  - (d) All entries on the top of the form shall be printed, with the completing officer supplying his/her badge number.
62. Officers shall issue a new citation to replace a citation that is returned because of an omission, legibility, or other correction.
63. A citation shall not be edited once the violator received the summons portion of the affidavit.

#### **IMPAIRED AND INCOMPENTENT DRIVERS**

64. Officers who suspect the condition of an 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.
65. The officer can also contact a concerned party to provide transportation and make arrangements to pick up the vehicle.
66. The vehicle shall be impounded if there are no other reasonable alternatives.

**NOTE: THIS SECTION DOES NOT APPLY TO DRIVERS SUSPECTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. (See: Chapter 61.5 – DWI).**

67. The issuing officer's Commander or his/her designee shall forward the completed DPSMV 3005 report to the MSB - Records Section.

68. The MSB - Records Section is responsible for forwarding the forms to the Louisiana Department of Public Safety and Corrections - Office of Motor Vehicles.

### **CONSULTING WITH THE CITY ATTORNEY**

69. If an officer consults with the City Attorney, the officer shall:
- (a) Obtain permission from his/her supervisor after a review of the reason for the consult request.
  - (b) See the clerk in one of the sections of Traffic Court.
  - (c) Complete the affidavit in the presence of the City Attorney if advised by the City Attorney to do so.
  - (d) Present the citation to the City Attorney for signature.
  - (e) Present the completed and signed affidavit to the section clerk of traffic court for processing.

**Note: Officers shall not use this procedure in lieu of reissuing citations because they have to be returned for errors and/or corrections.**

### **CITATIONS ISSUED FOR INSURANCE VIOLATIONS OR NO LICENSE PLATE**

70. Officers shall include the entire VIN number in the space provided so the Judge/Court can confirm the vehicle is properly insured.
71. The violation for no proof of insurance shall be written in the violation section. Example: R.S. 32:863.1 - No Proof of Insurance, VIN #654321 (indicating last six numbers of the vehicle being operated without insurance).
72. The citing officer will enter the entire Vehicle Identification Number on the citation, after the vehicle has been checked for warrants/stolen and the driver cannot provide a license plate for the vehicle. Example: 154-307 No license place, VIN #123BN567BA123456.
73. An officer who verifies through NOPD N.C.I.C. Unit a person is wanted by Orleans Parish Municipal or Traffic Court shall follow the policy guidelines contained in **Chapter 41.9 - Failure to Appear**.

### **E-CITATION PROCESS**

74. Officers who have access to the digiTICKET or eCitation application found on the NOPD Web Applications page and have been trained in the use of the application, may utilize this process for the issuance of traffic citations.
75. Officers who have conducted a criminal history / warrant check on the driver being cited and who have found warrants for failure to appear in Traffic or Municipal Court shall include those charges (FTA) on the eCitation. Up to six charges, including failure to appear warrants, may be documented on one eCitation form. (See: **Chapter 74.3.1 – Failure to Appear**).
76. Officers completing eCitations shall contact his/her supervisor upon completion on the primary radio talk group for the District or unit and advise the supervisor of the issuance.
77. Once notified by an officer that an eCitation has been issued by a subordinate officer, the supervisor shall access the program through the NOPD Web Application to review and approve the citation.

78. Once approved by a supervisor, the eCitation is automatically forwarded to the Court for processing.

**APPENDIX A – Enumerated State Traffic Charges**

Operators found in violation of the following offenses shall be cited using Title 32 - Motor Vehicles and Traffic Regulation of the Louisiana Highway Regulatory Act.

<b>Violation</b>	<b>State Reference</b>
Unlawful use of a Driver's License	R.S. 32:414.1
License Plates Displayed	R.S. 32:53(A)
Brake Tag	R.S. 32:53(D)
Careless Operation, Reasonable Vigilance	R.S. 32:58
Driver' License Not on Person	R.S. 411.1
Disregard Red Light	R.S. 32:232
General Speeding	R.S. 32:63
Following Too Close	R.S. 32:81
Improper Turns	R.S. 32:101
Improper Lane Use	R.S. 32:79
Yield Right of Way	R.S. 32:121
Lamps & Other Lighting Equipment	Varies [R.S. 32:301A et seq]



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.4.5

### TITLE: ABANDONED BOATS

**EFFECTIVE: 8/2/15**

**REVISED:**

**Page 1 of 2**

#### 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.7

### TITLE: TRAFFIC CRASH RESPONSE AND REPORTING

**EFFECTIVE: 04/15/2018**

**REVISED: 07/14/2019**

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#### PURPOSE

This Chapter governs the reporting, processing, investigation, and disposition of motor vehicle crashes handled by members of this department.

#### POLICY STATEMENT

1. It is the policy of this department to respond to motor vehicle crashes for the purpose of assisting victims, determining appropriate law enforcement action, and restoring the normal traffic flow.
2. Officers shall take appropriate measures to guarantee the safety of the parties involved in a crash, the safety of the public and facilitate good traffic flow by remaining on scene as long as necessary to accomplish these goals.
3. 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.

#### DEFINITIONS

**Crash**—An unplanned, unexpected, and unintended (not purposefully caused) instance of a motor vehicle colliding or striking another vehicle, stationary object, pedestrian, or animal. Also referred to as a “traffic accident,” “traffic collision,” or a “motor vehicle accident.”

**Motor Vehicle**—Means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, but excluding a motorized bicycle. "Motor vehicle" shall also include a "low-speed vehicle" which is a four-wheeled, electric-powered vehicle with a maximum speed of not less than 20 miles per hour but not more than 25 miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 C.F.R. 571.500.

**Motor Vehicle Crash Report**—Describes characteristics of the crash and the vehicles and people (drivers, injured and uninjured occupants and injured pedestrians and bicyclists) involved. By using evidence found at the scene, and by interviewing participants and witnesses the investigating officer can answer questions concerning how the crash occurred.



**Driver**—Means every person who drives or is in actual physical control of a vehicle.

## RESPONSE TO CRASHES

4. The primary responsibility for the response to motor vehicle crashes is vested with the Field Operations Bureau, to include non-injury crashes, injury crashes, and hit-and-run crashes. District Patrol units coming upon a crash will be responsible for initiating the investigation to include: notifying Communication Services of the incident, requesting necessary assistance (EMS, NOFD, etc.), and beginning all applicable reports unless relieved by a traffic crash investigation unit.
5. Traffic crash response will be classified as:
  - (a) **Crash or Hit & Run with unknown injuries**: a traffic crash investigation unit will be dispatched. If traffic crash investigation units are unavailable or the response time untenable, a clear District patrol unit will be dispatched for the preliminary investigation until relieved by traffic or investigative personnel.
  - (b) **Crash or Hit & Run with injuries or causing a serious traffic hazard**: a traffic crash investigation unit will be dispatched directly to the scene. If traffic crash investigation units are unavailable, a District patrol unit shall be dispatched for the investigation unless relieved by a traffic crash investigation unit.
  - (c) **Crash or Hit & Run absent injuries or serious hazard conditions**: If traffic crash investigation units are unavailable, a District patrol unit shall be dispatched for the investigation.
6. 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. (See: **Chapter 41.4 – Response to Police Calls**).

## RESPONDING OFFICER DUTIES

7. The duties of an officer responding to a traffic crash include, but are not limited to:
  - (a) Assessing the most appropriate route to the crash;
  - (b) Proper placement of the emergency vehicle to provide protection for officers, other responders and the scene;
  - (c) Use of flares, cones, or other warning devices if available and beneficial shall be used;
  - (d) Assessing the potential for presence of hazardous materials;
  - (e) Identifying potential or actual fire hazards or other dangerous conditions so that appropriate action can be taken;
  - (f) Summoning additional assistance (e.g., traffic control, medical aid, NOFD, HAZMAT, ambulance and towing vehicles);
  - (g) Providing first aid and basic life support until the arrival of EMS or fire/rescue personnel;
  - (h) Protecting the scene;
  - (i) Establishing a safe traffic flow around the scene;
  - (j) Identification and interview of all involved parties;
  - (k) Identification and interview of any witnesses;
  - (l) Officers should utilize the Driver/Witness Voluntary Statement Form whenever possible;
  - (m) Investigating the crash and recording short-term evidence;
  - (n) Taking appropriate enforcement action, i.e., citation or arrest;
  - (o) Expediting the removal of debris and the vehicles involved from the roadway; and
  - (p) Completing the **Driver's Information Exchange Form #260**, and if the officer determines a crash report is not necessary, advising parties of the availability of

station reporting. (It is important for the responding officer to ensure the accuracy of the information contained on the cards.)

8. On-duty officers assigned to investigate traffic crashes, and off-duty officers who happen upon traffic crashes while operating marked or unmarked police vehicles, are required to remove vehicles from the roadway by state law (LA RS 32.141(d)) and municipal ordinance (154-386) when all of the following conditions are present:
  - (a) Any vehicle involved in the crash is impeding traffic in any way;
  - (b) The operators of the vehicles are not prevented from moving their vehicles due to injury;
  - (c) There is no death or serious injury involved; and
  - (d) The vehicle is not disabled by the crash and can be moved under its own power.
9. Vehicles should be moved to the shoulder of the road, or if available, a more suitable, safe location. If the vehicles involved in the crash 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.
10. Officers who move vehicles from the crash location due to the above considerations shall advise Communications Services for the district of occurrence of the crash location and the location where the vehicles are being moved.
11. The officer shall advise Communications Services for the district of occurrence 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 crash and his/her actions.
12. If the crash involves vehicles which cannot be moved from the roadway, serious injuries, or a fatality, the officer should position his/her police unit in a manner to provide the most visibility to oncoming motorists provided the unit has functioning overhead or front and rear flashing emergency lights. If flares, cones, or other warning devices are available and beneficial, they shall be used.
13. Where the officer determines fuel is leaking from a vehicle involved in the crash, he/she shall immediately notify Communications Services for the district of occurrence and request assistance from the Fire Department.

#### **CRASHES ON PUBLIC STREETS OR PROPERTY**

14. A Traffic Investigation Unit will be dispatched to motor vehicle crashes on public streets or property in any of the following circumstances:
  - (a) Death or serious injury. 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.
  - (b) Hit-and-run, when one or more of the following circumstances exist:
    - i. Victim or witness can identify the vehicle by the license number.
    - ii. Victim or witness can positively identify the driver AND was in a readily identifiable vehicle (e.g., suspect was driving a specifically marked construction company vehicle and could be identified in a photo line-up of that company's drivers).
    - iii. Victim or witness has kept the suspect vehicle or suspect under continuous observation since the incident at another location.
    - iv. Victim of the hit-and-run has sustained, as a result of the crash, visible

injuries or serious bodily injury (serious injury is unconsciousness, extreme physical pain, prolonged loss or impairment of the function of a bodily part or mental faculty), or has been transported to a hospital for treatment.

- v. Moderate to major damage to vehicles or property.
- (c) If the victim is not at the scene of the crash (due to following the suspect or making the phone call to the police), a vehicle description of the victim's vehicle will be obtained, and they will be requested to return to the location of the crash. If this is not possible, an officer will be dispatched to the victim's location.
- (d) Driver impairment due to alcohol or drugs.
- (e) Vehicle damage is moderate to major. The following are examples of moderate vehicle damage:
  - i. Bumper or crash guard retracted, bent, or moved such that change is observable.
  - ii. Damage or paint transfer evident on a minimum of 1/4 of the vehicle(s).
  - iii. More than two vehicles are involved.
  - iv. Any wheel alignment or placement is visually altered.
  - v. Damage to any one vehicle appears to exceed \$750.
- (f) Traffic congestion resulting from the crash.
- (g) Towing required of damaged vehicles.
- (h) Hazardous spills or leakages.
- (i) Disturbances between principals.
- (j) An NOPD vehicle is involved.
- (k) Government (local, state, or federal) vehicle involved and requests assistance.

#### **CRASHES ON PRIVATE PROPERTY**

- 15. A unit will be dispatched to private property crashes, including hit-and-run crashes, only if one or more of the following circumstances exist:
  - (a) As a result of the crash, death, visible injuries, or serious bodily injury occurs (serious injury is unconsciousness, extreme physical pain, prolonged loss or impairment of the function of a bodily part or mental faculty) or an individual is transported to a hospital for treatment.
  - (b) The victim is a juvenile.
  - (c) Major property, structure, or vehicle damage.
  - (d) An NOPD vehicle is involved.
  - (e) Driver involved is under the influence of alcohol or drugs and is still on the scene.
  - (f) Occurrence on a municipally-maintained traffic way or county-maintained property city/county parking garages, fire house driveways, or other property open to the public for travel or access and maintained by a local governmental agency.
  - (g) Hazardous spills or leakages.
  - (h) Disturbances between principals involved on the scene.

#### **TAKING ENFORCEMENT ACTION**

- 16. 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.
- 17. Crashes 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, the arresting / investigating member's supervisor shall be contacted to determine the best enforcement option (e.g., guard detail, citation in lieu of arrest).

18. In instances where a reasonable determination of driver causation cannot be established, the officer shall note such in his report. The reporting officer shall consult with his/her supervisor to assist in the determination of driver causation and note the same in his/her report.

#### **EVIDENCE OF COMPULSORY MOTOR VEHICLE LIABILITY SECURITY OR INSURANCE**

19. 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 R.S. § 32:863.1. If the operator does not have the required evidence, the officer shall do the following (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.
20. 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.
21. 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:
  - (a) The vehicle contains an occupant under the age of 12 or an occupant is handicapped, and alternate transportation is not readily available.
  - (b) 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.
  - (c) Seizing the motor vehicle would cause an undue burden upon the officer due to constraints on available personnel or working conditions.
22. 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.

#### **FATALITY TRAFFIC CRASH REPORTING**

23. All fatal crashes (**20-F**) shall be investigated by officers assigned to the SOD Traffic Fatality Unit. The Fatality Unit will be notified on any crashes involving serious 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.

#### **TRAFFIC CRASH REPORTING INVOLVING DWI**

24. Crashes involving a driver who is under the influence of intoxicants shall be investigated by the officer investigating the crash. The investigating officer shall request a D.W.I. Unit or Traffic Section officer to assist in the investigation, or transport of the suspected driver

to the D.W.I. Unit for testing. D.W.I. Unit officers are available on a call-out basis 24/7 through Communications Services. (See **Chapter 61.1.11 – D.W.I. Procedures**)

## OFFICER RESPONSIBILITIES

25. Department members shall utilize the LA Crash (electronic) report if they have access through the Department's intranet. If the officer does not have access or the computer system or it is off-line, he/she may use the Department of Public Safety and Corrections (DPSC) Uniform Traffic Crash Report for the reporting of traffic crashes for any crash.
26. Officers investigating a reportable traffic crash shall instruct each involved driver to report the following using a **Driver's Information Exchange Form (#260)** to any party who suffered injury or property damage resulting from the crash:
  - (a) The name and address of the owner and the driver of the vehicle.
  - (b) The license number of the vehicle.
  - (c) The name of the insurance company for the vehicle.
  - (d) The name, address and telephone number of the insurance agent.
27. Officers shall indicate on the crash 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 crash, station crash report or by subsequent investigation and interviews (supplemental report).
28. The crash investigation officer shall notify the Communications Services NOPD Liaison where Department of Transportation and Development property is damaged in a traffic crash and appears to exceed \$500 in value. The damage shall be reported to the appropriate Department of Transportation and Development district office (R.S. § 32:398(M) (1)).
29. All motor vehicle traffic crashes where damage to State/City property has occurred shall be documented in a crash report, regardless of the dollar amount of the damage. Damaged items may include, but are not limited to, bridges, sign posts, pylons, railings, guard rails, abutments, etc.
30. Investigating officers shall notify Communications Services, 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.
31. Communications Services shall notify the Department of Transportation and Development, supplying the information outlined in the above paragraph.
32. All paper traffic crash reports taken by members of this department shall be forwarded to the Records Section of MSB after supervisory approval and data entry into the records management system.
33. Officers investigating crashes 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 crash and take appropriate measures to guarantee the safety of the public and facilitate good traffic flow. The New Orleans Fire Department shall be notified on any crash involving a vehicle transporting hazardous materials.
34. The officer assigned the investigation and reporting of a traffic crash shall be in command of the scene. Officers assigned to specialized units within the SOD Traffic Section whose primary duty is the investigation of crashes involving unique situations

(Fatality, Hit & Run, etc.) shall take command of the scene upon arrival at the location of the crash.

35. Crash investigations where the operator of a vehicle has been removed from the scene due to injury or arrest shall require the officer to ensure that any personal property inside the vehicle or at the scene is properly secured.
- (a) If a member of the driver's immediate family is present at the scene, the property may be turned over to the family member.
  - (b) If the vehicle is being impounded because it is unattended and poses a hazard to public safety or the vehicle is disabled but towing is required by ordinance even with the driver on the scene, the officer shall complete the **Vehicle Storage – Tow Request and Inventory Record Form #39**.
36. Individuals who are arrested shall have the option of securing their property inside their vehicle or taking same with them to Central Lock Up. Any search of such property must be consistent with **Chapter 1.2.4 Search and Seizure**.

### **TRAFFIC SECTION SUPERVISOR RESPONSIBILITIES**

37. The Traffic Section Commander will be responsible for 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 after the notice was received from the District (R.S. § 32:863.1(C)(1)(a)).

### **RECORDS**

38. Monthly and quarterly reports on traffic crash information and statistics shall be forwarded to the Field Operations Bureau Deputy Chief or other persons as required.
39. The original of the Uniform Motor Vehicle Crash Report Form (paper reports only) for all reportable crashes shall be forwarded by the Record Section to the DPSC within 48 hours of the completion of the investigation and receipt of the report by the Record Section (R.S. § 32:398(E)(2)).
40. A copy of traffic crash reports indicating damage to property of the Department of Transportation and Development (DOTD) estimated to exceed \$500 shall be forwarded to DOTD Headquarters maintenance Division by the Record Section within six days of the date of the crash (R.S. § 32:398(M)(2)).

### **MODIFICATIONS TO TRAFFIC CRASH REPORTS**

41. A change or modification of a written crash report that alters a material fact in the report may be made only by the officer who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

### **TRAFFIC CRASHES INVOLVING CITY VEHICLES**

42. Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic crash (**Signal 20-C**) on a roadway or highway, wherein any damage or injury results.
43. A general information report (**Signal 21**) 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.

44. Photographs of the crash scene and vehicle damage shall be taken by the SOD Traffic Section (Car 17) on crashes involving NOPD vehicles.
45. 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 (Car 17) consistent with **Chapter 17.3 Department-Owned and Personal Property**. The investigating officer will take photographs of the vehicle damage and crash scene. The investigating officer will report all such crashes to the Crash Review Board for its review consistent with **Chapter 13.22 Crash Review Board**.
46. 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.).
47. Any crash that occurs outside of the City of New Orleans, the initial report will be handled by the jurisdiction in which it occurred.

#### **TRAFFIC CRASHES ON PRIVATE PROPERTY**

48. Traffic crash reports should not be taken for traffic crashes occurring on private property, unless:
  - (a) There is a death or serious injury to any person;
  - (b) A violation of the following laws has occurred LA RS 14:98, 14:99 14:100;
  - (c) Property damage of \$500 or more; or
  - (d) Damage to City property.
49. These limitations should not rule out the completion of an incident report (EPR), if necessary, or at the discretion of a supervisor. A crash report may be taken at the discretion of any supervisor.

#### **TRAFFIC CRASHES INVOLVING INJURED ANIMALS**

50. When a traffic crash involves disposition of an injured animal (not removal of remains of dead animals), members should notify Communications Services to contact the Society for the Prevention of Cruelty to Animals.

#### **NOTIFICATION OF TRAFFIC SECTION ON FATALITY CRASHES**

51. In the event of a serious injury or death-related traffic crash, the District Platoon Commander shall notify the Traffic Section Commander to relate the circumstances of the traffic crash and seek assistance from the Traffic Section. The Traffic Section Commander will advise if the Traffic Section will handle the investigation.

#### **HIT AND RUN**

52. Officers responding to a hit and run shall conduct a thorough investigation including contacting registered owners and obtaining statements, examining the vehicle for transfer evidence and completing a crash report.
53. A copy of all paper crash reports involving hit and run crashes shall be forwarded to the Hit and Run Unit for follow-up investigation.
54. The Hit and Run Unit shall conduct follow-up investigations on all crashes where a driver involved fails to stop his/her vehicle at the crash scene to give his/her identity and to render reasonable aid.

**HIT AND RUN CLASSIFICATION`**

55. All hit and run crashes 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.
  - (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.

**HIT AND RUN SUPPLEMENTAL REPORTS**

56. 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 his/her vehicle has been implicated in a reported hit and run crash and instruct him/her to contact the Hit and Run Office.
  - (d) Obtain statements from witnesses recorded in the report.
  - (e) Check all physical evidence collected at the scene.
  - (f) Attempt to examine the victim's vehicle for possible transfer evidence.
  - (g) Examine the crash scene.
  - (h) Notification of the victim as to the outcome of the investigation upon its completion.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.9

### TITLE: TRAFFIC DIRECTION AND CONTROL

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 505**

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#### PURPOSE

The purpose of this Chapter is to ensure precise movement of traffic 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.

#### OFFICER INSTRUCTIONS

1. Officers shall immediately notify Communications Services of any hazardous situation which requires the immediate attention of the Department of Streets or Louisiana Department of Transportation personnel. Below are 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).
2. 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.
3. Uniformed officers may perform traffic control for the below situations:
  - (a) Major accidents and fatalities
  - (b) Major fire scenes
  - (c) SWAT incidents
  - (d) Those special events as deemed appropriate by the Commander of the Traffic Section
  - (e) Intersection control at major intersections during peak traffic hours or unusual occurrences

(f) Hazardous material incidents

4. When officers perform traffic control, he/she shall manually control traffic flow and direction until traffic can flow safely and smoothly by automatic control.
5. Officers conducting traffic control shall immediately notify Communications Services of their location and wear their reflective traffic vest and have a whistle, flashlight, and orange directional cone.

### **COMMUNICATIONS RESPONSIBILITIES**

6. Communications Services 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.

### **USING TEMPORARY SIGNALS AND/OR SIGNS**

7. The use of temporary traffic signals and/or signs shall be evaluated by a supervisor of the Traffic Section to determine if the controls are adequate to safely control the traffic at the location.

### **TRAFFIC CHECKPOINTS**

8. 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. (See: **Chapter 61.15 – Traffic Stops and Checkpoints.**)

### **MANUAL OPERATION OF TRAFFIC CONTROL DEVICES**

9. 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.
10. 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 member's Bureau Chief. Prior to use of a manual control device for a traffic control box, the member must receive training from an SOD – Traffic Section training officer or supervisor.

### **MANUAL TRAFFIC DIRECTION**

11. Below are instructions for directing traffic manually.

#### **POSITION**

12. 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.

#### **STANCE**

13. Officers shall assume a posture at the control position which reflects confidence, command and courtesy

#### **COMMAND RESPONSIBILITY**

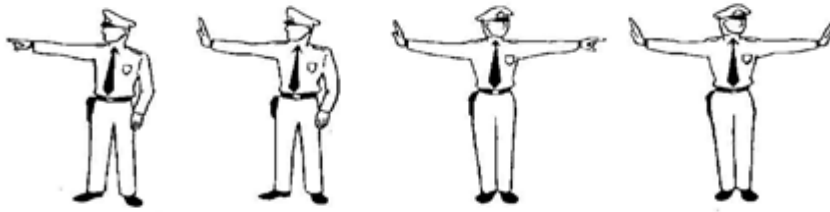
14. When more than one officer is involved in manual direction or control of traffic within the same area, the first officer on the scene shall assume the responsibility of coordinating traffic control.

#### **SIGNALS**

15. 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.
16. 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.
17. 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.
18. 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.
19. 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."

**APPENDIX A: Examples of Manual Traffic Direction Signals**



STOP



GO



RIGHT TURN



LEFT TURN



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.11

### TITLE: SCHOOL CROSSING GUARDS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 507**

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#### PURPOSE

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.

#### GENERAL

1. Adult school-crossing guards are employees of the City of New Orleans under the supervision of a member of the New Orleans Police Department.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.13

### TITLE: DISABLED / STALLED VEHICLES – STRANDED MOTORIST

**EFFECTIVE: 01/14/2018**

**REVISED: 12/20/20**

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#### PURPOSE

The purpose of this Chapter is to provide members of the New Orleans Police Department guidance for providing assistance to motorists in disabled / stalled vehicles within this jurisdiction.

#### OFFICER RESPONSIBILITIES

1. When an on-duty officer observes a disabled / stalled vehicle or receives a dispatch from Communications Services, the officer should make a reasonable effort to provide assistance.
2. If that officer is assigned to a call of higher priority, Communications Services should be advised of the location of the disabled / stalled vehicle and the need for assistance. Communications Services should then assign another available officer or other department member to respond as soon as practicable.

#### EXTENT OF ASSISTANCE

3. A disabled / stalled vehicle / stranded motorist may require assistance from Department members. After assistance is rendered or arrangements for assistance are made, continued involvement by department members will be contingent on:
  - (a) the time of day,
  - (b) the location,
  - (c) the availability of department resources, and
  - (d) the vulnerability of the disabled / stalled motorist / occupants.
4. Officers observing a stranded motorist or being dispatched to the scene of a motorist in need of aid shall provide for the motorist's and all occupants' safety.
5. Officers shall advise Communications Services to notify the **Motorist Assistance Patrol (MAP)**, if in their area of coverage.
6. Assistance shall be provided, but is not limited to the examples given as outlined below:
  - (a) Officers shall offer transportation to drivers and occupants to a location where they may secure assistance from qualified individuals of their choice. These

- rides shall follow the guidelines for Public Safety Rides outlined in **Chapter 10.1** and shall be documented in the same manner.
- (b) Officers shall summon New Orleans Fire Department 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.
7. Officers shall not suggest nor summon private tow wagons to the scene of disabled / stalled vehicles unless a particular vendor is requested by the operator of the vehicle.
  8. Officers shall not recommend any particular tow wagon service to the operator of a motor vehicle in need of such service.
  9. 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 Towing Allocation Office (TAO) on the appropriate talk group of his/her NOPD radio informing them of the need for the vehicle to be immediately removed.
  10. It is the responsibility of the TAO operator to order the appropriate tow service as provided for by current city ordinance and procedure.

#### **ABANDONED VEHICLES**

11. Officers conducting investigations relative to abandoned vehicles shall:
  - (a) Check the vehicle under investigation through NCIC to determine whether or not the vehicle has been stolen.
    - i. If the vehicle is reported as stolen, the necessary reports shall be completed and the incident handled as per current departmental procedure.
    - ii. If the vehicle is not reported as stolen, the officer will attempt to contact the registered owner and notify him/her of the vehicle's location and condition.
  - (b) If the vehicle has been stripped or is in a "junk" condition, and is not blocking a street or causing an immediate hazard, the investigating officer shall contact the Department of Public Works for the City informing them of the need for the vehicle to be immediately removed.
  - (c) 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.

#### **MECHANICAL REPAIRS**

12. Department members shall not make mechanical repairs to a disabled / stalled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.
13. Department member shall not "jump start" a car with a dead/low battery by utilizing the departmental vehicle/battery nor will they allow the motorist to do so.

#### **GUIDELINES FOR USE OF PUSH BUMPERS**

14. Only those marked units equipped with professionally-installed push bumpers shall be used to relocate a vehicle disabled / stalled as a result of a motor vehicle crash or incident or a disabled / stalled vehicle from a dangerous location or position in the travel



lanes to an area of safety in order to prevent possible future injury or damage. (see: LA Rev Stat § 32:155).

15. Only members who have completed the Departmental training in the use of push bumpers may use them to relocate a disabled / stalled vehicle. General guidelines include:
  - (a) The push bumpers are designed for Straight Forward pushing only. They are not designed for maintaining bumper contact while pushing vehicles up into embankments or while turning. Such action will result in the bumper twisting and or the pushed vehicle sliding off the push bumper and damaging the police unit's front bumper and front fenders.
  - (b) If an embankment (incline) or turn is encountered, the police unit should disengage the push, allowing the disabled / stalled vehicle to coast through the incline or turn and then re-engage for a straight forward push once the disabled / stalled vehicle comes to a stop.
  - (c) The police unit should never attempt to re-engage the disabled / stalled vehicle while both vehicles are still in motion. This could result in damage to the police unit and/or the disabled / stalled vehicle as well as injury (whiplash) to the disabled / stalled vehicles driver or passengers.
  
16. On arrival at the scene of a disabled / stalled vehicle, the officer in a fully marked and equipped emergency vehicle with a push bumper shall:
  - (a) Utilize their vehicle as a buffer, while using all available emergency warning lights.
  - (b) Contact the driver / operator of the disabled / stalled vehicle and determine the problem and if pushing is necessary or appropriate.
  - (c) Ask the driver if he/she is physically and emotionally capable of operating the vehicle while it is being pushed.
    - i. If not, request assistance.
    - ii. If yes, explain the procedure and what is required of the driver/operator. (i.e., path, use of lights at night, they may not have power assist for steering and brakes, transmission in neutral, parking brake off, ignition is on, advise where to steer and stop, etc.).
  
17. Officers who determine that the disabled / stalled vehicle should be relocated by use of the push bumper rather than wait for a tow wagon, shall:
  - (a) Assess the feasibility of using the push bumper by ensuring the push bumper aligns properly with the bumper of the vehicle to be pushed. Push bumpers should not be used if they align with the trunk or tailgate of the disabled / stalled vehicle unless exigent circumstances exist and a supervisor approves the use.
  - (b) Explain to the owner/operator of the disabled / stalled vehicle the safety reason for relocating the disabled / stalled vehicle immediately rather than wait for a tow wagon.
  - (c) Document the process, when possible by use of BWC or ICC.
  - (d) Ensure the vehicle to be relocated is unoccupied when being relocated if the wheels and axel are damaged and vehicle will not "roll".
  - (e) Check for fluid leaks other than water only. If fluids (oil, brake fluid, transmission fluid, and engine coolant) have leaked onto the roadway and officer does not have an absorbent available, wait for a tow wagon or MAP unit.
  - (f) Relocate the disabled / stalled vehicle to the closest safe location / position out of the travel lanes
  - (g) Do not exceed 10 mph, as a maximum, while pushing a disabled / stalled vehicle.
  - (h) Notify his/her supervisor of any obvious damage to the disabled / stalled vehicle or unit caused by the use of the push bumper immediately after relocation.
  - (i) Complete any documentation required or directed by his/her supervisor.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.13.1

### TITLE: ABANDONED AND NUISANCE VEHICLES

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 524**

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#### PURPOSE

This Chapter covers the process for the removal, recording and storage of motor vehicles in violation of abandoned vehicle laws and nuisance vehicle laws (**La. R.S. 32:471 thru 476** and **New Orleans City Code § 66-101 thru 116**).

#### DEFINITIONS

**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
- (c) 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
- (d) That has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.
- (e) Left on property owned or operated by the City for a period of more than three days.
- (f) 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. (**New Orleans City Code § 66-102**)

**Nuisance Vehicle**—A motor vehicle on public or private property that is determined by the policing authority to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (a) A breeding ground or harbor for mosquitoes or other insects or a breeding ground or harbor for rats or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or
- (c) A point of collection of pools or ponds of water; or
- (d) A point of concentration of combustible items such as gasoline, oil, other flammable or explosive materials including, but not limited to, boxes, paper, old clothes, rags, refuse, or any other combustible materials or objects of a like nature; or
- (e) One which has parts thereof which may fall and injure members of the public or one which has parts which may fall or be closed and become an area of confinement, such as a trunk lid or door, which may not be released for opening from the inside; or
- (f) One which is so situated and located that there is a danger of the vehicle falling, rolling, turning over, or creating an unsafe movement such as unattended, blocked or jacked vehicles; or

- (g) A point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (h) One which has parts thereof which are jagged or contain sharp edges of metal or glass; or (sic). (**New Orleans City Code § 66-102**)

### MARKING ABANDONED AND NUISANCE VEHICLES

1. 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 item 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 reported stolen.
  - (b) If the vehicle is reported as stolen, the necessary reports shall be completed and the incident handled as per department regulations. (See also: **Chapter 42.10 – Auto Theft Investigations**).
  - (c) If the vehicle is not reported stolen, the officer will attempt to contact the registered owner through Communications Services 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 through Communications Services and a request made to have the vehicle removed by the Department of Public Works (DPW) by calling the Towing Allocation Officer (TAO – Unit 7200 or 658-8100).
  - (e) A police report (EPR) 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.
2. 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)** and **New Orleans City Code § 66-105**).
3. All marked vehicle cards shall be submitted to the SOD – Traffic Section for computer data entry in the Towed Vehicle Database found on the NOPD website ([NOPD.org](http://NOPD.org)) under **Forms / Towed Vehicle Database** unless documented via the CAD system.
4. If a vehicle that was marked as abandoned has been moved or the markings have been removed during the 48-hour observation period, the vehicle shall be marked again for the violation, the 48-hour observation period re-started and a marked vehicle card completed and forwarded to the SOD - Traffic Section.
5. An abandoned or nuisance vehicle which has been documented and a notice has been placed on the vehicle (windshield) by the Department of Public Works (DPW) for the City may be placed on the expedited towing list by notifying Unit 7200 the Towing Allocation Officer or calling 658-8100.
6. An abandoned or nuisance vehicle on the interstate system in New Orleans are handled by the Louisiana State Police and the Louisiana Department of Transportation.
7. All-Terrain Vehicles (ATV) and off-road four wheelers and motor cycles (MC) which are not licensed and operating on City streets in New Orleans are subject to confiscation and towing provided they have not been reported stolen.

**ABANDONED VEHICLE REMOVAL, TOW AND IMPOUND**

8. Any abandoned vehicle to be towed 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. (**Louisiana Towing and Storage Act R.S. 32:1711 through 32:17:35 and New Orleans City Code § 66-108**).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.15.1

### TITLE: VEHICLE CHECKPOINTS

**EFFECTIVE: 10/06/2019**

**REVISED: (Replaces Policy/Procedure 503)**

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#### PURPOSE

The purpose of this Chapter is to set forth guidelines for conducting vehicle checkpoints by commissioned members of the New Orleans Police Department.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to conduct roadway safety and sobriety checkpoints as needed to maintain traffic safety.
2. The purpose of a seat belt, motor vehicle inspection, or motor vehicle liability security checkpoint is to ensure that motorists are licensed and carefully operating their vehicles and that their vehicles are fit for safe operation.
3. The purpose of a sobriety checkpoint is to reduce the number of persons who drive while impaired or intoxicated.
4. A checkpoint may not be used for suspicion-less criminal investigations. However, this does not preclude the use of appropriately tailored checkpoints in response to exigent circumstances. In the event of a situation involving exigent circumstances (e.g., a missing child, identifying witnesses to a crime, or a search for a murder suspect) where a checkpoint may be determined by a supervisor to be necessary, the checkpoint procedures outlined below should be followed, if possible. However, each event must be evaluated based on the facts presented and appropriate action taken.
5. Roadside Safety Checkpoints and Sobriety Checkpoints shall be consistent with the principles of public safety, minimal intrusion and inconvenience to motorists, and protection of the rights of the individuals affected.
6. To ensure standardization, a clear and concise set of written guidelines has been developed governing the operation of checkpoints throughout the state (R.S. 32:295.4). NOPD shall implement this Chapter consistent with federal, state, and local requirements.

#### DEFINITIONS

**Roadside safety checkpoint**—A checkpoint, established by a law enforcement agency

primarily for the inspection of seat belt usage, motor vehicle inspections, and/or motor vehicle liability security in conformity with Louisiana RS 32:295.4. Roadside safety checkpoints are not synonymous with a sobriety checkpoint.

**Sobriety checkpoint**—A checkpoint, established by a law enforcement agency primarily for the detection of impaired drivers who may be in violation of Louisiana RS 14:98 – Operating a vehicle while intoxicated or the municipal equivalent (MCS Section 154-381 for 1<sup>st</sup> and 2<sup>nd</sup> offense DWI arrests).

### COMMON FACTORS FOR ALL VEHICLE CHECKPOINTS

7. Checkpoints may be established on any public highway as defined in LRS 32:1 et seq. and subject to the conditions of this Chapter. Locations for checkpoints will be selected which permit the safe flow of traffic through the checkpoint, and consideration should be given to:
  - (a) Posted speed limits, traffic volume and visibility.
  - (b) Ensure that sufficient adjoining space is available to relocate detained vehicles safely off the travel portion of the roadway.
  - (c) Consider other conditions such as weather, time of day, or distractions that may pose a hazard to officers and detained motorists.
8. Checkpoints shall be designed to ensure the safety of the motoring public as well as law enforcement officers involved.
9. Officers shall utilize all issued and/or available safety equipment when conducting a checkpoint. Departmentally approved reflective safety vests shall be worn at all times when conducting a checkpoint. Use of police emergency lights are authorized but must not be positioned or used in a manner to impede observation of officers, vehicles or persons on the scene. Officers should utilize checkpoint construction diagrams to assist with placement of safety devices.
10. All Department vehicles used to conduct vehicle checkpoints shall be equipped with operable, emergency lights and sirens. Marked patrol units should be positioned in such a way as to provide maximum visibility.
11. The Traffic Section Commander or assigned Traffic Section supervisor shall establish and provide the location, time, and duration for all checkpoints in written form. The location shall be selected by Traffic Section supervisory or other administrative personnel rather than the field officers or supervisors of the District in which the checkpoint takes place, using objective criteria based on relevant data. Relevant data may include:
  - (a) Unusual incidence of alcohol/drug related crashes;
  - (b) Alcohol/drug impaired driving violations;
  - (c) Unusual number of nighttime single vehicle crashes; or
  - (d) Any other documented alcohol/drug related vehicular incidents.
12. The location to be used shall fulfill certain minimum requirements:
  - (a) A secondary screening is free from business and residential driveways, alleys and intersecting streets or highways.
  - (b) Well-drained, all-weather roadways and parking areas.
  - (c) Reduced opportunity for avoiding or escaping the checkpoint site.
13. 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.

14. NOPD shall provide 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. 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.
15. The Traffic Supervisor and all other personnel and equipment shall be in the proper place and operational before the first subject vehicle is stopped.
16. Motorists who wish to avoid the checkpoint by turning before entering the checkpoint area may do so, though if an officer observes a traffic violation or has probable cause to take other action, the officer may stop the motorist.
17. Checkpoints should be highly publicized by the NOPD Public Information Office. The specific location and duration of the checkpoint shall be given at the discretion of the Traffic Section Commander.
18. Traffic Supervisors shall ensure that a sufficient number of officers are scheduled to safely perform a checkpoint. 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.
19. Commissioned officers from other Districts and Bureaus may participate in checkpoints established by the Traffic Section. If the officer is to interact directly with the driver of the vehicle, he/she must be SFST (Standardized Field Sobriety Test) trained and certified.
20. The Traffic Section supervisor in charge of the checkpoint shall ensure that NOPD personnel and all assisting officers conduct themselves in a professional manner and conform to the NOPD checkpoint procedures established by law and this Chapter.
21. Prior to conducting a checkpoint, the Traffic Section checkpoint supervisor shall discuss and thoroughly explain to all officers participating in the checkpoint operation the following items:
  - (a) The goals of the checkpoint.
  - (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 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.
22. While conducting a checkpoint, NOPD will use systematic, nonrandom criteria for stopping motorists. 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. The Traffic Section commander or the Traffic Section supervisor in command of the checkpoint shall determine the systematic selection process.
23. Officers shall explain the purpose of the checkpoint to the motorist upon his/her initial approach to the vehicle.
24. Motorists 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 reasonably necessary. Vehicles and persons detained for suspected violations of DWI laws shall be processed in accordance with **Chapter 61.1.11 – D.W.I. Procedures.**

25. All drivers stopped at a checkpoint shall have their operator's license, vehicle registration papers and proof of insurance requested and checked for validity.
26. NOPD shall insure the detention of motorists at a checkpoint is for a minimal length of time.
27. The Traffic Section supervisor shall gauge whether anxiety of motorists, average length of detention, or safety considerations necessitate the cancellation or modification of the checkpoint order. The Traffic supervisor must provide full documentation of any deviation from the predetermined plan in the respective Checkpoint Report.
28. NOPD shall use a systematic procedure for data collection to monitor and ensure the standardization and consistency of the checkpoint program.
29. The supervisor authorizing the checkpoint shall designate one of the Traffic Section supervisors present during the checkpoint event to complete an incident report on the matter utilizing signal 21. The report should include, at least, the following information:
  - (a) The purpose, location, time, and actual duration of the checkpoint;
  - (b) How specific instructions regarding the operation of the checkpoint were executed;
  - (c) The methodology used to stop vehicles in a systematic, non-random manner;
  - (d) The number of vehicles checked and the officer doing the counting;
  - (e) The number of citations issued;
  - (f) The number of arrests, if any, the associated item number(s), if any, and respective signals resulting from the operation of the checkpoint; and
  - (g) Objectively outline criteria utilized in the site selection process for all checkpoints.
30. NOPD shall periodically assess the data collected during checkpoints to ensure that checkpoints are not being deployed in a manner that discriminates on the basis of protected categories, such as race (see **Chapter 41.13 – Bias Free Policing**), and that chosen locations are supported by objective data. If NOPD discovers that checkpoints are having a disparate impact, NOPD shall assess whether alternative strategies resulting in less disparate impact could achieve the same aims.
31. Checkpoint supervisors shall have participating officers explain the purpose of the checkpoint to the motorists as they approach the vehicle.
32. For a checkpoint other than a sobriety checkpoint, officers should use a uniform statement/question to the driver. For example, the officer could state, "**Good evening. You have been stopped at an NOPD Safety checkpoint. We are utilizing checkpoints in an effort to ensure that motorists are licensed and carefully operating their vehicles and that their vehicles are fit for safe operation.**"
33. For a sobriety checkpoint, officers should follow these guidelines:
  - (a) Use a uniform statement/question to the driver. For example, officers could state, "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) Officers should observe 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.

- (c) If the driver's response is "**no**" and there is no other legal basis to support continued detention of the vehicle, the officer should permit the motorist to proceed.
  - (d) If the driver's response is "**yes**", ask "**how much and when.**" Depending on the answers and other observable evidence or officer observations as described herein, 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 operate his vehicle or remove it from the inspection location.
34. Those persons stopped at a checkpoint who are suspected of impairment should be subjected to the battery of Standardized Field Sobriety Tests (SFST) and processed according to **Chapter 61.1.11 – D.W.I. Procedures.**

### **TRAINING**

35. The Traffic Section commander shall ensure that appropriate training is provided for officers participating in traffic checkpoints.
36. The Traffic Section commander should relate any training issues as they become apparent that are relevant to improving the department's operations to the Education & Training Division.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.17

### TITLE: TRAFFIC FUNCTION AND RESPONSIBILITY

**EFFECTIVE: 05/20/2018**

**REVISED: (Replaces Policy/Procedure 500)**

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#### PURPOSE

This Chapter outlines how the NOPD utilizes traffic law enforcement to reduce crashes and improve the safety and quality of life of the community.

#### POLICY STATEMENT

1. 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.
2. This department provides traffic law enforcement efforts in proportion to the frequency of the violation's occurrence in crash situations and in terms of traffic-related complaints from the community.
3. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other related data.
4. Aggressive traffic enforcement with a high priority given to violations of driving while intoxicated (DWI) and school zone speed enforcement is encouraged.

#### TRAFFIC OFFICER DEPLOYMENT

5. Several factors are considered in the development of traffic enforcement assignments for officers of the New Orleans Police Department. Information provided by the Louisiana State Police is a valuable resource for traffic crashes and therefore officer deployment. Some of the crash factors for analysis include the following:
  - (a) Location
  - (b) Time
  - (c) Day
  - (d) Violation factors
6. All officers assigned to patrol or traffic enforcement functions shall emphasize:
  - (a) Enforcement of traffic laws,
  - (b) Crash-causing violations during those periods and at those locations where the

- incidence of crashes is increased,
  - (c) Directed enforcement action on request,
  - (d) Random enforcement action when appropriate, against violators of traffic laws, and
  - (e) High visibility while working general enforcement, especially at high-crash incidence locations.
7. Other factors to be considered for traffic enforcement deployment are community requests, construction zones, school zones or special events.

#### **ENFORCEMENT QUOTAS AND BIAS**

8. Traffic law enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation. This department does not establish ticket "quotas." The arrests or citations issued by an officer shall not be used as the sole criteria for evaluating the officer's overall performance (R.S. 40:2401.1).
9. The enforcement of traffic violations and the reporting of traffic stops shall be in compliance with law and **Chapter 41.13 – Bias-Free Policing**.

#### **WARNINGS AND STOPS WITHOUT CITATION OR ARREST**

10. Verbal warnings may be considered in lieu of a traffic citation for minor traffic infractions when based on permissible factors dealing with the driving behavior and within the limitations of **Chapter 41.13 – Bias-Free Policing**.
11. Verbal warnings are not permitted in lieu of citation when a crash investigation has been completed.
12. Written warning citations for violations of motor vehicle laws are specifically **PROHIBITED** (R.S. 32:398.1C).

#### **TRAFFIC CITATIONS**

13. Traffic citations shall be issued when an officer has probable cause to believe a violation of the State or Municipal motor vehicle laws has occurred and he/she believes it is necessary to deter future violations.
14. Officers shall fully explain to the motorist the rights and requirements imposed on motorists when issued a citation for a traffic violation in accordance with **Chapter 61.3 – Traffic Citations**.

#### **PHYSICAL (CUSTODIAL) ARREST**

15. Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases are outlined in **Chapter 61.3 – Traffic Citations**.

#### **HIGH-VISIBILITY VESTS REQUIRED USE**

16. Officers conducting directed traffic enforcement shall employ American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to members who may be exposed to hazards presented by traffic control duties, accident investigations, lane closures, disaster scenes, passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

17. 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.
18. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit or when directed by a supervisor.
19. 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.
20. High-visibility vests may be used any time a plainclothes officer might benefit from being readily identified as an officer.

#### **STATIONARY OBSERVATION**

21. 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 an overt patrol.

#### **VISUAL TRAFFIC PATROL**

22. The tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol. When there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.
23. Uniform patrol officers, including officers assigned to traffic enforcement, shall monitor areas where complaints of traffic violations are of an on-going nature including school zones prone to violations.
24. Enforcement will be directed toward high hazard intersections, speeding complaints, and as indicated by statistical reports.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.20

### TITLE: COMPULSORY MOTOR VEHICLE LIABILITY SECURITY

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 509**

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#### PURPOSE

The purpose of this Chapter is to provide officers with the process to be utilized when an operator of a motor vehicle cannot provide evidence of motor vehicle liability security when stopped by an officer of the New Orleans Police Department.

#### DEFINITION

**Certificate of Insurance**—The written evidence of motor vehicle liability insurance as defined by state law 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).

#### INSTRUCTIONS

1. Evidence of compulsory motor vehicle liability security are required to be maintained within all vehicles:
  - (a) Registered within the state of Louisiana, and
  - (b) Operated on any public highway or street in Louisiana.

2. Officers stopping a motor vehicle, 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).
3. 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 Chapter, 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 his/her administrative hearings rights (La. R.S. 32:863.1).
4. 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.
5. The officer shall remove and confiscate the license plate from the vehicle, if registered in the State of Louisiana.
6. Confiscated vehicle license plates will be listed on the **NOPD Compulsory Insurance Violation Notices and Seized Plates Receipt Form**. When available, the SOD-Traffic Section Ticket Processor shall pickup the original and shall forward the paperwork daily (Monday through Friday) between the hours of 8:00 a.m. and 4:00 p.m. to the Louisiana Department of Motor Vehicles. If the Ticket Processor is not available, the District shall be responsible for delivering the paperwork. 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.

#### **DUTY OF OFFICERS TO OCCUPANTS OF SEIZED VEHICLES**

7. Officers shall 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.

#### **DUTY OF OFFICERS TO OCCUPANTS OF SEIZED VEHICLES**

8. Officers may elect not to seize a vehicle for failure to show documentation of compulsory insurance in the following instances:
  - (a) The vehicle contains an occupant under the age of 12 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 believes that there would be a threat to public safety or to the occupants of the motor vehicle; and
  - (c) The assistance to relocate causes an undue burden upon the officer due to staffing constraints or working conditions.
9. 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.

#### **PERSONAL PROPERTY**

10. Officers shall complete a vehicle inventory using the **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 is included on the form where indicated. The top and bottom portions of Form 39 shall be completed.
11. Copies of the Vehicle Storage - Tow Request and Inventory Record Form shall be distributed as indicated on the form.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.21

### TITLE: VEHICLE TOWING AND RELEASE

**EFFECTIVE: 04/15/2018**

**REVISED: Replaces Policy/Procedure 510**

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#### PURPOSE

The purpose of this Chapter is to provide a process for towing a vehicle by or at the direction of the New Orleans Police Department.

#### DEFINITIONS

**Non-Consent Tow**—The towing of a motor vehicle where the vehicle operator has not called a towing service for assistance and is unable or unwilling to do so.

**Heavy-Duty Vehicle**—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.

**Vehicle Inventory Search**—A warrantless search of a lawfully impounded vehicle conducted by police. An inventory search is not a search for evidence of a crime. The purpose of an inventory search is for the police to determine the contents of a vehicle in order to fulfill a variety of administrative functions. Those include:

- (a) Protecting the owner's property while in law enforcement custody;
- (b) Protecting law enforcement against claims or disputes over lost/stolen property; and
- (c) Protecting law enforcement from potential dangers located in the property.

Although incriminating evidence may be discovered in an inventory search, the discovery of such evidence must not be its intended purpose. An inventory search is not to be a ruse for a general rummaging in order to discover incriminating evidence or circumvent the search warrant requirement.

#### VEHICLE STORAGE REPORT

1. 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.
2. The pink copy of the NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be given to the tow truck operator and the original turned in to the



officer's unit before the officer's end of tour of duty (ETOD).

3. The original NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be forwarded by the seizing officer's unit to the ISB – CID – PCI – Auto Theft / Towing & Recovery Unit no later than three working days after the vehicle is towed.

#### **REMOVAL FROM A TRAFFIC CRASH SCENE**

4. The investigating officer, upon arrival at the scene of a crash, shall determine if a tow truck from the allocation list is required to clear the scene to ensure public safety and promote the continued free flow of traffic.
5. Officers handling crashes shall inform the operators of motor vehicles involved in a crash they must remove the damaged vehicle from the public roadways, adjacent service lanes, or other city and state property within one hour after completion of the police investigation of an accident.
6. 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 investigating officer is responsible for ensuring such vehicle is removed within this time limit.
7. When a vehicle has been involved in a crash and must be removed from the scene, the officer shall:
  - (a) If possible, have the driver select a towing company and shall relay the request for the specified towing company to Communications Services if the driver cannot call them.
  - (b) When there is no preferred towing company requested, one shall be selected from the Call Allocation List of towing companies maintained in Communications Services.
8. If a towing company initially selected by either the driver or from the Call Allocation List fails to respond within 45 minutes, the officer shall have Communications Services select the next available towing company from the rotational list of towing companies (La. R.S. 32:1735).
9. If the driver / owner is incapacitated or it is necessary for the Department to assume responsibility for a vehicle involved in a crash, the officer shall:
  - (a) Request Communications Services contact a company from the Call Allocation List;
  - (b) Conduct an inventory of the contents of the vehicle and document the inventory in the EPR or on the Form 39 as applicable to the incident;
  - (c) Place all inventoried contents on the books at CE&P as "PROPERTY" of the owner of the vehicle if they cannot be turned over to the owner at the time of seizure of the vehicle: and
  - (d) Store the vehicle using the **NOPD Vehicle Storage - Tow Request and Record Inventory Form** (Form 39) following review and approval by his/her supervisor.
10. Vehicles involved in auto crashes, found to be in violation of the Compulsory Motor Vehicle Liability Security law (**La. R.S.32:863.1**), 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 deemed at fault.
11. Vehicles involved in a crash and being towed for violations of Compulsory Motor Vehicle Liability Insurance **must be towed from the Call Allocation List.**

**PREFERRED TOWING BUSINESSES**

12. 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 will be requested from the Call Allocation List.
13. If the operator has a preferred towing and recovery vendor which has not been contacted, the investigating officer shall notify the police
14. 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.
15. When the operator preferred towing business has been notified by the towing allocation dispatcher, the Towing Allocation Officer (TAO) shall notify the investigating officer of the acknowledged response from the preferred towing business.
16. The operator's preferred towing business shall have a total of 45 minutes to arrive on the crash scene from the time of notification by the Towing Allocation Officer (TAO).
17. If the operator's preferred towing business informs the TAO that they cannot respond within the allotted time frame, the TAO shall then advise the investigating officer.
18. If the operator 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.

**NON-CONSENT TOW – TOWING ALLOCATION OFFICER**

19. In those instances where the operator of a motor vehicle involved in a crash, 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 utilize the New Orleans Police Department Call Allocation List.
20. 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.
21. 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.
22. The vehicle information shall be provided to the TAO in the same order that they appear in the police report:
  - (a) Description of vehicle,
  - (b) License plate number of the vehicle,
  - (c) Name of operator of the vehicle,
  - (d) Type of tow truck needed, and
  - (e) Name of requesting officer/unit number.
23. The requesting officer shall obtain acknowledgement of the notification of the tow company by the TAO on "**DSP TAO.**"

24. 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.
25. 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 Call Allocation List.
26. 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 in route.
27. The on scene officers shall ensure the roadway is cleared as soon as possible. The officer(s) 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 must be moved to ensure public safety.
28. If a tow truck from the Call Allocation List arrives at the scene and is unable to provide the necessary services, they must immediately notify the on scene officer.
29. Any substitute truck must be from the same company and such delivery must be within a time period not exceeding an additional 30 minutes.
30. 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. That towing business has 45 minutes to arrive on the scene.

#### **ADDITIONAL TOWING RESPONSIBILITIES**

31. The 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.
32. The investigating officer shall ensure that all towing service businesses, whether called from the NOPD Call Allocation List or by the vehicle operator, clean all debris from a crash scene, for each vehicle assigned. The investigating officer shall monitor the clean-up of a crash scene and prohibiting the towing and removal of the vehicle until all such debris has been cleared.
33. 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 is 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 in advance by the registered owner of the vehicle, the vehicle operator, or the New Orleans Police Department.

#### **STORAGE AT AN ARREST SCENE**

34. Whenever a person in control of a vehicle is arrested, this department will provide reasonable safekeeping by towing the arrestee's vehicle, subject to the exceptions described below.
35. The arrestee's vehicle shall be towed whenever:
  - (a) It is needed for the furtherance of an investigation or prosecution of the case, or
  - (b) When the community caretaker doctrine would reasonably suggest that the

vehicle should be towed (e.g., traffic hazard, high crime area).

36. Officers should impound a vehicle and complete the **NOPD Vehicle Storage - Tow Request and Record Inventory Form** (Form 39) including review and approval by a supervisor, whenever a vehicle is:
- (a) Evidence in a crime and needs to be held for prosecution.
  - (b) Suspected of containing evidence which cannot be collected in the field.
  - (c) A recovered stolen vehicle or displays evidence consistent with auto theft and:
    - i. The owner or other responsible party cannot be contacted.
    - ii. A supervisor authorizes impoundment based on a need to secure the vehicle.
37. Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing include:
- (a) Providing the vehicle can be lawfully parked.
  - (b) Leaving the vehicle in a reasonably secured and safe condition.
  - (c) Traffic related warrant arrest.
  - (d) Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings.
  - (e) Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
  - (f) 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 officer shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.
35. 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.
36. 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.
37. 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 Almonaster Auto Impound, the vehicle's cargo may be transferred to a responsible party.
38. When it is necessary to contact the 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, Almonaster Auto Impound.
39. If a responsible party cannot be contacted or cannot take custody of the perishables within a reasonable time frame, the impounding officer shall contact his/her supervisor and notify him/her of the circumstances and results of the attempts. The supervisor must approve the disposal of the perishables and the process and manner in which it will take place. The perishable items shall be disposed before they become a nuisance or dangerous by placing the items in the correct waste disposal container and, if necessary, notifying the City's waste management contractor to empty the waste container(s). Photographs should be taken to document the items being disposed of and the location (container) in which they were placed. This process and approval shall be documented

in the official report of the impoundment.

### **DRIVING A NON-CITY VEHICLE**

38. 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:
- (a) Move a vehicle a short distance to eliminate a hazard,
  - (b) Prevent the obstruction of a fire hydrant, or
  - (c) To comply with parking regulations.

### **AUTO THEFT - TOWING AND RECOVERY UNIT**

39. Impoundment Forms completed by department members and notifications of impoundments received from non-city storage facilities shall be promptly documented and filed by the ISB – CID – Auto Theft / Towing and Recovery Unit so that they are immediately available for release or review should inquiries be made (**R.S. 32:1718(B)**).

### **UNSOLICITED RESPONSE VIOLATION BY A TOWING BUSINESS**

40. 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.
41. Officers shall identify all towing businesses on a crash scene both prior to and after an officer's arrival to ascertain if the tow truck was requested by the operator.
42. Enforcement action taken against a tow truck company for unsolicited response shall require a separate item number than the traffic incident or crash.
43. A copy of the municipal affidavit(s) and/or summons(es) shall be forwarded to the ISB – CID – Auto Theft / Towing and Recovery Unit within 24 hours of the occurrence.

### **HEAVY-DUTY TOWING VEHICLE REQUEST**

44. All requests for heavy duty towing shall be made through the “**DSP TAO**” towing allocation officer. All procedures outlined under this policy shall apply to heavy-duty towing / vehicles.

### **VEHICLE STORAGE - TOW REQUEST - INVENTORY SEARCHES**

45. All property in a stored or impounded vehicle shall be inventoried and listed on the **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) or the applicable EPR and placed on the books at CE&P as “PROPERTY” of the owner of the vehicle if they cannot be turned over to the owner at the time of seizure of the vehicle. This includes the trunk and any compartments or containers, even if they are closed and/or locked.
46. Members conducting inventory searches should be as thorough and accurate as possible in preparing an itemized inventory. Inventory procedures are for the purpose of protecting an owner's property, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

47. Vehicles containing non-fixed, removable items in or on the vehicle shall be noted in the remarks section of Form 39 or the applicable EPR and placed on the books at CE&P as "PROPERTY" of the owner of the vehicle if they cannot be turned over to the owner at the time of seizure of the vehicle.
48. The inventory shall be made in the presence of the tow company driver. The signature of the tow company driver is required on all inventory forms.
49. Investigating officers shall complete the **NOPD 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.
  - (b) When the operator of a vehicle involved in a crash has been removed from the scene (hospitalized or arrested), and there is no concerned individual to take possession of the vehicle, the operator's 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.
50. If the potential for damage to a locked container appears to outweigh the protection of the items inside, other options should be considered regarding locked containers including:
  - (a) Obtaining access to the locked container from the owner;
  - (b) Placing the locked container into safekeeping; or
  - (c) Obtaining a written waiver of responsibility for the contents of the locked container.
51. Copies of the **NOPD Vehicle Storage - Tow Request and Inventory Record Form 39** shall be distributed as indicated on each page.
52. Investigating officers shall not complete the **NOPD Vehicle Storage - Tow Request and Inventory Record form** on crashes where the vehicle operator is on the scene and towing services have already been ordered by the operator with no involvement of the Department.

#### **PRESERVATION OF EVIDENCE**

53. An officer removing a vehicle from a scene who has probable cause to believe that the vehicle or its contents constitute 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, shall ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage in NOPD custody and control, are taken until the evidence is released to the owner or otherwise disposed of according to law.
54. Generally, officers may not search vehicles, even incident to arrest, unless the officer has obtained a search warrant or can show that another exception to the warrant requirement applies. (See: **Chapter 1.2.4 – Search and Seizure**).

**SECURITY OF VEHICLES AND PROPERTY**

55. Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers 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.
56. Prior to vehicle's removal from the scene, officers shall remove any movable property from the passenger compartment of the vehicle. Movable property must be processed in accordance with **Chapter 84.1 – Evidence and Property**.
57. This property may be placed in the trunk of the vehicle only if the owner is present and the key to the trunk is returned to the owner.
58. If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, members conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

**PROHIBITED ACTS**

59. No employee of the New Orleans Police Department may own, have a financial interest in, or otherwise be in the employ of any company or business engaged in the towing and recovery business, work secondary employment for such a company or business, or act as an agent of such a company or business.
60. Employees are prohibited from recommending, offering, soliciting, or forcing the services of any towing business to the operator or representative of a crash vehicle other than as assigned by this Chapter.
61. 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.

**TOWING AND RECOVERY SECTION: DUTIES AND RESPONSIBILITIES**

62. The following duties shall be performed by the Auto Theft / Towing and Recovery Unit.
  - (a) To manage the Call Allocation List that has been established by Municipal Ordinance Sec. 162-998 for towing and recovery of motor vehicles involved in crashes, 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 Unit 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.
63. The **New Orleans Police Department Towing Allocation Inspection Sticker** shall be affixed to the inside windshield, on the driver's side, above the motor vehicle inspection sticker, 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.

64. 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 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.
65. The Towing and Recovery Unit 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 Unit 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 Unit.





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.22

### TITLE: IMPOUNDMENT OF MOTOR VEHICLES INVOLVED IN CRIMINAL ACTIVITY

**EFFECTIVE: 04/22/2018**

**REVISED: Replaces Policy 512**

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#### PURPOSE

The purpose of this Chapter is to establish the guidelines for the impoundment and towing of motor vehicles in criminal investigations and those instances not covered by **Chapter 61.2 - Compulsory Motor Vehicle Liability Security** and **Chapter 61.21 - Vehicle Towing and Release**.

#### POLICY STATEMENT

1. The NOPD impoundment of motor vehicles by the Department shall 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 on scene or 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:
    - i. The owner or other responsible party cannot be contacted to recover same;
    - ii. An officer on the scene determines the need to secure the vehicle to prevent further damage or removal; and
    - iii. A supervisory officer on the scene authorizes the impoundment.
2. Motor vehicles which are to be examined by a Crime Scene Technician (CST) shall not be removed from the scene without the approval of the Crime Scene Technician or the CST Supervisor.
3. Motor vehicles shall be processed in accordance with **Chapter 83.1 – Collection and Preservation of Evidence**.
4. Motor vehicles secured in an evidence cage shall be processed within 48 hours, depending upon the availability of Crime Scene Technicians.
5. Once a vehicle has been processed, the investigating officer shall be responsible for

- notifying the Homicide Unit for coordinating the removal of the vehicle from the evidence cage.
6. The criteria used by the Orleans Parish District Attorney's Office (DA's Office) for determining the status of a vehicle after processing is:
    - (a) If an arrest has been made in the case at the time of impoundment and processing, the DA's Office must approve the release of the vehicle. The vehicle shall be impounded until released by the DA's Office.
    - (b) If no arrest has been made in the case at the time of impoundment and processing, the vehicle shall be stored at the Almonaster Auto Impound after release from processing.
  7. If charges are subsequently refused by the DA's Office, they will advise the investigating officer and the Homicide Unit that the vehicle may be released to the owner.
  8. If an arrest is made after the vehicle is in Almonaster Auto Impound storage and the case is accepted for prosecution by the DA's Office, the vehicle must be held until a defense attorney is appointed / hired and the DA's Office will notify the defense attorney of the availability of the vehicle for inspection (usually a 10 day range). Once the time limitations have elapsed, the DA's Office will advise the investigating officer and the Homicide Unit that the vehicle may be released to the owner.
  9. Investigating officers **shall not place** impounded motor vehicles outside of the evidence cages in the clearly marked no parking zones around the evidence cages.

## DEFINITIONS

**Evidence**—Property as defined herein, 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 tend to prove or disprove the facts of a case.

**Property**—Any material object of value, however slight, tangible or intangible.

## SEARCHING IMPOUNDED MOTOR VEHICLES

10. Officers seeking to search impounded motor vehicles for evidentiary purposes shall apply for and obtain a search warrant within 24 hours of impoundment of the vehicle. (See: **Chapter 1.2.4 – Search and Seizure** and **Chapter 1.2.4.2 – Search Warrant Forms and Reviews**.)
11. A copy of the search warrant shall be placed inside the searched motor vehicle. The copy shall be placed in such a location where it is believed it will not be damaged or destroyed due to weather conditions. (Examples include a closed glove box, inside a locked trunk, or other secure location.)
12. All evidence or property removed from the vehicle shall be processed in accordance with departmental policy (see: **Chapter 83.1 – Collection and Preservation of Evidence**).
13. A complete inventory of all property found in the impounded vehicle shall be made, whether or not the property found is of evidentiary value or not.
14. A copy of the search warrant shall be left with the Almonaster Auto Impound in all instances where a motor vehicle is searched at a site operated by the Department of Public Works. Officers shall execute the search warrant after signing the investigative

log book at the Almonaster Auto Impound.

## GENERAL INFORMATION

15. When a motor vehicle is impounded, the exigent circumstances exception for a warrantless search is nullified. **All evidentiary searches of impounded motor vehicles must be performed pursuant to a search warrant.**
16. All field units shall have an adequate supply of NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) in their possession at all times.
17. Motor vehicles authorized for impoundment shall be taken directly to either:
  - (a) The Department of Public Works' Almonaster Auto Impound, or
  - (b) The NOPD evidence cage on the first floor of the rear of Police Headquarters.
18. The City of New Orleans' Almonaster Auto Impound is operated and supervised by the Department of Public Works and shall store motor vehicles impounded by NOPD. **Vehicles impounded for "safe keeping" (non-evidentiary) shall not be towed to the evidence cage.**
19. Other city agencies (towing, auto pound, etc.) accepting custody of the vehicle shall be allowed to keep and/or photocopy the original NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) for their records.
20. Motor vehicles impounded because they were used in the commission of a crime and impounded for processing by the SCIS - Crime Lab or for other evidence related purposes shall be deposited in the NOPD evidence cage.
21. The removal of property from the interior of a motor vehicle will only be allowed when the vehicle is not to be processed by a Crime Scene Technician from the Scientific Criminal Investigation Section (SCIS – Crime Lab) and the vehicle's interior is not considered a crime scene by the investigating officer. (See: **Chapter 61.21 – Vehicle Towing and Release**).
22. The SCIS – Crime Lab shall be responsible for the management and maintenance of the evidence cage.
23. The NOPD NCIC Unit shall maintain a copy of all keys related to the evidence cage and shall ensure they are accounted for at all times.
24. 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. In all cases, a written record of each person entering the cage shall be made by the investigating officer.
25. 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.
26. 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.

27. 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 Almonaster Auto Impound, the vehicle's cargo may be transferred to a responsible party.
28. When it is necessary to contact the 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, Almonaster Auto Impound.
29. If a responsible party cannot be contacted or cannot take custody of the perishables within a reasonable time frame, the impounding officer shall contact his/her supervisor and notify him/her of the circumstances and results of the attempts. The supervisor must approve the disposal of the perishables and the process and manner in which it will take place. The perishable items shall be disposed before they become a nuisance or dangerous by placing the items in the correct waste disposal container and, if necessary, notifying the City's waste management contractor to empty the waste container(s). Photographs should be taken to document the items being disposed of and the location (container) in which they were placed. This process and approval shall be documented in the official report of the impoundment.

#### **INVESTIGATING OFFICER RESPONSIBILITIES**

30. Officers seeking to impound a motor vehicle shall complete a **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) and have their supervisor review the form for completeness before signing the approval authorizing impoundment.
31. The completed **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) 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 a crash or when found to be in violation of the mandatory compulsory liability security law.)
32. 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 the Central Evidence and Property Section in accordance with department policy. Motor vehicles containing movable property in the passenger compartment will be refused at the Almonaster Auto Impound. A complete inventory of all property found in the impounded vehicle shall be made, whether or not the property found is of evidentiary value or not.
33. Upon having a motor vehicle placed inside of the evidence cage, the investigating officer shall copy the **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) in triplicate. The original completed **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) 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 NOPD NCIC Unit. The third copy shall be maintained by the investigating officer for his/her file.
34. Investigating officers **shall be present** at the time the motor vehicle is processed by the Crime Scene Technician, documenting within his/her investigative report what actions were taken by the technician.
35. After the motor vehicle has been processed in the evidence cage by the SCIS - Crime

Lab, the investigating officer shall submit the **Vehicle Release Authorization Form #353** to the Homicide Section **if the vehicle is not to be retained as evidence.**

### **NOPD NCIC UNIT RESPONSIBILITIES**

36. The NOPD NCIC Unit shall maintain the Vehicle Evidence Log Book and shall ensure it is completed when a vehicle is placed in the evidence cage. NOPD NCIC Unit members shall sign the NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) upon accepting custody of a motor vehicle to be placed in the evidence cage. A copy of the NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be obtained by NOPD NCIC Unit members. The NOPD NCIC Unit shall maintain a copy of all keys related to the evidence cage and shall ensure they are accounted for at all times.

### **RELEASE OF IMPOUNDED MOTOR VEHICLES**

37. Impounded motor vehicles may be designated for release pursuant to the guidelines of this Chapter by the investigating officer and/or the Office of the District Attorney.
38. Motor vehicles not designated for release to the owner by the investigating officer and/or the Office of the District Attorney shall be held as follows:
- (a) Motor vehicles which are held for misdemeanor municipal offenses (violation of municipal ordinance) may be impounded for a maximum of five days.
  - (b) 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 30 days. Investigating officers may request that a vehicle be held for an extended period of up to 30 additional days. This request shall be made in writing to the Almonaster Auto Impound. Any requests for impoundment beyond the 30 additional days shall be made in writing and approved by the investigating officer's Bureau Chief.

**NOTE: 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.**

39. Persons seeking release of impounded motor vehicles shall be advised to do so during office hours of the Department of Public Works, Almonaster Auto Impound: Monday through Friday, excluding holidays, from 8:00 A.M. to 4:00 P.M.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 71.1

### TITLE: PRISONER TRANSPORTATION AND GUARDING

**EFFECTIVE: 12/6/15**

**REVISED: Replaces Policy 453**

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#### PURPOSE

The purpose of this Chapter is to govern the transportation of persons in custody by law enforcement officers of this Department between points of arrest and initial booking, the transportation of persons in custody between jurisdictions and facilities and the temporary guarding of persons in custody in treatment settings.

This Chapter provides for the safety and security of persons in custody, the transporting officers, and the public.

#### POLICY STATEMENT

Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of NOPD that officers are to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody. The transporting officer should never assume that the prisoner was searched by another officer. The Officer transporting the subject shall use the degree of restraint that is objectively reasonable to safely complete the task.

#### DEFINITIONS

Definitions relevant to this Policy include:

**Guard detail**—The act of providing security over a person while he or she is in the custody of the NOPD and being evaluated for treatment, undergoing treatment or being admitted to a health care facility that has been charged with the commission of an offense that requires physical booking and incarceration. Once the booking paperwork has been turned over to the Sheriff's Office for processing, the responsibility for the person in-custody's security, by law, rests with the sheriff.

**High-Risk Prisoner**—A person in custody for a crime or in transport between detention facilities who is a:

- Violent or hostile individual;
- Suspect charged with violent crimes;
- Suspect with known record for assaulting officers and/or attempting escapes; and

An individual with known mental history including commitment. (Procedures listed herein do not apply when the Crisis Transportation Service is involved in the transportation of a patient – see **Chapter 41.26 – Crisis Transportation Service**).

**Prisoner**—An individual who is lawfully in the physical custody of an officer. A prisoner may be a suspect but may also include others for whom the officer has lawful authority to take into custody.

**Suspect**—An individual who is reasonably believed to have a connection to criminal activity.

### **GENERAL PROVISIONS**

1. Suspects in custody for traffic arrests will not be transported with other suspects charged with non-traffic related crimes unless they are arrested from within the same vehicle and are known to each other.
2. Juveniles will not be transported with adult arrested subjects.
3. Male and female prisoners will not be transported in the same vehicle.
4. Prisoners showing hostility toward each other will not be transported in the same vehicle.
5. No more than three arrested subjects will be transported in one patrol vehicle at one time, but, only the number of prisoners for which there are functioning seat belts.
6. Under no circumstances will arrested subjects be transported in the front seat of a vehicle.
7. Officers will not transport arrested subjects to a district police station or any other location than a booking facility except for the purpose of taking statements or debriefing by officers **after** obtaining approval from their supervisors. The transport, reason and approval must be specifically noted on the officer's and the supervisor's Daily Activity Sheet.

### **OFFICER RESPONSIBILITIES**

8. Vehicle Inspection:
  - (a) At the beginning and end of each tour of duty, the officer assigned a vehicle regularly used for prisoner transport shall inspect it for readiness as follows:
    1. The safety screen shall be securely in place and undamaged.
    2. All windows shall be intact and outer door latches in proper working order.
    3. Rear-seat door handles and window controls shall be deactivated.
    4. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left behind or hidden within the vehicle.
  - (b) Prior to placing a prisoner in the vehicle for transport, the transporting officer shall inspect the interior for weapons or contraband.
  - (c) The transporting officer shall inspect the vehicle again after the prisoner has been delivered to the detention facility or other destination.
  - (d) All property or contraband discovered/seized from a transport vehicle is to be turned over to the New Orleans Police Department's Central Evidence and Property Section. Officers shall complete the required incident report documenting all circumstances surrounding the discovery of the contraband.
  - (e) The searching/discovering officer shall immediately notify his or her supervisor if contraband is discovered in a transport vehicle search. Items discovered in the search can then be linked to the prisoner in a timely manner.

## 9. Handcuffing/Use of Restraints:

- (a) Officers shall only use restraints or handcuffs consistent with **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**.
- (b) Prisoners shall not be handcuffed to any part of the vehicle during transport.
- (c) Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or poses a threat to himself or to the public. Supervisory approval should be obtained prior to use or a supervisor notified as soon as practicable after use and safety permits.
- (d) Leg restraints shall be used when an officer believes the prisoner has a potential for violent behavior.
- (e) Officers are prohibited from transporting prisoners who are restrained in a prone position (see **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**).

## 10. Transport:

- (a) Prior to transport, the transporting officer shall thoroughly search all prisoners for any weapons or contraband.
  - 1. A protective search should be conducted by an officer of the same sex as the prisoner. When this is not practical, officers shall strictly adhere to **Chapter 1.2.4 - Search and Seizure** on searching prisoners of the opposite sex.
  - 2. The transporting officer shall ensure that a search of the prisoner is conducted prior to transport, whether or not searches were conducted by arresting officers.
- (b) Activate all video and audio recording devices within the transporting vehicle and continue to record the transport until such time as custody of the prisoner is transferred to another individual or agency.
- (c) When available, female officers should transport female prisoners. If a male officer is transporting a female prisoner, they shall advise communications section that they are transporting a female prisoner.
- (d) Special precautions shall be employed when transporting **high-risk prisoners**. In particular:
  - 1. Two officers shall participate in the transport;
  - 2. The transport vehicle **MUST** have a safety screen/cage; and
  - 3. Rival gang members should not be transported together.
- (e) Prior to initiating the transport, the officer shall provide the communications section with the following information:
  - 1. Arrest location and destination of transport; and
  - 2. Time and mileage readings before and after transport.
- (f) The officer should use care when assisting a prisoner into the vehicle for transport to prevent injury to the prisoner and to the officer.
- (g) Prisoners shall be transported in a manner that allows for constant visual observation. Seating of officers and prisoners should conform with the following:
  - 1. Where the vehicle has a security screen but only one transporting officer, the prisoner shall be placed in the back seat on the right-hand side of the vehicle.
  - 2. When a prisoner is being transported in a two-officer vehicle without a security screen and a supervisor has granted permission, the prisoner shall be placed in the right rear seat. The second officer shall sit in the left rear seat behind the driver.
  - 3. One transporting officer shall not transport more than one prisoner in a vehicle without a security barrier, but should request transport assistance.



4. All prisoners shall be secured in the vehicle by proper use of a seat belt unless a supervisor has given prior approval for the seat belt to not be used. Supervisors shall grant such approval only under extenuating circumstances. The reasons for not securing the individual in a seat belt shall be documented by the transporting officer and approved by the Supervisor. The approval shall be noted on both the officer's and supervisor's Daily Activity Sheet and in any related EPRs.
- (h) The physical well-being of prisoners shall be monitored during transit. Particular attention shall be directed to persons reported or suspected of being under the influence of drugs and/or alcohol or who have a history or propensity for violence.
  1. Prisoners who report/display symptoms of serious illness during transit shall be taken to the nearest emergency room for treatment.
  2. Escorting officers shall remain with the prisoner-patient at all times unless relieved by other authorized personnel.
  3. Potentially violent persons in custody shall be restrained at all times in the treatment facility unless such restraint would interfere with essential treatment.
- (i) Symptoms or reports of physical or mental illness (such as threats of suicide or psychotic behavior) shall be reported to the booking officer.
- (j) Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.
- (k) Prisoners shall not be left unattended during transport.
- (l) The transporting officer should proceed directly to the destination. Officers shall not engage in enforcement activities while transporting prisoners unless failure to act would risk death or serious bodily injury to another. In non-life-threatening yet serious situations, officers should call for backup assistance and may remain on-hand until such assistance has arrived.
- (m) Any escape shall be immediately reported to the communications section together with a complete description of the fugitive, mode and direction of travel, crime, and propensity for violence if known.

#### **DOCUMENTATION OF CUSTODY FOR TRANSPORT**

11. Arresting/transporting officers shall document the name and agency and title of the individual accepting or transferring custody of each arrested person. The following guidelines apply:
12. For arrests by NOPD in Orleans Parish, the arresting officer shall:
  - (a) 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 transporting officer's paperwork, affidavit, summons, or traffic citation.)
  - (b) In instances where the transporting officer is not the arresting officer, the transporting officer shall obtain the name of the receiving deputy and relay their name to the reporting officer for inclusion into their report.
13. For the transport of arrests outside of Orleans Parish the receiving/transporting officer shall:
  - (a) Obtain the name of the individual from whom they received custody.
  - (b) Upon arrival at Central Lock Up, the transporting officer shall obtain the name of the OPSO deputy who accepts custody of the prisoner. This information shall be documented in the report/transport paperwork.

**TRANSFERING CUSTODY OF AN NOPD PRISONER TO AN OUTSIDE AGENCY**

14. Should it be necessary for an officer with a prisoner in custody to relinquish custody of that prisoner to an outside jurisdiction, the following shall apply:
  - (a) The name and jurisdiction of the accepting individual shall be documented in an NOPD incident report.
  - (b) If the transfer of custody is not part of a crime investigation report, it will be written under a signal 21 (miscellaneous incident) stating how the officer came into custody of the suspect, and providing reasons why the suspect was turned over to another jurisdiction.

**DOCUMENTATION OF CUSTODY – JUVENILES**

15. Documentation of custody in a juvenile detention incident (see **Chapter 44.1.4 – Temporary Custody of Juveniles**) shall be completed as follows:
  - (a) Arresting/Transporting officers shall document in their report 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 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 accepting custody of the detained juvenile. This will include all outside enforcement jurisdictions and/or social service agencies.

**IDENTIFICATION OF PRISONERS TO BE TRANSPORTED**

16. Officers accepting custody of a prisoner from a detention facility shall utilize all resources available to confirm the identity of the prisoner prior to transport. Sources can include, but are not limited to: photographs, fingerprints, tattoos, scars, other identifiable markings, and/or personal effects in possession of the prisoner at the time of their arrest.

**ESCAPE/SUICIDE POTENTIAL – OTHER IMPORTANT TRAITS**

17. Prior to accepting custody of a prisoner from a detention facility, transporting officers shall inquire if the prisoner:
  - (a) is a suicide threat;
  - (b) is an escape threat;
  - (c) feigns illness;
  - (d) has unusual physical dexterity or strength;
  - (e) possesses martial arts skills; or
  - (f) has any other traits which may be deemed important and effect safe transport.
18. All such information shall be documented by the transporting officer on their Daily Activity Sheet.
19. 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.

**DISPOSITION OF DOCUMENTATION RECEIVED FROM DETENTION FACILITIES**

20. All paperwork received from a detention facility pertaining to the transfer of custody of a prisoner, whether adult and juvenile, shall be delivered by the transporting officer to the facility accepting custody of the prisoner.

**USE OF FORCE**

21. In all cases when an officer uses physical force while making an arrest or during the transport of a prisoner, the officer shall immediately notify a supervisor and ensure the prisoner receives appropriate medical treatment. The provisions of **Chapter 1.3 – Use of Force** provide direction and control (specifically paragraph 7-Medical Attention).

**CEW**

22. The provisions of **Chapter 1.7.1 – Conducted Electrical Weapon (CEW)** provide direction and control (specifically paragraphs 86 thru 91 under Medical Treatment). All persons who have been struck or subjected to the electric discharge of the CEW shall be transported to a hospital for medical evaluation or attention prior to booking and be monitored at all times while in police custody.
23. Arresting or transporting officers must obtain a medical treatment form from the health care facility for all arrested persons detailing the treatment or refusal.
24. The officer will deliver the medical treatment form to Central Lockup with the arrested person.
25. A copy of the medical treatment form shall be attached to the incident report.

**GUARD DETAILS**

26. 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.
27. If the prisoner is admitted, the transporting officer shall immediately notify his/her immediate supervisor and the on duty Communications Services platoon supervisor.
28. The arresting officer is responsible for guarding the prisoner until relieved by his/her immediate supervisor or a replacement is sent by the supervisor.
29. Hospital guard details are the responsibility of the arresting officer's unit of assignment until relieved or the prisoner is released by the attending physician.
30. 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 respective unit's Bureau Chief who will determine if the detail should be assigned to another unit.
31. An officer involved in or witness to a shooting incident is excused from the guard detail.

**GUARD DETAIL – SUPERVISOR’S RESPONSIBILITIES**

32. A supervisor having an officer on a guard detail shall:
- (a) Rotate an officer every four hours. Circumstances may require an officer to exceed the four-hour limit but the specific reason(s) shall be noted on the supervisor’s Daily Activity Sheet.
  - (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/her past history, mental state, or pending charges. The respective unit's Bureau Chief may reduce the number of officers assigned after being briefed by the on-duty platoon commander.
  - (d) If unit staffing permits, supervisors will assign officers of the same sex as the prisoner to the guard detail.

**GUARD DETAIL – PRISONER RELEASE/TRANSPORT**

33. When released from treatment, all instructions for future medical care and medication should be obtained in writing and signed by the attending physician. All guidelines for search, restraining and transporting shall be followed.

**TRANSPORTATION BY AIRCRAFT**

34. The use of commercial air carriers for the extradition and transportation of prisoners may arise and be the responsibility of the New Orleans Police Department.
35. When transporting by air, two officers will accompany each prisoner.
36. The air carrier will be notified of the identities of the officers and prisoner(s) 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. The extradition paperwork may be required by TSA and some air carriers.
37. Officers will display their police identification and badge to the airline ticket agent, supervisor or TSA agent as required.
38. The air carrier’s agent will be notified if the prisoner is an escape risk or has displayed a history of violent behavior.
39. 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.
40. Officers will comply with all TSA and airport regulations regarding prisoner transportation.
41. 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.
42. Officers shall make every effort to cooperate with airline ticketing and boarding agents and security personnel at the passenger screening points.

43. 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.
44. At least one officer will be seated between the prisoner and the aisle.
45. The prisoner will be escorted and kept under close surveillance when a visit to the lavatory is necessary.
46. 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.
47. 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.

#### **FUGITIVE ARRESTS FROM SURROUNDING PARISHES**

48. Upon verification of warrants by NOPD N.C.I.C. Section, prisoners wanted by the New Orleans Police Department and detained in Jefferson, St. Bernard, St. Tammany or Plaquemines Parishes will be picked up and transported.
49. Upon receiving such a transport request, Communications Services shall dispatch a district unit as follows:
  - (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 East bank Lockup or Kenner.
  - (c) Fourth District units will be used for arrestees being held in the Jefferson Parish West bank 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 assigned district, and one will not be clear in a reasonable amount of time, the on-duty Communication Services Platoon Commander will determine which unit is the closest available unit, and assign the transportation to that unit.

#### **FUGITIVE ARRESTS FROM OTHER JURISDICTIONS**

50. Where it is necessary to pick up an arrested subject from a parish other than those listed above, the on-duty Communications Services Platoon Commander shall assign the transport request to the Special Operations Division.

#### **EXCEPTION TO HANDCUFFING OF ALL PRISONERS**

51. When juveniles are detained solely for the status offenses of truancy or curfew violation (see **Chapter 44.1.4 – Temporary Custody of Juveniles**), they should not be handcuffed for transportation to the appropriate facility except:

- (a) If the officer has an objectively reasonable belief a truant or curfew violator has a violent criminal arrest record; or
- (b) The offender has demonstrated violence, or reasonably presents a risk of harm to himself, the officer or others.

### **SAFETY BARRIERS**

- 52. The New Orleans Police Department uses marked four-door vehicles as primary transport vehicles.
- 53. These vehicles are equipped with a poly/steel safety barrier which prevents the prisoner from having access to the driver's compartment of the vehicle.
- 54. In addition to the above safety barrier, vehicles are 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.
- 55. Prisoners shall not be transported in a vehicle that has not been modified as required without the express authorization of their supervisor.

### **UNUSUAL SITUATIONS / SPECIAL EVENTS OR OPERATIONS**

- 56. For certain special events such as Mardi Gras, etc., vans, prisoner wagons, and buses may be utilized for the transportation of several prisoners to Central Lockup.

### **VANS/BUSES**

- 57. 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) All prisoners shall be secured in the vehicle by proper use of a seat belt
  - (d) Windows allowing access to the prisoner compartment must be rendered inoperable in a closed position.
  - (e) Doors accessing the prisoner compartment must be kept locked at all times while containing prisoners and **CANNOT** be unlocked from the inside.
  - (f) The seating area must be separate from the driver's compartment as to not allow physical contact between the prisoners and the driver.
  - (g) When transporting multiple prisoners, the guidelines of this policy relative to male/female prisoners, juveniles, violent individuals, etc. shall apply.
  - (h) For purposes of this section, two officers must be assigned to each transport vehicle.
  - (i) The detention/transport vehicle shall not be left unattended while occupied
  - (j) In keeping with **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**, officers shall observe the condition of prisoners detained in vehicles (including vans/buses) every 5 minutes to ensure the safety, security and physical well-being of the prisoner(s).
  - (k) 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.
  - (l) 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. The supervisor shall be aware of weather conditions which may expose detained prisoners to heat or cold for extended periods of time.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 74.3

### TITLE: COURT APPEARANCE AND SUBPOENAS

**EFFECTIVE: 01/14/2018**

**REVISED: 11/15/19**

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#### PURPOSE

This Chapter provides for the acceptance of subpoenas and court notices for duty related matters, to ensure that members appear in court when requested and to ensure members present a professional appearance.

#### DEFINITIONS

**Administrative Subpoena**—A written document served upon a member by the City of New Orleans, the New Orleans Police Department or another Board or Agency of the City, instructing him/her to appear before any administrative body or panel with subpoena authority.

**Court Overtime**—The attendance by a member 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 member's scope or performance of his/her duty, and the member is not scheduled to work 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 utilized by the criminal justice system in New Orleans.

**Proper Notification**—Service of a subpoena, or notification that a member is required to appear in court from:

- (a) Verbal Notice by an officer of the Court,
- (b) Verbal notice by any NOPD supervisor,
- (c) Personal Service,
- (d) Domiciliary Service,
- (e) United States Mail, or
- (f) Electronic Mail.

**Officer of the Court**—Any person who has an obligation to promote justice and effective

operation of the judicial system, including judges, the attorneys (defense and prosecution) who appear in court, bailiffs, court clerks and other court personnel.

**Trailing Status**—When a member remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance**—Subpoenas and court notices require a member'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.

## **SUBPOENAS**

1. Members who receive subpoenas or court notices related to his/her duties with this department are subject to the provisions of this Chapter.
2. Compliance is mandatory on all cases for which members have been properly subpoenaed or properly notified.
3. This Chapter applies to civil and criminal subpoenas and notices for matters relating to the member's official duties.
4. Members are expected to prepare adequately for appearances and must testify honestly.
5. Attendance at Traffic, Civil, Municipal, State, or Federal court 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.
6. Only the issuing judicial officer can excuse a member from a subpoena to appear in a court or tribunal.
7. If a member is subpoenaed to appear in a tribunal outside of Orleans Parish, the member 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."
8. A member 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.

## **SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES**

9. Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member'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 Compliance Bureau, including personal service on the member.

## **SUBPOENA PROCESSING RECEIVED BY COURT NOTIFY**



10. The Courts are issuing subpoenas via the "Court Notify" and city e-mail notification systems.
11. The Commander of the Education and Training Division shall prepare a lesson plan for training personnel about the Electronic Subpoena Systems.
12. This training will be included in the recruit and in-service training programs.
13. 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.
14. E-mail accounts can be accessed from any computer with an internet connection including a Mobile Data Terminal.
15. 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.
16. The web address can be accessed by any computer with an intranet connection including a Mobile Data Terminal.
17. A member shall check for his/her subpoenas from the "Court Notify" system once logged in.
18. An e-mail is also sent to the member via department email.
19. When an e-mail is received from "Court Notify," a member shall acknowledge receipt of the subpoena through the "Court Notify" system.
20. A Commander or his/her designee in each unit/section/division/bureau, shall make sure his/her subordinates formally acknowledge a subpoena issued via "Court Notify."
21. If a department member fails to acknowledge a subpoena, notifications will Escalate and Continue to escalate until the subpoena is acknowledged, as follows:
  - (a) 10 days prior to Court date, the immediate supervisor is notified,
  - (b) 9 days prior to Court date, the Platoon Lieutenant is notified,
  - (c) 7 days prior to Court date, the District/Division Commander is notified,
  - (d) 5 days prior to Court date, the Commander of the Professional Standards and Accountability Bureau or his/her designee is notified.
22. 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."
23. A supervisor may acknowledge the subpoena for a member when he/she knows the member will be available to attend court.
24. The supervisor who acknowledged a subpoena for a member, shall notify the member in writing within 72 hours of the acknowledgment.
25. The supervisor shall also print the subpoena from the "Court Notify" system and give it to the member.

**SUBPOENA PROCESSING NOT RECEIVED BY COURT NOTIFY**

26. The Compliance Bureau 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 Professional Standards and Accountability Bureau.
  - (c) Distribute within twenty-four (24) hours or the next business day all subpoenas received to the District/Unit/Section.
27. All refused subpoenas shall be returned to the Compliance Bureau no later than 10:00 a.m. on the third day after receiving the subpoena(s).
28. Refused subpoenas shall require a refusal (Form 278) to the subpoena from the member's supervisor to indicate a justifiable reason for the person subpoenaed not appearing for the court date.
29. **Department members shall not contact court personnel and/or the District Attorney's Office relating to a refused subpoena.**
30. The Compliance Bureau shall be responsible for notifying court personnel and the District Attorney's Office relating to refusal of subpoenas.
31. The Compliance Bureau shall be responsible for returning all refused subpoenas to the Clerk of Court's Office.

**VALID SUBPOENAS**

32. No subpoena or court notice shall be accepted for a member of this department unless it has been properly served and purports to have originated from a recognized legal authority.

**ACCEPTANCE OF SUBPOENAS**

33. Service may consist of individual subpoenas or may consist of lists which include:
  - (a) A member's name,
  - (b) Badge or employee ID number,
  - (c) Case title,
  - (d) Name of court, and
  - (e) Date and time of appearance.
34. Lists may be served by electronic transfer (R.S. 32.6(C); C. Cr. P. 735).
35. Only the member named in a subpoena, a supervisor or the Compliance Bureau shall be authorized to accept service of a subpoena.
36. Any authorized member accepting a subpoena shall immediately provide a copy of the subpoena to the Compliance Bureau.
37. The Compliance Bureau shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved member.
38. 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 member.

39. The member 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).
40. 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 member.
41. 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.
42. All hand-delivered subpoenas/instantas received in the Bureau/District/Section/Unit shall be logged into the Subpoena Log maintained in the Bureau/District/Section/Unit.
43. Commanding Officers of each Bureau/Division/Section/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.
44. The subpoena log book shall reflect the following information:
  - (a) Authorized members who initially received the subpoena from the servers,
  - (b) The date of receipt,
  - (c) Court section,
  - (d) Court case number,
  - (e) Trial date, Acknowledgment and receipt of subpoena by member named in subpoena, and date received,
  - (f) Acknowledgment by a supervisor that the subpoena was served on the member.
45. Members are responsible for signing the Subpoena Log immediately upon receiving their subpoenas/instantas.
46. Upon receipt of subpoenas, the member 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.
47. 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.
48. 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 Section in an attempt to ascertain the correct assignment. This information shall be supplied to the server of the subpoena.
49. Unit commanders or members designated to receive subpoenas shall screen subpoenas for members of their Unit who are on furlough, sick leave, or AWP.
50. In those cases where the member 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 member of the trial date by telephone.

51. When it becomes apparent that the designated member will be unable to contact the subpoenaed member prior to the court date, the subpoena shall be returned to the court, or the Compliance Bureau.
52. Subpoenas returned due to extenuating circumstances shall contain a brief note explaining the reason for the return and if returned to the Compliance Bureau have refusal form attached.
53. Subpoenas shall be distributed at unit roll call by a supervisor, at which time members named in the subpoenas shall sign the subpoena register book acknowledging receipt.
54. 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.

#### **JUVENILE COURT DETENTION HEARING**

55. While processing a felony juvenile arrest, a member acknowledges his/her mandatory Detention Hearing appearance when signing the Detention Hearing Book located in the Juvenile Section office.
56. The member shall document the date and time of the detention hearing on the face sheet of the incident report (EPR).
57. The member's signature shall serve as the official notification in lieu of an issued subpoena.

#### **ADMINISTRATIVE SUBPOENAS**

58. A member 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.
59. The below listed members and/or boards or committees are authorized to issue Administrative Subpoenas:
  - (a) Superintendent of Police, or his/her designee
  - (b) Assistant Superintendent(s) of Police,
  - (c) Office of Inspector General,
  - (d) Chairman of any Departmental Disciplinary/Administrative Board upon the approval of the Superintendent,
  - (e) Civil Service, and
  - (f) New Orleans City Council.

#### **EXCEPTIONS AND REFUSAL OF SUBPOENAS**

60. If a supervisor is unable to contact a subpoenaed member prior to the court date, the supervisor shall acknowledge the subpoena for the member, with the option "Acknowledge with Exception" in the "Court Notify" system.
61. The supervisor shall include a brief notation of the reason why a member cannot be notified or attend.
62. The supervisor shall notify the Compliance Bureau, via form 105, of the reason why the subpoena was refused and attach the Subpoena Refusal Form (Form 259).

63. If a member learns that he/she 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 Compliance Bureau. The Compliance Bureau is responsible for notifying the judge and the District Attorney's Office about the member's inability to appear in court.
64. A member 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 Compliance Bureau and provide the name of the person contacted, the court section(s) and the date/time the notification was made.
65. Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court.

#### **OFF-DUTY RELATED SUBPOENAS**

66. Members 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.
67. Members receiving these subpoenas are not compensated for their appearance by the department.
68. Arrangements for time off shall be coordinated through the member's immediate supervisor.
69. Members shall not wear his/her uniform when complying with this type of subpoena.

#### **FAILURE TO APPEAR**

70. Any member 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.
71. If for a valid reason (i.e., illness, injury, etc.), the named member is unable to appear in court as directed by a previously served subpoena, the member shall, as soon as reasonably possible, notify the Court of the member's unavailability to appear.
72. Upon notification to the Court, the member is responsible for notifying the Compliance Bureau of the expected absence, providing the name of the person contacted, the court section(s) and the date/time the notification was made.
73. If a member 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 member's commander shall carry the member LWOP (Leave Without Pay) and initiate an investigation.

#### **CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY**

74. Any reimbursement received directly by the member while appearing on duty shall be promptly turned over to the Deputy Superintendent of the Management Services Bureau, through the member's chain of command.

75. Under no circumstances is a member to request, or be compensated for a court appearance that is not directly employment related.

#### **PROCEDURE**

76. To ensure that the member is able to appear when required, that the member is compensated for such appearance, and to protect the Department's right to reimbursement, members shall follow the established procedures for the receipt of a civil subpoena.

#### **COURTROOM PROTOCOL**

77. Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

#### **PREPERATION FOR TESTIMONY**

78. Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

#### **COURTROOM ATTIRE**

79. A member attending a tribunal as a result of his/her employment with the NOPD shall be attired in either Class A or B uniform, or business formal attire.
80. An exception will be made, only in the case of exigent circumstances, and with the permission of the hearing officer or the presiding Judge.

#### **COURTROOM DECORUM**

81. Members 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.

#### **TESTIFYING AGAINST THE INTEREST OF THE STATE**

82. Any member or member 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 members in which any of those entities are parties, will notify the Superintendent of Police through his/her chain of comment without delay.
83. The member's supervisor will then notify the appropriate prosecuting attorney.
84. The Superintendent of Police should determine if additional legal support is necessary.
85. 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 members.
  - (c) Providing testimony or information against the State, parish, city, or other unit of government, or any of its officers and members, 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 members.

### **COMPENSATION FOR COURT APPEARANCE**

86. A member is paid overtime for attending court on employment related cases in accordance with current payroll procedure. A member attending court during regular working hours shall not be paid overtime while on duty.
87. A member attending court while on furlough, sick leave, or any other form of paid leave, shall be carried working during the time he/she is physically in a tribunal.
88. Application for court overtime pay shall be documented on the Court Overtime Form (Form #34).
89. 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.
90. Individuals attending Traffic Court, Municipal Court, Criminal District Court, or the Grand Jury, shall utilize the ADP time clock located in NOPD Headquarters. The time clock shall be used to record both the time of arrival and departure from the above listed courts.
91. 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.
92. Members 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.
93. Subpoenas with documented time of arrival and departure from the court for appearances not entered by the member in the ADP time clock shall be turned in at the member's place of assigned upon his/her next scheduled tour of duty.
94. Members who enter their time in the ADP time clock are encouraged to turn in their subpoenas with the documented time of arrival and departure from the court on the date of court.
95. Should the member be AWP, furlough, sick leave, etc., and the member is not scheduled to return to work prior to the end of the pay week, Saturday, the subpoena with the documented time of arrival and departure from the court must be turned in prior to the end of the pay period.
96. Individuals who are required to utilize the ADP time clock documenting arrival and departure times shall be compensated from the time they "punch in" until the time they "punch out."
97. Under no circumstances shall individuals "punch in" more than ten (10) minutes prior to the indicated arrival time on the subpoena.
98. Members entering court time in the ADP payroll system shall enter the times punched

on the court subpoena for the documented time of arrival and departure from the court. Members entering the 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 member will be compensated with one hour of court overtime.

99. Supervisors verifying court time in the ADP payroll system shall review the time entered in the ADP payroll system for both the arrival time and departure time. Supervisors shall ensure the "time in" number is not more than ten minutes before the scheduled arrival time indicated on the subpoena.
100. Supervisors will select "03, Court Time" utilizing the Work Rule Transfer menu within the ADP payroll system for the court time entered. Supervisors will add a "Comment" to the court time noting the court type, court section and case number (Example: *CDC Section-A, Case #123456*).
101. Members not required to use the ADP time clock shall be compensated from the reporting time indicated on the subpoena, until the departure time noted by the proper representative.
102. Compensation shall be determined as per the provisions of the Fair Labor Standards Act and current departmental policy.
103. Members are expressly prohibited from obtaining documentation for other members, from having time of departure certified on another member's subpoena, and/or from using the ADP time clock for other members.
104. Members are expressly prohibited from documenting subpoena times in and out on multiple documents.





## NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

### CHAPTER: 74.3.1

## TITLE: FAILURE TO APPEAR - SUMMONS IN LIEU OF PHYSICAL ARREST

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 421**

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### PURPOSE

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 in lieu of physical arrest.

### DEFINITIONS

**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.

### POLICY

1. Persons wanted by Traffic and Municipal Courts where an INSTANTA has not been issued shall be issued a Failure to Appear summons in lieu of a physical arrest (MCS 154-147, Failure to Appear; and 54-28, Failure to Appear).
2. Officers shall verify an Orleans Parish Traffic or Municipal Court Attachment with National Crime Information Center (NCIC) before taking enforcement action.
3. 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.
4. All attachments originating from parishes other than Orleans Parish and from other States shall be processed as a normal Fugitive Attachment (17F).
5. 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.
6. A person wanted by Orleans Parish Traffic or Municipal Court, regardless of where he/she resides, shall be issued a Failure to Appear summons in lieu of a physical arrest except where:
  - (a) The attachment is an INSTANTA.

- (b) The person is under arrest for another unrelated violation.
  - (c) The person is wanted for multiple traffic or municipal attachments.
  - (d) The person does not possess identification issued by any municipal, state, territorial, federal or other government authority within the United States, where identifying information provided cannot be corroborated or found in available law enforcement databases and where the person has no documentation on his/her person which may reasonably confirm his/her identity (school ID with photo, credit cards, bills, etc.).
  - (e) The person makes a statement indicating intent to disregard the summons or refuses to sign the summons.
  - (f) 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.
  - (g) The person is a habitual offender and has two or more felony convictions or five or more felony or municipal arrests for any offense.
  - (h) Based on the circumstances, an officer determines that it is absolutely necessary to make an arrest.
7. 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.

### **TRAFFIC COURT POLICY**

8. When an officer verifies through NCIC that a person is wanted by Orleans Parish Traffic Court, the officer shall:
- (a) Issue a Traffic citation, in lieu of a physical arrest, requesting a new item number for a Traffic Attachment (17T).
  - (b) Write the charge 154-147 Failure to Appear in the statute/ordinance and violation section followed by the attachment number enclosed in parenthesis.
  - (c) Set the appearance date seven days from the date of issuance.
  - (d) 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. NCIC officer/technician shall advise the officer the section of Traffic Court to which the new citation must be assigned.

### **MUNICIPAL COURT POLICY**

9. When an officer verifies through NCIC that a person is wanted by Orleans Parish Municipal Court, the officer shall:
- (a) Issue a municipal summons, in lieu of physical arrest, and request a new item number for a Municipal Attachment (17M).
  - (b) Write the charge **54-28 Failure to Appear** in the statute/ordinance and violation section followed by the attachment number enclosed in parenthesis.
  - (c) Set the appearance date seven days from the date of issuance.
  - (d) Give the dispatcher the disposition of Necessary Action Taken, one summons issued.
10. All new municipal violations shall be issued a new summons under a separate item number.
11. Upon verification by NCIC that an open attachment is not an INSTANTA, the NCIC Officer/technician shall advise the officer the section of court to which the new summons must be assigned.

### **RECORDS AND IDENTIFICATION SECTION**

12. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 74.3.2

### TITLE: PROTECTIVE ORDERS

**EFFECTIVE: 07/08/2018**

**REVISED:**

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#### PURPOSE

This Chapter provides guidance on the enforcement of protective orders in accordance with law.

#### DEFINITIONS

**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.

**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.

**Respondent**—The person alleged in a petition for a protective order to have abused another.

**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).

**Willful**—An act or failure to act that is done intentionally, knowingly and purposefully, without justifiable excuse. The person(s) to whom the order is directed must be aware of the duty to obey the order and manifest an intent to disregard that duty or defy the authority of the court.

#### ENFORCING PROTECTIVE ORDERS

1. 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 or the violation of the protective order constitutes a crime under La. R.S. 14:79.
2. Officers shall use every reasonable means to enforce a protective order, including, but not limited to, the immediate arrest of the violator.

3. 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.
4. If the order cannot be enforced because it has not been served, officers who have been called to the scene where the respondent (defendant) named in the protective order is present, shall attempt to serve the order pursuant to RS 14:79 (A) (1) (b). Service of a previously issued temporary restraining order or ex parte protective order, if noted in the police report shall be deemed sufficient evidence of service of process and admissible in any civil or criminal proceeding.

### **VERIFYING PROTECTIVE ORDERS**

5. 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.
6. Officers shall presume an order is authentic on its face and legible if:
  - (a) The order gives the names of the parties;
  - (b) The order contains the dates it was issued;
  - (c) It has not expired (orders do not need an expiration date to be valid);
  - (d) It contains the name of the issuing court;
  - (e) 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; and
  - (f) The order specifies the terms and conditions against the offender.
7. If the victim does not have a copy of the order or if the officer cannot determine whether the order is authentic on its face and legible, the officer shall:
  - (a) Check the name of the individual against who is the subject of the protective order. If the individual has a Protective Order on file, it is presumptively valid on its face in the system and does not need verification. The Protective Order may have dates when it is in effect, but if it does not, the Protective Order is considered permanent. Protective Orders in the Registry are self-extracting from the Registry when they expire.
  - (b) Contact NOPD - NCIC if the officer needs a copy of the Protective Order for his/her incident report. NOPD-NCIC will contact the Louisiana Supreme Court Registry and obtain a fax copy for the requesting officer.
  - (c) Draw upon personal knowledge of the officer or information obtained through an interview.
8. An officer shall enforce a protective order according to 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.

### **SERVING PROTECTIVE ORDERS**

9. Officers cannot serve all legal process but can serve valid protective orders under the authority of RS 14:79. Officers shall enforce legal protective orders.
10. 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**

11. Officers shall enforce protective orders that are authentic on its face and legible from an

issuing foreign jurisdiction as if they were orders of Louisiana, whether or not the order has been registered (18 U.S.C. § 2265).

12. Officers shall enforce foreign orders as written, even if the order offers protection not offered in Louisiana.
13. Violating an order from another state is a crime under La. R.S. 14:79.
14. Orders from another state are entitled to full faith and credit if:
  - (a) The court that issued the order had personal jurisdiction over the parties and subject matter jurisdiction over the case; and
  - (b) 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](http://nopd.org))



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 81.1

### TITLE: COMMUNICATIONS OPERATIONS

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces Policy/Procedure 802**

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#### PURPOSE

The basic function of the police radio 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.

#### POLICY

1. 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.
2. All conversations on New Orleans Police Department frequencies shall be restricted to that which is necessary to conduct the official business of the Department.

#### COMMUNICATION OPERATIONS

3. The Orleans Parish Communications District (OPCD / 911 – System) provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of the public to telephone quickly and easily for emergency service is critical. This organization provides access to the 911 system with a single emergency telephone number.
4. The department has two-way radio capability providing continuous communication between Communication Services and officers. The Deputy Chief of the Field Operations Bureau shall maintain a police liaison at the OPCD 24/7.

#### COMMUNICATIONS LOG

5. It shall be the responsibility of Communications Services to record all relevant information on calls for criminal and noncriminal service or self-initiated activity. This includes:
  - (a) All reported crimes or criminal activity.
  - (b) Criminal and non-criminal cases initiated by members.
  - (c) Complaints of members or organization conduct or performance.
  - (d) Arrests, summons or diversions.
  - (e) The assignment or dispatch of a member.

6. Members 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:
  - (a) Item number
  - (b) Date and time of request
  - (c) Name, address and telephone number of complainant, if possible
  - (d) Type of incident reported
  - (e) Involvement of weapons, drugs and/or alcohol
  - (f) Location of incident reported
  - (g) Identification of any units assigned as primary and backup
  - (h) Time of dispatch
  - (i) Time of arrival
  - (j) Time of return to service
  - (k) Disposition or status of reported incident
7. 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.
8. 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).

#### **RADIO COMMUNICATIONS**

9. All on-duty members shall initiate a radio transmission with their assigned unit number. All on-duty members shall acknowledge a radio transmission with their assigned unit number and the plain language acknowledgment signal 10-4 indicating "message received."
10. All off-duty members shall initiate a radio transmission with their unit number if they have a permanently assigned unit number or their badge number. All off-duty members shall acknowledge a radio transmission with their unit number if they have a permanently assigned unit number or their badge number and the plain language acknowledgment signal 10-4 indicating "message received."
11. The use of partial unit numbers, nicknames, or monikers is prohibited.
12. Members shall maintain a courteous, professional demeanor in all radio transmissions and shall not engage in disputes, arguments, or disagreements on the radio. Members shall not use obscene language or degrading remarks on the radio.
13. When code two (2) calls-for-service (CFS) are broadcast, units shall not utilize the radio talk group until sufficient units have acknowledged the call, unless an emergency situation arises.
14. Supervisors shall monitor radio talk groups to which their subordinate members are assigned and take the appropriate action when deviations from this Chapter are noted.
15. Nothing in this Chapter shall prevent a supervisor from instructing members under his/her command to switch to another designated radio talk group, if the situation warrants.



**PROHIBITED ACTS**

16. The following actions are prohibited:
- (a) Broadcasting superfluous messages or communications;
  - (b) Maliciously/intentionally interfering with the radio communications of another unit;
  - (c) Making unidentified broadcasts; and
  - (d) Using / broadcasting a call signal, letter, or numeral not assigned to the member, station or unit.

**PLAIN TALK DURING DECLARED EMERGENCIES**

17. During declared emergencies where support from agencies outside the State is expected, all members shall use plain language/talk in lieu of the police 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."

**EMERGENCY RADIO TRANSMISSIONS**

18. All radios affiliated with the talk group of the declared emergency will receive the emergency transmission when the emergency button is activated including any public safety radios within blue tooth range (approximately 50 ft.).
19. An 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.
20. Should such activation be required, the person activating should immediately utilize his emergency button and begin verbally declaring the emergency in accordance with existing procedures.
21. Should the emergency button activation be accidental, the member shall immediately notify Communications Services and request cancellation of the emergency activation. The radio identifier of the individual's radio will confirm to the dispatcher the radio used to cancel the emergency is the same used to declare it.
22. 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.
23. 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.
24. Emergency activations which do not result in either a verbal declaration of an emergency or cancellation of same shall result in the following actions:
- (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 Police Communications Liaison and the member's supervisor on the talk group. If the member's supervisor is not on the talk group, the Police Communications Liaison will be responsible for notifying the supervisor.
25. If the above initial attempts by the Communications Services to resolve the emergency activation are not successful, it shall be the responsibility of the member's supervisor to determine the reason for activation.

## INTEROPERABILITY PATCHES

26. In a declared emergency, the Incident Commander can initiate a patch with any agency on the **Louisiana Wireless Information Network (LWIN)** or on a system capable of creating a patch.
27. To initiate a patch during an emergency, the Incident Commander shall notify the ESF-2 (**Emergency Support Function – 2**) at the City Emergency Operations Center (CEOC) under the **Office of Homeland Security and Emergency Preparedness (NOHSEP)**.
28. Any 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 agency's 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 the Police Communications Liaison and make this request.
29. When communicating with other agencies, use clear text to reduce confusion and misinterpretations and not 10 codes or signals. Units must identify themselves by agency and number. An example is "**NOPD 728 to FBI 455.**" Up to sixteen (16) agencies can be connected together on a single patch.
30. Radio transmissions over a patch are not encrypted and can be monitored by the general public. When patched together, any agency may be recorded by another participating agency.

## SPECIAL EVENTS / EMERGENCY EVENTS

31. During a large event, only supervisors in command and control should transmit on the designated radio talk group.
32. For an event involving a small number of first responders, 25 or fewer, all involved officers may work the event on a designated radio talk group once a supervisor has consulted with the Police Communications Liaison for availability. Authorization from a supervisor shall be required to switch from a unit's primary talk group to the designated radio talk group.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 81.3

### TITLE: POLICE RADIOS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 803**

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#### PURPOSE

The purpose of this chapter is to establish protocols for the issuance of police radios and reporting of loss, theft and repair needs of police radios.

#### POLICY STATEMENT

1. Each department radio should be programmed as authorized with the frequency access utilized by that member's specific unit assignment.

#### RESPONSIBILITIES FOR CORRECT AND TIMELY ISSUING

2. 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.

#### ELECTRONIC SECTION RESPONSIBILITIES

3. The Electronics Section shall be responsible for maintenance of the Department's inventory records for radio assignments.
4. The member shall verify when receiving his/her radio that it functions and is configured properly and is correct as listed on the receipt.

#### LOST / STOLEN RADIOS

5. Lost or stolen radios shall be documented by the member's supervisor as per **Chapter 17.2 – Department Property**. A copy of the report shall be forwarded to the member's unit Commander, the Electronics Section and the Bureau Chief for the Management Services Bureau within 24 hours. The Electronic Section will not issue a replacement radio without first being given the item number.
6. Upon a member realizing that his/her radio has been lost or stolen, he/she shall immediately notify Communications Services of the missing radio and have an NOPD Item number generated.
7. No member may author a report on his/her own lost or stolen radio. The report shall be

written by a supervisor.

8. Communication Services NOPD Liaison shall notify the Electronics Section of the missing radio by departmental email immediately. **The Electronics Section shall immediately deactivate the missing radio so it cannot be used.**

#### **DAMAGED RADIOS / RADIOS IN NEED OF REPAIR**

9. Members whose radios are damaged or in need of repair shall be issued a temporary replacement radio by the Electronics Section. The member shall inform his/her immediate supervisor that his/her radio is being repaired and he/she has been issued a replacement. The member shall ensure the replacement radio matches the previous radio's functions and is configured properly and is correct as listed on the receipt.

#### **SECURITY OF RADIOS / RADIO EQUIPMENT IN VEHICLES**

10. 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.
11. Commanding Officers shall take those steps they deem appropriate in securing radios of members whose radios permit access to sensitive transmissions who are on extended sick leave, furlough, or other type of leave.

#### **MODIFICATIONS TO RADIOS**

12. Members wishing to modify their radio 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) Explain 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 member's Bureau Chief for approval and to the Bureau Chief of the requested talk group if the talk group requested is outside the member's Bureau assignment. This completed request must be forwarded to the Deputy Superintendent of the Management Services Bureau for processing.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 81.4

### TITLE: MOBILE DIGITAL COMPUTER AND AUTOMATIC VEHICLE LOCATOR USE

**EFFECTIVE: 01/07/2018**

**REVISED: (Conversion replaces P/PR448)**

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#### PURPOSE

This Chapter provides restrictions on use of the Mobile Digital Computer (MDC) to accesses confidential records from state and national databases. Members using the MDC shall comply with all appropriate federal and state rules and regulations.

#### DEFINITIONS

**Automatic Vehicle Locator (AVL)**—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.

**Mobile Cop**—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 members 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

**LA Crash** (Louisiana Crash)—The accident software system used by the New Orleans Police department to electronically capture motor vehicle accident reporting information.

#### MOBILE DIGITAL COMPUTER (MDC) USE

1. The MDC shall be used for official police communications only.

2. Composing, sending or forwarding derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or other inappropriate messages is prohibited and may result in discipline. MDC use is also subject to **Chapter 41.3.11 – Department Technology Use** and **Chapter 82.2.6 – Department Electronic Mail**.
3. Messages on MDC may be reviewed by supervisors at any time without prior notification. Members generating or transmitting messages not in compliance with this policy are subject to discipline.
4. All calls dispatched to patrol units should be communicated by voice and MDC.

#### **USE WHILE DRIVING**

5. Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped.

**NOTE: Extreme caution should be exercised 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.**

6. 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.

#### **NON-FUNCTIONING MDC CONSIDERATIONS**

7. Whenever reasonably possible, members will not use units with malfunctioning MDCs. Whenever members must drive a unit in which the MDC is not working, they shall obtain prior permission from his/her immediate supervisor and notify Communications Services.

#### **BOMB CALLS**

8. When investigating reports of possible bombs, members should not operate an MDC (or police radio) within 300 feet of a suspected device. Operating the MDC may cause devices to detonate (See: **Chapter 46.3 – Response to Bomb Calls**).

#### **AUTOMATIC VEHICLE LOCATOR (AVL) USE**

9. 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.
10. Supervisors shall report equipment problems and seek to have equipment repaired as needed.

#### **MDC ACCESS CAPABILITIES**

11. Through M.O.T.I.O.N. members can run name checks (still have to verify with NCIC on a M.O.T.I.O.N. hit), address checks, run vehicle and gun checks through LEMS, and run bicycle checks.
12. Through LEMS, members can check vehicle registration, driver's license by name or operator's license number and gun serial numbers for registration.
13. Members can also access the Computer Aided Dispatch (CAD) system, JPSO ARMMS,

the LA Crash system, and NOPD web applications.

### **COMPUTER AIDED DISPATCH**

14. MDCs may be used to communicate with Communication Services directly through the MDC Network. The member can access any information regarding a call dispatched, including location, time call received, name of complainant, and the item number assigned. The member 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.
15. Members shall log onto the computer aided dispatch system at the beginning of their tour of duty and shall logoff at the end of the tour. Members 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.

### **ELECTRONIC TEXT MESSAGES**

16. The MDC allows electronic text messages to be sent from field units to other field units. The use of MDC text messages is restricted to messages related to department work and line of duty performance. Members are prohibited from sending text messages 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 text messages.

### **INSTALLATION**

17. All hardware/software installation involving MDC or AVL will be performed by personnel assigned to the Information Systems Section. No other personnel will be allowed to install, remove, or otherwise tamper with the installation of the MDC or AVL equipment or software except as directed by the Commander of the Information Systems Section.

### **INVENTORY/ASSIGNMENT**

18. All MDCs will be engraved with the serial number affixed to a 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.
19. 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 Information Systems Section.

### **CARE OF EQUIPMENT**

20. The MDC equipment installed in department vehicles is sensitive, and 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.
21. Supervisors shall ensure that members under their command use and care for MDC and AVL equipment as required by this Chapter and their training.
22. Members shall not unplug any devices such as Aircards, GPS/AVL antennas, and power cords that are installed to the MDC or MDC mount.
23. Members shall not change, modify or disassemble any parts of the MDC or MDC mount.

**TRAINING AND ACKNOWLEDGEMENT FORM**

24. Members shall not use departmental MDCs until they attend MDC training on the proper and authorized use of departmental MDCs.
25. Members must sign the acknowledgement form indicating that they have been trained on the proper and authorized use of departmental MDCs and that they understand the departmental guidelines for the proper and authorized use of departmental MDCs.

**SECURITY OF RECORDS AND USER PASSWORDS**

26. The MDC have a direct link to the NOPD MOTION system and the State LEMS system. These systems are password protected and allow members access to sensitive and restricted information. The protection of passwords is critical to prevent the unauthorized use of the MOTION and LEMS systems.
27. The MOTION and LEMS systems are to be used for law enforcement purposes only and shall not be used in violation of the Federal Privacy Act regarding the dissemination of criminal records to unauthorized personnel.
28. Personnel operating the MDC's are 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 (see also: **Chapter 81.8 – M.O.T.I.O.N. Computer Inquiries**).
29. 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.
30. MDC users shall only use the unique password that is currently assigned to them by the New Orleans Police Department to access the MDC.
31. Each member 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 member 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 member does not logon, the member will not be able to use the MDC to access the files in these systems.

**INSPECTION UPON ENTERING VEHICLE**

32. Before using a departmental vehicle at the start of his/her tour of duty and at the end of each shift, a member shall check the MDC and AVL operability to ensure that it is functioning properly and has not been damaged.
33. Any malfunctioning equipment or damages observed must be reported immediately to a supervisor.
34. Any damage to equipment shall be documented via an NOPD incident report.
35. Supervisors shall report MDC and AVL equipment problems and seek to have equipment repaired as needed. The supervisor shall have the member take the vehicle to the MDC Unit during normal business 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 equipment from the vehicle.

36. If the MDC Unit is not available, the supervisor shall leave written notice with the oncoming supervisor that the vehicle shall be brought to the MDC Unit at the next opportunity during MDC Unit working hours. A copy of this written notice shall be forwarded to the supervisor's respective District/Division Commander.
37. Supervisors shall refer for investigation any member found to fail to properly use or care for MDC or AVL equipment.

#### **UNAUTHORIZED SOFTWARE**

38. Members are prohibited from installing, loading, running, and executing any software not specifically authorized by the MDC Unit.
39. 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 internal inquiry shall begin to determine the cause of the software failure.
40. 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 to determine the person(s) responsible for tampering with or loading the unauthorized software and report the findings to the commander of the Information Systems Section.
41. The Information Systems Section commander will contact the commander of the unit to which the vehicle is assigned to request that a Formal Disciplinary 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 shall be taken against that individual.

#### **UNAUTHORIZED HARDWARE**

42. Members 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.

#### **COLLISIONS AND VEHICLE MAINTENANCE**

43. Supervisors shall be responsible for inspecting the MDC in a vehicle involved in a motor vehicle crash for damages caused by the accident.
44. If the vehicle and MDC are operable, the MDC will remain in the vehicle until such time as the vehicle is ordered to the repair facility.
45. When the vehicle is ordered to the repair facility, the MDC will be removed by the MDC Unit and stored until the vehicle is repaired.
46. When the vehicle is inspected and picked up from the repair facility, the MDC Unit shall be notified by the unit of assignment to have the MDC reinstalled in the vehicle.
47. If a vehicle is scheduled to be brought to a repair facility or the City Equipment Maintenance Division for maintenance that is expected to last longer than forty-eight (48)

hours, the vehicle will be brought to the MDC Unit where the MDC will be removed by the MDC Unit and stored until the vehicle is repaired / returned to service.

#### **OFFICER OUT OF VEHICLE**

48. During a member's tour of duty, the member will secure the vehicle every time he/she exits the unit by locking all doors and windows.
49. The operator of any department vehicle with an MDC installed shall be held responsible for any stolen, missing, or damaged Departmental Equipment if the vehicle is left unsecured.
50. The MDCs in vehicles with MDC mounts must be locked and fully secured in the installed mount.
51. If the MDC cannot be secured in its mount when the vehicle is unattended the MDC shall be secured in the locked trunk of the assigned departmental vehicle.

#### **MAINTENANCE**

52. A regular maintenance schedule for testing MDC and AVL equipment will be maintained by the MDC Unit.
53. During scheduled maintenance, MDC Unit representatives will inspect and perform maintenance on the MDCs assigned to the unit and associated AVL devices and list any problems found. Necessary corrective measures shall be taken to repair or replace malfunctioning equipment.
54. Unit Commanders shall be notified in advance via email and/or telephone before the scheduled maintenance will take place. Unit Commanders are responsible for making vehicles with MDCs available for inspection and maintenance.

#### **CONFIRMATION OF WANTS AND WARRANTS WITH N.C.I.C.**

55. Officers receiving wanted or warrant hits while using an MDC shall contact N.C.I.C. by telephone or radio to confirm verification of the warrant on all wanted subjects or stolen vehicles (see: **Chapter 1.9 – Arrests**).



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 81.7

### TITLE: POLICE COMPLAINT SIGNALS AND DISPOSITIONS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 801**

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#### PURPOSE

The purpose of this Chapter 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.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Plain Language/Text**—Radio communication that can be understood by the intended audience and meets the purpose of the communicator. Plain language is designed to eliminate or limit the use of police codes and acronyms, as appropriate, during incident response involving more than a single agency. In the context of the National Incident Management System (NIMS), plain language replaces coded substitutions with common terminology and definitions that can be understood by individuals from all responder disciplines and across jurisdictions.

#### POLICY STATEMENT

1. The New Orleans Police Department shall use plain language / text when operating on common radio communications channels with other first responder agencies.
2. To promote the use of plain language / text when required in joint first responder operations under NIMS, the New Orleans Police Department will strive to utilize plain language / text in daily police communications.

#### COMPLAINT SIGNALS

3. The existing police signals utilized by the New Orleans Police Department are listed in **Appendix A - POLICE COMPLAINT CALLS / SIGNALS** attached to this Chapter.
4. The complaint calls / signals and their corresponding verbiage are utilized by Communication Services for categorizing Calls for Service (CFS) and in the Electronic Police Report (EPR) in the "Signal" and "Incident" box.

**SIGNAL DISPOSITIONS**

5. The available complaint call/signals disposition abbreviations and their corresponding text is listed in **Appendix B - COMPUTER AIDED DISPATCH DISPOSITIONS / PLAIN TEXT VERBIAGE** attached to this Chapter.
6. The complaint calls/signals dispositions are utilized by officers when closing an item that is "open" with Communication Services.
7. The addition or removal of police complaint calls/signals to the listing in Appendix A shall only be made by a General Order approved by the Superintendent.
8. All changes to police complaint calls/signals shall be communicated to the Orleans Parish Communications District by the police liaison to Communications Services immediately upon approval by the Superintendent.

**Appendix A - POLICE COMPLAINT CALLS/SIGNALS**

15-Citizen holding a suspect	34-C Aggravated battery, cutting
17-F Fugitive attachment	34-D Domestic aggravated, battery
17-J Juvenile attachment	34-S Aggravated battery, shooting
17-M Municipal Court attachment	35-Simple battery
17-R Warrant stop and release	35-D Simple battery, domestic
17-T Traffic attachment	37-Aggravated assault
18-Traffic incidents (other than those designated by signal)	37-D Aggravated assault, domestic
18-A Abandoned Vehicle	38-Simple assault
18-A Abandoned Vehicle	38-D Simple assault, domestic
18-DE Directed traffic enforcement	39-Negligent injury
19-Drunk	42-Aggravated rape
20-Auto accident	42-B Oral sexual battery
20-A Airplane crash	42-M Aggravated rape, male victim
20-I Injury accident	43-Simple rape
20-F Fatal accident	43-B Sexual battery
20-X Accident involving police vehicle	43-M Simple rape, male victim
21-Complaint	44-Aggravated kidnaping
21-AB Abandoned Boat	44-B Barricaded subject
21-B Blighted property	44-H Hostage
21-C Curfew	45-Simple kidnaping
21-F Flood event	51-Aggravated arson
21-H Homeless	51-B Bomb threat
21-J Missing juvenile	52-Simple arson
21-L Lost or stolen	52-D Simple Arson, domestic
21-M Missing adult	52-E Explosion
21-N Noise complaint	52-F Fire
21-R Foreign stolen/local recovery	52-R Rescue
21-S Asset seizure	54-Placing combustible substances-fire bomb
21-T Truant violation	55-Aggravated criminal damage to property
21-U Underage drinking violation	56-Simple criminal damage to property
21-V Voting/election complaints	56-D Domestic criminal damage
22-Disperse subjects	58-(10-18) additional information
22-A Area Check	58R Local stolen / local recovery
22-B Business Check	59-Criminal mischief
22-R Residence Check	59-D Criminal mischief, domestic
22-D Directed Patrol	59-P Taking temporary possession
22-W Walking Beat	60-Aggravated burglary
23-Traffic congestion	61-Automobile smash & grab
24-Medical	62-Simple burglary
24-C Medical Communicable Disease	62-A Burglary alarm
24-K Medical Sexual Assault Kit	62-B Simple burglary, business
25-Call dispatcher	62-C Simple burglary, auto
26-Police officer	62-D Simple burglary, domestic
27-Attempt crime	62-L Local alarm
29-Death	62-R Residence burglary
29-S Suicide	62-S Safe burglary
29-U Unclassified death	63-Trespass, prowler
30-Homicide	63-P Protest
30-C Homicide, cutting	64-Armed robbery
30-D Homicide, domestic	64-A Silent robbery alarm
30-S Homicide, shooting	64-G Armed robbery, gun
34-Aggravated battery	64-J Armed car jacking
	64-K Armed robbery, knife

65-Simple robbery	95-Illegal carrying of a weapon
65-J Carjacking, no weapon	95-G illegal carrying of a weapon (concealed gun)
65-P Simple robbery, purse snatching	95-K illegal carrying of a weapon (knife)
66-Extortion	97-Picketing
66-D Domestic threats	98-D.W.I.
67-Theft	99-Reckless operation
67-A Auto theft	100-Hit and run
67-AR Simultaneous stolen / recovery	100-I Hit and run, injury
67-B Bicycle theft	100-F Hit and run, fatality
67-C Theft from exterior of auto	100-X Hit and run, police vehicle
67-E Theft by embezzlement	101-Desecration of graves
67-F Theft by fraud	102-Cruelty to animals
67-P Pickpocket	103-Disturbance
67-S Theft by shoplifting	103-D Disturbance, domestic
68-Unauthorized use of movables	103-F Disturbance, fight
69 Possession of stolen property	103-M Disturbance, mental
71-Issuing worthless checks	103-R Disturbance, riot
72-Forgery	106-Obscenity, exposing one's person
79-Violation of protective orders	107-Suspicious person
80-Carnal knowledge of a juvenile	107-S Suspicious package
81-Indecent behavior	107-U Unattended package
82-Prostitution	108-Officer Need's assistance, life in danger
83-Solicitation for prostitution	109-Aggravated escape
84-Pandering	110-Simple escape
87- Abortion	112-Impersonating an officer
89-Crime against nature	116-Flag desecration
90-Gambling	118-Public bribery
91-Unlawful sale to minors	284-Peeping tom
92-Contributing to delinquency of a juvenile	911-Unknown trouble call
93-Cruelty to a juvenile	966-Drug law violations
94-Illegal use of weapons	
94-F Fireworks	

#### **Appendix B - 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



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 81.8

### TITLE: M.O.T.I.O.N. COMPUTER INQUIRIES

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces Policy 843**

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#### PURPOSE

The purpose of this Chapter is to set guidelines for the identification of authorized individuals requesting information through the Metropolitan Orleans Total Information Online Network (M.O.T.I.O.N.) computer network.

#### POLICY STATEMENT

1. It is not always possible for an officer or other authorized member to enter his/her own 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 authorized member actually entering the inquiry shall enter his/her social security number and password.
  - (b) To relieve the person making the entry of full responsibility for the use of the retrieved information, the person making the entry shall include 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 and making the request over the police radio, he/she shall supply his/her badge number to the employee making the inquiry.
  - (d) On all telephone inquiries, the requesting individual shall supply his/her social security number to the individual actually entering the request data.
2. Members who fail to enter a social security number, car number, or badge number of the authorized member requesting information through the M.O.T.I.O.N system shall be held responsible for the dissemination of the information obtained through the computer inquiry. The member shall also be subject to disciplinary action for failing to enter the required information.
3. M.O.T.I.O.N computer inquiries are for official police business only.
4. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 81.13

### TITLE: MAJOR INCIDENT NOTIFICATION

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces Policy 358**

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#### PURPOSE

The purpose of this Chapter is to provide guidance on determining when, how and to whom notification of major incidents should be made.

#### POLICY STATEMENT

1. The New Orleans Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified members of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be addressed in a consistent and thoughtful manner.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Major incident**—A situation, scene or incident (not necessarily a crime scene) where the media is likely to show a strong interest. Such incidents are also of interest to the Superintendent of Police and the affected Bureau Chiefs and Commanders.

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

Major crimes include:

- (a) All deaths (homicides, suicides and unclassified) except for “natural” causes.
- (b) Aggravated battery (with serious injury, possibly fatal and/or multiple victims)
- (c) Level 4 uses of force investigated by PIB-FIT (see: Chapter 1.3 – Use of Force)
- (d) Sexual assaults handled by ISB-SVS (see: Chapter 42.2 – Sexual Assault)
- (e) Aggravated Kidnapping
- (f) Arson (with serious injury, possibly fatal)

(see also: **Chapter 11.0.1 - Duties and Responsibilities of District Commanders, Supervisory Members and Officers**)

#### CRITERIA FOR NOTIFICATION OF MAJOR INCIDENTS

2. The following list of incident types is provided as a guide for notification and is not



intended to be all-inclusive:

- (a) Homicides
- (b) Suspicious deaths
- (c) Deaths related to law enforcement activity
- (d) Traffic crashes with fatalities
- (e) Level 4 Use of Force (see: **Chapter 1.3 – Use of Force**)
- (f) Any law enforcement officer-involved shooting whether on- or off-duty
- (g) Serious injury or death to an NOPD member, whether on- or off-duty
- (h) Serious injury or death of a prominent New Orleans official / public official
- (i) Arrest of NOPD member or a prominent New Orleans official / public official
- (j) Aircraft, train, boat or other transportation accident with major property damage, mass casualties and/or injury or death
- (k) In-custody deaths,
- (l) Any other incident, which has or is likely to attract significant media attention.

### **DISTRICT SUPERVISOR RESPONSIBILITIES**

3. The District Platoon Commander, Assistant Platoon Commander, or other working platoon supervisor is responsible for making the appropriate notifications for a major incident.
4. The notifying supervisor 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.
5. Notifications should be made to Communications Services as soon as practicable.

### **COMMUNICATION SERVICES RESPONSIBILITIES**

6. Communications Services shall utilize the appropriate notification list, provided by NOPD and maintained at Communication Services for the identified major incident being reported.
7. The on-duty NOPD Communication Services Liaison may add additional members to a specific notification based on his/her understanding of the nature of the major incident and the best needs of the Department.
8. Once Communications Services and/or the on-duty NOPD Communication Services Liaison has made the required notifications, the on-duty or on-call member of the Public Information Office shall be notified of the major incident if it appears media outlets are indicating heightened interest in the incident.
9. All notifications made through Communications Services and/or the on-duty NOPD Communication Services Liaison shall be noted in the incident recall log.
10. The on-duty NOPD Communication Services Liaison may add the major incident to the Superintendent's Major Offense Log for the appropriate shift.

### **PUBLIC INFORMATION OFFICE**

11. Contact information (name, cell phone) for the on-scene supervisor shall be provided to the on-duty or on-call member of the Public Information Office if requested.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 82.1

### TITLE: REPORT PREPARATION

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 344**

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#### PURPOSE

This Chapter establishes guidelines for determining when officers are required to complete incident reports and the processing of incident reports written by officers of the New Orleans Police Department.

#### GENERAL

1. Communication Services shall create a record in the computer aided dispatch system of every call for service or self-initiated activity or incident communicated to them. This will include:
  - (a) Reports of crime by community members;
  - (b) Non-criminal complaints by community members;
  - (c) Incidents resulting in a member of NOPD being dispatched or assigned;
  - (d) Criminal and noncriminal investigations initiated by department members; and
  - (e) Incidents involving the stop, detention, arrest, or summons of an individual by NOPD members.
2. Members who have access may also create a record in the computer-aided dispatch system of an incident, investigation, call for service or self-initiated activity in the Mobile Computer Terminal (MCT).
3. An incident report (EPR) shall be written whenever specifically directed by a Departmental regulation (chapters) or when ordered by a supervisor.

#### REPORT PREPARATION

4. Members shall ensure that their reports are sufficiently detailed for the purpose intended and reasonably free of errors prior to submission for review by a supervisor.
5. It is the responsibility of the assigned member to complete and submit all incident reports (EPR) assigned during his/her shift before going off-duty, unless permission to delay submission of the report has been approved by his/her supervisor.
6. Absent articulable exigent circumstances, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody shall not be delayed.

7. All incident reports (EPR) shall accurately reflect the identity of the persons involved, witnesses, all pertinent information gathered including what was seen, heard or assimilated by any other sense and any actions taken.
8. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make an intentionally false, inaccurate or incomplete report orally or in writing.
9. The reporting member's opinions should not be included in reports unless specifically identified as such.

### **REQUIRED REPORTING**

10. Completed incident reports (EPR) are required in all of the following situations as specifically covered herein or by other Chapters:
  - (a) Criminal activity,
  - (b) Non-criminal activity,
  - (c) Death reports,
  - (d) Injury or damage caused by City personnel, or
  - (e) Certain miscellaneous injuries.
11. 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.

### **CRIMINAL ACTIVITY REPORTING**

12. When in response to a call for service, or as a result of self-initiated activity, a member becomes aware of any activity where a crime has occurred, the member is required to document the activity.
13. The fact that a victim does not desire prosecution is not an exception to documentation.
14. Examples of incidents that require documentation include, but are not limited to:
  - (a) When an arrest is made on a state criminal charge.
  - (b) A custodial arrest of a juvenile.
  - (c) Cases involving a wanted subject (known or unknown) who is to be charged with a state or municipal offense.
  - (d) All UCR reportable offenses.
  - (e) Cases involving domestic violence.
  - (f) Identity thefts (R.S. 14:67.16H (1)).

### **NON-CRIMINAL ACTIVITY**

15. Non-crime related incidents that shall be documented include, but are not limited to:
  - (a) Anytime an officer points a firearm or CEW at a person (See: **Chapter 1.7.1 – CEW**).
  - (b) Any use of physical force by a member of this department (See: **Chapter 1.3.6 – Use of Force Reporting**).
  - (c) Any firearm discharge (See: **Chapter 1.3.6 – Use of Force Reporting** and **Chapter 1.3.2 – Force Investigations Team**).
  - (d) Anytime a person is reported missing (regardless of jurisdiction) (See: **Chapter 41.23 – Missing Person Reporting**).
  - (e) Any found property or found evidence.
  - (f) Any incident involving the death of a human being (See: **Chapter 41.33 - Death Investigations**). Any traffic crashes above the minimum reporting level (See:

**Chapter 61.7 - Traffic Crash Response and Reporting).**

- (g) Incidents which result in damage to city owned property. (See: **Chapter 41.31 – Damage to Public Property**).
- (h) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (i) All protective custody detentions (See: **Chapter 41.25 – Crisis Intervention**).
- (j) Suspicious incidents that may place the public or others at risk.
- (k) Searches and seizures (See: **Chapter 1.2.4.1 – Stops / Terry Stops** and **Chapter 1.2.4 – Search and Seizure**),
- (l) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

**DEATH REPORTS**

16. Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with **Chapter 41.33 – Death Investigations**. An officer handling a death investigation should notify his/her supervisor of the circumstances surrounding the incident for a determination on how to proceed. The following cases shall be appropriately investigated and documented using the approved reporting method (see generally 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); and
  - (g) Found dead bodies or body parts.

**INJURY OR DAMAGE BY CITY PERSONNEL**

17. 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.

**MISCELLANEOUS INJURIES**

18. Any injury that is reported to this department shall require a report when:
- (a) The injury is a result of an apparent drug overdose.
  - (b) There is an attempted suicide.
  - (c) The injury is significant enough where death could reasonably result.
  - (d) The circumstances surrounding the incident are suspicious and possibly criminal in nature and it is prudent to record the event.

**REPORT CORRECTIONS**

19. Supervisors shall review reports for sufficiency, content and accuracy. If a correction is necessary, the reviewing supervisor shall return the report to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

**REPORT CHANGES OR ALTERATIONS**

20. Reports that have been approved by a supervisor and submitted to the Records 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 Bureau may be corrected or modified by the authoring member only with the knowledge and authorization of his/her supervisor.

### **ELECTRONIC SIGNATURES**

21. NOPD has established an electronic signature procedure for use by all members of the Department. Members shall only use their electronic signature for official reports or communications.
22. Each member 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.

### **UNIFORM CRIME REPORTING (UCR)**

23. The UCR Program collects data about 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](http://www2.fbi.gov/ucr/handbook/ucrhandbook04.pdf))

### **UCR - PART I OFFENSES**

24. UCR - Part I offense classifications include:
  - (a) **Criminal homicide:**
    - i. Murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen.
    - ii. Manslaughter by negligence: the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Manslaughter by Negligence.
  - (b) **Forcible rape:**
    - i. The carnal knowledge of a person forcibly and against his/her will.
    - ii. Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included.
    - iii. Statutory offenses (no force used—victim under age of consent) are excluded.
  - (c) **Robbery**—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
  - (d) **Aggravated assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.
  - (e) **Burglary (breaking or entering)** —The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
  - (f) **Larceny-theft** (except motor vehicle theft):
    - i. The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting,

- pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud.
  - ii. Attempted larcenies are included.
  - iii. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.
- (g) **Motor vehicle theft:**
  - i. The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails.
  - ii. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
- (h) **Arson**—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## UCR - PART II OFFENSES

25. UCR - Part II offenses encompass all other reportable classifications outside those defined as Part I and include:
- (a) **Other assaults (simple)**—Assaults and attempted assaults where no weapon was used or no serious or aggravated injury resulted to the victim. Stalking, intimidation, coercion, and hazing are included.
  - (b) **Forgery and counterfeiting**—The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.
  - (c) **Fraud**—The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses. Confidence games and bad checks, except forgeries and counterfeiting, are included.
  - (d) **Embezzlement**—The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.
  - (e) **Stolen property**—Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.
  - (f) **Vandalism**—To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.
  - (g) **Weapons** (carrying, possessing, etc.)—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.
  - (h) **Prostitution and commercialized vice**—The unlawful promotion of or participation in sexual activities for profit, including attempts. To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.
  - (i) **Sex offenses (except forcible rape, prostitution, and commercialized vice)**—Offenses against chastity, common decency, morals, and the like. Incest, indecent exposure, and statutory rape are included. Attempts are

- included.
- (j) **Drug abuse violations**—The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
  - (k) **Gambling**—To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.
  - (l) **Offenses against the family and children**—Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.
  - (m) **Driving under the influence**—Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.
  - (n) **Liquor laws**—The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.
  - (o) **Drunkenness**—To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Driving under the influence is excluded.
  - (p) **Disorderly conduct**—Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.
  - (q) **Vagrancy**—The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.
  - (r) **All other offenses**—All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.
  - (s) **Suspicion**—Arrested for no specific offense and released without formal charges being placed.
  - (t) **Curfew and loitering laws (persons under age 18)** —Violations by juveniles of local curfew or loitering ordinances.
  - (u) **Runaways (persons under age 18)** —Limited to juveniles taken into protective custody under the provisions of local statutes.

## CRASH REPORTS

- 26. Officers shall complete the Louisiana crash report form on all vehicular crashes which include violations of La. R.S. Title 14 statutes.
- 27. If a vehicular crash occurs on private property, a crash report shall not be written, unless it involves damage to city owned property, violations of La. R.S. Title 14 statutes, serious injury or death, or if required by a supervisor. (See also: **Chapter 41.31 – Damage to**

**Public Property).**

28. If a vehicular crash occurs on public roadways, a crash report shall be completed, with the following exceptions:
  - (a) If a vehicular crash occurs involving property damage less than \$500.00, 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 suspending this regulation, crash reports shall be completed in compliance with the order (i.e. Mardi Gras, Hurricane Incident Action Plan).

**INCIDENT REPORT INSTRUCTIONS**

29. Except as indicated below or in other Chapters, incident reports shall be completed and submitted by reporting officers in a timely manner (See also: **Chapter 1.9 – Arrests**).
30. Whenever possible, reports shall be completed while the reporting officer is still assigned to the call, so accurate reporting times can be calculated.
31. Members may review the BWC recordings of any incident which is the subject of an EPR or other police report prior to drafting his/her report as long as it does not unduly delay the completion of the report and/or has the approval of the member's supervisor.
32. Failure or delay in submitting reports may result in corrective or disciplinary action against the member, unless the delay has been authorized by his/her supervisor.
33. Supervisors shall ensure all reports written by his/her subordinates are completed and reviewed in a timely manner. Failure or delay in reviewing reports may result in corrective or disciplinary action against the supervisor.

**AUTHORIZED DELAY IN COMPLETING REPORTS**

34. Due to the volume of calls, variety of complaints and unique circumstances which are involved in police work, some reports may require additional time to complete.

**FOR ELECTRONIC POLICE REPORTS (EPR)**

35. If additional time is needed to complete a report, the officer shall complete an NOPD 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 NOPD interoffice correspondence, a copy of the "DOCUMENTS" page of the incomplete report.

**FOR PAPER REPORTS (EXCLUDING CRASH REPORTS)**

36. If additional time is needed to complete a report, the officer shall complete an NOPD 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 NOPD interoffice correspondence a copy of the Face Sheet of the incomplete report.
37. It shall be the responsibility of the reporting officer's supervisor to determine when a delay is warranted and for how long by signing and approving the Interoffice Correspondence.
38. 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 (days off) or furlough (approved annual leave) shall be responsible for informing his/her supervisor at the time of making the request for the delay by including that information in the Interoffice Correspondence.

### **PROCESSING INCIDENT/SUPPLEMENTAL REPORTS – PAPER REPORTS**

39. All paper reports (green reports) shall be forwarded to the Record Section for processing utilizing the appropriate receipt form listed below:
  - (a) UCR Report Receipt (Form 250);
  - (b) Non-UCR Report Receipt (Form 251); and
  - (c) Supplemental Report Receipt (Form 252)
40. Once a report is completed and submitted, the member's supervisor shall be responsible for reviewing and approving or disapproving the report. Supervisors are responsible for reviewing all reports within the time frames outlined in this Chapter.
  - (a) Receipts for offense reports will only include reports for the same 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.
41. The original report receipt plus one copy will be forwarded with the reports.
42. The original receipt shall be signed and dated by the individual from the Records Section accepting the reports.
43. The signed receipt shall be returned to the individual delivering the reports.
44. Signed receipts shall be maintained at the unit level for a period not less than one year.

### **PROCESSING INCIDENT/SUPPLEMENTAL REPORTS - EPR SYSTEM**

45. Incident and Supplemental reports that have been written and completed in the EPR system are automatically obtained by the Records and Identification Division electronically after approval by the reviewing supervisor.
46. Incident and/or Supplemental reports completed in the EPR system do not need to be forwarded using the receipt forms.

### **AUTHORIZED DELAY FOR TRAFFIC CRASH REPORTS**

47. All crash reports, excluding fatalities, must be received in the Records Section within 48 hours of completion (See: R.S. 32:398 (E) (2)).
48. Supervisors shall ensure all authorized delays for crash reports do not exceed this time limit. Completion includes approval of the report by a supervisor.

### **PROCESSING OF TRAFFIC CRASH REPORTS - PAPER REPORTS**

49. After supervisory approval, the Vehicle Traffic Crash Reports are forwarded to the Records Section utilizing the following receipt forms:
  - (a) Vehicle Traffic Crash Report Receipt (Form 253).
  - (b) Supplemental Vehicle Traffic Crash Report Receipt (Form 254).

**PROCESSING TRAFFIC CRASH REPORTS - EPR SYSTEM**

50. Vehicle Traffic Crash reports that have been written and completed in the EPR system are automatically obtained by the Records and Identification Division electronically after approval by the reviewing supervisor.

**PROCESSING TRAFFIC FATALITY INVESTIGATIONS**

51. Traffic-related 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 traffic fatality report with the following information:
    - i. Date and time of the crash;
    - ii. Item number; and
    - iii. 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. The correspondence shall be approved and signed by the investigating officer's supervisor and Division Commander.
  - (c) A written briefing sheet outlining the status of the traffic fatality investigation shall be submitted by the investigating officer to his/her supervisor and Division Commander weekly.

**DELINQUENT REPORTS**

52. The Records Section shall distribute a list of all delinquent reports to each Division and District Commander. The listing of delinquent reports shall be distributed no less than every two weeks.

**SUPERVISOR'S RESPONSIBILITIES**

53. Supervisors shall ensure that all reports written by his/her subordinates are completed and reviewed within the time constraints outlined in this Chapter. It will be the responsibility of the officer's supervisor to ensure all reports are reviewed, approved and submitted in a timely manner.

**DISTRICT/DIVISION COMMANDER RESPONSIBILITIES**

54. District and Division Commanders shall administer an effective system for ensuring that all reports are submitted in accordance with this Chapter, and completed reports for which delays have been authorized are submitted by the date indicated on the authorization. Violations shall be documented and appropriate corrective or disciplinary action taken.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 82.1.1

### TITLE: RECORDS RELEASE AND SECURITY

**EFFECTIVE: 12/17/2017**

**REVISED: 10/07/2018**

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#### PURPOSE

The purpose of this Chapter 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).

#### POLICY STATEMENT

1. This Chapter 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.
2. The Federal Freedom of Information Act (FOIA) does not apply to state or local records.
3. The release of video recordings involving critical incidents is governed by the department's internal **Public Release of Critical Incidents Policy** maintained by the Deputy Chief of the Public Integrity Bureau and, where in conflict with the provisions of this Chapter, controls.

#### DEFINITIONS

**Body-Worn Camera (“BWC”) recording**—A digital recording made by equipment worn by a Department member that captures audio/video signals.

**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.

**Data Transformation Services, or DTS**—Is a set of objects and utilities to allow the automation of extract, transform and load operations to or from a database. The objects are **DTS** packages and their components, and the utilities are called **DTS** tools.

**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.

### **PUBLIC REQUESTS FOR RECORDS**

4. 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).
    - i. Records determined to be of no legal, administrative or historical value may be disposed of in compliance with the organization's records retention schedule.
    - ii. 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.
  - (f) Maintaining the required pay schedule of fees for public records as allowed by law (La. R.S. 44:32).
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. 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.

### **PROCESSING OF REQUESTS**

5. 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.
6. All requests for production of video or audio recordings generated by law enforcement

officer body-worn cameras shall be incident specific and shall include reasonable specificity as to the date, time, location, or persons involved. A request for multiple incidents shall include reasonable specificity as to the date, time, location, or persons involved in each incident requested. The Custodian of Records may deny a request not containing reasonable specificity.

7. 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).
8. 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).
    - i. The written response should identify the reason the record is not being released, including reference to any legal exemption from inspection or copying.
    - ii. 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 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)).

## RECORD RELEASE RESTRICTIONS

9. 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) **Video Violating Individuals' Reasonable Expectation of Privacy**—Video or audio recordings generated by body-worn cameras of non-critical incidents shall not be subject to disclosure when the disclosure would violate the reasonable expectation of privacy of an individual (such as when a person is in a public restroom or in his or her home) unless that individual (or his/her legal guardian) is the person requesting the footage. (La R.S. 44:3 A (8)).
  - (b) **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).
  - (c) **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).
  - (d) **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)).

- (e) **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)).
- (f) **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).
- (g) **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.
- (h) **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).
- (i) **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.
- (j) **Personnel Records**—Personnel records, medical records and similar records that would involve personal privacy shall not be made public (La. R.S. 44:11).
  - i. 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).
- (k) **Work Product**—Any record that was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.
- (l) **Other Records**—Any other record not addressed in this policy shall not be subject to inspection where:
  - i. Such inspection would be contrary to any state statute (La. R.S. 44:4.1).
  - ii. Such inspection would be contrary to any federal statute or regulation.
  - iii. Such inspection is prohibited by rules promulgated by the Louisiana Supreme Court or by the order of any court.

## PERSONAL IDENTIFYING INFORMATION (PII)

10. Members 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.

## SUBPOENA DUCES TECUM

11. Any subpoena duces tecum or discovery request should be promptly delivered to the affected Bureau/Division/ District/Section/Unit commander for review and delivered to the Records and Identification Section. 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.

12. All questions regarding compliance with any subpoena duces tecum should be promptly referred to the City Attorney's Office so that a timely response can be prepared.

#### **PRIVACY AND SECURITY OF RECORDS**

13. 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.

#### **EXPUNGED RECORDS**

14. All records ordered by a court 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).

#### **RELEASED RECORDS TO BE STAMPED**

15. Each page of any record released pursuant to a public records request or subpoena duces tecum shall be stamped in colored ink with a departmental stamp identifying the individual to whom the record was released.

#### **NUMERICAL FILING SYSTEM**

16. Case reports are filed numerically by Public Records Section member; 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.

#### **FILE CASES**

17. 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.
18. The Public Records Section shall scan and enter attachment sheets and any other report related documents as necessary.
19. General public request and retrieval for Public Records Request shall be accessible only through authorized Public Records Section member.
20. New Orleans Police Department members 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.

#### **RECORDS MANAGER TRAINING**

21. The Deputy Chief of MSB shall insure the Records Manager receives training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

**RELEASE OF RECORDS AND INFORMATION**

22. Any person 18 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**, (found at: <https://employee.nola.gov/documents/forms/policies-law/policies/no-92-compliance-with-the-public-records-act/> ) and the Public Records Act.
23. The Superintendent designated the Deputy Chief of the Management Services Bureau as the designee responsible for the coordination, processing, and distribution of a public document/record request.
24. A department member is prohibited from releasing to the public any public document unless authorized by the Superintendent or his/her designee.
25. A request for documents must be forwarded, via 105 with receipt, to the Bureau Chief. The request must be sent through the chain of command on the same date the request is received.
26. The Deputy Chief of the Management Services Bureau, or his/her designee, shall make the necessary arrangements as required by law to allow for the:
  - (a) Inspection
  - (b) Copying
  - (c) Reproduction of the document(s).
27. Nothing in this Chapter prevents the exchange of information and documents between law enforcement agencies for the purpose of coordinating criminal investigations and other official communications.
28. 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.

**SUBPOENA OF RECORDS AND INFORMATION**

29. A Subpoena Duces Tecum issued by a court in civil suits/criminal actions shall be processed as follows:
  - (a) Members receiving a Subpoena Duces Tecum (Order for Production of Records) shall forward a copy of the subpoena to the Deputy Chief of the Management Services Bureau on the date the subpoena was served.
  - (b) Any Subpoena Duces Tecum should be date stamped upon receipt by the Management Services Bureau.
  - (c) 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.
  - (d) The correspondence shall include a line to be signed by the individual accepting the subpoena and correspondence in the Management Services Bureau office.
30. The City Attorney shall be notified about a subpoena Duces Tecum when the:
  - (a) Subpoena is oppressive or cannot be completed.
    - i. City is or may become a litigant in the lawsuit.
    - ii. 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.



**DTS VIEWER POLICY**

31. Members 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 Bureau Chief, to the Management Services Bureau Chief. This request must be renewed annually.
32. Members holding a position within the department requiring access to the DTS Viewer System shall complete a NOPD DTS Access Form before access is granted.
33. Once an member 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 member from having access to the system.
34. 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**.
35. 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.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 82.2.6

### TITLE: DEPARTMENT ELECTRONIC MAIL

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces Policy 212**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for the proper use and application of the electronic mail (e-mail) system provided by the Department.

#### POLICY STATEMENT

1. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties.
2. It is to be used in accordance with generally accepted business practices and current law (e.g., RS: 44 - Louisiana Public Records Law).
3. Messages transmitted over the e-mail system must only be those that:
  - (a) Involve official business activities of the New Orleans Police Department,
  - (b) Involve official business activities of the City of New Orleans,
  - (c) Contain information essential to members for the accomplishment of tasks, or
  - (d) Are directly related to the business, administration or practices of the Department.

#### DEPARTMENT E-MAIL AND MEMBER'S RIGHT OF PRIVACY

4. 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.
5. 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.
6. 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.
7. The e-mail system is not appropriate for confidential or personal communications.
8. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail.

9. Employees using the department e-mail system have **no expectation of privacy** concerning communications transmitted over the system.
10. Employees shall not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.
11. 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.

#### **PROHIBITED USE OF E-MAIL**

12. Composing, sending or forwarding derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or other inappropriate messages on the Department e-mail system is prohibited and shall result in discipline.
13. E-mail messages addressed to the entire Department (**NopdAll**) are only to be used for official business-related items that are of particular interest to all users.
14. Members are reminded that **all e-mail is subject to review and scrutiny** with regard to appropriate content or violation of any prohibitions.
15. 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.
16. **Personal advertisements or announcements are not permitted.**
17. It is a violation of this Chapter to transmit a message under another member's name or e-mail address or to use the password of another to log into the system.
18. Members are required to log off the network or secure the workstation when the computer is unattended. This security measure will minimize the potential misuse of a member's e-mail, name and/or password.

#### **MANAGEMENT OF E-MAIL**

19. Members must check the department e-mail system and read new messages each workday.
20. 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 or that requires retention should be **printed and/or stored in another database** designed for long-term storage and retrieval.
21. Members are solely responsible for the management of his/her email mailboxes.

#### **E-MAIL RECORD MANAGEMENT**

22. The department e-mail system used by members of the New Orleans Police Department is managed by the City of New Orleans Office of Information Technology and Innovation.
23. 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.

#### **E-MAIL PROTOCOL**

24. Department members, sending e-mails to NOPDAll, are required to place a description of the subject matter in the subject line of the heading.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 82.3.6

### TITLE: CRIMINAL HISTORY RECORD INFORMATION (CHRI)

**EFFECTIVE: 12/17/2017**

**REVISED: 07/06/21**

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#### PURPOSE

This Chapter 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) (R.S. 15:578).

#### POLICY STATEMENT

1. The New Orleans Police Department will adhere to all state and federal laws, 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 (R.S. 15:579).

#### DEFINITIONS:

**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. This does 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 (R.S. 15:576(2)).

**Network Terminal Agency Coordinator (TAC)**—The FBI/NCIC requires that every law enforcement agency that utilizes NCIC designate one individual, who is employed by that agency, to function as NCIC Terminal Agency Coordinator (TAC). This person is responsible for ensuring compliance with NCIC policies and procedures. The person appointed as TAC is knowledgeable in all aspects of NCIC use and has the authority to implement changes and oversee operations, which affect the agency's use of NCIC.

#### RESPONSIBILITIES

2. 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.

3. It is the responsibility of the TAC to assist the Department in complying with all NCIC related laws and procedures.

#### **DEPARTMENT MEMBER ACCESS**

4. CHRI may be accessed or released as follows:
  - (a) Members may access or otherwise obtain records or CHRI information and department files only in accordance with their official duties.
  - (b) A member may not access confidential information until a background investigation has been completed on the member and approved and until he/she has completed all required training.
  - (c) CHRI shall be used solely for the purpose for which it was obtained.
  - (d) 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.
  - (e) Unauthorized access or release of information may subject the member to criminal prosecution.
  - (f) Members violating this policy may also be subject to administrative action pursuant to the Personnel Complaints Policy.

#### **RELEASE OF INFORMATION**

5. Each person authorized to release CHRI information is responsible for ensuring that each request appears legitimate and that the requester is an authorized recipient.
6. Only the persons listed below are authorized to release CHRI information:
  - (a) Terminal Agency Coordinator.
  - (b) NOPD – NCIC Unit members.
  - (c) Personnel specifically designated in writing by Superintendent of Police with the concurrence of the TAC.

#### **AUTHORIZED RECIPIENTS**

7. CHRI may be released to authorized NOPD members for criminal justice purposes.
8. All law enforcement personnel with proper identification are authorized recipients, if they are acting in the scope of their official duties.
9. Conviction records for certain crimes may be disseminated without restriction by authorized members (R.S. 15:548).

#### **DISSEMINATION OF INFORMATION**

10. When CHRI is disseminated, the NOPD – NCIC Unit shall maintain a dissemination log pertaining to each transaction with the appropriate information to include maintaining the log for the designated time period (R.S. 15:548(G)).

#### **PROTECTION OF INFORMATION**

11. Sensitive information obtained through law enforcement databases, such as CHRI, should generally not be transmitted by radio.
12. 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.

13. The Custodian of Records, or his/her designee, is responsible for necessary procedures to supervise and protect system information by (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.

#### **COMPUTER TERMINAL SECURITY**

14. 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.
15. 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.

#### **DESTRUCTION OF RECORDS**

16. When any confidential document, including CHRI, has served the purpose for which it was obtained and is eligible for destruction (i.e. shredding or burning), 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.
17. Each member shall be responsible for properly destroying CHRI documents he/she receives.

#### **REVIEW OF AND CHALLENGE TO RECORDS**

18. 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.
19. Every individual seeking to avail him/herself of this procedure shall be provided with a list of all affected agencies and informed of the significance of querying a non-affected agency.
20. 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 NOPD – NCIC Unit business hours.

#### **REVIEW OF RECORDS**

21. 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.

22. 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 the record sought, the time period within which viewing must be made possible may be extended by an additional 30 days.
23. 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 member.
24. 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.
25. When the Department receives a request for information, members 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.
26. 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.
27. 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.

#### **PRIVACY AND SECURITY OF REVIEW**

28. A record of each individual viewing a record shall be maintained. Each viewing record shall be approved by the supervisory member present at the review. The reviewing individual shall be required to certify by his/her signature that he/she has viewed the CHRI requested.

#### **CRIMINAL RECORDS CHECK INQUIRES**

29. Due to the nature of ordinary police function, it is not always possible for an officer or other member to personally 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 member 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/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 badge number to the member making the inquiry.
  - (d) On all telephone inquiries, the requesting individual shall supply his/her social security number to the individual actually entering the data.



30. Members who fail to enter a social security number, car number or badge number of the member requesting information through the criminal records system shall be held responsible for the disposition of the information obtained through the computer check. The member shall also be subject to disciplinary action for failing to enter the required requestor information.
31. Members are reminded that information obtained through the criminal records 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.

#### **TRAINING**

32. 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 commander of the NOPD – NCIC Unit. The Education & Training Division shall coordinate the course to provide training in the proper use, control, and dissemination of information.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 82.4

### TITLE: COMPLAINT SIGNALS—CHANGING OF ITEM SIGNALS AND DISPOSITIONS

**EFFECTIVE: 05/07/2017**

**REVISED: 11/15/19**

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#### PURPOSE

The purpose of this Chapter is to establish standards for changing the signal or disposition of an item number when it is closed, i.e. marked up, by the primary unit.

#### POLICY STATEMENT

1. Calls for service are communicated through the Orleans Parish Communications District (OPCD) Public Safety Access Point. The calls can come in via the "911" emergency number or the 504-821-2222 non-emergency number. The nature of the complaint or request for service is classified based on the information and answers to questions provided by the caller. The Call-for-Service (CFS) is relayed to the appropriate geographic police District or unit for handling. When required, the classification of the CFS made by OPCD-PSAP may be changed by the officer(s) actually handling the CFS based on updated information.
2. The accurate, final disposition of calls for service is critical to ensure that complainants and victims receive the appropriate police response and to maintain accurate data for assessment and analysis of the Department's response. NOPD participates in the training of call-takers and dispatchers at the OPCD, when requested, to provide information that will assist in the proper classification of signals. Changing item signals and dispositions by members shall only be permitted under limited circumstances as outlined in this Chapter.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Disposition**—A valid identifier added to an item when it is closed, such as, but not limited to:

- (a) Necessary action taken (NAT)
- (b) Report to follow (RTF)
- (c) Unfounded (UNF)
- (d) Gone on arrival (GOA)

**District/division commander**—Under normal circumstances, the commissioned Department employee responsible for and in command of the unit who generally holds the position of Police

Captain.

**Primary unit**—The police unit as indicated in the PSAP Computer Aided Dispatch (CAD) system as the unit responsible for handling the call for service; this unit is also responsible for relaying the appropriate disposition.

**Primary dispatch talk group**—The designated location or channel on the police radio that has been designated for either a particular geographic police district or a specific police unit. Most commonly referred to as a “channel.”

**Public Safety Answering Point (PSAP)**—Official name for the “911 Call Center,” the Orleans Parish Communications District, which includes both emergency and non-emergency call requests for Police, Fire, and EMS.

**Signal**—The alphanumeric identifier given a particular call for service that was in place at the time the item was given a final disposition.

## INSTRUCTIONS

3. All calls for service generated through the Computer Aided Dispatch System (CAD) of the PSAP shall have a unique alphanumeric identifier referred to as the item number.
4. The primary unit shall have the responsibility for providing an appropriate disposition for each item thus causing the item to be closed in CAD.
5. Dispatching calls for service, giving dispositions, or changing unit status shall not be conducted over the telephone. These actions must be broadcast over the primary dispatch talk group for the police district or over the Mobile Data Terminal (MDT).
6. Should special circumstances relating to the classification or handling of a CFS require that a dispatcher be contacted by the officer over the telephone, such calls should be routed through the Communication Services – NOPD Liaison.
7. If an officer assigned to handle a call for service determines that the signal needs to be changed in order to correctly identify the call for service, the officer may change the signal, without the approval of a supervisor, **unless**:
  - (a) The incident originated as a sexual assault related signal (see **Chapter 42.2 – Sexual Assault**); or
  - (b) The incident originated as a child abuse related signal (see **Chapter 42.19 – Child Abuse**); or
  - (c) The signal was a call of Domestic Violence (see **Chapter 42.4 - Domestic Violence**); or
  - (d) The signal should be changed from a UCR report crime to a Non-UCR report crime.
8. An officer assigned to handle a call for service may change a signal initially identified by a dispatcher as a domestic violence signal (see (c) above) only upon the approval of a supervisor. In order to request such a change, the assigned officer will contact a supervisor by radio and provide the supervisor with an explanation for the requested change. The supervisor will communicate the approval, if granted, on the primary dispatch channel to Communications Services. If approved by the supervisor, the written explanation of the reason for the requested signal change will be included in any subsequent associated police report (EPR).

9. An officer assigned to handle a call for service may change a signal initially identified by a dispatcher as a UCR crime to a signal for a non-UCR crime or offense only upon the approval of a supervisor. In order to request such a change, the assigned officer shall contact a supervisor by radio and provide the supervisor with an explanation for the requested change. The supervisor will communicate the approval, if granted, on the primary dispatch channel to Communications Services. If approved by the supervisor, the written explanation of the reason for the requested signal change will be included in any subsequent EPR.
10. If it becomes necessary to change either the signal or disposition of an item after the item has been closed in CAD, the following shall occur:
  - (a) Platoon supervisors are authorized to change or correct the item number, signal, disposition, and location, within the limitations outlined in this Chapter, of any incidents or events within 24 hours of the item being closed in CAD.
  - (b) In the event that a platoon supervisor seeks to change a signal more than 24 hours after the item being closed:
    1. A **Change of Signal or Disposition Form** (Form 226) shall be completed by the platoon commander or, in his/her absence, the platoon supervisor on duty at the time the item was handled.
    2. Form 226 shall be completed in its entirety, including a complete written explanation of the reason for the requested change. If the item number (incident) has an associated police report (EPR), then a supplemental report (SUPP) shall be written containing a complete written explanation of the reason for the requested change.
  - (c) The completed Form 226 shall be forwarded to the district/division commander for review. Individuals other than the district/division commander or, in the event of a prolonged absence of the district/division commander, the acting district/division commander, may not be authorized to complete Form 226.
  - (d) Upon approval by the district/division commander, or the acting district/division commander in the event of a prolonged absence of the district/division commander, the original Form 226 shall be forwarded to the **Record and Identifications/Support Service Section** for update. One copy of the Form 226 shall be forwarded to the **Communications Services Liaison** (OPCD) and one copy shall be forwarded to the **Information Systems Section**. Distribution of the original Form 226 and all required copies shall be made by the district/division requesting the signal change or correction.
  - (e) A copy of the submitted Form 226 shall be maintained at the district/division level.

#### **AUDIT AND REVIEW**

11. The Audit and Review Unit of the Compliance Bureau shall review signal and/or disposition changes for appropriateness and compliance with Departmental guidelines, and report on such a review at least annually.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 82.8

### TITLE: CRIME BULLETINS

**EFFECTIVE: 12/17/2017**

**REVISED: Replaces Policy 437**

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#### PURPOSE

The purpose of this Chapter is to provide guidelines for sending crime bulletins.

#### INSTRUCTIONS

1. Crime Bulletins shall be sent for the following:
  - (a) All missing persons, wanted subjects and runaways;
  - (b) Cancellation bulletins of missing, wanted subjects, or runaways;
  - (c) Lost or stolen firearms;
  - (d) Lost, stolen or found identifiable property (e.g. property with known serial numbers, initials, and engravings).
2. An Incident Report (Electronic Police Report - EPR) shall be completed whenever a crime bulletin is required. The reporting officer shall check **"yes"** in the **"Bulletin Required"** box on the Face Sheet section of the incident report. No additional bulletin form is required.
3. When an incident report requiring a crime bulletin is incomplete or cannot be completed before the officer ends his/her tour of duty (ETOD), the reporting officer shall complete the EPR sufficiently for a crime bulletin to be sent.
4. When **"yes"** is checked in the **"Bulletin Required"** box, the reporting officer, or desk officer, shall send a crime bulletin prior to ETOD. The message number generated shall be included on the face sheet, the document page and in the narrative section of the incident or supplemental report (EPR). A copy of the crime bulletin shall be made inclusive of the Incident Report.
5. In all arrest or recovered identifiable property cases, a supplemental report shall be completed containing all relevant information. The crime bulletin number, the NOPD N.C.I.C. Unit contact person who verified the wanted status, and the member who received the cancellation bulletin shall be noted on the face sheet of the EPR (supplemental report) and also contained in the narrative section.
6. For all Bulletins (sent, cancelled, modified, etc.), the reporting officer shall confirm receipt of the bulletin with NOPD N.C.I.C. Unit by telephone or police radio. Confirmation and the name of the confirming party at NOPD N.C.I.C. Unit shall be documented in the appropriate report (EPR).

7. The Crime Bulletin template can be found thru the NOPD Web Applications under "Links" as [eclient.cityofno.com](http://eclient.cityofno.com) link in the MOTION System under the **TTY** (teletype) command.
8. All relevant sections of the Crime Bulletin shall be entered.

#### **CANCELLATION BULLETINS ON LOCAL WANTED SUBJECTS ONLY**

9. If the warrant is local (**issued by NOPD**), the arresting officer shall send a cancellation bulletin for an arrest based upon:
  - (a) a verified warrant, or
  - (b) a crime bulletin and affecting an arrest for an "open" NOPD item.
10. The local wanted subject cancellation bulletin shall contain:
  - (a) The disposition of the arrest (physical arrest and booking or summons issued);
  - (b) If a summons was issued, the summons number shall be noted in the bulletin.

**NOTE:** *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.*

11. The reporting officer shall contact the NOPD N.C.I.C. Unit via telephone or police radio and verify that the NOPD N.C.I.C. Unit received the specified cancellation bulletin.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 83.1

### TITLE: COLLECTION AND PRESERVATION OF EVIDENCE

**EFFECTIVE: 07/14/2019**

**REVISED: Replaces Policy/Procedure 808**

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#### PURPOSE

The purpose of this Chapter is to establish guidelines for the collection, identification, transportation, and preservation of physical evidence so that such evidence can be handled appropriately and so that the chain of evidence can be maintained for later use in court.

#### POLICY STATEMENT

1. Effective law enforcement and subsequent prosecution necessitates that information and evidence be obtained through the application of best practices and proven scientific methods.
2. In the handling of all evidence, a Chain of Custody (commonly referred to as Chain of Evidence) shall be maintained. The record of transfer for each item of evidence shall contain the following:
  - (a) Date, time, and location of recovery or confiscation;
  - (b) Name of individual recovering or confiscating the item;
  - (c) Name of individual transporting and/or transferring the item to its proper destination;
  - (d) Date and time of all transfers of the item to or from an individual or location;
  - (e) Receiving person's name, assignment, and reason for the item's transfer;
  - (f) The forensic examination requested, if applicable; and
  - (g) If applicable, date, location, and name of laboratory if not the New Orleans Police Department SCIS.
3. The NOPD - Scientific Criminal Investigation Section (SCIS - Crime Lab) shall maintain a crime scene processing capability 24 hours per day 365 days per year.
4. Vehicles used by Crime Scene Technicians for transportation to and processing of crime scenes shall be, at a minimum, equipped for the:
  - (a) Proper retrieval of fingerprints;
  - (b) Photographing of scenes (both in lighted areas and in darkness);
  - (c) Proper retrieval and packaging of evidence; and
  - (d) Sketching of the scene.
5. On crime scenes where large or extremely bulky evidence is recovered, the officer in

charge of the investigation is responsible for requesting assistance to confiscate the evidence. Large trucks, tow wagons and flatbed trucks are available through the MSB – Facility Support Services, or City of New Orleans Streets Department. Use of a vehicle other than an NOPD or City of New Orleans vehicle shall be approved by the investigating officer's supervisor and documented in the EPR or Crime Scene Technicians Report.

6. The authority of the Crime Scene Technician does not supersede the authority of the investigator or supervisor 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 the best method to properly process the evidence to be collected.
7. The recovery of forensic evidence from a crime scene cannot be accurately reconstructed once the scene has been processed and is no longer secured. For any major incident investigation, it is always preferable to take the opportunity to collect as much trace evidence as necessary than to create the possibility where probative evidence which may have been present was not collected and is therefore lost. An investigator or scene supervisor may direct that any possible trace evidence is collected from a scene, secondary scene, victim, witness or suspect, as he or she determines necessary to maximize the possibility of getting the most accurate forensic result from the investigation. Any objections to the subsequent forensic testing of the collected samples will only be addressed after the samples are collected, secured and preserved.
8. Challenged requests or disputes as to the methods and capabilities of the technician shall be referred to an SCIS Supervisor at the time the request is made and the dispute arises.
9. All items submitted to the Crime Laboratory for forensic analysis shall be documented with the appropriate laboratory request form.
10. All items of evidence at crime scenes which are perishable and are to be processed for forensic testing by the SCIS 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.).

## DEFINITIONS

**Control Sample**—Those items taken from known materials for comparison purposes to unknown specimens found at the scene.

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

**Crime Scene Technician / Evidence Technician**—A trained specialist, providing on-site support services to officers in the collection, marking, processing, and securing of physical evidence at a crime scene.

**Evidence**—Property as defined herein, including documentary or oral statements, material objects admissible as testimony in a court of law, and items taken or recovered in the course of an investigation that may tend to prove or disprove the facts of a case.



**Hazardous Materials**—Any chemically unstable explosive, corrosive acid, poison, flammable or biologic material which is capable of causing injury or death.

**Property**—Any object of value, however slight, whether tangible or intangible.

### **CONTROL SAMPLES**

11. The Crime Scene Technician shall be responsible for the collection and preservation of all control samples. 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 and clearly marked as “control sample.”
12. Control samples involving medical exams, such as sexual assaults 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 evidence 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.
13. Control samples collected during the execution of a search warrant shall be collected by a Crime Scene Technician in the presence of the affiant officer noted on the warrant.
14. Evidence recovered from medical professionals, or other professional scientific personnel not employed by NOPD, shall be preserved by the on-scene investigator. The evidence shall be packaged, labeled, and secured in a manner not jeopardizing its evidentiary value. The items shall be transported to Central Evidence and Property (CE&P) and submitted as evidence. A Request for Laboratory Examination form shall be filled out if further processing is needed.

### **OFFICER RESPONSIBILITY AT CRIME SCENE**

15. All commissioned personnel shall be held responsible for basic knowledge of crime scene protection and proper handling of evidence. See **Chapter 46.20 – Crime and Disaster Scene Integrity** for on scene officer’s responsibilities at a crime scene.
16. 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 secure any additional areas deemed necessary and restrict access to unauthorized or unnecessary individuals, including officers. 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.

### **PROCESSING SCENE**

17. Processing of evidence procedures should be determined by the progression of the tasks, such as photographs, sketches, fingerprints, marks, and collection, if possible.
18. 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 SCIS - Crime Lab shall be available to all commissioned personnel (refer to [www.nopd.org](http://www.nopd.org) for access to the Crime Lab Menu of Services).

19. Photographs and/or video of the overall crime scene shall be considered. Where indicated, individual photographs shall be taken of items in the position found prior to collection. BWC footage of the first officers on the scene can be important documentation of the scene integrity during processing.
20. Photographs shall also be taken of tool marks, footprints, tire marks, blood spatter, serial numbers, latent fingerprints prior to being lifted, and any other related items of potential evidentiary value where possible. Two photographs of sufficient quality to serve as permanent record shall be taken in series, the first in its true or natural state and the second to scale. A ruler or other appropriate measuring instrument shall be used for scaled photographs.
21. Sketches shall be drawn to accurately depict the location and placement of evidence. Sketches need not be to scale. Sketches shall be made in addition to any photographs or videotapes made of the crime scenes as directed by the lead investigator.
22. Sketches shall include the following information:
  - (a) General layout
  - (b) Offense or case number
  - (c) Title or description of area
  - (d) Date
  - (e) Sketcher's name
  - (f) Scale of measurement (to scale or not to scale)
  - (g) Location of items or other significant features
  - (h) Compass direction
  - (i) Names of streets or landmarks or both
  - (j) Person who prepared the final diagram
  - (k) Person(s) who took the measurements
23. 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.
24. 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 the task may be performed by trained district fingerprint officers.

### **COLLECTING FINGERPRINTS**

25. 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 this evidence. If advanced techniques beyond the ability or expertise of the Crime Scene Technician or district fingerprinting officers are needed to retrieve the prints, he/she shall handle, package, and submit the items to CE&P instead and complete the appropriate Crime Lab request forms.
26. Requests to fingerprint a body or lift prints from a live individual shall be made through the Crime Lab supervisor. (This may require a Search Warrant in some cases.)
27. All retrieved fingerprint evidence shall be processed according to current Crime Laboratory procedure as it pertains to handing, labeling, and maintaining the chain of evidence.

**REPORTS – CRIME LAB TECHNICIAN**

28. 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 Criminalistics Laboratories, section 499, certificate of analysis.
29. The Scientific Criminal Investigations Section (Crime Lab) and the Latent Print Unit shall produce a written report on all forensic processing – comparisons and analysis – whether or not a particular suspect is included or excluded as a possible contributor to the trace evidence being tested and whether or not the results materially aid the investigation. Each report, regardless of the result, shall be sent to the investigating officer or supervisor on the case as well as to the Records and Identification Division, regardless of the investigator's request for a report, and shall be made part of her or his case file.
30. The original report shall be forwarded to the Records and Identification Division which is the storage facility for all SCIS - Crime Laboratory Reports.
31. Requests for copies of crime analysis reports and subpoenaed copies of reports shall be made through the Custodian of Records - Records and Identification Section.

**CENTRAL EVIDENCE AND PROPERTY**

32. All evidence examined, analyzed, or otherwise processed by the Crime Lab shall be turned over to the Central Evidence and Property Section for storage after testing. All guidelines pertaining to the documentation of the Chain of Evidence shall be adhered to when evidence is transferred from facility to facility.
33. 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 Section for storage.
34. All new evidence generated by non-crime lab personnel shall be packaged, labeled and otherwise handled as per this Chapter and current CE&P procedure relative to the handling of evidence.

**HAZARDOUS MATERIALS**

35. 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.
36. 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 entity. The method of destruction and individual responsible for destruction shall be documented in the appropriate file(s) by Central Evidence and Property members.
37. Explosives, acids, and flammable substances shall be processed and transported by SOD - Bomb Technicians or other governmental agencies utilizing an approved vehicle and transportation technique to be determined by the technician and considered safe. (See also: **Chapter 46.3 – Bomb Calls**).

38. SOD - Bomb Technicians shall determine if a sampling of the explosive compound or chemical agent can be safely extracted for evidentiary processing.
39. If a sampling of the substance can be safely retrieved for forensic testing, it shall be the Bomb Technician's or other governmental agency's responsibility to transport the sample to the Crime Lab or other appropriate facility for processing. Explosives are not permitted to be delivered to nor retained at CE&P. Hazardous materials and explosives are processed by NOFD or SOD / Bomb Squad as per **Chapters 46.3 – Bomb Calls** and **Chapter 46.3.4 – Hazardous Materials Exposure and Response**.
40. Substances where 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.
41. Explosives, acids, flammable substances and other hazardous materials shall not be processed, transported, or stored as evidence. 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 clandestine or illegal drug labs the investigating officer is responsible for securing the scene and rendering it safe for processing by the Crime Lab. Once a clandestine or illegal drug lab is secured, the New Orleans Fire Department can assist with decontamination, evidence collection or scene mitigation. (See also: **Chapter 46.3.4 – Hazardous materials Exposure and Response**).

#### **AUTOMOBILE FATALITIES / ACCIDENTS**

42. Fatalities are handled in their entirety by the Traffic Division Fatality Unit. Crime Scene Technicians shall only be dispatched to the scene to assist the investigator if requested.
43. The Fatality Investigator is responsible for the processing of the scene and handling of all evidence recovered.
44. When requested, Crime Scene Technicians shall assist in the retrieval of evidence in those instances which are outside the expertise of the Traffic Division investigator.
45. Within the limits of their forensic testing capability, the Crime Laboratory shall conduct scientific analysis/examination of evidence submitted and generate the appropriate reports.
46. Crime Scene Technicians will not photograph auto accidents involving police vehicles unless requested by the investigating officer assigned to the Traffic Investigations Unit. When requested, technicians may assist with measuring skid marks and other relevant information; however, they are not required to generate a Crime Scene technician Report or list this information in their report. All information relative to the actions taken by the Crime Scene Technician shall be documented by the investigating officer in his/her report.

#### **AUTO THEFTS**

47. On all arrest cases involving stolen vehicles, under any signal, where the vehicle is present, available and has a broken / defeated steering column or ignition, the investigator shall contact SCIS to have a Crime Scene Technician photograph the

broken / defeated steering column or ignition.

## **BURGLARIES**

48. Crime Scene Technicians will assist the investigator on burglary scenes and shall process scenes and the evidence as needed.
49. After the evidence is processed and/or collected and packaged, it shall be the investigator's responsibility to either:
  - (a) Place the evidence in the Central Evidence and Property Section: or
  - (b) Release the evidence to the owner as appropriate to the item.

## **SUICIDES**

50. The Coroner's Investigator is responsible for the collection of any suicide note unless the investigating officer requests the suicide note be processed for fingerprints or DNA. Suicide notes shall be photographed at the scene and prior to processing for prints and DNA.
51. Collection of medications on the scene is the responsibility of the Coroner's Investigator unless the investigating officer requests the medication containers be processed for fingerprints or DNA. The medication containers shall be photographed at the scene and prior to processing for prints and DNA.
52. Suicides will not be sketched by the Crime Scene Technician unless specifically requested by the Coroner's Investigator.

## **HOMICIDES**

53. Clothing removed from a suspect or other individual by the investigating officer at a detention facility or elsewhere but away from the scene shall be properly separated, packaged and delivered to Central Evidence and Property by the investigating officer.
54. It is the responsibility of the Coroner's Office investigator to deliver any evidence removed from a body during an autopsy to Central Evidence and Property.
55. All homicide scenes shall be sketched by the assigned Crime Scene Technicians.

## **UNCLASSIFIED DEATHS**

56. Unclassified deaths shall be processed in the same manner as homicides. Sketches will be completed if requested by the investigator.

## **DRUG VIOLATIONS**

57. Crime Scene Technicians will not respond to calls of "found drugs" if there is no crime scene to process.
58. Crime Scene Technicians shall not respond for the sole purpose of collecting drugs but may assist in the packaging and photographing of drugs if requested by the investigating officer and the Crime Scene Technician platoon supervisor approves.
59. If an investigating officer requests that fingerprints or DNA be lifted on packaged drugs, the crime scene technician shall determine the best method by which the prints or trace DNA will be lifted.

60. The investigating officer shall be responsible for placing any recovered drug violation evidence at Central Evidence and Property unless the recovery involves forensic processing (i.e. fingerprinting or DNA). If the evidence was generated or created by the Crime Scene Technician, the CST shall log the evidence at CE&P.

### **ILLEGAL CARRYING OF FIREARMS / ILLEGAL DISCHARGE OF FIREARMS**

61. Crime Scene Technicians shall not respond to signals of illegal carrying of firearms if there is no scene to process.
62. Technicians shall not respond to a scene for the sole purpose of collecting a weapon but may assist in the packaging of the items for forensic processing (fingerprints or DNA) and photographing of weapons if requested by the investigating officer and the Crime Scene Technician platoon supervisor approves.

### **SEARCH WARRANTS**

63. When a crime scene technician is requested on a search warrant execution, the following guidelines shall apply:
  - (a) The scene shall be secure prior to the arrival of the CST.
  - (b) The affiant officer on the warrant must be present on the scene during all processing.
  - (c) Technicians will assist with the photographing, collection, and proper packaging of evidence described in the warrant. This includes blood, hair, fibers, etc.
  - (d) Technicians will be required to retrieve any trace evidence and package same.
64. To ensure the integrity of the chain of custody, evidence shall be submitted to the Central Evidence and Property Section by the officer/technician who collected, packaged or processed the evidence. The affiant of the search warrant shall be responsible for documenting all collected evidence on the warrant return.

### **SEIZED, IMPOUNDED VEHICLES AS EVIDENCE**

65. The processing of vehicles as a scene or as evidence should be accomplished as soon as possible after seizure of the vehicle and on the crime scene itself if time and conditions permit.
66. If an investigator seizes a vehicle for evidence collection purposes, it shall be the investigator's responsibility to have the vehicle transported to the evidence cage at police headquarters. See **Chapter 61.22 – Impoundment of Motor Vehicle Involved in Criminal Activity**.
67. Prior to transporting a seized vehicle, the investigator should consult a Crime Lab supervisor to determine if the vehicle can be processed on the scene.
68. Prior to transporting a seized vehicle it shall be the responsibility of the investigating officer to complete an **Impounded Vehicle Laboratory Request form** (Form 211). The crime scene technician, if requested, shall assist the investigator in the completion of the form.
69. Copies of the Impounded Vehicle Laboratory Request form (Form 211) can be obtained from the [NOPD.org](http://NOPD.org) Forms folder.

**DNA EVIDENCE**

70. Evidence suitable for DNA analysis can be found at many crime scenes and is a powerful investigative tool for linking suspects to crimes, eliminating suspects, and identifying victims. Officers shall be aware of common sources of DNA evidence, ways to protect against contamination of samples, and basic collection and packaging guidelines such as wearing a mask to avoid contamination through talking, sneezing, and coughing over evidence.
71. Blood and semen are the two most common sources of DNA evidence. However, other body tissues and fluids can be used for analysis even in microscopic quantities.
72. DNA is particularly sensitive and subject to contamination. First responders, in particular, must be familiar with the most likely actions/situations that can degrade, destroy, or contaminate DNA evidence and shall observe the following precautions:
- (a) Change protective gloves between collections of samples in different areas.
  - (b) Use disposable instruments or clean instruments thoroughly with a 10 percent bleach solution before and after handling each sample.
  - (c) Avoid touching the area where you believe DNA may exist.
  - (d) Air-dry potential DNA evidence thoroughly before packaging. If it cannot be air-dried, refrigerate and submit to the laboratory within seven days.
  - (e) Put evidence into new (unused) paper bags or envelopes, not into plastic bags.
  - (f) Sterile swabs shall be used to collect liquid blood. Vials containing blood samples should be refrigerated as soon as possible but shall not remain unrefrigerated longer than seven days.
  - (g) Bloodstains shall be first photographed, then packaged or wrapped carefully in paper so that the bloodstain is not dislodged or disturbed. Smaller bloodstained objects can be placed in envelopes or cardboard boxes.
  - (h) Wet bloodstained materials must be dried prior to submission to a laboratory. Officers shall not use heaters, freestanding room fans, or intense light to facilitate drying, as this may destroy the evidentiary value of the samples. Low-humidity, cold environments that are well ventilated are suitable for this purpose. Drying cabinets for this purpose are maintained by CE&P.
  - (i) If exigent circumstances dictate immediate action to prevent destruction of evidence, wet bloodstained materials may be rolled or folded in paper or placed in a brown paper bag or box, sealed, and labeled. Folding garments through stains shall be avoided.
  - (j) Bloodstained articles and blood samples shall be transported as soon as possible and should never be stored in patrol vehicles or otherwise exposed to heat.
  - (k) Use a cotton Q-tip or swab lightly moistened with saline solution to collect dried bloodstains on fixed objects too large to transport or on porous surfaces. If saline is not available, tap water may be used so long as a control standard of the water is collected for comparison.
  - (l) As in the case of blood samples, clothing and bedding that may retain semen evidence shall be air-dried if wet and packaged separately in paper containers and labeled.

73. Common sources of potential DNA evidence include:

<b><u>Evidence</u></b>	<b><u>Possible Location of DNA on Evidence</u></b>	<b><u>Source of DNA</u></b>
Baseball bat or similar weapon	Handle, end	Sweat, skin, blood, tissue
Hat, bandanna, mask	Inside	Sweat, skin, hair, dandruff, blood
Eyeglasses	Nose or ear pieces, lens	Sweat, skin, blood
Facial tissue, cotton swab	Surface area	Mucus, blood, sweat, semen, ear wax
Dirty laundry	Surface area	Blood, sweat, skin, semen
Toothpick	Tips	Saliva, blood
Used cigarette	Cigarette butt	Saliva, blood
Stamp, paper, envelope	Licked area, paper	Saliva, blood
Tape, ligature	Inside/outside surface	Skin, sweat, skin, blood
Bottle, can, glass	Sides, mouthpiece	Saliva, sweat, blood
Used condom	Inside/outside surface	Semen, vaginal or rectal cells, blood
Blanket, pillow, sheet	Surface area	Sweat, hair, semen, urine, saliva, blood, skin.
Through-and-through bullet	Outside surface	Blood, tissue
Bite mark	Person's skin, clothing	Saliva, blood
Fingernail, partial fingernail	Scrapings	Blood, sweat, skin, tissue
Clothing worn or touched	Area where clothing grabbed or held or where clothing touches skin (gathered wrists, waistband, etc.)	Sweat, skin





# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 83.2

### TITLE: COMPUTERS AND DIGITAL EVIDENCE

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 814**

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#### PURPOSE

This Chapter establishes guidelines for the seizure and storage of mobile devices, computers, and other electronic devices capable of storing digital information. The Chapter also establishes guidelines for the preservation and storage of digital evidence.

#### POLICY STATEMENT

1. 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 (R.S. 15:579).

#### DEFINITIONS

**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.

#### FIRST RESPONDER AND INVESTIGATING OFFICER RESPONSIBILITIES

2. The officer or detective must have the legal authority to seize the mobile device, computer, hardware, software or electronic media with a signed warrant and/or valid consent. The officer or detective shall obtain the appropriate permission prior to seizing the equipment and prior to forensic examination by the Digital Forensic Unit. (See: **Chapter 1.2.4 – Search and Seizure** and **Chapter 1.2.4.2 – Search Warrant, Content, Forms and Reviews**).
3. Secure the devices containing the digital evidence by:
  - (a) 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.
- (b) Isolate the device from communicating with any network (Faraday bag).
4. Officers can obtain Faraday bags from Central Evidence and Property. In the event that a Faraday bag is not available, aluminum foil will prohibit the device from accessing wireless networks.
  5. Consider non-electronic evidence on the device such as fingerprints or biological or trace evidence and contact the Scientific Criminal Investigation Section (Crime Lab) to process and analyze this evidence. The device and evidence shall be collected and processed prior to the device being processed by the Digital Forensics Unit.
  6. 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.
  7. If the electronic device is powered on 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 a device.
  8. 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:
    - (a) Cellular/Mobile Device Work Request - Form 320
    - (b) Video Work Request - Form 321
    - (c) Computer Work Request - Form 322
  9. 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 when submitted for examination. The Digital Forensics Unit shall be notified about the pending devices at Central Evidence and Property.

#### **VIDEO SURVEILLANCE EVIDENCE**

10. 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.
11. If the first responder cannot obtain the video while on scene, he/she shall 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 first responder was successful in obtaining the surveillance video and the video is stored on removable media such as CD, DVD, or flash drive, follow current departmental guidelines for storing evidence (see: **Chapter 83.1 – Collection and Preservation of Evidence**).

#### **RECEIVING, STORING, AND PROCESSING EVIDENCE**

12. Digital Forensics Unit Detectives (forensics examiners) shall retrieve evidence from Central Evidence and Property upon notification and receipt of the appropriate work request form and search authority (warrant). The detectives will process evidence in a timely manner using equipment/procedures accepted by the forensics community for obtaining evidence from electronic and data storage devices.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 84.1

### TITLE: EVIDENCE AND PROPERTY

**EFFECTIVE: 07/14/2019**

**REVISED: Replaces Policy/Procedure 804**

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#### PURPOSE

This Chapter 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). This Chapter does not cover the collection, handling, and storage of evidence of sexual assault, which is covered in **Chapter 42.2 – Sexual Assault** and the **Sex Crimes Unit Standard Operating Guidelines**.

#### DEFINITIONS

**CE&P**—Acronym for the **C**entral **E**vidence and **P**roperty Section.

**Concursus**—A proceeding in which two or more persons having competing or conflicting claims to money, property, or mortgages or privileges on property are required to assert their respective claims contradictorily against all other parties to the proceeding. The property may be held by a third party (i.e. police department). See La. Code Civil Procedure Art. 4651.

**Controlled Substance or Controlled Dangerous Substance (CS / CDS)**—Drugs and other substances that are considered controlled substances under the Controlled Substances Act (CSA) and/or Louisiana law are divided into five schedules. Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, their relative abuse potential, and likelihood of causing dependence when abused.

**Disposal**—The disposition of an item classified as evidence once the prosecutorial and judicial process is concluded. The three methods of disposal are

- (a) Return it to the rightful owner (if allowed by law);
- (b) Legally forfeit the item for use by the law enforcement agency; or
- (c) Physically destroy it.

All evidence disposal methods require legal process and court approval.

**Drug**—A substance used to treat an illness, relieve a symptom, or modify a chemical process in the body for a specific purpose.

**Evidence**—Property as defined herein, including documentary or oral statements, material objects admissible as testimony in a court of law, and items taken or recovered in the course of an investigation that may tend to prove or disprove the facts of a case.

**Exhibit**—Physical or documentary evidence which could be brought before the jury / judge and or shown and identified in court in a case. The artifact or document itself is generally presented for the court or jury's inspection. Examples may include a weapon allegedly used in the crime, an invoice or written contract, a photograph, or a video recording.

**Found Property**—Property found by a department member or other person where the owner cannot be readily identified or contacted and has no apparent evidentiary value in a criminal investigation.

**Gross Package Weight**—The sum (total) weight of the package and contents.

**Narcotic**—Any of a class of substances that blunt the senses, such as opium, morphine, belladonna, and alcohol, that in large quantities produce euphoria, stupor, or coma, that when used constantly can cause habituation or addiction, and that are used in medicine to relieve pain, cause sedation, and induce sleep. The US FDA has restricted the word narcotic to mean opioid.

**Property**—Any object of value, however slight, whether tangible or intangible.

**Safekeeping**—The police department has a fiduciary and **legal** obligation to store and protect items of evidence and **property** in its **custody**, and an obligation to legally restore **property** to the rightful owner as soon as practical or dispose of the **property** in a **legal** manner. This includes property obtained by the Department for safekeeping/storage pending return to owner, or personal property of an arrestee not taken as evidence in a criminal investigation.

## **POLICY STATEMENT**

1. The evidence and property function exists in order for this Department to receive, catalog, safely store, and maintain the integrity of evidence, found property, or property for safekeeping.
2. This Department has the legal obligation to restore property to the rightful owners or facilitate the legal disposition of evidence or property in its possession. The Commander of Central Evidence and Property shall ensure that timely notification of possible release to the owner is made on all items of property, where the owner has been identified.
3. The determination of the suitability of a particular item of evidence for forensic testing is made by the Crime Lab after the investigator's determination that the item will be needed in a case investigation and a laboratory request for forensic testing has been made by the case investigator. The method of forensic testing to be used on a particular item shall be determined by the appropriate forensic laboratory technician based on the Crime Lab Standard Operating Guidelines and best practices.
4. The classification of a particular item or object as either property or evidence for purposes of this Chapter is made by the investigating officer based on the nature of the object and its impoundment necessity as proof of an element of the offense or the possibility that forensic testing of the object may provide additional evidence as to the identity of a suspect (i.e. DNA and fingerprints). In the event the item or object is to be retained as evidence so that forensic testing can be conducted, the required Crime Lab Request form shall accompany the item when confiscated from the scene and logged into CE&P. Items that do not have evidentiary value and are capable of being documented on the scene by photographs and sketching can be processed as "property."

**CENTRAL EVIDENCE AND PROPERTY INTEGRITY AND SECURITY- MAIN FACILITY**

5. CE&P shall maintain and operate a main warehouse facility manned and open for the receipt of evidence and property 24 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 continuous operation. Exterior doors and windows shall be locked and secured with key card access, allowing only authorized members or individuals with appropriate, verified identification and a need to enter the facility. Doors to interior areas shall be locked and secured when not in active use, allowing only authorized members 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).
6. All items stored at CE&P or any satellite facility shall be stored above base flood elevation for the location of the facility according to the most recent revised FEMA flood hazard data.
7. Drugs, narcotics, controlled substances, currency and other valuables, and firearms and related exhibits shall be stored separately from the main warehouse in an area subject to additional access security and restrictions.

**EVIDENCE AND PROPERTY INTAKE**

8. All evidence and/or property except motor vehicles or suspected explosive devices taken into custody of an NOPD member while working must be delivered and logged at CE&P prior to a NOPD member going off-duty, and a written report (EPR) shall be made detailing how the evidence and/or property came into the control of the member along with a complete, detailed description of each item including serial numbers or identifying marks if applicable. Motor vehicles are processed according to **Chapter 61.22 – Impoundment of Motor Vehicles Involved in Criminal Activity**. Information on explosive devices is provided below.

**EVIDENCE AND PROPERTY BOOKING PROCEDURE**

9. Exhibits delivered to CE&P shall be packaged, sealed, and labeled by the receiving counter member per current CE&P standard operating guidelines (SOG), including but not limited to the following:
  - (a) Exhibits shall be described so precisely that physical viewing of the packaged item is not necessary to identify what it is.
  - (b) Exhibits of evidence shall not be packaged with items of property.
  - (c) Exhibits for which ownership can be, or has been, established shall be packaged separately.
  - (d) Members submitting items for forensic processing shall indicate the owner and/or custodian's name, address, and telephone number (if known).
10. All pertinent information regarding articles received at CE&P shall be entered into the Section's computer system and a receipt shall be generated. The receipt shall be supplied to the submitting member for his/her record and verified for accuracy and completeness by the submitting member prior to his/her leaving CE&P. This receipt shall become part of the submitting member's investigative report (EPR).

**DRUGS, NARCOTICS AND CONTROLLED SUBSTANCES**

11. Drugs, controlled substances and narcotics exhibits, including paraphernalia, shall be packaged separately, always in the presence of both the submitting and receiving

member. They shall be particularly described, itemized, weighed and packaged according to CE&P Standard Operating Guidelines (SOG) and deposited into the narcotics depository in the presence of the submitting and receiving members.

12. 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 on the chain-of-custody label. Any change in weight shall be immediately reported to the discovering member's supervisor. The supervisor shall determine if the change in weight was due to documented re-packaging or testing. If not, the supervisor shall initiate an investigation and report the actions, in writing, to his/her Commander.

### **CURRENCY AND OTHER VALUABLES**

13. Currency, coinage and other valuables (jewelry, etc.) shall be packaged separately in the presence of both the submitting and receiving member, along with a copy of the receipt that the submitting member issued to the person from whom it was obtained (if applicable). They shall be particularly described, itemized and packaged according to CE&P Standard Operating Guidelines (SOG), and deposited into the valuables depository in the presence of the submitting and receiving members.
  - (a) Cash/currency/coinage which has been submitted for processing and is in a government or bank-sealed bag need not be opened for verification, providing that the submitting member has documentation of the contents.
  - (b) In all other cases, CE&P members shall verify the amount of cash/currency/coinage received prior to packaging and depositing into the valuables depository.

### **FIREARMS AND RELATED EXHIBITS**

14. Firearms received at CE&P shall be unloaded and made safe by the submitting member prior to presenting for intake at CE&P.
15. For firearms related items:
  - (a) Live ammunition shall be packaged separately from spent ammunition.
  - (b) All live ammunition shall be packaged separately from firearms.
  - (c) Firearm magazines shall be removed from the weapon, and the firearm slide shall be locked in the open position, if possible.
  - (d) Revolvers shall be submitted with the cylinder open and empty, if possible.
  - (e) All firearms shall be accompanied by a completed NOPD **Confiscated Report Form #42**.

### **EXCEPTIONAL HANDLING**

16. Certain exhibits require specific processing. The following classes of exhibits shall be processed in the described manner once presented at CE&P intake:
  - (a) Any evidence collected which may contain trace DNA and that is designated for testing shall be properly labeled as such.
  - (b) Evidence stained with bodily fluids shall be air-dried prior to being packaged for storage.
  - (c) The ISB – Special Investigations Division – Narcotics Section – Asset Forfeiture Unit shall be contacted for evidentiary cash in excess of \$1,000.
  - (d) Evidence requiring unusual or specific storage requirements pursuant to laboratory procedures shall have those clearly indicated storage requirements noted on the appropriate form(s) and specifically brought to the attention of the CE&P intake member.

- (e) Items that are potential biohazards shall be appropriately packaged and labeled to reduce the risk of exposure or contamination.
- (f) City owned property, unless connected to a known criminal case, should be released directly to the appropriate City department. In cases where no responsible person from that department can be located, the City property should be booked for safekeeping and written notification of the circumstances and location made to the appropriate City Department director before the member placing the item on the books finishes his/her tour of duty.

## EVIDENCE DROP-BOXES

- 17. Certain evidence or property may be deposited into secure and authorized containers (drop boxes) located in police facilities such as District stations, Police Headquarters and the Family Justice Center.
- 18. Where drop boxes are present the following guidelines apply:
  - (a) Allowed or prohibited exhibits:
    - i. **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 a drop box.
    - ii. **Allowed evidence** - Fingerprint cards or photographs/videos (whether printed, CD/DVD or VHS) may be submitted in a drop box.
    - iii. **Prohibited items** - Firearms, ammunition, drugs, narcotics, CDS, drug paraphernalia, currency/coin, jewelry, sexual assault kits, or DNA / biological / biologically contaminated items.
  - (b) Each individual exhibit placed into a drop-box must be contained in a sealed bag or envelope and contain the following:
    - i. The item number and officer's name/assignment must be printed on the bag or envelope.
    - ii. The CE&P intake form must be completed, legible, approved and signed by the submitting member's supervisor and included inside the bag or envelope.
  - (c) A drop-box hard-bound ledger book, provided by CE&P, shall be kept at each drop-box location. The following information shall be recorded in the ledger book by the member submitting the evidence or property:
    - i. Date and time of submission into the drop box,
    - ii. The NOPD item number,
    - iii. The number of exhibits with each exhibit's description,
    - iv. The submitting member's name, badge number, and signature,
    - v. The approving supervisor's name and signature, and
    - vi. The retrieving CE&P member's initials and date of pickup.
  - (d) A supervisor of the submitting member who is depositing the evidence or property into the drop-box shall monitor 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 shall observe the placing of the exhibit(s) into the drop-box.
  - (e) The member writing the incident report shall attach a copy of the completed, approved and signed CE&P Intake form to the EPR.
  - (f) CE&P forms are available on nopd.org under Forms and may not be altered.

## DROP-BOX CUSTODIAN

- 19. Only authorized CE&P members (drop-box custodians) shall open a drop-box and collect the exhibits placed therein. The following guidelines shall be followed:

- (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 at least weekly.
  - (c) Drop-box custodians who open a drop-box and transport the exhibits contained therein must be sworn/armed members and travel in an authorized police vehicle.
  - (d) The drop-box custodian shall unlock the drop box, verify the contents against the exhibits listed in the ledger book and the information on the intake forms, and affix his/her initials and pickup date in the hard-bound ledger book,
  - (e) The drop-box custodian shall empty and lock the drop-box.
  - (f) The drop-box custodian shall address any discrepancies discovered during the process with the unit supervisor on-scene, leave a copy of the pick-up form for the unit Commander, and maintain the original pick-up form for CE&P records.
  - (g) The drop-box custodian shall maintain security while transporting the evidence/property, by not making any stops while transporting the evidence/property. The custodian shall deliver the exhibits to a CE&P intake member for normal processing.
  - (h) The drop-box custodian shall remain with the exhibit(s) at all times from pickup at the drop-box until intake at CE&P thereby maintaining chain of custody, until all items are securely and completely packaged for storage in accordance with CE&P intake system procedures and entered into the CE&P property and evidence computer records system.
  - (i) CE&P intake member shall note in the record that the exhibit being entered was placed in a drop-box, along with the delivery custodian's name and badge number. The initial intake form, completed by the investigating member, shall remain with and be included with the property/evidence at CE&P.
20. Nothing in this Chapter is intended to preclude a member from transporting evidence or property directly to the CE&P facility in lieu of utilizing a drop-box.

## EXPLOSIVES

21. Officers who encounter a suspected explosive device shall promptly notify his/her immediate supervisor or Platoon Commander. The Special Operations Division – Bomb Squad will be notified by the supervisor through Communications Services (OPCD) to respond to the explosive-related incident and will be responsible for the handling, storage, sampling and disposal of all suspected explosives(see also: **Chapter 46.3 – Bomb Calls**).
22. Explosives are not permitted to be delivered to, nor retained at, CE&P. Explosives are the exclusive responsibility of the SOD-Bomb Squad.

## RIGHT OF REFUSAL

23. CE&P members have the right to refuse any piece of property or evidence that is hazardous. For hazardous materials, the member who has had the piece of property or evidence refused shall contact his/her supervisor. The member's supervisor, in consultation with the CE&P supervisor, shall reach a determination as to the hazardous nature of the item(s) and a process to follow. Both SOD and NOFD can be consulted to provide guidance and assistance. (See also: **Chapter 4.3.4 – Hazardous Materials Exposure and Response**).
24. CE&P members have the right to refuse any piece of property or evidence that has not been properly documented or packaged until corrective action is taken by the submitting member. Any dispute shall be immediately referred to the member's supervisor who



shall consult the CE&P supervisor for guidance.

### **PACKAGING OF EVIDENCE AND PROPERTY**

25. Packaging must conform to defined CE&P packaging procedures. Guidance on packaging requirements can be provided by CE&P members and Crime Scene Technicians. Certain items require special consideration and shall be packaged and processed separately as follows:
- (a) Controlled substances.
  - (b) Firearms (ensure they are unloaded, rendered safe, and packaged separately from ammunition).
  - (c) Property with more than one known owner.
  - (d) Drug paraphernalia.
  - (e) Contraband.
  - (f) Biohazards.

### **PACKAGING CONTAINERS**

26. Members 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.
27. A completed property/evidence tag shall be securely attached to the outside of all items or group of items packaged together.

### **RECORDING OF PROPERTY**

28. The CE&P intake member receiving custody of evidence or property shall create a computer record for each item of property or 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.
29. For all narcotics exhibits, a hard-bound logbook shall also be maintained for each exhibit received.
30. Any changes in the location of evidence or property held by the New Orleans Police Department shall be noted in the computer record.

### **EVIDENCE AND PROPERTY CONTROL**

31. Each time a CE&P member receives an evidence or property form or releases evidence or property to another person, he/she shall update the information in the evidence and property control computer system.
32. Items that have been misclassified as evidence, according to the guidelines of this Chapter, shall be immediately brought to the attention of the commander of CE&P by any member of CE&P.
33. The commander of CE&P shall investigate the circumstances of the items classification and if an error has been made:
- (a) Contact the investigating officer's immediate supervisor and inform him/her that the officer must correct the error at CE&P within 48 hours of notification,

- (b) Request that the supervisor review the guidelines for determination of the classification of an item as property or evidence with the member and document the counseling / training in INSIGHT.

### **TRANSFER OF EVIDENCE TO SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION (SCIS - CRIME LAB)**

- 34. The Scientific Criminal Investigations Section (SCIS or Crime Lab) member assigned to transport items from CE&P to the Crime Lab for testing will check the evidence out of CE&P, document the transfer in the evidence and property control computer system when needed for laboratory analysis and return the item(s) to CE&P as soon as practicable after testing is completed.

### **RELEASE OF EVIDENCE OR PROPERTY**

- 35. Each member transferring evidence or property to another will make the appropriate entry in the evidence and property control computer system to document the chain of custody.
  - (a) Property may only be released to a rightful owner or disposed in accordance with Departmental regulations 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 property owner, present in person or through a legally authorized representative, shall sign the appropriate form acknowledging receipt of the item. A copy of the legal document appointing a representative to retrieve the property for the owner shall be maintained as part of the property release file.
  - (e) The Commander of the CE&P Section shall designate hours during the business day where owners or his/her authorized representatives can retrieve property authorized for release.
  - (f) Items classified as evidence may not be released to non-judicial or non-laboratory civilians and may only be released for official purposes, except:
    - i. Upon the written direction of a prosecuting attorney; or
    - ii. Pursuant to a signed, embossed original court order.
  - (g) CE&P members shall obtain the signature of the person to whom evidence or property was released and the reason for release.
  - (h) Any department member receiving evidence shall be responsible for maintaining the chain of custody and the physical security of such evidence until it is returned to CE&P.
- 36. The return of previously released evidence shall be recorded in the evidence and property control computer system indicating date, time and the person who returned it along with any necessary documentation indicating the continuous, unbroken chain of custody of the evidence since its removal from CE&P.

### **DISPUTED CLAIMS TO PROPERTY**

- 37. More than one party may claim an interest in property being held by the Department. If legal rights of the parties cannot be clearly established, such property shall not be released until one party:
  - (a) Has obtained a court order for the release of the property into his/her sole custody; or
  - (b) He/she establishes proof of the undisputed and undivided right to the property.

38. All parties should be advised that their claims to an interest in the property are civil in nature. In extreme situations, legal counsel for the City / Department may be requested to file a concursus in court to resolve the disputed claim.

### **PROPERTY (NON-EVIDENCE) DISPOSAL**

39. 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 member/investigator), the owner shall be sent a letter notifying him/her to retrieve his/her belongings, at least 30 days prior to disposal. If additional contact information exists and is available to CE&P Disposal personnel, it shall be utilized to contact the known owner if the letter does not garner a response.
  - (b) At least 30 days prior to disposal, NOPD will advertise on its website that the property is to be disposed if unclaimed.
  - (c) 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 (R.S. 33:2333).
  - (d) Property that has completed these prerequisites and timeframes, fully eligible for disposal, may be converted to city use in accordance with this Chapter.
  - (e) After prescribed time periods have been met, disposals shall be conducted as specified in this Chapter.

### **EVIDENCE DISPOSAL**

40. 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 regardless of the time since the offense, the status of legal proceedings in the case, or whether the department has closed the case.
  - (b) Trace evidence - including biological evidence and digital evidence in any case in which the felony is punishable by 10 years or more should be retained through the statute of limitations for the offense if it is an open case, or the duration of the incarceration of the last defendant in the case if the case is closed with conviction.
  - (c) 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 must be documented in the CE&P computer system.
  - (d) With regard to non-contraband evidence:
    - i. Once a court order is obtained to dispose, procedures outlined above in paragraph 38 of this Chapter regarding owner notifications shall be followed unless the court order dictates a specific manner of disposal.
  - (e) If non-contraband evidence is claimed, it must be claimed by an actual owner.
  - (f) Evidence that is fully eligible for disposal may be converted to city use in accordance with this Chapter.
  - (g) After prescribed time periods have been met, disposals shall be conducted as specified in this Chapter, unless otherwise dictated by court order.

### **CONVERSION TO CITY USE**

41. Useable property or evidence (other than firearms) that is fully-eligible for disposal or destruction under this Chapter may instead be converted to City use and signed out by

Department member 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) The member signing out an item converted to city use:
  - i. Is responsible for the item;
  - ii. Must return the item upon request; and
  - iii. 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.

## DISPOSAL PROCEDURE

42. In accordance with the **City Memorandum issued on June 30, 2011**, unless a court order dictates otherwise, disposals shall take place via the City of New Orleans contract with <https://www.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.
43. 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 Departmental regulations.

## INSPECTIONS OF CE&P

44. On a monthly basis, an Investigation and Support Bureau (ISB) supervisor, assigned by the Deputy Chief of ISB and not assigned to CE&P, shall inspect CE&P facilities to ensure adherence to appropriate policies and procedures concerning safety and physical storage and security. A report from the assigned inspector shall be generated outlining the details of the inspection process and any deficiencies or recommended corrective measures. This report shall be completed within one week of the inspection and submitted to the Deputy Chief of ISB and copied to the Commander of Central Evidence and Property. The reports shall be maintained on file at both commands for a minimum of three years.
45. Unannounced inspections of CE&P by the Audit and Review Unit of the Compliance Bureau shall be conducted annually, as directed by the Superintendent of Police. The report of the audit shall be submitted within one month of the completion of the audit. A report shall be submitted to the Superintendent of Police and copied to the Deputy Chief of ISB.
46. Whenever a change is made in command of CE&P or any members who have responsibility for "sensitive evidence" (guns, money, jewelry, drugs, DNA) in Central Evidence and Property, an audit of the inventory of evidence/property under their control shall be made by an individual not associated with Central Evidence and Property or the Section's function to ensure that records are correct and all evidence and property is accounted for. The audit/inventory must be sufficient to ensure the integrity of the

system and the accountability of the exhibits.



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 84.2.1

### TITLE: PRESCRIPTION DRUG DROP BOX USE AND DISPOSAL

**EFFECTIVE: 11/04/2018**

**REVISED: (New)**

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#### PURPOSE

This Chapter provides guidelines for the security and proper disposal of drugs deposited into the prescription drug drop boxes located in facilities of the New Orleans Police Department and maintained at Central Evidence and Property (CE&P).

#### POLICY STATEMENT

1. The National Association of Drug Diversion Investigators (NADDI), in cooperation with the NOPD, has placed prescription drug drop boxes in several NOPD facilities open to the public where outdated or no longer needed prescription drugs may be placed for disposal.
2. This Department recognizes that prescription drugs are often the target of thefts and misuse by persons who have access to a residence. Often, these thefts or misuse are by juveniles 12-17 years of age where prescription drugs are a leading substance for abuse.
3. Many responsible adults recognize the need to remove prescription drugs that are outdated or no longer needed from the home in a safe and legal manner for disposal. The process outlined in this Chapter provides that avenue.

#### PRESCRIPTION DRUG DROP BOXES

4. The prescription drug drop boxes (PDDB) shall be placed inside police facilities that allow public access.
5. The locations shall be designated by the Superintendent of Police but consist of the police District stations and Police Headquarters.
6. When possible, the PDDB shall be placed in a manner to be visible to security cameras to protect them from loss or damage. If possible, the PDDB shall be attached to the floor or wall so as to prevent removal.
7. The PDDB shall not be used by any member of the NOPD for the disposal of narcotics or drugs that have come into the member's possession during the course and scope of

his/her duties. The PDDB are for the convenience of the general public only.

8. The member responsible for the safety and security of the facility where the PDDB are housed is responsible for the security of the boxes.

### **RESPONSIBILITIES FOR ACCESS AND DISPOSAL**

9. All keys to access the PDDB shall be maintained by the Commander of Central Property and Evidence.
10. Once monthly, during the first week of the month, a supervisor from Central Evidence & Property and a member of the Sensitive Evidence Section of CE&P shall unlock, inspect and empty all Departmental PDDB of their contents. The Commander of the facility where the PDDB is housed and the Commander of PIB shall be notified of the schedule for emptying of the PDDB.
11. The Commander of PIB may choose to have someone from PIB observe the process.
12. A supervisor from the command of the facility where the PDDB is located shall be present for the entire process from the time the PDDB is opened until the PDDB is re-locked and the CE&P members have left.
13. The members from CE&P and the supervisor of the facility where the PDDB is housed shall conduct a gross inventory of the items removed and list them in an NOPD EPR under a "Signal 21 – Request for Destruction." A separate EPR shall be written for each location where a PDDB is housed and emptied.
14. The items removed from the PDDB shall be packaged, sealed and labeled appropriately, and all required information and initials placed on the label(s) at the time of emptying and in the presence of the observing supervisor.
15. The EPR shall note the date, time, location, persons present and the listing from the gross inspection. A copy of the approved EPR shall be maintained by CE&P for one calendar year. If there is any damage or indications of attempts to breach security of the PDDB, it shall be noted in the EPR and the respective Bureau Chiefs notified by the Commander of CE&P.
16. The CE&P members participating in the inspection and emptying of the PDDB shall wear personal protective equipment at all times during the process.
17. The items recovered from the PDDB shall be placed on the books under the EPR's item number and marked for disposal at the next scheduled narcotics disposal burn.

### **ITEMS FOUND IN PDDB OTHER THAN DRUGS**

18. During the inspection and disposal process, if any item contained within a PDDB is determined to be other than a drug which is covered under this Chapter, it shall be processed as "Found Property" or "Evidence" as appropriate to its nature and a separate EPR written by the facility supervisor who is acting as a witness to the process. The item and report shall be handled, tested and placed on the books at CE&P in the same manner as "Found Property" or "Evidence" in the field. Proper personal protective equipment (PPE) and packaging guidelines shall be followed at all times.

**UNSCHEDULED INSPECTION AND EMPTYING OF PDDB**

19. If the Commander of the unit where the PDDB is housed believes that the PDDB requires inspection and emptying prior to the monthly scheduled dates, he/she shall contact the Commander of CE&P and advise him/her of the need. The Commander of CE&P will schedule an inspection and emptying the next business day, at the latest.





## **Child Abuse Unit Standard Operating Guidelines**

Effective April 2, 2017

### **PURPOSE**

The purpose of these standard operating guidelines is to provide Child Abuse Unit detectives and supervisors, or Sex Crimes detectives and supervisors in those cases in which Child Abuse detectives are not available, with guidelines for investigating reports of child abuse.

### **DEFINITIONS AND ACRONYMS**

**Abuse**—Any one of the following acts that seriously endanger the physical, mental or emotional health and safety of a child:

- (a) The infliction of physical or mental injury upon the child by a parent or any other person;
- (b) The attempted infliction of physical or mental injury upon a child by any person;
- (c) Allowing, as a result of inadequate supervision, the affliction or attempted infliction of physical or mental injury upon a child by any person;
- (d) The exploitation or overwork of a child by a parent or any other person; or
- (e) The involvement of the child in any sexual activity constituting a crime under the laws of this state.

**Adult collateral**—An adult family member or a caretaker of a child who is the subject of a child abuse investigation or a witness to the alleged child abuse.

**Audrey Hepburn Care Center (CARE Center)**—A child abuse center that provides pediatric forensic medical evaluations. Its operating hours are 8 am–5 pm, Monday through Friday..

**Child**—A person under 17 years of age who, prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage (La. Ch.C. art.728; definition changed from 18 to 17 years for purposes of this Chapter).

**CODIS**—Combined DNA Index System.

**Cold case**—Any investigation that is not active and has remained unsolved for over a year from the date of initial report.

**CCMS**—Criminal Case Management System.

**Commercial Sexual Exploitation of Children (CSEC), also known as Domestic Minor Sex Trafficking (DMST)**—To recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity. Commercial sex act means any sexual act performed or conducted when any thing of value has been given, promised, or received by any person. Refer to La. R.S. 14:46.3.

**Developmental disability**—A severe chronic disability that can be cognitive or physical or both. Developmental disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition.

**Forensic interview**—A semi-structured interview conducted by a trained forensic interviewer with all protected persons, defined as under age 17 or adults with disabilities, intended to elicit detailed information in a non-leading, non-suggestive, and non-blaming manner about a possible event that the individual may have experienced or witnessed. Refer to La. C.Ch.511

**Multidisciplinary Team (MDT)**—The MDT is responsible for the investigation of all child abuse cases and is comprised of NOPD detectives and supervisors, Orleans Parish Department of Children and Family Services (DCFS) investigators and supervisors, Orleans Parish District Attorney Office Assistant District Attorneys, Orleans Parish Victim Witness advocates, Audrey Hepburn CARE medical providers or staff, NOCAC Forensic Interviewers and staff, and/or other professionals involved in case. Refer to La. C.Ch.508

**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 (See La. Ch.C. art. 502).

**NCAttrak**—A web-based system, maintained by the CARE Center, for entering, organizing, retrieving, aggregating, and protecting information about each child abuse case.

**New Orleans Children's Advocacy Center (NOCAC)**—A program within the Audrey Hepburn CARE Center at Children's Hospital that provides a coordinated, multi-agency approach to the investigation, intervention, and treatment of child sexual and physical abuse. The NOCAC coordinates forensic interviews and multidisciplinary team reviews.

**Protective custody**—Taking a child into custody without a court order based on reasonable grounds to believe that the child's surroundings are such as to endanger the child's welfare and immediate removal appears to be necessary for the child's protection (La. Ch.C. art. 621).

**SAK**—Sexual assault kit.

## **CHILD ABUSE UNIT CASES**

1. Child Abuse Unit detectives shall investigate all child abuse related incidents involving victims under the age of 17 years at the time the incident is reported, including the following signals:
  - (a) 29 (death);
  - (b) 30 (homicide) at the behest of the Criminal Investigations Division Commander;
  - (c) 42 (first-degree rape);
  - (d) 42-B (oral sexual battery);
  - (e) 42-M (first-degree rape, male victim);
  - (f) 42-U (unfounded first-degree rape);
  - (g) 43 (second-degree rape);

- (h) 43-B (sexual battery);
  - (i) 43-M (second degree rape, male victim);
  - (j) 43-MB (misdemeanor sexual battery);
  - (k) 43-U (unfounded second-degree rape);
  - (l) 46-C (Trafficking of Children for Sexual Purposes);
  - (m) 80 (carnal knowledge of a juvenile);
  - (n) 81 (indecent behavior);
  - (o) 81S (sexting);
  - (p) 89 (crime against nature);
  - (q) 92 (contributing to the delinquency of a juvenile);
  - (r) 93 (cruelty to a juvenile);
  - (s) 283 (video voyeurism); and
  - (t) 27 (attempted crime) related to any of the above signals.
2. For purposes of these standard operating guidelines, the phrase “child abuse” refers to all incidents identified in the preceding paragraph.
  3. When directed by a supervisor to handle a case with a victim under 17 years of age at the time of the incident, Sex Crimes detectives shall handle the case in accordance with the **Child Abuse Unit Standard Operating Guidelines**.
  4. Detectives may also follow the **Child Abuse Unit Standard Operating Guidelines** for incidents involving an adult victim or witness with developmental disabilities as defined by La. R.S. 28:451.2 and conduct forensic interviews at the Children's Advocacy Center.
  5. The Sex Crimes Unit shall handle all sex-related incidents with victims 17 years of age and older per the **Sex Crimes Unit Operating Guidelines** unless otherwise directed by a supervisor.

#### **ADDRESSING MEDICAL NEEDS & NOTIFYING AUDREY HEPBURN CARE CENTER**

6. Upon receiving a report of possible child abuse, the detective shall immediately determine the appropriate medical response to the alleged mistreatment based on the level or urgency:
  - (a) **Emergency**: alleged abuse or contact with suspected perpetrator may have occurred within 72 hours of the report or when there are current symptoms, such as stomachaches, headaches, or vomiting, or injuries such as active pain or bleeding;
  - (b) **Urgent**: alleged contact and sexual abuse occurred more than 72 hours but less than two weeks from the report or physical abuse where marks on the skin are present, but no pain, bleeding, or medical symptoms such as stomachaches, headaches, or vomiting are present; or
  - (c) **Non-urgent**: alleged contact or abuse occurred more than two weeks prior to the report, and no identifiable signs or symptoms of abuse are present.
7. In **emergency situations**:
  - (a) During the hours of 8 am – 5 pm from Monday to Saturday, detectives shall immediately contact the CARE Center. Emergency patients shall be seen in the CARE Center for an emergency forensic examination if at all possible.
  - (b) When the CARE Center is not available, detectives shall refer the victim and family to the Children's Hospital Emergency Department. Detectives shall explain

to families that a follow-up appointment will be conducted with the CARE Center within 2 weeks of the initial visit. The CARE Center shall review the emergency department findings and photos during the follow-up forensic evaluation and relay relevant findings to the detectives.

8. In **urgent situations**, the detective shall contact the CARE Center to schedule an appointment with the child no later than the next business day.
9. In **non-urgent situations**, the detective shall refer victims and families to the CARE Center where they will be scheduled for the next available appointment.
10. In all cases, the detective shall explain to victims and their families that the CARE Center examination is child-friendly. Detectives shall also state that no out-of-pocket expenses will be incurred as a result of the CARE Center examination.

### **NOTIFYING THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

11. NOPD shall immediately notify the Department of Child and Family Services (DCFS) of any report of child abuse or neglect, including incidents contributing to a child's death, involving a parent, caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker, regardless of the signal or disposition of the investigation by NOPD.
12. Notification to the DCFS should occur as follows (see La. Ch.C. art. 610(B)):
  - (a) The report shall contain the following information, if known:
    - i. The name, address, age, sex and race of the child;
    - ii. The nature, extent, and cause of the child's injuries or endangered condition including any previous known or suspected abuse to the child or the child's siblings;
    - iii. The name and address of the child's parent(s) or other caretaker;
    - iv. The names and ages of all other members of the child's household;
    - v. The name and address of the reporter;
    - vi. An account of how this child came to the reporter's attention;
    - vii. Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person;
    - viii. The number of times the reporter has filed a report on the child or the child's siblings;
    - ix. Any other information which the reporter believes might be important or relevant;
    - x. The name of the person or persons who are thought to have caused or contributed to the child's condition; and
    - xi. If reported by the child, the name of such person or persons.
  - (b) If the initial report was made orally by a mandatory reporter, it shall be followed by a written report to the local child protection unit of the DCFS either by secure fax or e-mail within five days.
  - (c) Written reports are to be made using the DCFS Written Report Form for Mandated Reporters of Child Abuse/Neglect available electronically under the Resources folder on [nopd.org](http://nopd.org).

13. The assigned Child Abuse Unit detectives shall ensure the mandated notification to DCFS is performed.
14. If DCFS is not cooperating with the NOPD investigation, detectives shall immediately notify their supervisor and remind DCFS that it may not knowingly and willfully obstruct the procedures for receiving and investigating reports of child abuse or neglect (La. R.S. 14:403).

### **COLLABORATING WITH DCFS**

15. When necessary, NOPD shall conduct parallel and collaborative investigations of child abuse and neglect with DCFS. NOPD will notify DCFS if a detective has been assigned and inquire about any DCFS involvement.
16. If a DCFS investigator has been assigned, the NOPD detective will request assistance in conducting a joint investigation.
17. When requested, NOPD shall send a uniformed patrol unit with the DCFS investigator when reports of abuse/neglect are received, even when an NOPD detective has not been assigned to conduct a parallel and collaborative investigation.

### **NOTIFYING THE DISTRICT ATTORNEY'S OFFICE**

18. The District Attorney's Office shall be notified via telephone immediately on all rapes:
  - (a) When a report of rape is made within 24 hours of the occurrence of the event;
  - (b) When the victim and perpetrator have no known prior relationship; or
  - (c) When the safety of the victim or witness may be in jeopardy and relocation of the victim or witness may be necessary.
19. In all cases investigated by Child Abuse, detectives shall forward a Major Offense Report Form (MORF) to the District Attorney's Office within 24 hours of an NOPD item number's issuance. The MORF shall include the names and dates of birth of all children residing in the abusive environment.
20. In all child sexual abuse cases, detectives shall submit a supplemental report to the District Attorney's office within 20 days of receiving the allegation.
21. Detectives shall forward **all** child sexual abuse case files to the District Attorney's office (La. Ch.C. art. 615.1).

### **HOLDING SUSPECTED VICTIMS FOR INTERVIEWS**

22. An NOPD member should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of a forensic interview or physical exam without the consent of a parent or guardian unless one of the following applies:
  - (a) Exigent circumstances exist, such as:
    - i. A reasonable belief that medical issues of the child need to be addressed immediately;
    - ii. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed; or

- iii. 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.

### PRELIMINARY VICTIM INTERVIEWS

- 23. Detectives shall follow the guidelines under **Scheduling Victim Forensic Interviews** to schedule an interview for the victim.
- 24. Every attempt shall be made to obtain information necessary for a probable cause determination from the adult reporters and collaterals.
- 25. No interviews of child victims shall be conducted on scene absent exigent circumstances. All child interviews shall be conducted by a qualified forensic interviewer at the NOCAC or approved satellite NOCAC locations. In urgent cases under exigent circumstances in which the detective requires specific information to move forward, the detective may obtain permission from a supervisor to attempt to obtain only the specific information required. In such cases, detectives shall be supportive and should consider utilizing the following questions and statements:
  - (a) "I know this is hard, but right now I need a little bit of information."
  - (b) "Tell me about where this happened" to establish **jurisdiction**.
  - (c) "Tell me about who did this" to **identify the suspect**.
  - (d) "You are so brave to have told someone. That takes courage."
  - (e) "What happened is not your fault. I am sorry that this happened to you."
  - (f) "Your (protective caregiver) called us to make sure that you are safe."
  - (g) "Your (protective caregiver) called (other supportive adult) to help keep you safe too."
  - (h) "Your (protective caregiver) is not going to let (the perpetrator) come around you right now to make sure that you stay safe."
  - (i) "You will need to talk to someone at the Children's Advocacy Center about what happened. The people there are very nice, and it is their job to listen to you."
- 26. All exigent circumstances that warrant the immediate interview of a child shall be documented in a supplemental report. The interview shall be documented in detail in the supplemental report, and the interview shall be recorded whenever feasible. This documentation shall be provided to the multidisciplinary team.

### IDENTIFY AND LOCATE WITNESSES AND SUSPECTS

- 27. Detectives should identify and interview any potential witnesses, bearing in mind that multiple crime scenes may exist. It is especially important that the detective identify and interview the first person the victim told about the abuse.

### WITNESS INTERVIEWS

- 28. Detectives should interview any person who might have seen or spoken with the victim about the reported incident.
- 29. Child witnesses shall receive a forensic interview in the same manner as child victims. Absent exigent circumstances, detectives shall not interview child witnesses. See

**Scheduling Victim Forensic Interviews** for more information.

## **SUSPECT INTERVIEWS**

30. Suspects should be interviewed only by the detective but can be detained by the responding officer.

## **EVIDENCE COLLECTION**

31. Detectives should ensure that all evidence is collected, including but not limited to:
  - (a) Clothing worn at the time of the abuse and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts) if the incident may be sexual in nature. The detective should place the clothes in separate paper bags to prevent cross-contamination and follow procedures regarding chain of custody for evidence;
  - (b) Bed sheets and condoms;
  - (c) Drawings, writings, tape recordings, or e-mails made by the victim regarding the allegation;
  - (d) Photographs of the crime scene prior to processing if necessary; and
  - (e) Evidence collected by medical professionals.
32. In addition, in cases of sexual exploitation, other potential evidence can include:
  - (a) Hotel worker statements and hotel records;
  - (b) Photographs of the victim, scene, and locations where the child was seen;
  - (c) Cell phones and other electronic devices from the victim and accused and relevant records contained within;
  - (d) Anything bought by the accused for the victim;
  - (e) Online advertisements;
  - (f) Social media posts and personal messages; and
  - (g) Photographs of the suspect's tattoos.
33. Detectives should protect the integrity of evidence and request the assistance or direction of the Scientific Criminal Investigations Section (SCIS – Crime Lab) regarding the collection or preservation of evidence. Detectives should secure the crime scene to ensure that evidence is not lost, changed, or contaminated. In addition, detectives should follow these guidelines:
  - (a) Use gloves whenever handling evidence and change gloves after every contact to prevent cross-contamination.
  - (b) Evidence should be handled by as few people as possible.
  - (c) In cases when a sexual assault has occurred within the past 72 hours, the detective should encourage the victim not to change clothing, smoke, eat, drink, shower, urinate, or defecate by explaining that those activities could destroy evidence.
  - (d) Detectives should carry receptacles for urine samples to be used when necessary.
  - (e) If a drug-facilitated sexual assault is suspected, preserve drinks to allow the crime lab to test for the presence of drugs.
34. The detective should encourage the custodian of the child victim to contact the detective or the NOCAC to take photos of injuries if they change over time. It is preferable for the NOCAC to take the photos.

35. Supervisory approval is required before taking photographs of genitals or breasts.

### **ALCOHOL/DRUG-FACILITATED SEXUAL ASSAULT CONSIDERATIONS**

36. Whether ingested voluntarily or without the knowledge of the victim, if a drug-facilitated sexual assault is suspected, special attention should be given to collecting perishable evidence of drug and/or alcohol use by suspects or victims as soon as practical (i.e. urine samples or BAC readings) and alcohol use by witnesses (i.e. BAC readings) whenever possible.
37. Signs of drug-facilitated sexual assault include:
  - (a) The victim reports being under the influence of a drug during the sexual assault;
  - (b) The victim experiences vaginal soreness or other signs of sexual activities and cannot remember the entire incident;
  - (c) The victim reports becoming heavily intoxicated very rapidly; and/or
  - (d) The victim reports symptoms of amnesia.

### **PROTOCOL FOR SUSPECT EXAMINATION**

38. This protocol is an exception to the body cavity searches section of **Chapter 1.2.4 – Search and Seizure**. If the suspect is a juvenile, detectives shall ensure that a responsible adult who represents the interests of the juvenile suspect and is the same gender as the suspect is present for the examination.
39. Immediately after the preliminary suspect interview, the detective should determine whether a forensic sexual assault examination of the suspect should be conducted. Factors to consider in that decision include:
  - (a) The length of time since the assault occurred;
  - (b) The nature of the assault;
  - (c) Whether the victim believes he or she injured/marked the suspect;
  - (d) The likelihood that cells, fluid, or other types of biological or trace evidence were transferred from the victim to the suspect; and
  - (e) Unusual or highly distinctive physical characteristics of the suspect's body that are normally not visible due to clothing.
40. Detectives must obtain a search warrant prior to conducting the exam. Detectives should keep in mind that the items or evidence explicitly identified on the search warrant are the only items or samples that can be obtained during the suspect's examination, including photographs of the suspect's body. The detective should clearly articulate the type and number of samples needed that can be supported by the description of probable cause alleged in the search warrant application.
41. Only detectives trained in conducting sensitive suspect examinations may conduct these suspect examinations. Detectives shall conduct the exam with a supervisor present in a private room that cannot be viewed from the outside. The detective and supervisor present shall be of the same gender of the suspect (Refer to **Chapter 41.14 – Discriminatory and Bias-Based Policing, LGBT Community** for searches of transgender individuals). The detective shall first explain what will be taking place, advise the suspect that the exam is pursuant to a signed search warrant, and offer the suspect the opportunity to cooperate and voluntarily swab the necessary areas of the



body. If the suspect refuses, the detective shall consult with the supervisor present as to the method to be used, the number of additional detectives or officers required, and the amount of force to be used to execute the actions that are necessary and reasonable to recover the evidence.

42. If detectives collect clothing or footwear as evidence, they will provide the suspect with replacement clothing or footwear. All evidence collection procedures to prevent cross-contamination or spoilage of evidence shall be followed. Each recovered item shall be packaged and tagged immediately.
43. While executing the search warrant and conducting the forensic sexual assault exam, the detective shall document all evidence and take photographs as necessary.
44. The detective shall document any spontaneous statements made by the suspect during the exam.
45. It is critically important to note that the victim's and suspect's examinations must take place in **different locations**. It is important that every effort be made to avoid cross-contamination of evidence from the victim and suspect.

#### **STORING EVIDENCE**

46. The sexual assault kit (SAK) should not be accepted from the medical staff until it has been properly sealed and labeled. The detective should transport the kit directly to Central Evidence and Property, and it should be stored according to the Louisiana State Crime Lab's recommended practices.
47. The Investigation and Support Bureau (ISB) shall track evidence that has been submitted to the Louisiana State Police for testing.
48. The decision not to submit evidence for testing shall be documented in a supplemental report.

#### **PROTECTIVE CUSTODY**

49. When officers consult a Child Abuse Unit detective concerning protective custody in a child abuse related case, the detective 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 (La. Ch.C. art. 621).
    - i. Prior to taking a child into temporary protective custody, the detective 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 detective 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 (La. Ch.C. arts. 617-618). If this is not a reasonable option, the detective shall promptly notify and release the child to the DCFS.

- (b) File a 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 (La. Ch.C. art. 619(A)).
  - i. If the detective 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 (La. Ch.C. art. 620).
- 50. If the detective determines protective custody is warranted, the detective shall contact DCFS, and NOPD shall provide the best provisions for transport of the child to the NOCAC (available 8 AM - 5 PM, Monday through Saturday) or, when NOCAC is unavailable, an alternative location identified by DCFS. When possible, NOPD shall contact DCFS to remove a child from his/her family, guardian, or other responsible adult.
- 51. The detective must complete a face sheet in the EPR system with the Signal 78 - Protective Custody unless the platoon officer has done so already.

#### **DRUG-ENDANGERED CHILDREN**

- 52. Detectives shall notify a Child Abuse supervisor when they discover children exposed to the manufacturing, trafficking, or use of narcotics.
- 53. The Child Abuse supervisor shall work with the appropriate agencies, including the Louisiana Department of Children and Family Services (DCFS), other law enforcement agencies, medical service providers, and local prosecutors, to determine the appropriate response.

#### **CASES INVOLVING CHILD FATALITIES**

- 54. The Child Abuse Unit shall handle all child death cases unless otherwise directed by the Criminal Investigations Division Commander.
- 55. The Child Abuse Unit shall notify NOCAC to schedule case review with the multidisciplinary team (MDT).
- 56. If the designated lead investigator has determined the circumstances surrounding the child's death are suspicious of abuse and/or neglect, the lead investigator will report his or her determination to DCFS.
- 57. The Child Abuse Unit shall cooperate with any investigations by the Louisiana State Child Death Review Panel (R.S. 40:2019(D)).

#### **CASES INVOLVING COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

- 58. Detectives shall notify a Child Abuse supervisor when they discover children who are being sexually exploited.
- 59. Indicators of sexual exploitation may include:

- (a) Child has run away from home;
  - (b) Inappropriate dress, including overtly sexual clothing or oversized clothing;
  - (c) Child has unexplained bruises or injuries;
  - (d) Child is in possession of large amounts of money, more than one cell phone, or hotel keys;
  - (e) Child has a boyfriend, girlfriend, or friend more than 5 years older than the child;
  - (f) The child is not enrolled in school or is missing large amounts of school;
  - (g) The child has fake identification or someone else is in control of their documentation
  - (h) The child was arrested or spotted in an area known for prostitution, such as an adult entertainment venue, strip club, massage parlor, adult video shop, and/ or hotel.
58. The Child Abuse detective and supervisor shall work with the appropriate agencies, including the Louisiana Department of Children and Family Services (DCFS) and, as appropriate, other law enforcement agencies, medical service providers, and local prosecutors to determine the appropriate response.
59. In accordance with La. R.S. 14:46.3, no victim of trafficking shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Consent of a minor is not a defense and shall not be relevant to the investigation. No victim of trafficking shall be arrested, investigated, or referenced in terms of La. R.S. 14:82 Prostitution.

#### **SCHEDULING VICTIM FORENSIC INTERVIEWS**

60. The detective or his/her designee shall contact the NOCAC during NOCAC operating hours to schedule a forensic interview for the involved children. If outside NOCAC operating hours, the detective or his/her designee shall contact the NOCAC within the next business day's operating hours to schedule a forensic interview.
61. When the offender has been instructed to have no contact with the involved children, detectives shall instruct caregivers to not bring the offender for appointments at the NOCAC.
62. NOPD will notify NOCAC and the CARE staff if any juvenile attending an appointment has been identified as possibly acting inappropriately in response to exposure to sexual abuse. The NOCAC and CARE team can take necessary precautions to provide a private contained space or close supervision.
63. NOPD shall notify the NOCAC of cases involving potential limited English language proficiency, disabilities, or special needs.
64. In exceptional cases, and with the approval of a supervisor, the detective may contact the list of NOCAC forensic interviewers to determine possible availability to conduct an after-hours emergency forensic interview. Detectives shall consider the child's ability to stay alert when requesting an after-hours interview. Forensic interviews yield better outcomes if conducted during a child's usual awake moments and after the initial crisis and shock has been addressed.
65. After the initial forensic interview, the involved members of the MDT may elect to conduct extended forensic interviews.

## RESPONDING TO DELAYED REPORTS

66. In cases of delayed reporting (more than 24 hours since the incident), the detective shall contact the reporting individual immediately and coordinate a forensic interview with the NOCAC on the next business day.

## MONITORING VICTIM FORENSIC INTERVIEWS

67. The detective should arrive prior to the scheduled forensic interview to assist with welcoming the family and obtaining intake information and consents.
68. The detective shall monitor the forensic interview with DCFS and will be given opportunities to have investigative questions addressed through the forensic interviewer.
69. With approval of a supervisor, the detective can arrange for the forensic interview to be monitored by a member who is a licensed or credentialed physician, social worker, psychologist, medical psychologist, professional counselor, or a representative of Department of Social Services in accordance with La R.S. 15:440.4.
70. The detective shall sign the NOCAC's forensic interview DVD release form. NOPD is entitled to receive three DVDs of the interviews in cases under investigation. NOPD shall forward one of these DVDs along with its report to the Orleans Parish District Attorney's Office if the case involves a possible sex crime. A copy of the DVD shall be placed in evidence.

## DOCUMENTATION

71. Detectives shall submit an incident report in EPR which protects the confidentiality of the victim per **Chapter 42.19 – Child Abuse**.
72. The detective should include in the case file the Major Crime Scene Officer Statements completed by other responding officers.
73. Detectives shall provide an overview of the investigation in the gist section of CCMS to produce the Major Offense Reporting Form.
74. Detectives shall document the investigation of reported child abuse by completing a supplemental report. Supplemental reports are not required for child abuse items marked gone on arrival or void. If SVS is eventually able to contact the complainant of a gone on arrival call, the investigating detective shall initiate a new item number and follow all provisions of these standard operating guidelines.
75. Supplemental reports shall include all information obtained during the investigation, including all contacts with the victim and caregivers.
76. Detectives shall document every contact with the victim and caregivers in the work log section of CCMS.
77. Detectives should use the victim's own words in written reports and utilize quotation marks for exact quotations.

## CASE FILE

78. Detectives shall use the SVS Investigative Case File Index, located in the resources folder on nopd.org, to assist in conducting and documenting a complete investigation.
79. **The entirety of the case file** in all cases investigated by the Child Abuse Unit shall be submitted to the District Attorney's Office within 20 calendar days of the arrest of the perpetrator. In all child sexual abuse cases, detectives shall submit the case file to the District Attorney's Office within 20 days of receiving the allegation of sexual abuse. The case file shall include:
- (a) Incident recall and 911 audio recording;
  - (b) Incident report (EPR);
  - (c) Major Crime Scene Officer Statements;
  - (d) All related supplemental police reports;
  - (e) All photographs related to the case;
  - (f) Medical and/or SANE reports;
  - (g) EMS run sheets;
  - (h) All victim and witness interviews (video, audio, or transcribed);
  - (i) Suspect statements (video, audio, or transcribed);
  - (j) All surveillance video;
  - (k) All body worn camera video applicable to the case;
  - (l) All related crime scene tech reports;
  - (m) All crime lab submittal forms;
  - (n) All crime lab reports;
  - (o) Central Evidence and Property receipts;
  - (p) All search warrants, including application, order, and return;
  - (q) Arrest warrants applicable to the case;
  - (r) All electronic evidence;
  - (s) All composite sketches applicable to the case; and
  - (t) All Crimestoppers tips applicable to the case.

Any of the above items that are unavailable or inapplicable shall be specifically noted as such on the Investigative Case File Index.

80. Supplemental reports shall detail any pending investigation. Once the pending investigation has been completed, an additional supplemental report shall be submitted indicating that fact.

## CASE SIGNAL

81. Detectives shall document in a supplemental report any decision to classify a reported sexual assault as a Signal 21 (miscellaneous complaint). A Child Abuse Unit supervisor and the Criminal Investigations Division (CID) Commander must approve this decision in writing.
82. To change the signal from a child abuse signal to any other signal, the detective must:
- (a) Mark up the original signal as Unfounded unless the original signal is a 42 or 43 in which case the detective shall change the original signal to 42-U or 43-U (unfounded).
  - (b) Generate a new item number with the new, non-child abuse signal;

- (c) Receive written confirmation for the signal change from a Child Abuse Unit supervisor and the Special Victims Section Commander.
- (d) A copy of the written confirmation shall be maintained in the case file.

## **CASE STATUS**

83. Detectives should utilize the following case statuses:
- (a) Open
  - (b) Cleared by arrest
  - (c) Cleared by warrant
  - (d) Cleared by exception: No formal charges are issued due to elements beyond law enforcement control (i.e. death of offender, prosecutor declines to take the case after an offender has been identified, offender is arrested but will be prosecuted in a different jurisdiction). For the case to be cleared by exception, NOPD must have:
    - i. Identified the offender;
    - ii. Gathered enough evidence to support an arrest on a sexual assault charge and turned over the offender to the court for prosecution;
    - iii. Identified the offender's location so that the suspect could be taken into custody; and
    - iv. Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender.
  - (e) Unfounded: False or baseless complaint.
    - i. Unfounded, false: Evidence obtained through an investigation shows that a crime was not committed or attempted.
    - ii. Unfounded, baseless: A case does not possess all necessary elements of the crime or was improperly classified as child abuse.
84. Detectives must file a supplemental report for all unfounded cases to explain the disposition decision.
85. A Child Abuse Unit supervisor and the Special Victims Section Commander shall review and approve in writing on the Investigative Case File Index any decision to classify a case as "unfounded."
86. A Child Abuse Unit supervisor and the Special Victims Section Commander shall review and approve in writing on the Investigative Case File Checklist all dispositions of cleared by exception.

## **CODIS HITS**

87. In all cases wherein a Combined DNA Index System (CODIS) Match Notification is received regarding a sex crime, the Child Abuse Unit shall:
- (a) Attempt to locate and conduct interviews with all relevant victims and witnesses in accordance with the interview procedures outlined herein;
  - (b) Apply for a search warrant for the buccal swab of the suspect; and
  - (c) Submit the case file including the receipt of any DNA confirmation to the District Attorney's Office.
88. The Child Abuse Unit shall track all CODIS hits in the CODIS Hit Outcome Program

(CHOPs).

## **COLD CASE**

89. A cold case is any investigation that is not active and has remained unsolved for over a year since the date of report. Cold cases shall be handled by a cold case detective unless the SVS Commander decides that the original detective or another detective should handle the case. Before deeming the investigation a cold case, the original detective shall conduct a Case Summary Meeting.
90. When new developments prompt a re-examination of a cold case, a Child Abuse Unit supervisor shall determine if the investigation shall remain with the cold case detective or be reassigned to the original detective. If the original detective is no longer with Child Abuse or otherwise unavailable, the Child Abuse supervisor shall determine if the investigation shall remain with the cold case detective or be reassigned to a new detective.

## **CASE SUMMARY MEETINGS**

When a detective has exhausted all available leads and still does not have sufficient information to establish probable cause, the detective shall conduct a case summary meeting with a representative of the victim. At the case summary meeting, the detective shall:

- (a) Meet in person with the representative if possible;
- (b) Summarize the investigation;
- (c) Provide the contact information of the cold case detective to the representative as the new primary contact;
- (d) Document the representative's contact preferences and information on the Victim Contact Form (Form # 347), noting that the individual is a representative of the victim, and store this form in the case file; and
- (e) Document the occurrence of the case summary meeting in the work log section of CCMS.

## **CONTACTING COLD CASE VICTIMS**

91. Detectives shall consult with the multidisciplinary team (MDT) before contacting any cold case victims.
92. The detective shall contact the victim of a cold case only if he/she is now 17 years of age or older. If the victim is under the age of 17, the detective shall contact an adult representative of the victim.
93. If the status of a cold case changes, the detective shall contact the victim or the victim's representative in person or over the phone in a timely manner unless the victim or victim's representative previously requested not to be contacted further about the investigation or contacting the victim or victim's representative could harm the investigation. All attempts and contacts shall be documented in the work log section of CCMS.

## **CONTACTING COLD CASE VICTIMS THROUGH SOCIAL MEDIA**

94. Detectives shall not disclose confidential information or the nature of the investigation through social media. Detectives shall not indicate that they work on special victims cases in public social media messages.
95. If a victim or the victim's representative cannot be reached over the phone or in person, the detective may contact the victim or the victim's representative through a private social media message sent from an NOPD social media account. A detective shall not contact a victim or a victim's representative via a non-NOPD social media or e-mail account.
96. When contacting the victim or the victim's representative through social media, a detective should:
  - (a) Introduce himself/herself.
  - (b) Inform the victim or the victim's representative that this contact is not an emergency.
  - (c) Explain why the contact is being made without compromising the confidentiality of the case.
  - (d) Request an alternative, secure way to contact the victim or victim's representative in the future.

## **FALSE REPORTS**

97. In the event that the detective has found evidence establishing probable cause that a false report of a crime has been made, the SVS Commander and the CID Commander shall determine whether an arrest should be made after consultation with the MDT and District Attorney's Office.

## **CHILD ABUSE SUPERVISORS**

98. Child Abuse supervisors shall:
  - (a) Set clear expectations for the treatment of victims;
  - (b) Respond to the scene to assist detectives on all felony child abuse investigations;
  - (c) Review investigative reports and case dispositions;
  - (d) Ensure thorough, timely investigations and document supervision on the SVS Investigative Case File Index;
  - (e) Review and approve all dispositions of "cleared by exception";
  - (f) Review and approve all dispositions of "unfounded" with the SVS Commander;
  - (g) Ensure detectives follow up on all CODIS hits;
  - (h) Build relationships and enhance cooperation with victim advocates and forensic examination programs to respond to and reduce the risk of child abuse;
  - (i) Seek and create opportunities for ongoing training to improve the skills needed to properly respond to and investigate child abuse;
  - (j) Incorporate interactions with partner agencies into member performance evaluations; and
  - (k) Recognize officers for rendering effective services.



## **CASE ASSIGNMENT**

99. Child Abuse supervisors shall promptly review reports of child abuse and assign cases to detectives. Cases with the following factors will receive the highest priority in case assignment:
- (a) An imminent time deadline before which the suspect must be charged or released (701 release);
  - (b) Significant injury or impairment of the victim;
  - (c) A weapon is involved;
  - (d) Allegations of witness tampering, strangulation, or stalking behavior; and/or
  - (e) A victim expresses a fear or risk of imminent bodily harm by the perpetrator.

## **SVS COMMANDER**

100. The SVS Commander and the CID Commander must both sign to indicate their review and approval on the SVS Investigative Case File Index for any case with an unfounded or closed by exception disposition.
101. This review shall emphasize proper investigation and documentation to accurately charge a case. In addition to the responsibility of supervising Child Abuse detectives, the SVS Commander shall assist platoon supervisors in maintaining the quality of platoon officer reports and help promote and maintain connections between the Department and responsible agencies.
102. The SVS Commander should demonstrate a detailed understanding of victim issues and proper response by detectives and responding officers.
103. The SVS Commander, in conjunction with a supervisor in the Child Abuse Unit, shall closely review and approve in writing on the Investigative Case File Index any decision to classify a report as "unfounded."
104. The SVS Commander shall provide the Deputy Chief of ISB and the Superintendent of Police with a summary report of all "unfounded" cases on a semi-annual basis.

## **DETECTIVE OVERSIGHT**

105. The SVS Commander shall:
- (a) Ensure and document that every Child Abuse detective is familiar with the Department's policies, Child Abuse Unit Standard Operating Guidelines and monitor compliance with policies, including the Sex Crimes Unit Standard Operating Guidelines;
  - (b) Respond to the scene when required or requested;
  - (c) Monitor investigative files to determine if all necessary actions were taken in the investigation and direct any necessary follow-up;
  - (d) Ensure thorough, timely investigations and document supervision on the SVS Investigative Case File Index;
  - (e) Return incomplete investigation files to the detective with specific instructions on actions to take; and
  - (f) Provide consultation on cases as needed and monitor investigations to determine if additional training may be necessary. If additional training is warranted, the SVS Commander shall direct the detective to appropriate training and monitor

the detectives' investigations to determine the effectiveness of their training.

#### TRAINING & POLICY MAINTENANCE

106. The SVS Commander shall review **Chapter 42.19 – Child Abuse** and the **Child Abuse Unit Standard Operating Guidelines** with newly assigned members within 30 days of their assignment and prior to their handling of any cases.
107. The SVS Commander shall provide Child Abuse detectives with training in accordance with the **Training** section of these guidelines.
108. The SVS Commander shall review **Chapter 42.19 – Child Abuse** and the **Child Abuse Unit Standard Operating Guidelines** annually and notify Policy Standards Section of the need to update the regulations with changes in policy, law, and best practices.

#### **CID COMMANDER**

109. The SVS Commander and the CID Commander must both sign to indicate their review and approval on the SVS Investigative Case File Index for any case with an unfounded or closed by exception disposition.
110. The CID Commander, in conjunction with a Child Abuse Unit supervisor, **must approve in writing** any decision by a detective to classify a reported sexual assault as a Signal 21 (miscellaneous complaint).
111. The CID Commander, with the SVS Commander, the MDT, and District Attorney's Office, will determine whether filing a false police report should result in an arrest.

#### **CASE TRACKING**

112. Child Abuse Unit supervisors shall utilize a case-tracking database to ensure thorough and timely investigations.
113. This system shall separately track all reports of child abuse, including drug-facilitated sexual assault, sexual assaults involving persons with disabilities, sodomy, and male victims of sexual assault.
114. This system shall also track the final disposition of child abuse investigations, including whether an arrest was made and whether the DA charged the suspect or rejected the case and, if so, the reason for the rejection if the DA provides a reason.
115. An ISB member not assigned to SVS, and appointed by the Deputy Chief of ISB, shall perform a quarterly review of every case to ensure the accuracy of the information in the tracking system.
116. The Compliance Bureau shall monitor and audit the tracking system as necessary.
117. SVS must appoint a person(s) to enter and access information using the NCAtrak system. These details include the type of abuse investigated, relationship of the alleged offender to the child victim and alleged offender's demographics, charges filed and case dispositions, as well as any other relevant information regarding NOPD's contact with

the investigation.

### **MULTIDISCIPLINARY TEAM CASE REVIEW**

118. The Child Abuse Unit shall participate in multidisciplinary teams for the investigation of child abuse or neglect cases in order to coordinate efforts and make informed case decisions.
119. NOPD shall bring all relevant reports and information to team reviews. NOPD shall be prepared to discuss, plan, and monitor the progress of the investigation, discuss child protection and other safety issues, and discuss issues relevant to the case.
120. NOPD shall review all child sexual assault cases marked unfounded or miscellaneous with the MDT.

### **STAFFING**

121. When possible, NOPD should staff Child Abuse with sufficient detectives to limit the workload to 26 cases per detective per year.
122. NOPD should refrain from assigning Child Abuse detectives to special events when possible.
123. Whenever the Department cannot provide adequate staffing, Sex Crimes detectives shall assist in investigations involving victims over the age of twelve when ordered by a Special Victims Section supervisor.

### **TRAINING**

124. All Child Abuse detectives shall receive a minimum of three hours of training from the NOCAC before handling a case.
125. All Child Abuse detectives shall receive 32 hours of initial training as soon as possible, including at least eight hours of training from the NOCAC. Training topics shall include:
  - a) Realistic dynamics of child abuse, including issues related to response to trauma and delayed reporting;
  - b) Overcoming the perception of false/unfounded allegations to successfully investigate non-stranger child abuse;
  - c) Drug and alcohol facilitated sexual assault;
  - d) Skills-based training on interviewing;
  - e) Child abuse report writing;
  - f) Discovery, collection, preservation, and submission of evidence;
  - g) Addressing concerns of non-offending parents; and
  - h) Other topics.
126. All Child Abuse detectives shall receive 8 hours of in-service training from the NOCAC annually.

# DOMESTIC VIOLENCE UNIT

## STANDARD OPERATING GUIDELINES

### I. PURPOSE AND SCOPE

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

The Domestic Violence Unit Policy shall apply to the respective duties of Domestic Violence Unit detectives and supervisors in conducting follow-up investigations and Department oversight of cases that involve intimate partners, family or household members. Domestic Violence Unit staff and supervisors shall access the Department's domestic violence policies and procedures for Communications Services, platoon officers and supervisors and the Training Academy in the online resource folder.

### A. FOUNDATIONAL PRINCIPLES

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.

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

### B. DEFINITIONS

Definitions related to this policy include:

**Battering** – An ongoing pattern of coercion, intimidation, and emotional abuse, reinforced by the use and 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 B. (3))
- **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, OPC 54-525):

1. Adults or minors who are current or former spouses;
2. Adults or minors who live together or who have lived together;
3. Adults or minors who are dating or who have dated;
4. Adults or minors who are engaged in or who have engaged in any type of consensual sex act;
5. Adults or minors who are related by blood or adoption (i.e. parents, children, foster parents, foster children, siblings);
6. Adults or minors who are related or formerly related by marriage (i.e. stepparents, stepchildren);
7. Persons who have a child in common or whose relationship resulted in a current pregnancy; or
8. 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, photoelectronic 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)).

**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)(3)):

- 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 and procedure.

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

**Predominant aggressor** – The person who poses the most serious ongoing threat. *Note:* An injury resulting from a person acting in self-defense is neither abuse nor a crime.

**Proarrest response** – The expectation that officers shall arrest a person for committing domestic violence, unless there is a clear and compelling reason not to arrest (such as a lack of probable cause).

**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 B. (3)).

**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)

## **C. PREVENTION THROUGH COLLABORATION**

The NOPD shall maintain ongoing partnerships with community stakeholders in general and victim advocacy organizations in particular to develop domestic violence curricula and train officers to enhance their abilities. The department shall provide local community stakeholders with copies of all domestic violence curricula, procedures and policies for review and feedback.

### **II. DETECTIVE POLICY**

Detectives build upon the initial information on risk and danger and evidence collected by platoon officers. The subsequent investigation can be a critical factor in determining whether a prosecutor can take action in ways that minimize the victim's direct participation in the prosecution and need to confront the offender. Evidence developed by the detective can make it possible to pursue charges related to witness tampering and to actions of violence that are associated with increased risk and lethality, such as stalking, strangulation and sexual coercion and aggression.

#### **A. DISTRICT DETECTIVE PROCEDURE**

In addition to adhering to general department policy, district level detectives conducting a supplemental investigation in a domestic violence related case shall follow the Domestic Violence Unit Detective policy and procedures.

#### **B. INVESTIGATOR PROCEDURE**

In addition to adhering to general department policy, any officer conducting a supplemental investigation in a domestic violence related case shall follow the Domestic Violence Unit Detective policy and procedures.

#### **C. DOMESTIC VIOLENCE DYNAMICS**

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 countless 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.

#### **D. OFFICER LIABILITY**

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).

#### **E. OFFICER AND PARTY SAFETY**

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.

#### **F. INVESTIGATION**

Detectives shall conduct investigations to thoroughly capture evidence crucial to the successful prosecution of domestic violence cases. Detectives shall evaluate cases for all possible charges.

Detectives shall incorporate the following into their investigations:

- Take appropriate action for violation of protection orders.
- Prioritize safety and protection for adult and child victims 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, collaborate closely with the DA and community partners, including the NOFJC, and apply a victim-centered approach at every stage of the response.



In cases where a primary investigation centers on a non-domestic crime but a domestic violence–related crime was also involved in the case, detectives shall fully investigate the domestic-related crime.

**G. RESPONDING WHEN A SUSPECT IS NOT ON SCENE**

Detectives shall prioritize investigation of cases where the suspect is gone-on-arrival in the same manner as in-custody cases and take victim safety into account.

**H. VICTIM ENGAGEMENT**

Detectives shall engage with the victim or victims in a way that prioritizes safety, offers resources, builds collaboration over time and increases access to services and protection.

**I. SPECIAL DOMESTIC VIOLENCE CRIMES**

Detectives shall be alert for crimes that often occur in domestic violence situations and investigate according to the Domestic Violence Unit Procedure. Such crimes include:

- Stalking/harassment
- Strangulation
- Sexual coercion and sexual aggression
- Witness tampering

**J. INCIDENTS INVOLVING LAW ENFORCEMENT OFFICERS OR PUBLIC FIGURES**

Detectives shall:

- Conduct all investigations involving department employees and law enforcement personnel as suspects jointly with the Public Integrity Bureau, in accordance with department policy and procedure.
- Conduct all investigations involving a public figure in accordance with department policy and procedure.

**III. DOMESTIC VIOLENCE UNIT SUPERVISOR POLICY**

Supervisory oversight of the Domestic Violence Unit shall reinforce thorough evidence collection, attention to risk and danger and strategies that minimize the need for a victim to confront the offender. Oversight shall emphasize proper investigation and documentation to accurately charge a case. In addition to the responsibility of supervising Domestic Violence Unit detectives, the supervisor of the Domestic Violence Unit also assists platoon supervisors in maintaining the quality of platoon officer reports and helps maintain connections between the department and other intervening agencies.

**A. CASE INVESTIGATION ASSIGNMENT**

The Domestic Violence Unit supervisor shall promptly review every domestic violence–related report where an officer has determined that probable cause exists that a crime was committed and assign cases to a detective for a supplemental investigation as necessary.

Case assignments shall be prioritized based on danger to the victim, the severity of that danger and the need to secure additional evidence. Felony cases shall be prioritized over misdemeanor cases.

## **B. LIAISON TO DISTRICT ATTORNEY'S OFFICE & NEW ORLEANS FAMILY JUSTICE CENTER**

Upon completion of a supplemental investigation, the Domestic Violence Unit supervisor shall send the report to the appropriate domestic violence prosecutor.

The Domestic Violence Unit supervisor shall meet quarterly and as needed with representatives from the District Attorney's office to discuss and review problematic cases.

The Domestic Violence Unit supervisor shall ensure that the unit participates in the operation, development and sustainability of the New Orleans Family Justice Center; works in co-location with other civil and criminal agencies and community-based organizations; and supports a centralized, multi-agency Family Justice Center model in the handling of domestic violence cases in New Orleans.

## **C. DETECTIVE OVERSIGHT**

The supervisor of the Domestic Violence Unit shall:

- Ensure and document that every Domestic Violence Unit detective is familiar with the department's domestic violence policies and procedures.
- Monitor investigative files to determine if all necessary actions were taken in the investigation and direct any necessary follow-up.

## **D. REPORT COMPLIANCE**

The Domestic Violence Unit supervisor shall take the following actions to ensure platoon officer reports and investigative reports are compliant with department policy and procedure:

- Complete the *Supervising the Platoon Officer Response to Domestic Violence: Platoon Officer Report Checklist*, located in the Resource Folder on [nopd.org](http://nopd.org), when reviewing platoon officer reports for compliance with policy and protocol.
- Hold district roll-call trainings when additional training is required.

## **E. CASE TRACKING**

The Domestic Violence Unit supervisor shall prepare a quarterly case tracking report to be presented at COMSTAT.

The Domestic Violence Unit supervisor shall prepare a weekly report tracking reports on domestic violence incidents, including by gender and race, and publically report on this data on at least an annual basis.

## **F. TRAINING & POLICY MANTAINENCE**

The Domestic Violence Unit supervisor shall review the department's domestic violence policies and procedures with new detectives assigned to the unit within 30 days of their assignment.

The Domestic Violence Unit supervisor shall provide domestic violence detectives initial training of no fewer than 32 hours and ongoing annual in-service training. This training shall include advanced, skills-based instruction in evidence collections; victim assistance; interviewing, including taped mock victim interviews; and other topics. The Domestic Violence Unit supervisor shall be responsible for identifying additional training needs with respect to NOPD Domestic Violence Policy and Procedure 320.

The Domestic Violence Unit supervisor shall work with *Blueprint for Safety* partners and the Domestic Violence Advisory Committee (DVAC) annually to update Policy and Procedure 320 to reflect changes in policy, law and developments in research on best practice and to maintain consistency with the *Blueprint for Safety*.

#### **G. VICTIM ENGAGEMENT**

The supervisor of the Domestic Violence Unit shall regularly meet with the District Attorney's Victim Witness Domestic Violence Unit Supervisor to ensure that victims are receiving follow-up contact, and that any additional information gathered by the victim witness advocates is communicated to NOPD as necessary. Per the *Blueprint for Safety*, the District Attorney Victim Witness unit will attempt to make follow-up contact with all victims of domestic violence, inquire about subsequent violence or intimidation and notify victims of bail conditions. Per the *Blueprint for Safety*, the District Attorney Victim Witness Unit will share this information with the NOPD, as appropriate.

# PROCEDURE

## I. DOMESTIC VIOLENCE UNIT PROCEDURES

In addition to adhering to general department policy, the Domestic Violence Unit will take the following actions in conducting investigations in domestic violence–related cases.

### A. INVESTIGATIONS

If there is the possibility of multiple charges in a case, the detective will thoroughly investigate all crimes.

#### 1. CONDUCT FOLLOW-UP INTERVIEWS

The assigned detective shall:

- Identify and obtain contact information for witnesses if not included in the incident report.
- Conduct follow-up interviews with and obtain statements from witnesses, including the person who called 911 and children, if the initial interview was incomplete or missing important information.

Detectives shall apply the following considerations in determining whether to conduct follow-up interviews with children:

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

When the detective conducts an interview of a suspect in custody, follow the department's custodial interrogation policy and procedure.

#### 2. INTERVIEW THE VICTIM

Detectives shall conduct a thorough interview with the victim that includes attention to:

- Her or his account of events surrounding the incident
- The extent to which the victim feels uneasy about providing information to law enforcement and if so, why
- The extent to which the suspect has ever warned the victim about talking with law enforcement or outsiders for help, now or in the past, and the specifics of any threats or warnings
- Initial and continuing treatment of injuries
- Indicators of stalking

If the victim and/or witnesses do not speak English, arrange for an interpreter or interpreter service in accordance with NOPD Policy 368. Do not use neighbors or family members to provide interpretation.

#### 3. CONDUCT RISK ASSESSMENT

Detectives shall conduct the following domestic violence risk assessment with the victim:

- Review the victim's response to the four risk questions included in the platoon officer's report.
- If it appears there is a history of violence, ask follow-up risk questions. Cover the following risk factors and as time allows probe for what the victim thinks are the risks associated with each factor. The risk factors listed below are a guide and not an exclusive list; follow up with additional questions based on the victim's answers.

#### Weapons

- Does he/she own a gun?
- Has he/she ever used a weapon against you or threatened you with a weapon?

#### Lethality

- Does he/she ever try to strangle you?
- Has he/she ever forced you to have sex when you didn't want to?
- Has he/she threatened to kill you or himself/herself?
- Has he/she ever threatened or tried to commit suicide?

#### Previous attempts to leave or seek help

- Have you ever left after living together?
- Has he/she avoided arrest for domestic violence?
- Have you ever been threatened for leaving or seeking help from law enforcement?

#### Control/Stalking

- Does he/she control many of your daily activities (e.g., friendships, whether or when your family can visit, travel)?
- Is he/she jealous of you?
- Does he/she follow or spy on you or leave threatening notes or messages?

#### Children

- Do you have a child that is not his/hers?
- Has he/she beaten you when you were pregnant?

#### Social Factors

- Is he/she working?
- Does he/she use drugs? If so, what kind and with what effect?
- Is he/she an alcoholic or problem-drinker?

In the victim interview and risk assessment, probe for details related to:

- Severity and frequency of abuse
- Victim's level of fear
- Isolation
- History of violence (whether or not it resulted in law enforcement contact)

Detectives shall follow up on any indications or suspicions of strangulation, stalking, witness tampering or sexual coercion or aggression. Detectives shall document all answers from the victim interview in the incident report.

#### 4. COLLECT ADDITIONAL EVIDENCE

The assigned detective shall:

- Obtain a medical release from the victim and information about where medical treatment will be or was sought when applicable. Seek the victim's authorization for release of records regarding follow-up treatment. Obtain all medical reports after receiving the release.
- Run a criminal history check, including NCIC to determine the suspect's arrest and conviction history, warrants and indications of stalking.
- Document all history of abuse by obtaining:
  - Past law enforcement reports on the offender.
  - Past and current protective orders including the petition and affidavit and any existing stay away orders issued by criminal court.
  - In cases of stalking or increased risk of harm, attempt to locate law enforcement reports from other jurisdictions within and outside of the state.

Collect all evidence related to the case, when possible, including:

- Follow-up photographs of injuries in cases where bruises may develop after the initial response.
- Physical evidence not collected by the responding platoon officers .
- Any weapons used in the incident.
  - NOTE: If the incident included threats to kill, highlight those threats for prosecution.
- Recordings/printouts of relevant voice mail, e-mail, text messages, etc.

#### 5. INVESTIGATING DECLINED CASES

If a case that the detective believes has strong merit is declined by the prosecuting authority, request the specific reason for the decision to decline and explore the possibility of further investigation to support prosecution. If the prosecutor remains reluctant to proceed with the case, discuss it with the Domestic Violence Unit supervisor for further follow-up.

In cases where the prosecutor has insufficient evidence to charge the case but believes that further investigation would likely produce enough evidence to charge, the prosecutor will specify what additional investigation actions should be taken and designate a time period in which to gather the information.

If there is still insufficient evidence to charge at the end of the additional investigation period, the prosecutor will decline the case and promptly inform the detective.

#### **B. NOTIFY PROBATION AND PAROLE**

Detectives shall determine if the suspect is on probation; if so, notify probation of the circumstances of the case, including any offenses where the suspect left the scene and has not been located.

#### **C. IDENTIFY INCOMPLETE PLATOON OFFICER REPORTS**

Detectives shall make note of information missing from the platoon officer reports and convey incomplete reports to the Domestic Violence Unit supervisor. The Domestic Violence Unit supervisor will return incomplete reports to the appropriate platoon supervisor or District Commander for review and a supplement, if necessary.

#### **D. RESPONDING WHEN A SUSPECT IS NOT ON SCENE**

Conduct investigations where the suspect was not on the scene according to the same procedure as when the suspect was present. Before interviewing the victim, determine if the victim is safe and able to speak freely.

##### **1. INTERVIEWING A SUSPECT WHO IS OUT OF CUSTODY**

Detectives shall take the following actions when interviewing a suspect who is out of custody:

- Inform the victim that the detective will attempt to interview the suspect.
- Attempt to locate and obtain a statement from the suspect.

Notify the victim if the detective assesses increased risk of harm and assist the victim in relocating to a safe location. Ensure that the victim has information regarding the Family Justice Center and civil protective orders. Encourage the victim to call law enforcement again if new incidents occur.

#### **E. VICTIM ENGAGEMENT**

In conducting the investigation and interacting with victims and suspects, detectives shall take the following specific actions, as appropriate to the circumstances of the case and victim safety.

##### **1. BUILD A FOUNDATION FOR A CONTINUING RELATIONSHIP**

- Treat each contact with the victim as an opportunity to build a continuing relationship.
- Be patient with victims who may be hostile.
- Ask open-ended questions.
- Ensure that the victim knows who you are and how to contact you.

##### **2. COMMUNICATE SAFELY**

- Do not tell the suspect what the victim has told you.
- Inquire about her/his welfare and safety and determine if it is safe for the victim to speak freely.
- If circumstances allow, do not tell the suspect you have spoken to the victim.

##### **3. COLLECT EVIDENCE SPECIFIC TO DOMESTIC VIOLENCE**

- Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
- Request that the victim report any threats made by the offender for cooperating with the investigation.
- Inform the victim of the importance of keeping a record of mail, voice mail, e-mail, text messages and other communication and contact from the suspect or others acting on the suspect's behalf.
- If the victim is willing to talk about the full scope of abuse and violence, ask for details and record all credible reports of violence, stalking, coercion, intimidation and related acts of abuse

##### **4. PROVIDE REFERRALS TO SERVICES**

- Inform victim of the availability of "welfare" checks at her or his residence by officers.
- Provide referral information regarding advocacy support, restraining orders and other community resources.
- Refer all victims to the New Orleans Family Justice Center.

## **F. RESPONDING TO INCIDENTS INVOLVING DEPARTMENT EMPLOYEES**

Detectives shall refer all incidents involving NOPD law enforcement personnel to the Public Integrity Bureau.

Detectives shall:

- Conduct the investigation following general department policies and procedures and policy and procedure 320.
- When desired by the victim, contact the New Orleans Family Justice Center for assistance in referring the victim for safety planning and services.

## **G. RESPONDING TO INCIDENTS INVOLVING PUBLIC FIGURES**

Detectives shall:

- Conduct the investigation following general department policies and procedures and policy and procedure 320.
- Coordinate with and refer media inquiries to the department's public information officer.
- When desired by the victim, contact the New Orleans Family Justice Center for assistance in referring the victim for safety planning and services.

## **H. NOTIFICATION TO VOWS**

Detectives shall notify the Violent Offender Warrant Squad when a victim, complainant or officer informs the detective that there is an outstanding warrant in a high risk case involving a dangerous situation.

## **I. TRAINING**

Domestic violence detectives shall receive, at least annually, comprehensive mandatory instruction on this policy and responding to domestic violence calls. Trainings will reflect changes in policy, law and developments in best practices over time.

## **II. DOMESTIC VIOLENCE UNIT SUPERVISOR PROCEDURE**

In addition to following general department procedures covering supervisory oversight of investigations, the Domestic Violence Unit supervisor will take the following actions in providing supervisory oversight of investigations in domestic violence cases.

### **A. CASE INVESTIGATION ASSIGNMENT**

The domestic violence unit supervisor shall read every domestic violence-related report where an officer has determined that probable cause exists that a crime was committed and assign the case for follow-up investigation as needed. The supervisor shall evaluate cases for multiple charges, both domestic-related and non-domestic-related. Regardless of whether the offender is in custody or out of custody, the Domestic Violence Unit supervisor shall prioritize cases based on the following:

- All felonies shall be prioritized for assignment to a detective over misdemeanors. Among felonies, cases with the following factors will receive the highest priority in case assignment:
  - An imminent time deadline before which the suspect must be charged or released
  - Significant injury or impairment
  - Weapon is involved



- Strangulation or stalking behavior has been alleged
- A victim's response to risk questions indicates significant risk of harm
- A victim expresses fear of imminent bodily harm
- As resources permit, if all felony cases have been assigned, misdemeanor cases with the following factors will receive the highest priority in case assignment:
  - Protective order violation
  - Significant injury or impairment
  - Weapon is involved
  - Strangulation or stalking behavior has been alleged
  - A victim's response to risk questions indicates significant risk of harm
  - A victim expresses fear of imminent bodily harm
- In cases where the offender was not arrested at the scene, cases with one or more of the following factors will receive the highest priority for assignment to a detective:
  - Significant injury or impairment
  - Witness tampering, strangulation or stalking behavior has been alleged
  - A victim's response to risk questions indicates high risk of harm
  - A victim expresses fear of imminent bodily harm
- If it appears that the suspect in the case appears to be a victim of battering, assign the case to a detective with instructions to ask the suspect the four risk questions and document the answers in the supplemental report.

## **B. DETECTIVE OVERSIGHT**

The domestic violence unit supervisor shall review investigation files for thoroughness. If a file is unsatisfactory, the supervisor shall return it to the detective with specific instructions on actions to take.

The Domestic Violence Unit Supervisor shall provide consultation to detectives on cases as needed and monitor investigations to determine if additional training is necessary. In reviewing cases, the Domestic Violence Unit Supervisor shall pay particular attention to investigative techniques and skills specific to domestic violence cases (e.g., interviewing, self-defense, victim engagement and predominant aggressor evaluation).

If additional training is warranted, the Domestic Violence Unit Supervisor shall direct the detective to appropriate training and continue monitoring to determine effectiveness of training.

### **1. REPORT COMPLIANCE**

On a quarterly basis, the Domestic Violence Unit Supervisor shall review one random report from each district, using the *Supervising the Platoon Officer Response to Domestic Violence: Platoon Officer Report Checklist*. The Domestic Violence Unit Supervisor will discuss any problems with reports with platoon supervisors and District Commanders as needed.

## **C. CASE TRACKING**

The Domestic Violence Unit Supervisor shall compile and submit a case tracking report to COMSTAT on a quarterly basis, in accordance with general department policy and procedure that includes:

- Number of cases investigated
- Number of cases not investigated
- Number of felonies investigated
- Number of misdemeanors investigated
- Concerns that need to be resolved and anticipated challenges



## Sex Crimes Unit Standard Operating Guidelines

Effective January 3, 2016

### **PURPOSE**

The purpose of these standard operating guidelines is to provide Sex Crimes detectives and supervisors with guidelines for investigating reports of sexual assault.

### **DEFINITIONS AND ACRONYMS**

- (a) **CODIS**—Combined DNA Index System
- (b) **Cold case**—Any investigation that is not active and has remained unsolved for over a year since the date of report
- (c) **CCMS**—Criminal Case Management System
- (d) **NOFJC**—New Orleans Family Justice Center
- (e) **SAK**—Sexual assault kit
- (f) **SANE**—Sexual Assault Nurse Examiner
- (g) **SART**—Sexual Assault Response Team
- (h) **Unreported SAKs (SAKUs)**—Sexual assault kits for which no report of an incident has been made by a victim

### **SEX CRIMES UNIT CASES**

Sex Crimes Unit detectives should investigate all sexually related incidents with victims 17 years of age and older, including the following signals:

- (a) 24-K (unreported sexual assault kit);
- (b) 42 (first degree rape);
- (c) 43 (second degree rape);
- (d) 43-B (sexual battery);
- (e) 81S (sexting);
- (f) 89 (crime against nature);
- (g) 283 (video voyeurism);
- (h) 542 (sex offender check); and
- (i) 27 (attempted crime) related to any of the above signals.

The Child Abuse Unit shall handle all sex-related incidents with victims under 17 years of age unless otherwise directed by a supervisor. When directed by a supervisor to handle a case with a victim under 17 years of age, Sex Crimes detectives shall handle the case in accordance with the **Child Abuse Unit Standard Operating Guidelines**.

### **SEXUAL ASSAULT DYNAMICS**

Based on the length of time between the assault and the report of the crime as well as the individual's history, the victim may be in crisis and experiencing acute stress disorder, post-traumatic stress disorder (PTSD), or rape-trauma syndrome and exhibiting a range of behaviors that will likely change over time. Detectives should use the strategies outlined herein to respond to the trauma.

## **INCIDENTS INVOLVING CHILDREN/ADOLESCENTS OR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**

All cases with victims under the age of 17 shall be handled in accordance with the **Child Abuse Unit Standard Operating Guidelines**.

Detectives shall not interview victims or witnesses under the age of 17. In exigent circumstances after consulting a Child Abuse Unit supervisor, only the minimum information necessary to stabilize the situation and secure evidence may be obtained from a child.

Detectives shall immediately make a forensic medical referral and contact the Audrey Hepburn CARE Center (available from 7 a.m. – 5 p.m. Monday through Saturday). When the CARE Center is not available to address an acute incident that occurred within 72 hours, detectives shall direct the victim's caretaker to Children's Hospital or, if the victim is an older adolescent, University Hospital for physical evidence recovery and to schedule a subsequent appointment with the CARE Center.

Detectives may also follow the **Child Abuse Unit Standard Operating Guidelines** for incidents involving an adult victim or witness with developmental disabilities as defined by La. R.S. 28:451.2 and conduct forensic interviews at the Children's Advocacy Center.

## **SUPPORTING VICTIMS**

A supportive and compassionate response decreases the likelihood of a victim experiencing PTSD and *increases the likelihood of successful prosecution*. To provide the victim with assistance and support, detectives should:

- (a) Utilize interview techniques appropriate to victims who have experienced trauma;
- (b) Offer victims assistance as outlined herein; and
- (c) Follow up with the victim throughout the investigative process. The detective shall contact the victim at least once per month, whether or not any new information is discovered during the investigation and document these contacts in the work log section of the Criminal Case Management System (CCMS).

NOPD prioritizes conducting a thorough investigation of sexual assault claims over prosecuting victims for minor offenses. Illegal activity on the part of the victim should never be used to discredit or discourage the victim from reporting the assault. Detectives shall consult with their supervisor(s) before any charges are brought against the victim and document this consultation in the work log section of CCMS.

## **VICTIM ASSISTANCE**

To support the victim throughout the investigation, detectives should:

- (a) Show understanding, patience, and respect for the victim and attempt to establish trust and rapport;
- (b) Avoid having any conversations or phone calls that may be overheard by other persons not a part of the investigation;
- (c) Commend the victim for coming forward to the police;
- (d) Explain the investigative process and the next steps in the criminal justice process;
- (e) Inform the victim that victim advocacy services are available. If the victim would like an advocate, contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process:

- i. If an arrest has been made, an advocate will be provided by the Orleans Parish District Attorney's Victim Witness Assistance program (see below).
  - ii. If the victim is at University Medical Center for a forensic exam, the detective should contact the Sexual Assault Nurse Examiner (SANE) nurse to ensure a medical advocate is available. The hospital will contact a medical advocate for the victim. If no medical advocate is available, the detective should contact the Orleans Parish District Attorney's Victim Witness Advocate, who may be able to provide on scene response at University Medical Center.
  - iii. If no arrest is made, an advocate is available by phone through the New Orleans Family Justice Center's 24-hour crisis line; and
- (f) Arrange to transport or escort the victim to the University Medical Center or New Orleans Family Justice Center (NOFJC), if desired by the victim.

### **NOTIFYING THE DISTRICT ATTORNEY'S OFFICE**

The District Attorney's Office shall be notified via telephone immediately on all rapes:

- (a) When a report of rape is made within 24 hours of the occurrence of the event;
- (b) When the victim and perpetrator have no known prior relationship; or
- (c) When the safety of the victim or witness may be in jeopardy and relocation of the victim or witness may be necessary.

In all cases investigated by Sex Crimes, detectives shall forward a Major Offense Report Form (MORF) to the District Attorney's Office within 24 hours of an item number's issuance.

### **BEFORE AN INTERVIEW**

Before beginning an interview, the detective should establish a supportive environment. The detective should work with a victim to:

- (a) Identify barriers by asking questions such as:
  - i. "Coming forward isn't easy. What are the main things concerning you?"; and
  - ii. "How can we help you get through this process?"
- (b) Identify and address personal needs whenever possible and give the victim as much control as possible over the location and timing of the interview;
- (c) Establish an understanding of the ground rules with other professionals, such as:
  - i. Who will be present?;
  - ii. What will the role of the victim advocate be?; and
  - iii. How will the victim advocate indicate concerns or interrupt the interview?
- (d) Secure a private location, acceptable to the victim, for the interview that is free from distractions. If possible, detectives should conduct interviews at the New Orleans Family Justice Center.

### **VICTIM INTERVIEWS**

Sexual assault investigations typically include both a preliminary and follow-up, in-depth interview with the victim.

The detective may request, and the victim may choose, to volunteer general information about the incident, or the situation may require that the officer seek immediate information, before an advocate is available. However, the preferred response is to introduce an advocate to the victim as soon as possible and allow the victim to decide if an advocate should be present at the preliminary interview.

### **PRELIMINARY INTERVIEW**

In the preliminary interview, the detective should establish the elements of the crime and identify all witnesses, suspects, evidence, and crime scenes.

The preliminary interview is intended to:

- (a) Identify and locate the suspect;
- (b) Establish jurisdiction;
- (c) Establish the elements of the crime;
- (d) Collect evidence;
- (e) Identify the need for additional resources;
- (f) Determine crime scene considerations, including perishable evidence and exigent circumstances;
- (g) Identify follow-up leads, including potential witnesses; and
- (h) Obtain contact information for the victim, including temporary accommodations and information about the victim's preferred means of communication with detectives.

At the conclusion of the preliminary interview, the detective should:

- (a) Explain the nature of the preliminary interview and the need for follow-up contacts;
- (b) Give the victim the Department's item number sheet (Form #26) with the contact information of the detective and Special Victims Section (SVS) Commander;
- (c) Inform the victim that a detective or supervisor will contact him or her to schedule a follow-up interview if needed;
- (d) Encourage the victim to contact the detective with any additional information or evidence;
- (e) Remind the victim that visible evidence of injury may appear later and to contact the detective for additional photographs or other documentation; and
- (f) Provide transportation if requested.

### **FOLLOW-UP INTERVIEW**

When needed, an in-depth, follow-up interview should be conducted after the victim has been medically examined and treated, and the victim's personal needs have been met. When possible, detectives should wait one sleep cycle before performing the follow-up interview.

Prior to a follow-up interview, the detective should:

- (a) Interview agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all related reports;
- (b) Coordinate with relevant agencies, assistance organizations, service providers, and sexual assault response professionals to address the needs of the victim and discuss the best means for keeping the victim informed;
- (c) Ask the victim if he/she would like an advocate present at the follow-up interview. If so, contact the NOFJC to schedule an advocate;
- (d) Secure a location that is convenient, accessible, and comfortable for the victim. The detective should provide or arrange transportation for the victim when requested. When possible and desired by the victim, conduct the follow-up interview at the New Orleans Family Justice center. When interviewing at the NOFJC, inform the NOFJC front desk that an interview has been scheduled and whether the victim is interested in receiving other services at that time; and
- (e) Arrange for equipment to record the interview, so the officer can focus on listening.

At the start of the follow-up interview, the detective should:

- (a) Discuss the purpose and scope of the follow-up interview;

- (b) Review contact information for both the victim and detective that may need to be updated;
- (c) Explain the victim's rights, including confidentiality;
- (d) Explain the need to tape record and/or videotape the interview and request the victim's consent. If the victim does not consent to be recorded, the detective shall note that refusal in CCMS; and
- (e) Explain the status of the case.

While conducting the follow-up interview, the detective should:

- (a) First allow the victim to describe what occurred without interruption, using the Forensic Experiential Trauma Interview techniques described below;
- (b) Confirm what he or she heard for accuracy, identify new information or developments, and ask clarifying questions;
- (c) Clarify any inconsistencies with earlier accounts of the sexual assault in a nonjudgmental manner;
- (d) Document:
  - i. The victim's actions in response to the attack;
  - ii. The victim's state of mind during the attack;
  - iii. Specific statements made by the perpetrator; and
  - iv. The nature of any relationship with the suspect;
- (e) Inquire about any circumstances that may indicate the use of drugs to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations);
- (f) Explain the importance of these questions and responses from the prosecutorial standpoint; and
- (g) Assist the victim in developing a plan if he or she has safety concerns, and encourage the victim to call police if the suspect violates any existing court orders or if the suspect contacts the victim or members of the victim's family.

## **CONDUCTING VICTIM INTERVIEWS**

### **FACILITATING THE INTERVIEW**

Because of the way the brain reacts during trauma, individuals do not record traumatic memories in the same way as non-traumatic memories. A person experiencing trauma may not be thinking logically, be able to recall the incident in a linear manner, be able to override emotional reflexes or habits, or control his/her attention. A successful interview technique will be based upon an understanding of how trauma affects the brain and will allow the victim to tell the story in his/her own words at his/her own pace.

### **FORENSIC EXPERIENTIAL TRAUMA INTERVIEW (FETI) TECHNIQUE**

When conducting interviews, detectives should use the Forensic Experiential Trauma Interview technique, focusing on what victims are able to recall about traumatic memories. Generally, detectives should:

- (a) Use open-ended prompts and avoid interrupting;
- (b) Avoid asking sequential questions (e.g., "What happened next?");
- (c) Engage in active listening;
- (d) Ask for clarification when needed and take responsibility for getting the account right; and
- (e) Understand that a victim may have gaps in memory.

### **BEGINNING AN INTERVIEW**

Detectives should start each victim interview by:

- (a) Expressing empathy;
- (b) Assuring the victim he/she will not be judged; and
- (c) Explaining the interview process and asking if the victim has any questions.

Detectives should be aware the victim does not have to answer any question. The detective may inform the victim that cooperation is essential for the investigation to achieve the correct outcome.

#### BEGIN WITH AN UNINTERRUPTED NARRATIVE

The detective should begin by allowing the victim to relate, in his/her own words and without interruption, what took place. Since the victim may not be able to recall the incident in an organized, linear way, detectives can use the phrase "What **are you able** to tell me about your experience?"

#### USE OPEN-ENDED FOLLOW-UP QUESTIONS

After the victim has provided an uninterrupted narrative, the detective should then follow up with clarifying, **open-ended** questions about what the victim **is able to remember** such as:

- (a) "Tell me more about..."
- (b) "What was your thought process during this experience?"
- (c) "What are you able to remember about..."
  - i. Victims who have experienced trauma may be better able to remember sensory details such as sight, sound, smell, touch, or taste.
  - ii. This phrase is preferable to questioning the victim as one might question a witness by asking "What happened first?"

#### CLARIFY AFTER THE VICTIM HAS FINISHED TALKING ABOUT THE EXPERIENCE

After the victim has been able to tell his/her narrative, the detective should attempt to clarify details of the experience through questions about what the victim is able to remember (rather than focusing on pieces the victim may not be able to remember). Clarifying questions may include:

- (a) "What were your reactions to this experience?"
- (b) "What was your reaction when. . .?"
- (c) "What was the most difficult part of this experience?"
- (d) "What, if anything, can't you forget about your experience?"

#### MAKE THE VICTIM COMFORTABLE THROUGHOUT THE INTERVIEW

Detectives should provide a comfortable environment throughout the interview. Detectives should:

- (a) Avoid touching the victim;
- (b) Monitor the victim's body language;
- (c) Offer breaks frequently;
- (d) Avoid victim-blaming questions;
- (e) Avoid using jargon or police, medical, or legal terms;
- (f) Conclude by asking the victim if there is anything he/she would like to add;
- (g) **Never** ask the victim if he/she wants the assailant prosecuted in the immediate aftermath of a sexual assault; and
- (h) **Never** ask the victim to submit to a lie-detector test.

### **INVESTIGATIVE STRATEGY**



The detective should develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy can guide interview questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call is appropriate and re-photographing injuries to document changes in visible injuries.

### **KNOWLEDGE OF SEXUAL ASSAULT DEFENSE CLAIMS**

Detectives should be familiar with common defenses to charges of sexual assault.

#### *Non-Stranger Assault*

The majority of non-stranger sexual assaults result in a "consent" defense.

Evidence of particular importance in a "consent" defense includes:

- (a) Evidence of physical or verbal resistance on the part of the victim.
- (b) Evidence of genital or non-genital injury.
- (c) A detailed account of the victim's thoughts and feelings during the assault.
- (d) Information regarding the suspect's size and strength in comparison to the victim's.
- (e) Information regarding the environment in which the assault took place (such as isolation or soundproofing).
- (f) Information regarding the victim's behavior after the assault, including common traumatic responses.
- (g) People the victim may have told about the assault.
- (h) Evidence that the perpetrator is a serial offender.

#### *Stranger Assault*

Evidence in stranger sexual assaults more often centers on a question of identification pending the processing of collected evidence such as biological evidence for DNA, latent fingerprints, lineups, and trace evidence. Therefore, investigative strategies must remain flexible.

### **IDENTIFY AND LOCATE WITNESSES AND SUSPECTS**

Detectives should identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the detective identify and interview the first person the victim told about the sexual assault.

### **WITNESS INTERVIEWS**

Detectives should interview any witness who might have seen or spoken with the victim before, during, or after the assault.

### **SUSPECT INTERVIEWS**

Suspects should be interviewed only by the detective but can be detained by the responding officer.

### **PRETEXT PHONE CALLS**

Pretext phone calls are an important investigative tool that detectives may consider using in all non-stranger sexual assault cases. Although some pretext phone calls result in an admission by the suspect, a suspect's lack of denial or partial admission can also support a detective's investigation. Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim's emotional and physical state. Pretext phone calls should be conducted with a victim advocate present, unless a victim prefers that a victim advocate not be present or it is impossible to arrange for the presence of an advocate due to exigent circumstances.

## **EVIDENCE COLLECTION**

Detectives should ensure that available evidence is collected, including but not limited to:

- (a) Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts). The detective should explain to the victim the benefits of preserving evidence by remaining in the clothes he or she wore during the assault. If the victim chooses to change clothes, the detective should place the clothes in separate paper bags to prevent cross-contamination and follow procedures regarding chain of custody for evidence;
- (b) Photographs of the victim's injuries if necessary, preferably by the SANE nurse;
- (c) Photographs of the suspect's injuries if necessary; and
- (d) Photographs of the crime scene prior to processing if necessary.

The detective should encourage the victim to contact the detective or the SANE nurse to take photos of injuries if they change over time. The detective can contact the SANE Program Director to arrange for follow-up photos.

Detectives should protect the integrity of evidence and request the assistance or direction of the Scientific Criminal Investigations Section (SCIS – Crime Lab) regarding the collection or preservation of evidence. Detectives should secure the crime scene to ensure that evidence is not lost, changed, or contaminated. In addition, detectives should follow these guidelines:

- (a) Use gloves whenever handling evidence and change gloves after every contact to prevent cross-contamination.
- (b) Evidence should be handled by as few people as possible.
- (c) The detective should encourage the victim not to change clothing, smoke, eat, drink, shower, urinate, or defecate by explaining that those activities could destroy evidence.
- (d) Detectives should carry receptacles for urine samples to be used when necessary.
- (e) If a drug-facilitated sexual assault is suspected, preserve drinks to allow the crime lab to test for the presence of drugs.

## **ALCOHOL/DRUG-FACILITATED SEXUAL ASSAULT CONSIDERATIONS**

Whether ingested voluntarily or without the knowledge of the victim, if a drug-facilitated sexual assault is suspected, special attention should be given to collecting perishable evidence of drug and/or alcohol use by suspects or victims as soon as practical (i.e. urine samples or BAC readings) and alcohol use by witnesses (i.e. BAC readings) whenever possible.

Signs of drug-facilitated sexual assault include:

- (a) The victim reports being under the influence of a drug during the sexual assault;
- (b) The victim experiences vaginal soreness or other signs of sexual activities and cannot remember the entire incident;
- (c) The victim reports becoming heavily intoxicated very rapidly; and/or
- (d) The victim reports symptoms of amnesia.

## **FORENSIC EXAM**

Detectives should explain the benefits of a medical examination to the victim and its importance to investigative and apprehension efforts as well as for the victim's well-being. Although important to the case, examinations are voluntary, and detectives should not coerce victims to go to the hospital or to provide samples for drug screening.

The detective should:

- (a) Ask the victim whether there is anyone who should be called or notified and facilitate this contact;

- (b) Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need;
- (c) Inform the victim of the right to decline any or all parts of the examination;
- (d) Inform the victim that he/she will not be charged for a forensic exam;
- (e) Transport the victim to the University Medical Center if a forensic examination is warranted and the victim consents;
- (f) Advise the victim that the forensic examiner may collect clothing worn during or immediately after the sexual assault;
- (g) Inform the victim that clothing will be provided after the examination if necessary but that he/she may bring personal clothing if preferred;
- (h) If drug-facilitated sexual assault is suspected, transport the victim as soon as possible to University Medical Center for a forensic exam and treatment. If transport is not possible, or if the victim declines a forensic exam, seek permission from the victim to collect a urine sample for drug screening; and
- (i) Encourage a victim who is unwilling to undergo a forensic exam to get medical attention as soon as possible, including testing for pregnancy and sexually transmitted diseases.

### **COORDINATION WITH FORENSIC EXAMINER**

When a victim decides to undergo a forensic examination, the detective should brief the examining nurse or physician about the details of the sexual assault to facilitate the collection of evidence.

Detectives need not be present in the examining room because the forensic examiner will testify about collection of evidence and the chain of custody.

The detective should obtain a copy of the forensic exam report from the SANE nurse and include it in the case file.

### **PROTOCOL FOR SUSPECT EXAMINATION**

This protocol is an exception to the body cavity searches section of **Chapter 1.2.4 – Search and Seizure**.

Immediately after the preliminary suspect interview, the detective should determine whether a forensic sexual assault examination of the suspect should be conducted. Factors to consider in that decision include:

- (a) The length of time since the assault occurred;
- (b) The nature of the assault;
- (c) Whether the victim believes he or she injured/marked the suspect;
- (d) The likelihood that cells, fluid, or other types of biological or trace evidence were transferred from the victim to the suspect; and
- (e) Unusual or highly distinctive physical characteristics of the suspect's body that are normally not visible due to clothing.

Detectives must obtain a search warrant prior to conducting the exam. Detectives should keep in mind that the items or evidence explicitly identified on the search warrant are the only items or samples that can be obtained during the suspect's examination, including photographs of the suspect's body. The detective should clearly articulate the type and number of samples needed that can be supported by the probable cause alleged in the search warrant application.

Detectives shall conduct the exam with a supervisor present in a private room that cannot be viewed from the outside. The detective and supervisor present shall be of the same sex of the suspect (Refer to **Chapter 41.14 –Discriminatory and Bias-Based Policing, LGBT Community** for transgendered searches). The detective shall first explain what will be taking place, advise the suspect that the exam is pursuant to a signed search warrant, and offer the suspect the opportunity to cooperate and voluntarily swab the necessary areas of the body. If the suspect refuses, the detective shall consult with the supervisor present as to the method to be used, the number of additional detectives or officers required, and the amount of force to be used to execute the actions that are necessary and reasonable to recover the evidence.

If detectives collect clothing or footwear as evidence, they will provide the suspect with replacement clothing or footwear. All evidence collection procedures to prevent cross-contamination or spoilage of evidence shall be followed. Each recovered item shall be packaged and tagged immediately.

While executing the search warrant and conducting the forensic sexual assault exam, the detective shall document all evidence and take photographs as necessary.

The detective shall document any spontaneous statements made by the suspect during the exam.

It is critically important to note that the victim's and suspect's examinations must take place in different locations. It is important that every effort be made to avoid cross-contamination of evidence from the victim and suspect.

### **STORING EVIDENCE**

The sexual assault kit (SAK) should not be accepted from the medical staff until it has been properly sealed and labeled. The detective should transport the kit directly to Central Evidence and Property, and it should be stored according to the Louisiana State Crime Lab's recommended practices.

The Investigation and Support Bureau (ISB) shall track evidence that has been submitted to the Louisiana State Police for testing.

The decision not to submit evidence for testing shall be documented in a supplemental report.

### **DOCUMENTATION**

Detectives shall submit an incident report in EPR which protects the confidentiality of the victim to the maximum extent possible per **Chapter 42.2 – Sexual Assault**.

Detectives shall provide an overview of the investigation in the gist section of CCMS to produce the Major Offense Reporting Form.

Detectives shall document every investigation of a reported sexual assault by completing a supplemental report. The detective should compile the Major Crime Scene Officer Statements completed by other responding officers.

Detectives will utilize the Supplemental Report Form to document any information obtained during the investigation, including all contact with the victim. Detectives shall use the SVS Investigative Case File Index, located in the resources folder on nopd.org, to ensure that they have performed a complete investigation.

Detectives should, as accurately as possible, use the victim's own words in written reports and utilize quotation marks for exact quotations. Be careful not to substitute language inadvertently suggesting consent for the victim's own description. For example, avoid writing that the suspect and victim "had intercourse" when the victim claims that he or she was raped.

Detectives shall document every contact with the victim in the work log section of CCMS.

### **CASE FILE**

**The entirety of the case file** on all cases investigated by the Sex Crimes Unit shall be submitted to the District Attorney's Office within 20 calendar days of the arrest of the perpetrator. In sexual abuse cases with victims under the age of 18, detectives shall submit the case file to the District Attorney's Office within 20 days of receiving the allegation of sexual abuse. This case file shall include, but is not limited to the following:

- (a) Incident recall and 911 audio recording;
- (b) Incident report (EPR);
- (c) Major Crime Scene Officer Statements;
- (d) All related supplemental police reports;
- (e) All photographs related to the case;
- (f) Medical and/or SANE reports;
- (g) EMS run sheets;
- (h) All victim and witness interviews (video, audio, or transcribed);
- (i) Perpetrator statements (video, audio, or transcribed);
- (j) All surveillance video;
- (k) All body camera video applicable to the case;
- (l) All crime scene tech reports;
- (m) All crime lab submittal forms;
- (n) All crime lab reports;
- (o) Central Evidence and Property receipts;
- (p) All search warrants, including application, order, and return;
- (q) Arrest warrants applicable to the case;
- (r) All electronic evidence;
- (s) All composite sketches applicable to the case; and
- (t) All Crimestoppers tips applicable to the case.

The supplemental report shall detail any pending investigation. Once the pending investigation has been completed, an additional supplemental report shall be submitted.

Detectives shall utilize the SVS Investigative Case File Index, located in the resources folder on [nopa.org](http://nopa.org), to ensure complete case files.

### **CASE SIGNAL**

Detectives shall document in a supplemental report any decision to classify a reported sexual assault as a Signal 21 (miscellaneous complaint). A Sex Crimes Unit supervisor **and** the Criminal Investigations Division (CID) Commander **must approve this decision in writing**.

To change the signal from a sexual assault to any other criminal signal, the detective must:

- (a) Mark up the original signal as unfounded;
  - i. If the original signal is a 42 or 43, the detective shall change the original signal to 42-U or 43-U (unfounded).

- (b) Generate a new item number with the new signal;
- (c) Receive written authorization for the signal change from a Sex Crimes Unit supervisor and the Special Victims Section Commander.

### **UNREPORTED KITS**

Unreported SAKs (SAKs for which no report of an incident has been made by a victim) that have been collected shall be reported and classified as a Signal 24-K, and an incident report (EPR) shall be written documenting the collection of evidence.

Signal 24-K shall be used only for unreported kits.

### **CASE STATUS**

Detectives should utilize the following case statuses:

- (a) Open
- (b) Cleared by arrest
- (c) Cleared by warrant
- (d) Cleared by exception: No formal charges are issued due to elements beyond law enforcement control (i.e. death of offender, prosecutor declines to take the case after an offender has been identified, offender is arrested but will be prosecuted in a different jurisdiction). To be cleared by exception, NOPD must have:
  - i. Identified the offender.
  - ii. Gathered enough evidence to support an arrest on a sexual assault charge and turned over the offender to the court for prosecution.
  - iii. Identified the offender's location so that the suspect could be taken into custody.
  - iv. Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender.
- (e) Unfounded: False or baseless complaint.
  - i. Unfounded, false: Evidence obtained through an investigation shows that a crime was not committed or attempted.
  - ii. Unfounded, baseless: A case does not possess all necessary elements of the crime or was improperly classified as a sexual assault.

A Sex Crimes Unit supervisor and the Special Victims Section Commander should closely review and approve in writing any decision to classify a report as "unfounded."

Detectives must file a supplemental report for all unfounded cases to explain the disposition decision.

A Sex Crimes Unit supervisor and the Special Victims Section Commander shall review all dispositions of cleared by exception.

### **CODIS HITS**

In all cases wherein a Combined DNA Index System (CODIS) Match Notification is received from the Louisiana State Police Crime Laboratory regarding a sex crime, the Sex Crimes Unit shall:

- a) Attempt to locate and conduct substantive interviews with all relevant victims and witnesses;
- b) Apply for a search warrant for the buccal swab of the potential perpetrator; and
- c) Submit to the District Attorney's Office the entirety of the case file including any Supplemental Reports relative to the receipt of any DNA confirmation.

Sex Crimes shall track all CODIS hits in the CODIS Hit Outcome Program (CHOPs).

### **PROCEEDING WITHOUT THE VICTIM'S INVOLVEMENT**

Detectives shall respect a victim's inability or decision not to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

The decision whether or not to proceed with the investigation shall be made by a Sex Crimes Unit supervisor after consultation with a victim advocate or social worker who has spoken or attempted to speak with the victim. This decision shall be documented in writing in the case file.

### **CASE SUMMARY MEETINGS**

When a detective has exhausted all available leads and still does not have sufficient information to establish probable cause, the detective shall conduct a case summary meeting with the victim. At the case summary meeting, the detective shall:

- (a) Meet in person with the victim if possible;
- (b) Summarize the investigation;
- (c) Provide the contact information of the cold case detective to the victim as the new primary contact;
- (d) Document the victim's contact preferences and information on the Victim Contact Form (Form # 347) and store this form in the case file; and
- (e) Document the occurrence of the case summary meeting in the work log section of CCMS.

### **COLD CASE**

A cold case is any investigation that is not active and has remained unsolved for over a year since the date of report. Cold cases will be handled by a cold case detective unless the SVS Commander decides that the original detective or another detective should handle the case. Before deeming the investigation a cold case, the original detective shall conduct a Case Summary Meeting.

When new developments prompt a re-examination of a cold case, a Sex Crime Unit supervisor shall determine if the investigation shall remain with the cold case detective or be reassigned to the original detective. If the original detective is no longer with Sex Crimes or otherwise unavailable, the Sex Crimes supervisor shall determine if the investigation shall remain with the cold case detective or be reassigned to a new detective.

### **CONTACTING COLD CASE VICTIMS**

If the status of a cold case changes, the detective shall attempt to contact the victim in person or over the phone in a timely manner unless the victim previously requested to not be contacted further about the investigation or contacting the victim could harm the investigation. All attempts and contacts shall be documented in the work log section of CCMS.

### **CONTACTING COLD CASE VICTIMS THROUGH SOCIAL MEDIA**

If a victim cannot be reached over the phone or in person, the detective may contact the victim through a private social media message sent from an NOPD social media account. An officer shall not contact a victim via a private social media or e-mail account.

Detectives shall not disclose confidential information or the nature of the investigation through social media.

When contacting victims through social media, detectives should:

- a) Introduce him/herself.
- b) Inform the victim that this contact is not an emergency.
- c) Explain why the contact is being made without compromising the confidentiality of the case.
- d) Request an alternative, safe way to contact the victim in the future.

### **FALSE REPORTS**

In the event that the detective has found evidence establishing probable cause that a false report has been made, the SVS Commander and the CID Commander will determine whether an arrest should be made.

### **SEX CRIMES SUPERVISORS**

Sex Crimes supervisors shall:

- (a) Set clear expectations for the treatment of victims;
- (b) Respond to the scene to assist detectives on all felony sexual assault investigations;
- (c) Closely review investigative reports and case dispositions;
- (d) Ensure thorough, timely investigations and document supervision on the SVS Investigative Case File Index;
- (e) Review all dispositions of "cleared by exception";
- (f) Review all dispositions of "unfounded" with the SVS Commander;
- (g) Ensure detectives follow up on all CODIS hits;
- (h) Build relationships and enhance cooperation with victim advocates and forensic examination programs to respond to and reduce the risk of sexual assault;
- (i) Seek and create opportunities for ongoing training to improve the skills needed to properly respond to and investigate sexual assault;
- (j) Provide feedback based on the NOFJC's anonymous, aggregated victim surveys;
- (k) Incorporate victim interactions and services into member performance evaluations; and
- (l) Recognize and reward officers for rendering effective victim services.

### **SVS COMMANDER**

The SVS Commander and the CID Commander must both sign to indicate approval on the SVS Investigative Case File Index for each case.

This oversight shall emphasize proper investigation and documentation to accurately charge a case. In addition to the responsibility of supervising Sex Crimes detectives, the SVS Commander also shall assist platoon supervisors in maintaining the quality of platoon officer reports and help promote and maintain connections between the Department and responsible agencies.

The SVS Commander should demonstrate a detailed understanding of victim issues and proper response by detectives and responding officers.

The SVS Commander, in conjunction with a supervisor in the Sex Crimes Unit, shall closely review and approve in writing any decision to classify a report as "unfounded."

The SVS Commander shall provide the Superintendent of Police with a summary report of all "unfounded" cases on a semi-annual basis.



### CASE ASSIGNMENT

The SVS Commander shall promptly review every report of sexual assault and assign cases to detectives. Cases with the following factors will receive the highest priority in case assignment:

- (a) An imminent time deadline before which the suspect must be charged or released (701 release);
- (b) Significant injury or impairment of the victim;
- (c) A weapon is involved;
- (d) Allegations of witness tampering, strangulation, or stalking behavior; and/or
- (e) A victim expresses a fear or risk of imminent bodily harm by the perpetrator.

### DETECTIVE OVERSIGHT

The SVS Commander shall:

- (a) Ensure and document that every Sex Crimes detective is familiar with the Department's policies, Sex Crimes Unit Standard Operating Guidelines and monitor compliance with policies, including the Child Abuse Unit Standard Operating Guidelines;
- (b) Respond to the scene when required or requested;
- (c) Monitor investigative files to determine if all necessary actions were taken in the investigation and direct any necessary follow-up;
- (d) Ensure thorough, timely investigations and document supervision on the SVS Investigative Case File Index;
- (e) Return unsatisfactory investigation files to the detective with specific instructions on actions to take;
- (f) Provide consultation on cases as needed and monitor investigations to determine if additional training may be necessary. If additional training is warranted, the SVS Commander shall direct the detective to appropriate training and monitor the detectives' investigations to determine the effectiveness of their training;
- (g) Review at least one taped interview with a victim for each detective each month for consistency with Department standards for engaging with victims, using the Interview Skills Evaluation, located under resources on nopd.org, to document the review.

### TRAINING & POLICY MAINTENANCE

The SVS Commander shall review the Department's sexual assault policies and procedures with new detectives assigned to the unit within 30 days of their assignment and prior to their handling of any cases.

The SVS Commander shall provide Sex Crimes detectives initial training of no fewer than 32 hours and ongoing annual in-service training. This training shall include realistic dynamics of sexual assault, including issues related to response to trauma and delayed reporting; overcoming the perception of false/unfounded allegations to successfully investigate non-stranger sexual assault; drug and alcohol facilitated sexual assault; skills-based training on interviewing, including taped mock victim interviews; sexual assault report writing; discovery, collection, preservation, and submission of evidence; and other related topics. The SVS Commander shall be responsible for identifying any additional training needs that will improve the performance of the detectives.

The SVS Commander shall update **Chapter 42.2 – Sexual Assault** and the Sex Crimes Unit Standard Operating Guidelines annually to reflect changes in policy, law, and best practices.

### VICTIM ENGAGEMENT

The SVS Commander shall meet regularly with the District Attorney's Victim Witness to ensure that victims are receiving follow-up contact and that any additional information gathered by victim witness advocates is communicated to NOPD as necessary.

### LIAISON TO DISTRICT ATTORNEY'S OFFICE & NEW ORLEANS FAMILY JUSTICE CENTER

The SVS Commander shall:

- (a) Meet as needed with representatives from the District Attorney's office to discuss and review problematic cases;
- (b) Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution;
- (c) Coordinate with the New Orleans Family Justice Center in handling sexual assault cases in New Orleans; and
- (d) Participate in Sexual Assault Response Team (SART) meetings to help maintain a coordinated and victim-centered approach to sexual violence.

### **CID COMMANDER**

The SVS Commander and the CID Commander must both sign to indicate approval on the SVS Investigative Case File Index for each case.

The CID Commander, in conjunction with a Sex Crimes Unit supervisor, **must approve in writing** any decision by a detective to classify a reported sexual assault as a Signal 21 (miscellaneous complaint).

The CID Commander, with the SVS Commander, will determine whether filing a false police report should result in an arrest.

### **CASE TRACKING**

Sex Crimes Unit supervisors shall utilize a case-tracking database to ensure thorough and timely investigations.

This system shall separately track all reports of sexual assault, including drug-facilitated sexual assault, sexual assaults involving persons with disabilities rendering them unable to consent, sodomy, and male victims of sexual assault.

This system shall also track the final disposition of sexual assault investigations, including whether an arrest was made and whether the DA charged the suspect or rejected the case and, if so, the reason for the rejection if the DA provides a reason.

An ISB member not assigned to SVS, and appointed by the Deputy Chief of ISB, shall perform a quarterly review of every case to ensure the accuracy of the information in the tracking system.

The Compliance Bureau shall monitor and audit the tracking system as necessary.

### **STAFFING**

When possible, NOPD should staff Sex Crimes with sufficient detectives to limit the workload to 26 cases per detective per year.

NOPD should refrain from pulling Sex Crimes detectives for special events when possible.

**SEXUAL ASSAULT RESPONSE TEAM & CASE REVIEW**

The NOPD shall participate in monthly SART meetings to provide a coordinated, victim-centered approach to sexual assault.

In addition, NOPD will perform case reviews with the SART Case Review Committee on an at least semi-annual basis. The SART Case Review Committee shall be composed of rape crisis advocates, service providers, and/or legal providers selected by the SART and NOFJC in collaboration with NOPD. Participation in the Committee will be formalized in a cooperative endeavor agreement (CEA).

The SART Case Review Committee shall review:

- (a) Sexual assault investigations disposed of as "unfounded";
- (b) A random sample of open sexual assault investigations with victim information redacted with the approval of the DA; and
- (c) Reported sexual assaults placed in a miscellaneous or non-criminal category.

This Committee may offer written recommendations on policies, general training, remedial training for specific officers or detectives, as well as recommendations to re-examine and re-open investigations, if warranted, and with the approval of the DA. The ISB Chief shall respond in writing within 30 days of receiving these recommendations outlining its decision on how to proceed.

**This process shall include appropriate safeguards to protect ongoing criminal or administrative investigations, confidential or privileged information, and personal information that is protected from disclosure by applicable laws.**

“Restoring trust and relationship-  
building, one interaction at a time.”  
Superintendent Shaun D. Ferguson

# Community Policing Manual

New Orleans Police Department

July 2021

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Authored by Lieutenant Jonette Williams: November 2016  
Revised: Sergeant Merrell Merricks: June 2021

## Message from Superintendent Shaun D. Ferguson



To the NOPD: *“We are going to keep our commitment and our dedication to our citizens as we press forward to make this the best police department in the United States.”*

To Our Citizens: *“We are in this together. We could not be here without you, and I thank you for everything that you have done thus far to support us, and we will continue this journey together to make this the best city in the United States of America.”*



## Charter Initiative: Implementation of NOPD Community Engagement Plan

<b>Description:</b>	Community engagement and community policing are core, foundational principles for the NOPD; the implementation of a Community Engagement Plan will be utilized in the training, documenting and evaluating of the NOPD’s community engagement practices and policies.
<b>Impact:</b>	The impact is far-reaching; as the ultimate goal is to enhance the public’s trust in the NOPD through transparency, legitimacy, procedural justice, problem-solving and partnerships.
<b>Outputs:</b>	<ul style="list-style-type: none"> <li>• Better understanding of community policing by officers</li> <li>• Better relationships between community and NOPD</li> </ul>
<b>Implementation and Key Activities:</b>	<ul style="list-style-type: none"> <li>• Assess NOPD’s current community engagement efforts</li> <li>• Organizational transformation towards community oriented policing strategies</li> <li>• Ensuring community engagement and community policing activities</li> <li>• Documentation of community policing, community engagement and problem-oriented policing</li> <li>• Standardized tracking of community policing and community engagement</li> <li>• Accountability measurements</li> </ul>
<b>Interdependencies:</b>	Development of the plan is dependent on the document reflecting best practices that are within the scope of the NOPD, with its current staffing and constraints, yet still maximizing the NOPD’s potential to significantly impact the public’s perception of the NOPD and enhance the public’s trust in the NOPD.



# **NEW ORLEANS POLICE DEPARTMENT’S**

## **Community Engagement Manual**

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### **POLICY STATEMENT**

The New Orleans Police Department (NOPD) shall promote and strengthen community partnerships, work constructively with the community, ensure collaborative problem solving, ensure ethical and bias-free policing, and work to increase community confidence in the Department. The NOPD will effectively engage the community in collaborative problem solving. NOPD will partner with residents and stakeholders to identify and solve problems that contribute to crime, fear of crime and quality of life problems in communities. The Department is committed to proactively solving problems as well as reacting to their harmful consequences.<sup>1</sup>

### **MISSION STATEMENT**

The mission of the NOPD is to provide professional police services to the public in order to maintain order and protect life and property. In order to accomplish our mission, we are committed to the philosophy of Community Oriented Policing and Problem Oriented Policing (“CPOP”) as a means of informing our organizational decisions and prioritizing our crime fighting and quality of life initiatives by engaging each neighborhood and community organization in collaborative problem-solving partnerships. Community problem-oriented policing, and community policing & engagement are critical methods toward achieving NOPD’s mission.

### **BACKGROUND**

On July 24, 2012, the City of New Orleans, the NOPD and the Department of Justice entered into a Consent Decree which, at that time, was the nation’s most expansive. The Consent Decree is a broad, extensive blueprint for positive change, and it encompasses sweeping, Department-wide reforms. The Consent Decree contains a broad array of separate tasks and goals detailed in more than 490 paragraphs and 129 pages; it reflects a shared commitment to effective, constitutional, and professional law enforcement. The Honorable Susie Morgan, United States District Court for the Eastern District of Louisiana, approved the Consent Decree on January 11, 2013.

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<sup>1</sup> Chapter 10.0 Community Policing and Engagement



Community engagement is one of the most important elements of the Consent Decree, because it is the cornerstone of enhancing the public’s trust in the NOPD. Every person, from recruit to Superintendent of Police, must understand the importance of community engagement and how to utilize community policing ideals, on a daily basis. It is everyone’s job to advance the NOPD’s community engagement ideals because each officer represents the NOPD, as a whole, during each and every interaction with the public. Those efforts are reflected in the positive balance of the NOPD’s “community bank account”, whereas the public makes “deposits” into that account, as well as officers, a sentiment noted in the City of Columbia’s Implementation Plan for the President’s Task Force on 21st Century Policing.<sup>2</sup>

“The police are the public and the public are police.” Sir Robert Peel<sup>3</sup>

Community policing is a core philosophy and approach to everyday policing that must be recognized and understood by every member of the NOPD. It is more than simply attending community meetings. While attending and participating in community meetings is important, essentially, many of the same people attend most community meetings and officers begin to “sing to the choir”. Employing problem-solving methods with the community and engaging with the community in non-traditional roles are ways the public can see officers outside of the normal, enforcement capacity; to see that officers are people, just like them, who happen to wear a different uniform. Finally, enhancing officers’ everyday interactions with the public is essential to the overall goal of enhancing the public’s trust in the NOPD.

This concept can be likened to NOPD’s crime-fighting concepts. If officers observe a traffic violation, they know the proper procedure is to conduct a traffic stop and all the protocols that coincide with that traffic stop, such as entering a field interview card (FIC) into the database, issuing a citation or warning, etc. Proper education on the strategies around community policing and problem-solving allows officers to utilize those skills, strategies, and terms with the same ease as they do on that traffic stop.

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<sup>2</sup> *City of Columbia’s Implementation Plan*, p.4

<sup>3</sup> *Community Policing: The Past, Present and Future*, p. 4



In *The Collaboration Toolkit: For Community Organizations*<sup>4</sup>, authors note that officers solve problems every day, but best practices show that there is a need for a strong, well-articulated role for community members in solving neighborhood problems to make their communities safer. The police alone cannot substantially affect crime. Community involvement is an integral part of any long-term problem-solving strategy. At the most basic level, the community provides the police with invaluable information on problems that concern them. Community involvement also guides officers in concentrating on appropriate issues that will create support. This collaborative work also gives the community insight into the police perspective on crime, etc. Traditionally, law enforcement has called upon the community to act as their “eyes and ears”, but collaboration allows for the community to participate in various roles of the problem-solving process.

### Why Collaborate?

- Provide a more systematic, comprehensive approach to addressing crime and disorder problems
- Accomplish what individuals cannot alone
- Prevent duplication of individual or organizational efforts
- Enhance the power of advocacy and resource development for the initiative
- Create more public recognition and visibility for the power of community-police cooperation

If someone were to poll a group of NOPD officers and supervisors and ask them “what is a body worn camera(BWC)<sup>5</sup> or Conducted Energy Weapon (CEW)?”, commonly known as Taser,<sup>6</sup> the overwhelming majority would be able to accurately answer all of the above.

NOPD officers and supervisors understand documentation requirements and the importance of the tools. The reason that they can answer these questions is because NOPD policies have been constantly reinforced through training and have become ingrained in officers’ daily routines. While community engagement is not a physical item, like a BWC or Taser, the same message holds true. In order for officers to become familiar with terms like problem-solving, SARA (Scanning, Analysis, Response and Assessment), partnerships, community policing, etc., and use those ideals in their daily

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<sup>4</sup> *The Collaboration Toolkit for Community Organizations: Effective Strategies to Partner with Law Enforcement*, pp. 11-13, available at: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/collaboration-toolkit-community-organizations>.

<sup>5</sup> 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. Chapter 41.3.2 Body Worn Camera (BWC) Inadvertent Misuse and Non-use

<sup>6</sup> Conducted Energy Weapon (CEW)—A weapon designed primarily to discharge electrical impulses to a subject causing involuntary muscle contractions and overriding the subject’s voluntary motor responses. Chapter 1.7.1 Conducted Energy Weapon (CEW)

interactions with the public as well as in police reports, field interview cards and other documents, those ideals must be reinforced on a regular basis through training as well as close and effective supervision. We describe below the various tools the Department uses to ensure Community Engagement principles are integrated and reinforced at every level.



### **A New Professionalism in Policing**

New Professionalism is a conceptual framework that can assist chiefs, front-line officers, and members of the public alike in understanding and molding the work of police departments today and in the future. On the front lines, the New Professionalism can help police officers work together effectively, connect their daily work to the larger goal of building a better society as well as share their successes and frustrations with the community they serve. The New Professionalism can help the public understand individual police actions as part of broader strategies.

Each of the four elements of the New Professionalism, accountability, legitimacy, innovation, and national coherence, has something to offer police and the community. The New Professionalism also embraces and extends the best of community policing. The NOPD is embracing accountability through the body worn camera program and other initiatives. The Department is becoming a leader in transparency and accountability. Legitimacy is conferred by law and earned by adhering to professional standards and winning the trust and confidence of the community. Innovation is essential at every level of a police agency.<sup>7</sup>



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<sup>7</sup> New Perspectives in Policing: Toward a New Professionalism in Policing, pp.2-3; 14



## Building Trust and Legitimacy<sup>8</sup>

Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. The public confers legitimacy only on those whom they believe are acting in procedurally just ways. In addition, law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to impose control on the community.

Law enforcement culture should embrace a guardian—rather than a warrior—mindset to build trust and legitimacy both within agencies and with the public. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with rank-and-file officers and with the citizens they serve. Law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy. This is critical to ensuring decision making is understood and in accord with stated policy.

### Procedural Justice

The Task Force also states that the public confers legitimacy only on those they believe are acting in procedurally just ways. Procedurally just behavior is based on four central principles:

- Treating people with dignity and respect
- Giving individuals “voice” during encounters
- Being neutral and transparent in decision making
- Conveying trustworthy motives

The Task Force goes on to say research demonstrates that these principles lead to relationships in which the community trusts that officers are honest, unbiased, benevolent, and lawful. The community therefore feels obligated to follow the law and the dictates of legal authorities and is more willing to cooperate with and engage those authorities because it believes that it shares a common set of interests and values with the police. Officers should take these principles with them in every interaction with the community. The collaboration between the community and police during Mardi Gras is an excellent example of this concept.



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<sup>8</sup> The Pillars of 21st Century Youth-Focused Policing - [https://cops.usdoj.gov/html/dispatch/04-2016/pillars\\_of\\_21st\\_century.asp](https://cops.usdoj.gov/html/dispatch/04-2016/pillars_of_21st_century.asp)

## Community Policing and Crime Reduction<sup>9</sup>

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Yet mutual trust and cooperation, two key elements of community policing, are vital to protecting residents of these communities from the crime that plagues them. Community policing combines a focus on intervention and prevention through problem solving with building collaborative partnerships between law enforcement agencies and schools, social services, and other stakeholders. In this way, community policing not only improves public safety but also enhances social connectivity and economic strength, which increases community resilience to crime. And, as noted by one speaker, it improves job satisfaction for line officers, too. In fact, it is important that not all interactions be based on emergency calls or crime investigations.

Community policing requires the active building of positive relationships with members of the community—on an agency as well as on a personal basis. To be most effective, community policing also requires collaborative partnerships with agencies beyond law enforcement.

Problem solving, another key element of community policing, is critical to prevention. And problems must be solved in partnership with the community in order to effectively address chronic crime and disorder problems.

It must also be stressed that the absence of crime is not the final goal of law enforcement. Rather, it is the promotion and protection of public safety while respecting the dignity and rights of all. And public safety and well-being cannot be attained without the community's belief that their well-being is at the heart of all law enforcement activities. It is critical to help community members see police as allies rather than as an occupying force and to work in concert with other community stakeholders to create more economically and socially stable neighborhoods.



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<sup>9</sup> The Pillars of 21st Century Youth-focused Policing - [https://cops.usdoj.gov/html/dispatch/04-2016/pillars\\_of\\_21st\\_century.asp](https://cops.usdoj.gov/html/dispatch/04-2016/pillars_of_21st_century.asp)

# UNDERSTANDING COMMUNITY ENGAGEMENT AND COMMUNITY POLICING

## Building relationships before an incident or crime occurs

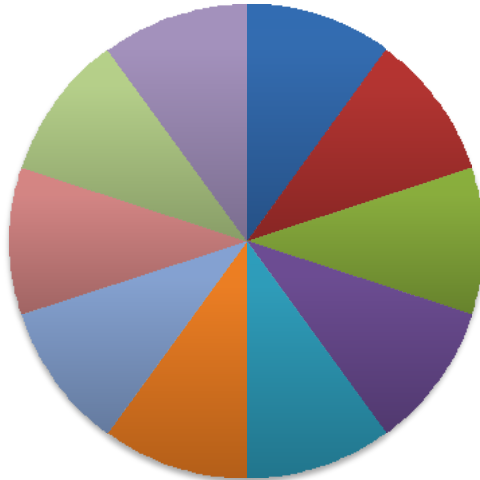
Community engagement and community policing sound like the same thing, but actually, the ideals are different. Community engagement is an all-encompassing term for how police interact with the public. For example, it includes the way officers explain police actions to a citizen, how they personalize their interactions with the public and humanize themselves, while still maintaining the highest level of professionalism and safety.

Do officers sometimes ride with the windows down to “hear” what’s going on in the community they serve? Do they get out of the car and stop to talk with the church group that’s cleaning up the neutral ground or the kids selling lemonade? De-escalation tactics include community engagement strategies as well.

Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public-safety issues such as crime, social disorder, and fear of crime.



## Ten Principles of Community Policing



- Change
- Leadership
- Vision
- Partnership
- Problem Solving
- Equity
- Trust
- Empowerment
- Service
- Accountability

<b>COMMUNITY POLICING IS NOT....</b>	
A tactic, technique, or program.	Community policing is not a limited effort to be tried and then withdrawn, but instead a new philosophy of delivering public service to the community.
“Soft” on Crime	Community policing addresses the entire matrix of problems that result in crime, fear of crime and disorder.
Paternalistic	Community policing shifts the role of police from “expert” to “partner.”
Cosmetic	Community policing addresses the entire range of dynamics that allow problems to fester and grow.
Just Another Name for Business as Usual	If there is no substantive change, then it is not community policing.

*Both graphs are from Community Policing, How to Get Started by Robert Trojanowicz and Bonnie Bucquerou<sup>10</sup>*

Problem-solving orientation towards policing, rather than the incident-oriented approach is recommended. Whenever possible, officers should search for underlying conditions that give rise to

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<sup>10</sup> Community Policing: How to Get Started, 2nd Edition, pp. 8-9, 10-12



single and multiple incidents. Once identified, officers should try to affect them as a means of controlling and preventing future incidents.<sup>11</sup>

For example: After Hurricane Katrina many homes were left abandoned and vulnerable for criminal activity. In the 5th District, specifically the 1300 block of France St., NOPD received many calls regarding drug related criminal activity, visual nuisance, murders, and health concerns at the location. Officers were assigned tasks that potentially resolved the larger issue of narcotics sells and usage and other criminal activities in the neighborhood to increase the quality of life in the community until a permanent solution could be obtained. Tasks included:

1. contacting Code Enforcement to assess the overgrown lot on the property, and
2. boarding up entry points of the home and contacting the homeowner to establish plans on how to revitalize the property for redevelopment.

As a result of these and other tasks, criminal activity decreased on the property until the home was demolished on November 12, 2020, and the lot was cleared. Currently this location is no longer being used as a hub for criminal activity and the quality of life for the residents in that area has increased.

[Report from WWLTV](#)



Most police officers will say that they became a police officer to help people. Even though the average day of a police officer is quite busy, he or she can still find the time to utilize community policing and problem-solving strategies. Officers can efficiently move through their day, respond to calls for service effectively and still have time to include these ideals in their daily interactions with the public.



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<sup>11</sup> Community Policing: Principles and Elements, pp.6-8

## Police Perspective: Rules for Community Engagement

*Building Trust in a Diverse Nation, How to Increase Cultural Understanding, COPS/Vera<sup>12</sup>*

1. Police officers must understand that they are public servants charged with helping the community solve its problems.
2. Officers must recognize that crime prevention is part of their job and in order to do this, they must connect with community service providers and help those who need services, get access to them. This will prevent an unnecessary reliance on the justice system for their wellbeing.
3. Police must stop assuming that they know what the community wants and needs. Instead, they should go to the community often and ask what it wants and needs from them. This is a building block of community trust and departmental transparency.
4. Officers must engage with the community and discuss their planned approach to enforcing the law and ensuring community safety. If the majority of the neighborhood does not support this approach, police must adjust their plan. Targeted enforcement must always be coupled with a focused community relationship-building campaign.
5. Officers must behave and communicate with decency. A positive attitude is everything. Behaving this way attracts people and enables them to begin trusting you.
6. Officers must admit when they get it wrong. Community members understand that police are human and make mistakes. If an officer treats someone badly or makes a mistake, he or she must admit the errors and ask for help from fellow officers.
7. Police officers must meet with community members in the community.



## Supervisor Buy-In

In the DOJ/COPS manual, *Reaching Out to the Private Sector: Building Partnerships and Managing Your Workforce*, authors note that first-line supervisors play an integral role in fostering and identifying effective community engagement skills in their officers. The leadership, or lack thereof, exhibited by a sergeant can have an extreme effect on how an agency is perceived by the public. Officers want leadership and empowerment; first-line supervisors must find the balance.<sup>13</sup>

A COPS article by Chris Cognac noted that support and encouragement from command staff and supervisors make a huge difference in an individual officer's ability and willingness to go above and beyond, to truly become community police officers. But to get proactively involved in the community

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<sup>12</sup> *Building Trust in a Diverse Nation: How to Increase Cultural Understanding*, p. 21

<sup>13</sup> *Reaching Out to the Private Sector: Building Partnerships and Managing Your Workforce*, p.33

they serve; officers must also have the capacity to identify a need and find a solution by being given the time and opportunity to do so.<sup>14</sup>

Supervisor buy-in on community engagement is essential. Supervisors must recognize that community engagement is important, they must understand what community policing looks like and they must ensure that officers are positively engaging with the community on a daily basis. It is as simple as a supervisor recognizing an officer in roll call who received a letter of recognition from a member of the public for positive community engagement or submitting a commendation for an officer who has gone over and above in the area of community engagement. It may also involve providing more guidance or training to an officer who is struggling with integrating problem-oriented policing in their daily activities. Mechanisms that ensure supervisors track community engagement in a qualitative manner, in addition to a quantitative manner are important also.



### Guiding Principles for Supervisors

- Supervisors will recognize positive community engagement strategies and activities by officers in the Districts' and departmental MAX<sup>15</sup> meetings.
- While completing performance evaluations, supervisors will critique and assess officers' community policing and community engagement efforts.
- Supervisors will monitor and instill community policing ideals within the officers they supervise.
- Supervisors will regularly communicate with the Community Engagement Section and Community Engagement Section Manager about the activities in their district and collaborate on new, innovative strategies to promote community engagement and community policing in their districts.

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<sup>14</sup> Ready, Set, Engage! Ideas and Options for Community Engagement and Partnership Building, p. 2

<sup>15</sup> The Management Analytics for Excellence meeting was formerly known as the Comstat meeting.

## EFFECTIVE TRAINING IS ESSENTIAL



In the Vera Institute’s<sup>16</sup> *How to Support Trust Building in Your Agency* document, authors suggest that while police agencies may be increasingly turning to community policing to improve every manner of operation within their jurisdictions, they require more concerted and innovative training strategies to ensure that agencies have a rank and file that can support such undertakings. Police training should be comprehensive and continuous: from training recruits on cultural awareness to training patrol officers on effective communication practices to training supervisors on identifying and responding to bias. Investing in continuous training at all levels allows for the fostering and development of a more skilled, community-centered police agency.

### Field Training Officers

NOPD recruits undergo a rigorous training curriculum—a mix of classroom, scenario-based and physical training for 26 weeks at the Training Academy. Once they graduate, they’re paired with a veteran officer known as an FTO, or Field Training Officer, who serves as a mentor through the recruit’s 16 weeks of field training. FTO’s serve as a liaison between classroom learning and street smarts. For recruits fresh out of the Training Academy, FTO’s are a lifeline with years of experience and have the institutional knowledge that only comes with being on the job. FTO’s participate in a separate in-service training every year, in addition to their core in-service training<sup>18</sup>, as well.



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<sup>16</sup> Vera Institute of Justice works in partnership with local, state and national government officials to create change from within.

## Education and Training: Annual Master Training Plan

The Annual Master Training Plan (AMTP) supports the Department’s mission by identifying a comprehensive set of educational goals and objectives that fosters professional development and provides the skills training necessary for officers to perform their duties in an unbiased, safe and proficient manner. The 2021 Annual Master Training Plan will differ from that of the past years both in its content and design. This training continues to reflect the community expectations that officers’ police diligently in a professional manner; have an understanding of and commitment to the constitutional rights of the individuals they encounter; and employ strategies to build community partnerships that sustain public trust, peace and safety. However, there has been a complete shift to using the Problem-Based Learning instructional strategy rather than a combination of Problem-Based-Learning and Lecture-based presentations.

Problem-Based-Learning (PBL) is a “learner-centered” teaching model that creates an opportunity for problem-solving according to individual learning styles and the development of critical thinking skills.<sup>17</sup>

Traditionally, learning has involved a teacher or instructor delivering information as content to the learner. PBL, however, begins with presentation of a *real life* problem that the trainee must attempt to solve. The trainee follows a pattern of discovery whereby officers express ideas about resolving the problem, lists known facts, decides what information to use, and develops an action plan.<sup>18</sup>

Consent Decree Paragraph 226 requires structured training in community policing and problem-oriented policing for all officers, supervisors, managers and executives. Listed below are the training courses provided related to community policing<sup>19</sup>:

### **Community policing training shall include: (Respective course titles follow each requirement)**

- **Applied Problem-Oriented Policing:** This course will include a PBL activity that requires the formulation of an action plan targeting the Department’s #1 strategic goal for a reduction in violent crime categories. The groups will be challenged to mobilize community involvement, develop data driven strategies, and improve investigative methods. Solutions must also consider any potential negative effects of aggressive patrol, thus maintaining community support through fair and impartial policing while building relationships of trust.
- **Establishing Community:** This course will utilize a series of activities and interactive discussion in how to foster relationship-based policing in this community. The City of New Orleans is a cultural gumbo that incorporates many diverse neighborhoods, all of which are prime candidates for enhanced police and citizen partnerships.
- **Crisis Intervention Decision Making:** This course will utilize body worn camera videos of mental health encounters to stimulate classroom discussion. These will lead into a PBL activity designed to evaluate key crisis intervention decisions. The situation will challenge

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<sup>17</sup> A Problem-Based Learning Manual for Training and Evaluating Police Trainees pp. 15, [https://popcenter.asu.edu/sites/default/files/pto\\_trainee\\_manual.pdf](https://popcenter.asu.edu/sites/default/files/pto_trainee_manual.pdf)

<sup>18</sup> A Problem-Based Learning Manual for Training and Evaluating Police Trainees pp. 15, [https://popcenter.asu.edu/sites/default/files/pto\\_trainee\\_manual.pdf](https://popcenter.asu.edu/sites/default/files/pto_trainee_manual.pdf)

<sup>19</sup> 2021 Annual Master Training Plan



when to transfer from continued de-escalation negotiation strategies to a hands-on submission.

- **Domestic Violence:** This course will utilize a PBL Exercise to examine an officer's ability to complete an accurate DV Risk Assessment to identify the "predominant aggressor" in a domestic violence incident. The situation will include aspects of a mental health encounter requiring de-escalation. An EPIC moment will also be identified in this incident. A component will include a review of the NOPD Language Assistance Plan and how officers should interact with Limited English Proficiency citizens. This same DV incident scenario will lead into the Day 3 course for CEW scenario deployment.
- **Performance Evaluation Process:** This course will review the setting of applicable performance-oriented goals, including community policing metrics, and the monitoring of employee performance throughout the evaluation year.
- **Procedural Justice Solutions:** This course will begin with a review of the problem-oriented policing methodology offered in 2019, reinforcing the process for solving community concerns and Department priorities. Officers will participate in a PBL activity that will require community participation in an action plan featuring the deployment of proactive patrol strategies. The teams will review the "Procedural Justice" audit scorecard and its application towards planned aggressive enforcement solutions. The scorecard provides guidance for the proper method of interacting with suspects in vehicle and pedestrian stops. A focus on constitutional policing procedures that reinforce the core principles of procedural justice, bias-free policing, police legitimacy, and community policing will be addressed.
- **Command Staff Problem-Oriented Policing:** This course will include a PBL activity that requires the formulation of an action plan targeting the Department's #1 strategic goal for a reduction in violent crime categories. The groups will be challenged to mobilize community involvement, develop data driven strategies, and improve investigative methods. Solutions must also consider any potential negative effects of aggressive patrol, and to maintain community support through fair and impartial policing while building relationships of trust.
- **Establishing Community Connections for Supervisors:** This course will utilize a series of activities and interactive discussion to demonstrate to supervisors how they can stimulate their officers to foster relationship-based policing in this community. The City of New Orleans is a cultural gumbo that incorporates many diverse neighborhoods, all of which are prime candidates for enhanced police and citizen partnerships.
- **NOPD Mission, Vision and Values:** This course will address NOPD Mission Statement, NOPD Core Beliefs, the Education and Training Division Mission Statement and the Importance of Community Policing.
- **Police Role in the Community:** This course will assist each recruit in understanding their obligation to society, their role in the community, and their place in the criminal justice system. The training will also identify ways in which officers can influence and affect the community's attitude toward the police, and emotional temptations that lead to unethical behavior.

- **Community Policing - Foundations:** This course will familiarize participants with the development of community policing both as an overall philosophy and as a problem-solving method. The training will enable participants to distinguish differences between traditional law enforcement and community policing.
- **The Cultural Gumbo of New Orleans:** This course will identify the distinct cultural differences in the New Orleans neighborhoods and community make-up of the city. The training will also expose recruits to some of the most common street language.
- **Diversity in the Community:** This course will aid the recruit in understanding and identifying unique factors when communicating with minority citizens.
- **Attaining Respect for the Peace Officer:** This course will address each recruit's collective role in gaining respect for the peace officer, and ensure they are aware that their actions often influence the public's attitude toward the law enforcement community. The training will also identify the standards by which citizens evaluate a police department and what the community expects from their officers.
- **Standards of Conduct:** This course will define the standards of conduct expected of a professional police officer. The training will explain ethics, areas of service, and the elements of integrity. Discussions on off-duty professionalism, social media, life-style choices, and common neglect of duty violations will also be emphasized.
- **Community Policing – Relationship Based Policing:** This course is a program that refocuses building trust and public confidence while sustaining crime fighting partnerships with the community. In this version of community policing revisited, officers will participate in scenario-based training to apply methods to develop partnerships and engage in community problem solving and collaboration. Components will include the outreach to limited English proficient citizens and an introduction to violence reduction strategies.
- **Bias Policing Recognition:** This course will introduce the fundamental principles that policing based on bias can be unsafe, ineffective and unjust. It is necessary that police officers understand how their own implicit biases can impact their perception, decisions, and actions.
- **EPIC:** This course will introduce the Department's EPIC Peer Intervention program which provides officers with the tools to intervene successfully when confronted with the mistakes of their peers. The training will identify program components– addressing inhibitors, critical loyalty & active bystanders. This course will engage officers in reviewing videos from negative police/citizen encounters from cities across the nation. The officers will be assembled in problem-based learning pods and each group will be required to discuss the negative outcomes, while providing a presentation to the class detailing how a peer intervention would have benefited the officers and citizens.
- **LGBTQ Awareness Training:** This course will discuss terms used in the LGBTQ

community and identify positive police interactions. The training will propose methods of cooperation and community impact and how the Department and the LGBTQ community can make the City a safer, more accepting place to live.

- **Crime Prevention:** This course will identify crime prevention concepts and examine a set of theories regarding the police-citizen cooperation roles in the prevention of crime. The training will also discuss the operational aspects of crime prevention programs and the basic steps necessary in assessing a crime problem.
- **Encountering the Hearing Impaired:** This course will describe the actions that can be undertaken for an officer to communicate with a person who is hearing impaired. The training will identify the support resources that are available to assist and what materials may be utilized until the arrival of an interpreter.
- **Language Assistance Plan and LEP Protocol:** This course will present the protocol and procedures for communicating with Limited English Proficiency individuals and the support services available.
- **Police and the Media:** This course outlines the responsibilities of the Public Information Office and Department guidelines for officers dealing with the media in the performance of their duties.
- **Community Policing - Problem Solving the Challenge of Opiate Abuse:** This course will apply the principles of community policing and developing partnerships with public health agencies to address a major issue confronting the nation's police departments, the opioid addiction epidemic. Proactive enforcement strategies for patrol officers and detectives will be discussed. Officers will understand the officer safety issues from the threat of exposure to Fentanyl, a dangerous synthetic opioid. As first responders, officers on the scene of an opioid overdose can prevent fatalities with training in the deployment of Naloxone (Narcan).
- **Community Policing - Procedural Justice:** This course will identify the core concepts and principles of procedural justice and how each relates to the Department and the community. The training will present the four pillars of procedural justice, define how to increase legitimacy with the community, and discuss how procedural justice relates to the use of force.
- **Survival Spanish:** This course employs a variety of self-instructional techniques that provide a law enforcement officer with immediate access to practical Spanish that can be deployed in policing activities. An officer typically uses only a small number of phrases, questions and commands in order to do his job. These very limited survival language items form the basis of this program.
- **Victim Assistance and Notification:** This course will provide an overview of victim assistance, including the law that governs basic rights for crime victims & witnesses. The training will describe the advantages of the victim assistance program and define the purpose of the Louisiana Victim Notice & Registration forms



- **Law Enforcement and the Elderly:** This course will provide a description of the crimes associated with elder abuse. The training will review the Louisiana Law that governs abuse of elderly/disabled adult victims and propose investigative and notification requirements.
- **Verbal Communication as a Force Option:** This course shall develop tactical communication strategies for officer safety and enhanced professionalism. The training will deploy the principles of verbal judo which incorporates words as a force option and a valuable tool in de-escalation strategies. The overall goal of tactical communication and verbal judo is to generate voluntary compliance from a compliant or non-compliant violator(s).
- **De-Escalation:** This course will review the principles of de-escalation in the handling of crisis events and critical incidents involving use of force. The training will include a review of the Departmental guidance and feature role play scenarios that evaluate an officer's decision making towards force options.



### Problem-Oriented Policing

Problem-Oriented Policing is a proactive problem-solving approach that uses the SARA model to focus on proactive solutions, specific crime problems and achieving crime reduction results. The problems must be those that the community recognizes as important. The NOPD is already doing this work with the creation of the District Community Policing Plans, the hiring of Community Liaison officers, the domestic violence policy/Blueprint for Safety, and the Crisis Intervention Team.

Lord Stevens, a previous commissioner of the London Metropolitan Police Service once described the fundamental challenge of policing with an analogy. He asked his audience to visualize a fast-flowing river, sweeping hundreds of people away in its current. He contended that the traditional police response is to jump into the river and try to help as many people as possible, rather than to move upstream to figure out why and how people are falling into the river in the first place. He went on to say, "And so begins a reactive cycle of uncontrolled demand and equally uncoordinated response. The police become like lifeguards frantically swimming against the tide from one incident to another, employing different tactics in a disjointed and unfocused manner with little or nothing to

show for it at the end of the day.” The use of POP offers an option for police to have something sustainable to show for their efforts at the end of the day.<sup>20</sup>



### The SARA Model

A commonly used problem-solving method is the SARA model (Scanning, Analysis, Response and Assessment). The SARA model, as defined by the Center for Problem Oriented Policing,<sup>21</sup> contains the following elements:

SCANNING	ANALYSIS	RESPONSE	ASSESSMENT
Identifying recurring problems of concern to the public and police.	Identifying and understanding the events and conditions that precede and accompany the problem.	Brainstorming for new interventions.	Determining whether the plan was implemented (a process evaluation).
Identifying the consequences of the problem for the community and the police.	Identifying relevant data to be collected.	Searching for what other communities with similar problems have done.	Collecting pre and post response qualitative and quantitative data.
Prioritizing those problems.	Researching what is known about the problem type.	Choosing among the alternative interventions.	Determining whether broad goals and specific objectives were attained.
Developing broad goals.	Taking inventory of how the problem is currently addressed and the strengths and limitations of the current response.	Outlining a response plan and identifying responsible parties.	Identifying any new strategies needed to augment the original plan.
Confirming that the problem exists.	Narrowing the scope of the problem as specifically as possible.	Stating the specific objectives for the response plan.	Conducting ongoing assessment to ensure continued effectiveness.
Determining how frequently the problem occurs and how long it has been taking place.	Identifying a variety of resources that may be of assistance in developing a deeper understanding of the problem.	Carrying out the planned activities.	
Selecting problems for close examination.	Developing a working hypothesis about why the problem is occurring.		

<sup>20</sup> Implementing POP: Leading, Structuring and Managing a Problem-Oriented Police Agency, p.3

<sup>21</sup> <http://www.popcenter.org/about/?p=sara>

	<b>Problem Oriented Policing</b>	<b>Community Policing</b>
<b>Primary emphasis</b>	Improving response to public safety problems falling within police mandate	Engaging the community in the policing process
<b>When police and community collaborate</b>	Determined on a problem-by-problem basis	Always or nearly always
<b>Emphasis on problem analysis</b>	Highest priority given to thorough analysis	Encouraged, but less important than community collaboration
<b>Preference for responses</b>	Strong preference that alternatives to criminal law enforcement be explored and that preventative responses be preferred over merely reactive ones	Preference for collaborative responses with community
<b>Role for police in organizing and mobilizing the community</b>	Advocated only if warranted within the context of the specific problem being addressed	Emphasizes strong role for the police
<b>Degree to which police share decision-making authority with community</b>	Strongly encourages input from community while preserving police's ultimate decision-making authority	Emphasizes sharing decision-making authority with the community

Implementing POP: Leading, Structuring and Managing a POP Agency by Michael Scott and Stuart Kirby<sup>22</sup>



### **Using SARA and Problem-Oriented Policing**

Charlotte-Mecklenburg noted in its Advancing Community Policing Grant that most officers did a quick scan of a problem and then moved immediately to the response phase, whereby officers missed the opportunity to use the power of available data to understand the true nature of the problem, who was affected, what the consequences were and how to shape a response based on the results of data analysis.<sup>23</sup>

The DOJ/COPS Guide to Reducing Crime and Disorder Through Problem Solving Partnerships suggests that comprehensively analyzing a problem is critical to the success of the problem-solving effort. Effective tailor-made responses cannot be created unless the officer knows what is causing the

<sup>22</sup> Implementing POP: Leading, Structuring and Managing a Problem-Oriented Police Agency, p.9

<sup>23</sup> Community Policing in Action; A Practitioner's Eye View of Organizational Change, pp. 23-24

problem. Skipping analysis also runs the risk of addressing a problem that does not exist and/or implementing solutions that are ineffective in the long run. The reasons for skipping the analysis process include the nature of the problem sometimes falsely appears obvious at first glance and investigating or researching the problem does not appear as “real” police work.<sup>24</sup>



Consider the application of the SARA model to the follow example: A group of citizens report illegal dumping of tires at a particular location.

**Scanning:** Ask the group do they regularly see tires being dumped at this location or is it the first time they have seen tires dumped there? Does anyone in the group know who owns the property, as it may be a neighbor that currently resides within or outside of New Orleans. How big of an issue is this for their neighborhood?

**Analysis:** Visually inspecting the location to determine, is this an abandoned property, occupied home or vacant lot adjacent to a neighboring property. Does the group have a time frame that the tires were most likely dumped? Have they seen any large trucks with tires in the neighborhood recently, if so, was it a commercial vehicle? Are there any visible surveillance cameras in the area?

**Response:** Initiate a Signal 21Q, quality of life complaint, (if the officer hasn’t already done so) (signals discussed more in depth below). Advise the group of the process to report illegal dumping to the City’s 311 system and that they will receive a work order number to find out the status of progress. Let the group know that you will share this information with your supervisor; that supervisor will then share that information to the particular platoon supervisor that is designated as the time frame that the dumping has occurred, to include random patrols as a deterrent. Provide the group with the number to the Sanitation Department. Relay to the group that they should call 911 if they observe any suspicious activity in the neighborhood, like someone actively engaged in illegally dumping tires at the location.

**Assessment:** Providing the group with the district’s email address and next NONPACC<sup>25</sup> meeting, if they have additional information to share as it relates to law enforcement’s role in the matter. The notified supervisor will then share that information to the particular platoon supervisor that is designated as the time frame that the dumping has occurred to incorporate random patrols as a deterrent.

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<sup>24</sup> Guide to Reducing Crime and Disorder Through Problem Solving Partnerships, p.11

<sup>25</sup> New Orleans Neighborhood Police Anti-Crime Council meeting, held monthly, in each police district, which is attended by district leadership, to address community concerns and share crime-fighting strategies with the public.





## Every Officer Is a Quality of Life Officer

*“Empowering residents to take responsibility for their neighborhoods” “Fostering the development of NOPD neighborhood ambassadors” “Challenging officers to proactively engage with the community”*

The Department is continually building mechanisms whereby every member of the NOPD seizes the opportunity to actively engage the community and proactively engage in problem-solving strategies. Each officer should take ownership for more than what occurs on his/her platoon; everyone should own the community’s problems. A simple example is notifying the next watch, at shift change, of a particular community problem or concern that needs to be addressed during that time frame.

Every officer, whether on the platoon or assigned to any other unit outside of the eight police districts, needs a working knowledge of how to positively engage with the community, because the primary focus is enhancing every officer’s daily interactions with the public, not just how officers engage with those that they meet through calls for service.



As stated by Gary W. Cordner in *Reducing Fear of Crime: Strategies for Police*, to increase the degree of familiarity between residents and the police, which he called personalized policing, officers must know the people who live in their beats and have a degree of responsibility for protecting them; residents should be able to identify the officers and supervisors that work in their neighborhood. Ideally, these interactions become personal and less bureaucratic, which heightens the public’s sense that the police care and can be counted on to protect their community.<sup>26</sup>

The New Orleans Police Department created a community engagement officer position, called Community Liaison Officer (CLO), specifically to address community quality of life issues and build trusting relationships with the residents and stakeholders in each district. The CLO is selected by each district Captain and is tasked with establishing and fostering meaningful relationships and

<sup>26</sup> Reducing Fear of Crime: Strategies for Police, p. 45

connections with the community. The CLO engages in problem identification and problem-solving activities with community members around the community's priorities and works proactively with other city departments to address quality of life issues. CLOs also work with platoon officers in problem identification and problem-solving. CLOs primary function is to focus on problem orientated policing and resolution in the communities.

## **GEOGRAPHICAL DEPLOYMENT**

### **Providing More Time to Engage in Problem-Solving Strategies**

NOPD's new geographical deployment (Geo-Deployment) plan is a fundamental component of the Department's Community Policing strategy. Having the SAME officers assigned to the SAME "area" (Car Sector), on every shift, ensures that they take ownership of their assigned area and learn the area, the people and the issues. Geo-Deployment also affords the officers and the community an opportunity to know one another and build trust. NOPD's strategy aims to build more unstructured time into officers' schedules for community policing activities. The NOPD has enacted several initiatives to remove duties from platoon officers. This, paired with the continual hiring of new officers, will assist in allowing officers more time to engage in problem-solving strategies. Recent initiatives include:

- A major restructuring effort that increases police presence and reduces violent crime in neighborhoods with creating sectors in each district.
- Implemented an Alternative Police Response Unit (APR)<sup>27</sup> to handle non-violent property crime reports via telephone.
- Shifting non-essential duties (administrative and mechanical tasks) away from commissioned officers by establishing the APR Unit.
- Updating the City's False Alarm Ordinance to reduce time responding to false alarms.
- Established an on-line reporting system to report non-violent property crimes to police, available at <https://nola.gov/nopd/nopdonline/>
- Continuing an aggressive recruiting and hiring campaign
- Removal of Desk Officers on Third Watch Burden Reduction Working Groups
- Utilize Electronic Warrants (CloudGavel) to expedite the warrant process

As a fundamental component of the Department's Community Policing strategy, geographical deployment helps facilitate more contact between the police and the community stakeholders within a particular area. Geographical Deployment is defined as the assignment of the same officers to specified areas of land or Car Sectors across all shifts.<sup>28</sup>

To successfully implement the Department's geographical deployment strategy, a platoon must have the same officers, assigned to the same "area" (Car Sector), on every shift, to ensure they take ownership of their assigned area, i.e. learn the area, the people, and the issues. This also affords the officers and the community the chance to know one another and build trust.

In implementing the community policing philosophy, Districts may deploy officers and detectives in specific geographical areas where a problem is occurring. The assigned officers will work with residents and stakeholders, where possible, to seek solutions and create a safe environment. Officers

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<sup>27</sup> [NOPD Policy Chapter 41.4.2: Alternative Police Response](#)

<sup>28</sup> Please see Field Operations Bureau Directive #50 – Geo Deployment in the appendix of this document for more information.

should also remember that communities arise not only from shared geography but also social ties, common perspectives, and shared circumstances (for example, the LGBTQ+ or LEP community). NOPD shall seek to engage all communities in its community policing and engagement efforts.

Officers should utilize Community Liaison Officers, the Police Activities League Coordinator, LGBTQ+ liaison, and the Language Access Coordinator to assist with building relationships within sectors.

**Geographical Deployment: Building Trust & Relationships**

Building relationships within an officer’s assigned geographic area (Sector) also builds trust in the police department over time. In addition to patrolling the geographic area, NOPD officers also learn the issues and concerns of its community by engaging in all of the community policing activities described in this Manual *within* their police sector.

Officers should also be utilizing the SARA model to address quality of life concerns as well as other problems caused by increases in crime. Community Liaison Officers are a great resource to ensure that quality of life issues can be adequately addressed through partnerships with city non-profits or government agencies. Please refer to the *SARA Model* and the *Using SARA and Problem-Oriented Policing* sections of this Manual for more information.

**Geographic Sectors**

Under NOPD’s geo-deployment plan, officers are assigned to specific Sectors (beats) within their district to engage in Community Oriented Policing and Problem Solving (COPPS) initiatives. Officers, through frequent and consistent engagement activities within a defined Sector, develop a greater sense of local concerns, build stronger ties within the community, and take ownership of problems within their assigned beat.

Districts 1-7 have each been divided into 4 (four) Car Sectors; Sectors 1, 2, 3 and 4. The 8th District, which encompasses a smaller geographical footprint, has been divided into 3 (three) Car Sectors and walking beats (Bourbon Promenade); District Car Sector Maps are attached as addendums to this manual for reference. These sectors came into effect mid-June of 2020.

The first digit of the three-digit number, is the District The second digit of the three-digit unit number indicates the officers’ Car Sector assignments. The last digit of the three digit number (1-9) indicates the possible units that could be identified and assigned to the Sector if resources allow.

	<b>SECTOR 1</b>	<b>SECTOR 2</b>	<b>SECTOR 3</b>	<b>SECTOR 4</b>
1ST DISTRICT	111-119	121-129	131-139	141-148
2ND DISTRICT	211-219	221-229	231-239	241-248
3RD DISTRICT	311-319	321-329	331-339	341-348

4TH DISTRICT	411-419	421-429	431-439	441-448
5TH DISTRICT	511-519	521-529	531-539	541-548
6TH DISTRICT	611-619	621-629	631-639	641-648
7TH DISTRICT	711-719	721-729	731-739	741-748
8TH DISTRICT	811-819	821-829	831-839	_____

This numbering system shall be applied consistently, across all three platoons, in each of the eight Districts. For example, Unit 211 indicates the officer is assigned to Sector 1 of the Second District, Unit 635 indicates the officer is assigned to Sector 3 of the Sixth District, etc.

### **Deviation from Geographic Area**

There are times when a supervisor will determine that it is necessary for an officer to deviate from his or her assigned Sector. When a given unit number assignment is out of the Sector for 4 (four) hours or more of a shift, or when a unit initiates a deviation which lasts for 4 (four) hours or more, one of the following justifications must be documented on a deviation form:

1. Staffing level is below the minimum to support all Sector assignments.
2. Backlog of Code 1 or 2 call for service.
3. Occurrence of a major scene, such as a homicide requiring additional resources.
4. Some other compelling reason, such as a spontaneous demonstration, prisoner guard detail at hospital, station assignment.

Supervisors are encouraged to limit the negative impact of events and maintain geo-deployment in as many Sectors as possible, for as long as possible. A return to geo-deployment as quickly as possible after a deviation is strongly encouraged. Geo-deployment assignments take precedence over other specific unit assignments (i.e. Traffic Car or District wide coverage assignments).

### **Documentation**

Geographic Deployment is tracked through Computer-Aided Dispatch (CAD) data by identifying what calls are answered by officers outside of their Sector and the amount of time officers spend on those calls.

When a deviation from the sector is necessary, supervisors must submit a Geo-Deployment Deviation Form to PSAB. The Deviation Form documents when a platoon supervisor has designated a deviation from the District/Platoon geo-deployment assignments for 4 (four) hours or more of a shift or when a unit initiates a deviation which lasts for 4 (four) hours or more and the reason for the deviation.<sup>29</sup> Officers should initiate a Signal 10-18 (Return for additional information) as soon as possible to

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<sup>29</sup> Please see Field Operations Bureau Directive #50 – Geo Deployment in the appendix of this document for more information about deviation forms.



ensure that the time spent on a call for service outside of the assigned sector is accurately measured. Officers should aim to spend at least 50% of their time within their sectors.



## **LIMITED ENGLISH PROFICIENCY SPEAKING COMMUNITIES**

New Orleans has long been an international locale, rich with a diverse population of residents hailing from around the globe. The NOPD is continually building mechanisms and training opportunities to enhance engagement with all segments of the community, including limited English communities. NOPD's efforts model the Vera Institute practices. The Vera Institute notes cultural competency training exposes officers to cultural differences and language barriers they may encounter when interacting with limited English communities. Developing this knowledge is essential for officers seeking to foster trust and effectively respond to the community's public safety needs. Policing in the 21st century means preparing police departments to serve increasingly diverse multicultural populations and furnishing police officers with the tools and resources necessary to serve all members of their communities.<sup>30</sup>

As part of an on-going effort to build trust between the community and the police, the NOPD is:

- Building a team of bilingual officers to improve communication with limited English-speaking communities
- Equipping officers with translation devices in the field
- Translating public information in other languages at NOPD facilities
- Training new recruits on interacting with the Spanish-speaking community
- Aggressively recruiting bilingual police officers
- And has selected a Language Access Coordinator (commissioned officer) to facilitate, monitor, oversee, and track language interpretation and translation services to LEP individuals encountered by department employees.

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<sup>30</sup> Building Trust in a Diverse Nation: How to Serve Diverse Communities, pp. 6, 32

For the first time in the history of the Department, the NOPD is building a team of certified bilingual officers. Their mission is simple but incredibly important to the overall community policing strategy: improve the way NOPD communicates with limited English-speaking members of the community to build trust and strengthen relationships. While the NOPD always had officers who had bilingual abilities, this is the first time the NOPD has put together a comprehensive Language Assistance Plan, that includes a pay incentive, that brings a team of officers together to use their skills on patrol. The Language Assistance Plan can be reviewed at <https://nola.gov/nopd/policies/>. In 2016, the Civil Service Department partnered with a local registered interpreter to hold the first certification exam for Spanish-speaking officers. To date, 28 officers and two civilian employees have been certified as bilingual and are being called upon every day to communicate in the field with limited English-speaking residents and visitors who interact with police. The Vera Institute noted when officers are working to build trust and collaboration with Latino victims of crime, a best practice is to use Spanish-speaking officers or telephonic interpreters, when Spanish-speaking officers are unavailable.<sup>31</sup>



The same initiative will soon be launched for Vietnamese-speaking officers. Additionally, participation in cultural celebrations and events, such as the Lunar New Year, are also important ways to overcome cultural differences and build relationships.

The Vera Institute’s *Engaging Police in Immigrant Communities: Promising Practices from the Field* noted that the Storm Lake Police Department analyzed calls for service data that revealed the largest number of calls came from the four neighborhoods in which the majority of the city’s Laotian and Latino immigrants live. The SLPD decided to expand the use of the mobile command unit by dispatching it to Laotian and Latino neighborhoods, where it could serve as a temporary substation. They piloted the program over the course of a summer, alternately parking the mobile command unit in each of the four communities for 2 to 3 hours during the evening when the department typically received the largest number of calls for service.

Each evening, the temporary substation attracted about 50 to 150 citizens. Police department personnel were present at the temporary substation, as well as government agencies, such as the fire department and social service agencies that provide additional services or community outreach. By working out of this neighborhood-based substation, officers are able to respond quickly to emerging

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<sup>31</sup> Building Trust in a Diverse Nation: How to Serve Diverse Communities, p. 8

issues and make face-to-face contact with many more citizens. As a result of this increased contact, some residents came forward to report crimes and public safety concerns that they would never have reported by calling 911 or traveling to police headquarters. By utilizing data to prioritize the allocation of finite resources, the SLPD has been able to respond to a larger number of the city's crimes and public safety threats in an efficient and responsive manner.<sup>32</sup> This initiative could not only be used in the Hispanic and Vietnamese communities, but across the City, in various neighborhoods, as a proactive outreach strategy to build relationships with the community.

The New Orleans Police Department has revised its Language Assistance Plan (LAP) to ensure the Department is providing adequate services to LEP individuals. Please click the link to view the [Language Assistance Plan](#).

## **OPERATIONALIZING COMMUNITY ENGAGEMENT AND COMMUNITY POLICING**

*Visible actions resulting in invisible reactions (enhancing trust in the NOPD)*

The NOPD invests in continuous training at all levels of the NOPD; which includes Recruit Training, Core In-Service Training, Supervisor In-Service Training, Daily Training Bulletins and resources on SharePoint.<sup>33</sup> The NOPD has established the Community Engagement Manual to guide the Department forward with its Community Policing and Engagement initiatives. The Community Engagement Section shall endeavor to increase the public's knowledge and understanding of the philosophy of community policing. The section aims to share best practices, and correct assumptions of traditional policing to improve law enforcement delivery.<sup>34</sup> The Community Engagement Section *is not* solely responsible for enhancing the department's community policing philosophy, but rather to assist the police districts with reducing crime through partnerships, problem-solving, and improving the community's quality of life.

Key ideals that are at the core of the NOPD's community policing plan include:

1. ***Substantive Engagement with the Community*** (whereby officers give citizens a voice during interactions at meetings and events, by allowing them to first share their experiences, thoughts and values, which results in buy-in, even if officers can't solve their problem.)
2. ***Substantive Collaboration with the Community*** (whereby officers partner with the community in problem-solving, as done through Police Community Advisory Board (PCAB) and New Orleans Neighborhood Police Anti-Crime Council (NONPACC))
3. ***Civic Engagement*** (police-initiated actions that give back to the community, such as district toy giveaways at Christmas, mentoring, coaching, etc.)<sup>35</sup>

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<sup>32</sup> Engaging Police in Immigrant Communities: Promising Practices from the Field, pp.38-39

<sup>33</sup> Intranet site for NOPD personnel

<sup>34</sup> Community Engagement Section Operation Plan

<sup>35</sup> These three ideals were presented during the 2016 COPS Building Trust Cohort quarterly conference call, by presenter Matthew Barge, Vice President and Deputy Director of the Police Assessment Resource Center.



## Recognizing Procedural Justice Tenets

The NOPD has various policies<sup>36</sup> that instruct officers on how to act in a procedurally just manner and address the four areas listed below, as noted in The Final Report of the President’s Task Force for 21st Century Policing. Policies are included in roll call trainings, Academy training and daily training bulletins.

- Treating people with dignity and respect (professionalism, courtesy, etc.)
- Giving individuals “voice” during encounters (letting citizens be heard and allowing them to speak/ask questions).
- Being neutral and transparent in decision-making (officer explaining all actions taken and explaining why the actions were taken, as well as using tools such as the BWC, which further adds to neutrality and transparency).
- Conveying trustworthy motives (officers introducing themselves and explaining the reason for the stop as soon as practical, unless providing the information could compromise the investigation, safety of officers or other persons).

When supervisors are made aware of situations where citizens are not treated in a procedurally just manner, they are required to take corrective action via the following mechanisms.

- Training
- Redirection (via the standard form in use)
- Documented Counseling
- Formal Investigation



## Organizational Transformation towards Community Policing

NOPD has made several changes to its policies, procedures, and activities to foster an environment that promotes community policing and community engagement. These changes include:

- **Instituting a Mission Statement** that reflects community policing ideals.
- **Quality of Life Training:** All officers received training on how to address the most common Quality of Life complaints; resource documents are available on SharePoint, as well.
- **Performance Evaluations:** The NOPD currently promotes community policing by requiring supervisors to evaluate subordinates in the area of community policing and employing

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<sup>36</sup> NOPD policies are available for public viewing on [www.nola.gov/nopd](http://www.nola.gov/nopd)



problem-solving strategies, including procedural justice requirements for citizen engagement.

- **Commendations:** Recognizing officers who employ outstanding community engagement/community policing tactics. Additionally, the INSIGHT program will include the ability for supervisors to document commendations that citizens relay to them.
- **Strategies for Interaction with Limited English Proficiency Speaking Communities** includes building a team of bilingual officers to improve communication with limited English speaking communities, equipping officers with translation resources and interpretation devices in the field, translating public information in other languages at NOPD facilities, training new recruits on interacting with the Spanish-speaking community and aggressively recruiting bilingual police officers.
- **Public Release of Critical Incident Video:** In an effort to continue to increase police transparency and accountability, the NOPD implemented a new process that outlines when and how the Department will release its own audio and video recordings of critical incidents involving NOPD officers to the public. The new process, which has been approved by the Office of the Consent Decree Monitor and the Department of Justice, allows for the public release of recordings that capture critical incidents, such as officer-involved shootings, based on a clear set of guidelines that include collaboration with local and federal criminal justice agencies.
- **Consistent and Comprehensive Roll Out of Data to the Public:** The NOPD is one of numerous police departments participating in the White House Police Data Initiative that aims to better use data and technology in ways that will build community trust. It is all part of the Department's goal to improve the quality of the police data available and to do a better job of using it to analyze crime trends and management practices. Combining the Department's work with the White House Police Data Initiative and the Federal Consent Decree, more areas of new police data are now available at [NOPD News](#).
  1. **Calls for Service Data** - All calls for service made to the NOPD are available for review. This summer, the Department added more fields to help individuals conduct deeper analysis of the data, including the initial call type and priority.
  2. **Stop and Search Data (Field Interview Cards)** - Raw data collected anytime an individual is stopped and interviewed by a NOPD officer is available for review. Annual reports and high-level interactive analysis are included.
  3. **Metadata for Body Worn Cameras** - Raw data on when and where footage was recorded, how long it was recorded and what item number it corresponds.
  4. **Public Reports** - Comprehensive reports on major aspects of the Consent Decree on Bias-Free Policing, Sexual Assault, Domestic Violence, Community Engagement, Limited English Proficiency, Crisis Intervention Team and the Public Integrity Bureau.
  5. **Use of Force Data** - The NOPD published officer use of force data on the Department's website for the first time ever. This dataset, which is updated daily, includes use of force incidents reported by the NOPD in accordance with Departmental policy. Publishing this information allows the community to monitor and hold the Department accountable for how it handles uses of force investigations.
  6. **Police Report Data** - Raw data from all police reports filed by NOPD officers from 2010 to present is now available on the City's open data web portal. The data includes the item number, location, disposition, signal, charges, offender

race, offender gender, offender age, victim age, victim gender, and victim race. The information is updated in real-time when subsequent information is determined as a result of an investigation.

7. **Misconduct Complaint Data** - The NOPD published misconduct complaint data on the Department's website for the first time ever as well. This dataset, which is updated daily, includes all misconduct complaints to the NOPD in accordance with Departmental policy. Releasing this information to the public allows the community to monitor and hold the Department accountable for how it handles misconduct complaint investigations.

- **Leadership in Police Organizations:** Delivering on a commitment to provide quality training and career development to all officers, the NOPD offers LPO training, which is designed to provide officers at every level of the Department with the skills necessary to become a successful leader. The intensive, three-week program was developed by the International Association of Chiefs of Police (IACP) and centers on the systematic development of leaders at all levels of an organization—the concept of “every officer a leader.”
- **Officer Assistance Program:** The NOPD has developed and implemented a comprehensive, confidential counseling program for officers, civilian members and their families. The program has been designed to promote mental health wellness for all employees and their families with direct intervention and immediate availability. The program offers individual, couple and family counseling services, along with outside referrals, if the need arises.
- **Crisis Intervention Training:** Crisis intervention trained officers receive 40 hours of specialized training from mental health experts focused on techniques and best practices for minimizing the use of force against individuals in crisis due to mental illness or a behavioral disorder. CIT officers are assigned to each police district and are trained to respond to and de-escalate mental health crises. The NOPD has trained 20% of its patrol officers in this specialized Crisis Intervention Training.
- **Department Wide Officer of the Month Program:** Beginning in Fall 2016, one officer will be selected for the entire Department each month; the selection criteria will be broad and include community policing.
- **Blueprint for Safety:** The New Orleans Blueprint for Safety provides complete agency guidelines that prioritize victim engagement and holds offenders accountable at each point in the criminal justice response: 911 Communications, NOPD patrol and investigation, Orleans Parish Sheriff's Office, the Orleans Parish District Attorney's Office, Domestic Violence Monitoring Court, Municipal Court, and the Louisiana Department of Corrections.
- **Body Worn Camera Program:** NOPD launched one of the nation's largest body worn camera programs in the country in 2014 and now has more than 800 cameras for a force of fewer than 1200 officers. Program statistics indicate that officers are consistently using the cameras in 100% of all incidents and these videos are being used to assist with criminal investigations as well as internal investigations.
- **Safe Cams Nola/Adopt-A-Block:** This initiative to increase the number of private security cameras in New Orleans neighborhoods has led to the registering of private security cameras by the community and the installation of nearly 200 high-definition security cameras across the City in its first year. The NOPD and the New Orleans Police and Justice Foundation (NOPJF) first launched the program, known as Adopt-A-Block, in 2015 with a goal of purchasing and installing security cameras in crime hotspots. Residents, businesses, schools, and churches have all been participants and recipients of the public safety program.
- **Ethical Policing Is Courageous:** NOPD recently launched one of the first peer intervention

programs in the nation. This program, called EPIC, empowers officers on the streets to intervene when they see a colleague doing something wrong or unethical.

- **Promotions:** Community policing ideals will be embedded in the promotional exam process.
- **Civic Engagement:** The NOPD continues to seek opportunities for personnel to civically engage with the community; a recent example includes officers serving as assistant basketball coaches with the New Orleans Recreation Development Commission (NORDC).
- **VOCAL (Volunteers Can Lead):** The VOCAL program offers volunteer residents training and the opportunity to assist NOPD by providing clerical duties in district stations and participating in community engagement strategies.
- **Email Blasts:** Citizens can sign up on the City of New Orleans' website to receive email blasts from NOPD regarding crime, community events and other notices.
- **District Email Addresses:** In an effort to encourage strong community engagement between residents and the officers who serve in their neighborhoods, the NOPD has created email addresses for each of the eight police districts that citizens can use to notify the district leadership team of community concerns, community meetings and community events.
- **Coffee with Cops:** The NOPD and local McDonald's restaurant owners teamed up to connect police officers with members of the community through a new and innovative event called "Coffee with Cops". Residents and visitors are invited to come out to participating McDonald's restaurant locations to meet with neighborhood patrol officers and enjoy a free cup of coffee.
- **Social Media:** Social media provides opportunities for law enforcement to proactively reach out to and connect with citizens, as well as promote crime prevention in the community. Aside from posting crime news and promoting crime prevention, podcasts are suggested,<sup>37</sup> similar to the community engagement videos currently put on the NOPD Facebook. Photos and videos of officers interacting with the public are extremely important. Those photos can be used on the Department's Facebook, Twitter, LinkedIn and YouTube channel, so that the NOPD can share its message, unfiltered, to the community. Social media allows the NOPD to reach another group of citizens, who can then access that information at a time and place that is convenient to them. It is also useful for individuals who may be homebound. It's cost effective and reaches large numbers of people.<sup>38</sup>
- **Community Events:** The NOPD must continue to seek opportunities to positively interact with the community in circumstances that are not related to an investigation or enforcement; community events provide a great opportunity to do so. The community all too often sees officers in the enforcement/security capacity at community events. It is for this reason that officers have been called to step out of those traditional roles and into more non-traditional roles. If an officer observes some kids playing basketball while on routine patrol, officers could step out the car, greet them and maybe join in the game for a few minutes; this simple action humanizes law enforcement to the public.
- **NOPD News Website:** The NOPD launched a new website that will serve as a 24/7 online source for news and information from and about the police department. NOPDNews.com was developed by the City's Office of Information Technology & Innovation in collaboration with the NOPD Public Affairs Division. The website provides a more prominent platform for the NOPD to post important public safety information and surveillance videos as well as blogs covering positive news from inside the department and policing data. It is also the host for the

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<sup>37</sup> IACP Social Media and Crime Prevention Fact Sheet

<sup>38</sup> Community Planning Toolkit: Community Engagement, p. 15



NOPD's interactive open data portal, links to open policing data and analysis, and Electronic Police Reports.

- **National Public Safety Partnership:** PSP provides an innovative framework for the DOJ to enhance its support of state, tribal and local law enforcement officers and prosecutors in the investigation, prosecution, and deterrence of violent crime. This approach serves as a platform for the DOJ to directly engage with cities to identify and prioritize resources that will help local communities address their violent crime crises. PSP builds on lessons learned from a pilot concept known as the Violence Reduction Network (VRN) and serves as a DOJ-wide program that enables cities to consult with and receive coordinated training and technical assistance and an array of resources from DOJ to enhance local violence reduction strategies. PSP comprises two distinct levels of engagement: Diagnostic and Operations. These two complementary levels of engagement are offered based on the needs of the jurisdiction. This model enables DOJ to provide American cities of different sizes and diverse needs with data-driven, evidence-based strategies tailored to the unique local needs of participating cities to address serious violent crime challenges tailored to their unique local needs.<sup>39</sup> Community policing plays an essential role in the strategy.
- **Resource Tools:** An informational brochure template (located in the Appendix section), with community engagement information such as PCAB, NONPACC, Safe Cams NOLA, social media, email blasts, 311, etc., was created for each district, as a resource, to educate officers on the NOPD's current community engagement strategies. Additionally, a standardized, two-sided hot sheet (located in the Appendix section), was created, which can be used at the District Captain's discretion, to document issues that must be addressed by police, with resource information on the back.

### Problem-Oriented Policing Strategies

- **Police Community Advisory Boards:** A board consisting of five to seven community volunteers from their respective police districts. PCAB members serve a two-year term and meet quarterly to address community issues. The City's Office of Neighborhood Engagement coordinates the application and selection process for PCAB volunteers. The Superintendent has final approval on the selection of members to serve on PCABs. The PCAB mission is to develop and maintain a partnership with each of the eight police districts for the purpose of engaging in a collaborative, problem-solving process that supports both the community and NOPD's desire to enhance public safety. Each district PCAB gives community recommendations to the District Command Staff to incorporate in the District Community Policing Plans.

PCAB recommendations and progress will be incorporated into NOPD Quarterly and Annual Reports.

- **New Orleans Neighborhood Police Anti-Crime Council Meetings:** NONPACC meetings occur monthly in each district and are attended by the District Captain and other district personnel. These meetings provide community members with an opportunity to voice their concerns directly to the District Captain. The goal is to foster meaningful dialogue and education on procedural justice and community oriented policing initiatives.
- **Community Meetings:** The purpose of participating in community meetings, hosted by community groups other than those directly associated with NOPD, is for the officer to introduce himself/herself and meet some of the citizens that he/she serves. It allows officers

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<sup>39</sup> Retrieved from: <https://www.nationalpublicsafetypartnership.org/#about>

to put a name and face with their community and the community to put a face and name with the officers that serve their area. Officers should be listening for what the community deems to be a problem or an issue that is police-related and be prepared to relay that information back to their supervisors and perhaps, assist in addressing those problems and issues. They should also be prepared to educate the participants on the City's 311 quality of life complaint process.

- **Citizens Academy:** The eight-week program is an interactive learning experience for New Orleans residents that, gives participants a closer look at the NOPD and the New Orleans criminal justice system in an informal setting. During their time in the program, participants receive a comprehensive overview of the Department's work, including patrol duties and specialized training programs.
- **Safety Presentations:** The NOPD provides safety presentations to community groups and citizens, regarding various ways to prevent crime and promote safety.
- **School Resource Officer Program:** It is extremely important for officers to build positive relationships with youth. Young people are the future and law enforcement must nurture and cultivate constructive interactions with them. The NOPD is consistently moving towards becoming a community policing focused department that encourages youth engagement beyond the traditional roles of law enforcement. The goal is for youth to see NOPD officers beyond the uniform, to humanize them and make them more relatable, and essentially, help them understand that officers are here to assist them. School Resource Officers are assigned to schools to provide guidance to students and assistance to school staff members. School Resource Officers provide counseling and mentorships to students, participate in youth engagement activities, and assist school faculty and staff as necessary to solve school related matters with students and their guardians. A person's interaction with the police, whether positive or negative, has a lasting effect that can influence the way he or she views police in the future. In order to build stronger and safer communities, police must work to increase the number of positive contacts with young people.<sup>40</sup> A full description of this role is located in **CHAPTER: 1.20 TITLE: SCHOOL INCIDENTS, SCHOOL RESOURCE OFFICERS.**

**Youth and Police Dialogues:** One new initiative, the youth-police dialogue, launched in 2016, serves as part of an effort to engage with youth on violence prevention and help young people understand the role of NOPD in their communities. Youth-police dialogues provide participating students with an opportunity to break down stereotypes; remove communication barriers and build mutual respect and understanding. The first youth-police dialogue brought together over 60 students and 10 NOPD officers aimed at breaking down stereotypes while building mutual respect and understanding. Youth-Police Dialogue sessions will be scheduled regularly, in particular schools, for participation by School Resource Officers (SRO) and district platoon officers, which will consist of multiple facilitated sessions, and SRO follow up with youth (which will show consistency and that NOPD cares).

**The Police Activities League (PAL)** program assists with building relationships with youth. The NOPD's Police Activity League serves youth by providing recreational programs in several areas of the city. The uniqueness of this program is that it will be staffed by police officers and several civilian volunteers. Tutoring services will be designed to enhance the New Orleans Police Activity/Athletic League participant's academic performance.<sup>41</sup> Sports is a legitimate trust building exercise recognized to increase not only trust between youth and police, but the outcomes of the positive influences have also been linked to increased school

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<sup>40</sup> Building Trust in a Diverse Nation: How to Serve Diverse Communities, p. 26

<sup>41</sup> [NOPD - Police Athletic-Activities League \(PAL\) - City of New Orleans \(nola.gov\)](http://nola.gov)

attendance among other positive outcomes.

- **LGBTQ+ Liaison Officers:** NOPD has sworn officers as liaisons who work to improve relationships between the NOPD and the LGBTQ+ community.
- **Homeless Assistance Unit:** Connects homeless individuals with services and resources in the 8<sup>th</sup> police district where homeless encampments are prevalent throughout the district.
- **Community Policing Plans:** As will be discussed in more detail below, in 2016, the Department developed District-specific policing plans based on extensive community feedback and input. The goal of these plans was to identify the unique needs of the community serviced in each district. The officers in each district used the plans to help guide their community policing efforts and each district reported their progress on the plans at monthly MAX meetings. To view the current Community Policing Plans, please visit: <https://www.nola.gov/nopd/nopd-consent-decree/>.

### **Role of Captain, Lieutenant, Sergeant, Officer, SRO, CLO, and LAC**

Each officer in the NOPD has a unique role to play in effectuating NOPD's Community Policing Strategy.

#### **District Captain's Role**

- Ensure that community policing ideals are upheld by district personnel.
- Recognize compliance with procedural justice requirements as a component of evaluation at the District level, via training, redirection, documented counseling and formal investigations.
- Ensure district emails have a proper triage system.
- Ensure the limited English communities within their respective district (if applicable), are included in proactive, community policing initiatives.
- Participate in annual Consent Decree meetings.
- Participate in the development of the district Community Outreach and Public Information Plan.
- Regularly strategize and communicate with the Community Engagement Section about innovative community policing strategies that can be implemented in their districts.
- Report on community engagement in Headquarters MAX meeting and ensure meaningful dialogue on the topic is done at weekly, district MAX meetings.
- Receive recommendation from PCAB members involving quality of life concerns and community engagement from the District.
- Formulate strategies to resolve community matters.
- Recognize officers who employ outstanding community policing tactics.

#### **District Lieutenant's Role**

- Lieutenants must recognize that community engagement is important, they must understand what community policing looks like and they must ensure that sergeants and his/her subordinates are positively engaging with the community on a daily basis.
- Lieutenants should know how to create and sustain community policing ideals in their respective unit, as well as be able to articulate such in MAX settings, if asked.
- Lieutenants should take ownership for their sergeants' and officers' participation in community meetings and events by obtaining event schedules from schools, churches, playgrounds, etc., assess the listing and strategically plan who will attend and participate, as staffing permits.

- Expressly instruct officers/sergeants what they are to do/not do at community meetings/events and what's expected of them.
- Assigning targeted neighborhood walks, as time and staffing permits, whereby officers will knock on doors or visit businesses, proactively, and ask the community if they have any issues or concerns, which are to then be triaged as needed (such as educating the citizen on 311 or sharing the concern with their supervisor who will then properly triage the request) and have officers provide follow-up to citizens in a timely fashion. The area can be as small as one block, so as to not take up too much time, but allow for proactive community engagement during the officers' tours of duty, as staffing permits.
- Identify compliance or non-compliance with procedural justice requirements in random reviews of BWC footage as a component of evaluating supervisors' responsiveness to procedural justice requirements.
- Recognize officers who employ outstanding community policing tactics.
- Ensure follow-up on community issues brought to his or her attention has been completed.

### **District Sergeant's Role**

- Require compliance with procedural justice dictates for interactions with citizens.
- Sergeants must recognize that community engagement is important, they must understand what community policing looks like and they must ensure that officers are positively engaging with the community on a daily basis.
- Expressly instruct officers what they are to do/not do at community meetings/events and what's expected of them.
- Identify compliance or non-compliance with procedural justice requirements in random reviews of BWC footage as a component of evaluating supervisors' responsiveness to procedural justice requirements.
- Recognize officers who employ outstanding community policing tactics.
- Ensure follow-up on community issues brought to his or her attention has been completed.
- Review Community Policing Forms (described below) for follow-up tasks and approval.

### **Officer's Role**

- Utilize procedural justice principles in all applicable interactions with citizens.
- Actively participate in community meetings and community events: At community meetings, the officer should introduce himself/herself to the meeting attendees, which allows officers to put a name and face with the community they serve and the community to put a face and name with the officers that serve their area. Officers should be listening for what the community deems to be a problem or an issue that is police-related and be prepared to relay that information back to their supervisors and perhaps, assist in addressing those problems and issues. They should also be prepared to educate the participants on the 311 process, when necessary.
- Recognize opportunities to positively engage with the community in daily interactions.
- Knowledgeable of the routing of common QOL issues.
- Document community concerns and QOL matters in a CPF.
- Formulate strategies to improve community quality of life in the District.
- If possible, resolve community related issues.

### **School Resource Officers' Role**

SROs are certified via a nationally recognized training, which enables them to hold the title of School Resource Officer. It is through this program that the SRO learns best practices in the field. SROs

should ensure non-enforcement activity, such as community policing, community engagement and proactive, positive youth engagement, regularly occur; immediate supervisor(s) shall ensure this is done. District Captains shall designate the immediate supervisor(s) for the SRO, who will be responsible for random, direct observation of SRO's interaction with students and school administrators (via calls for service, community engagement activities, etc.). Upon completion of EPIC (Ethical Policing Is Courageous) training, SROs should incorporate de-escalation skills learned, while conducting youth engagement in schools, which will ultimately enhance the students' ability to help one another in making better decisions and supporting one another. SROs complete monthly activity reports to be monitored and review by the Community Engagement Section Manager. The SROs attend monthly meetings with the Community Engagement Manager to discuss upcoming school related community events and discuss problem solving recommendations to be implemented by the Department. A full review of the School Resource Officer's duties and responsibilities can be found in NOPD Policy **Chapter 1.20: School Resource Officer**.

### **Community Liaison Officers' Role**

Each district has a Community Liaison Officer (CLO). One of the main roles of the CLO is to interact and collaborate with the community. This position shall be occupied by a non- probationary patrol officer in the district who shall act as the designated community-oriented liaison for the district. The CLO engages in problem identification and problem-solving activities with community members around the community's priorities; works proactively with other City departments to address quality of life issues; and will work with platoon officers in problem identification and problem-solving. CLOs will not be assigned to answer calls for service absent exigent circumstances.

Key Competencies: Problem-solving ability, generally, requires more than technical skills and knowledge; it calls for creativity, curiosity, persistence, and adaptability. Although problem-solving skills and aptitude are not the only desirable traits in a CLO, officers who are unable to think analytically about crime and disorder problems or who are only interested in the law enforcement dimension of policing will almost assuredly struggle with in the role of CLO. The ideal candidate for the position of CLO should have demonstrated a problem-solving interest and aptitude.

CLO Supervisor: District Captain shall designate a supervisor (the District Systems Administrator Sergeant is preferred), who will be responsible for the supervision of the CLO, as well as responsible for completing the performance evaluation of the CLO.

Major Duties and Responsibilities shall include but not limited to:

- CLOs report to and are supervised by their designated supervisor. CLOs will maintain communication with the Professional Standards and Accountability Bureau's Community Engagement Section and keep them apprised of information regarding community coordinated events and community concerns in their respective districts.
- CLOs meet with the Community Engagement Section Manager to inform the Department of any technological issues they may face with the reporting data base and instructions on how to maintain a reporting structure.
- CLOs will maintain contact with the various community groups/neighborhood associations of the geographic area served.
- CLOs will host and attend community meetings to maintain and build relationships with community members and exchange ideas to improve community concerns in specific areas
- CLOs will provide businesses with information on crime prevention and conduct follow-up visits with victims of business and residential burglaries to help them strategically identify



ways to secure their establishments.

- CLOs will share crime prevention information in various ways in various settings, including in presentations with residents, neighborhood watch groups, business owners, homeowner's associations, and other public gatherings. CLOs will deliver crime prevention literature at festivals and fairs.
- CLOs will coordinate events with community groups in their respective district and maintain an active dialogue with the community groups and neighborhood associations in their district.
- CLOs will maintain communication with the Neighborhood Engagement Office and other City agencies to foster a unified response to issues adversely affecting quality of life.
- CLOs will partner with City agencies to address nuisance and quality of life issues such as neighborhood blighted property, trash removal, illegal dumping, etc. Calls of that nature will also be entered into the City's 311 system, for proper follow-up by the responsible agencies.
- CLOs will work with the community to identify and solve problems that contribute to crime and disorder, as well as those issues that adversely affect quality of life.
- CLOs will work with their respective district's personnel to identify and solve problems that contribute to crime and disorder, as well as those issues that adversely affect quality of life.
- CLOs will monitor the progress on their districts' Community Policing Plan and are responsible for updating and creating new plans when required.

### **Language Access Coordinator's Role**

The Language Access Coordinator (LAC) will be responsible for coordinating, implementing, and monitoring the [Language Assistance Plan](#). To ensure that the Community Engagement Section and the NOPD considers the Limited English Proficiency (LEP) community within its activities, policies, plans, and procedures, the LAC responsibilities include, but are not limited to the following:

- The Language Access Coordinator shall ensure free language access services to all LEP individuals encountered by members of the Department, consistent with Policy **Chapter 55.4: LIMITED ENGLISH PROFICIENCY SERVICES**.<sup>42</sup>
- The LAC will be responsible for annually reviewing all new documents, forms, or communications made available to the public by the NOPD to assess whether they should be considered vital materials requiring translation.
- In cooperation with the Performance Standards Section, the LAC shall annually assess demographic data, review language access services utilization data, and consult with representatives of the LEP community and District Captains to ensure that the Department is providing the services and benefits the department provides in all NOPD-conducted programs or activities to LEP persons. The Language Access Coordinator shall use this review to determine whether vital documents or communications should be translated into additional languages and whether other related changes to the Department's LEP program are necessary.
- The LAC shall distribute the Language Assistance Plan and policy to a variety of community organizations serving LEP communities encountered by NOPD.
- At each NOPD building entry point or lobby open to public access, the LAC shall ensure signage in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals.
- The LAC shall ensure a notification listing the available translated forms and documents is posted in the lobby of NOPD Police Headquarters, the Public Integrity Bureau, and each

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<sup>42</sup> [Chapter 55.4: Limited English Proficiency Services](#)

District station.

- The LAC shall ensure that, at a minimum, the placard and following vital documents are readily available at NOPD Headquarters (lobby); all Police District Stations (front desk); City Hall (front desk), Municipal/Traffic, Criminal and Civil District Courts (location at direction of Clerk of Courts); and all city libraries (checkout desk bulletin boards):
  - How to file a complaint brochure (in English, Spanish, and Vietnamese).
  - The PIB Complaint Form.
  - The Language Assistance Plan and policy; and
  - The LEP Policy.
- The LAC, or his/her designee, shall attend and represent the New Orleans Police Department at LEP social and community advocacy functions in a professional and courteous manner.
- The LAC will provide the Community Engagement Section Manager, or designee, the information for LEP related events. LAC or a designee shall make arrangements to attend these functions.
- The LAC, or designee, shall conduct crime prevention and business safety presentations on behalf of the City of New Orleans, particularly in neighborhoods where LEP businesses and residents are concentrated.
- The LAC, or a designee, shall provide bilingual crime-prevention information and programs to the LGBTQ+ community, District NONPACC meetings, PSAB Meetings, Neighborhood Watch, Community Outreach, and Social Services.
- The LAC shall be responsible for creating and maintaining the NOPDAI list on the NOPD's intranet web applications under "Resources", which will include each interpreter's language(s) of proficiency, when language skills were assessed for each language, and if any complaints have been filed against them regarding their language translation skills, creating an active spreadsheet of all certified AIs, tracking yearly certifications and renewals, and communicating with district supervisors. The LAC shall provide this listing to the executive director of the Orleans Parish Communications District (OPCD) for the use of dispatchers.
- The LAC will monitor availability and quality of services provided to populations with Limited English Proficiency.
- The LAC will provide oversight and support to Spanish-Speaking and Vietnamese-Speaking Community Liaisons and ensure their time is spent appropriately on building relationships of trust with the community and addressing areas of concern.
- The LAC will work with Community Liaisons to review all body-worn camera footage of NOPDAIs delivering interpretation services to monitor quality and accuracy of services. Report any issues to the Professional Standards & Accountability Bureau for corrective action and/or training updates.
- The LAC will collaborate with CLOs to develop and implement a comprehensive community outreach plan, including the following actions:
  - Identify and contact all major organizations serving the LEP community;
  - Collaborate with organizations and individuals to identify areas for potential growth and additional training for all officers;

- Coordinate regular (at least quarterly) public meetings, hosted by Community Liaisons, to solicit feedback from community members;
- Solicit ongoing recommendations for improved LEP services from the Community Liaisons.
- The LAC shall identify, through crime data and patrol efforts, areas where bias and hate crimes against the LEP community have occurred and inform the LEP community through awareness seminars.
- The LAC shall monitor statistical and reporting data regarding bias and hate crimes against the LEP community and relay significant changes to the District Captains and the LEP community.
- The LAC, or his or her designee, shall host meetings to allow business owners, residents, and community activists to meet with officials from their neighborhood precincts.

A full and complete list of the roles and responsibilities of the Language Access Coordinator can be found in the *NOPD Language Assistance Plan* and the Language Access Coordinator KSA provided in the Appendix.

## DOCUMENTATION STRATEGIES

*Involving the community in policy decisions to garner buy-in*

*Actively engaging in problem solving with the community*

*Community Policing Defined* notes that community policing encourages agencies to designate safeguards to ensure that information from various sources is collected in a systematic manner and entered into central systems that are interconnected to one another and checked for accuracy so that it can be effectively used for strategic planning, problem-solving and performance measurement.<sup>43</sup>



### **1. Community Policing Signals**

NOPD's community policing signals are utilized to capture proactive problem-solving activities, as well as quality of life activities, in an efficient, geo-coded, time-stamped manner that does not slow officers down. NOPD can map officers' community policing activities and analyze the impacts of those efforts. The new signals differentiate the officer's status in the Computer-Aided Dispatch (CAD) system so that the officer, District and Department have clearer information on the officer's activity and other relevant metrics. These new signals allow CAD information to be utilized to automatically document community policing. When an officer uses a Community Policing Signal the Department can readily identify the actions of the officer and determine those actions were intended

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<sup>43</sup> Community Policing Defined, p. 9



for Community Policing and Engagement to further the Department's Community Policing, Engagement, and Outreach initiative. By using the Community Policing Signals, the department can analyze crime trends, or quality of life concerns, and document the efforts of officers using these signals

- **Quality of Life (21Q)** - Officers utilize the quality of life signal when they respond to quality of life issues identified by the community or the Department.
- **Area Check (22A)** - Officers utilize the area check signal when patrolling an area within the district that has been pre-determined as an important patrol area either by the community or the Department.
- **Business Check (22B)** - Officers utilize the business check signal when they engage occupants at a business within the district.
- **Directed Patrol (22D)** - Officers utilize the directed patrol signal when they execute a specific mission in targeted area.
- **Residence Check (22R)** - Officers utilize the residence check signal when they physically exit the patrol car and engage occupants at the residence, absent a call-for-service.
- **Walking Beat (22W)** - Officers utilize the walking beat signal while executing a defined and assigned walking beat.

## 2. **BWC Supervisory Reviews**

Both scheduled and random audits of BWCs are an essential tool of close and effective supervision. Supervisors should use these audits to monitor and assess the community policing and engagement activities of the officers under their command. NOPD Operations Manual, Chapter 41.3.10, Body Worn Camera outlines the following goals for discretionary review of Body Worn Cameras:

- Ensuring supervisors conduct timely, accurate and complete performance evaluations of their subordinates;
- Making sure officers “are working actively to engage the community and increase public trust and safety”; and
- Ensuring supervisors “review recordings regularly... to incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers”
- Quality of officer interaction with persons during non-enforcement related contacts;
- Constitutionality of and tactics used during Terry Stops/Investigatory Stops;
- Victim centered approach and asking risk questions during Domestic Violence call;
- Recognizing signs of person in crisis and treating them with dignity during Crisis Intervention incidents;
- Constitutionality of and tactics used during Searches, and Arrests; and
- Showing respect toward and acting professionally in dealing with the public (General Officer Performance).

The results of the supervisors' observations during their review should be aggregated at the shift and district level for the purpose of evaluating CLOs, patrol officers, sergeants', and lieutenants', commitment to community oriented policing. Supervisors should take corrective action for any problems identified during these reviews, including additional training or referral to PIB, and should also note behavior worthy of commendation during their review.

### **3. District Community Policing Plans** <sup>44</sup>

The Community Policing Plans address the unique needs of the communities serviced in each District. In 2016, each district developed a plan that identified three policing priorities its community wanted NOPD to focus on. NOPD used these plans to guide its community policing activities within each district. In 2021, NOPD will follow the processes below to create new community policing and engagement plans for each district.

The process will include the following:

1. NOPD District Captains will distribute surveys at PCAB and NONPACC meetings to obtain feedback regarding community concerns and police involvement.
2. NOPD District Captains will coordinate with NOPD Public Information Office to live stream NONPACC and PCAB meetings during which they solicit feedback on the priorities of the communities within their districts.
3. NOPD District Captains will evaluate and consider 311 data, PCAB Surveys, and NONPACC feedback obtained at meetings to identify trending concerns.
4. CLOs will work with District Captains to draft the new community policing plans, which should prioritize the responses received into 3-5 community policing priorities for each plan. There must be one problem chosen that emphasizes youth outreach and engagement.
5. CLOs and PSAB will collaborate with District supervisors to develop strategies on solving the identified priorities. The strategies must include Problem Oriented Policing (POP) projects and include a process to track monthly tasks coordinated by the district to solve the problem.

The new plans will be published on NOPD's website and members of the public will be able to view the monthly progress of each Plan online through MAX dashboard. These dashboards are currently being developed and should be publicly available by the end of 2021.

#### **4. Utilize NOPD News website and/or social media to document pre-planned community engagement activities.**

The New Orleans Police Department Public Information Office is responsible for creating, updating and disseminating all pre-planned Community Engagement Activities via all social media platforms.

#### **5. Community Policing Forms**

Community Policing Forms were created to track various community policing efforts in each district. In addition to community policing signals, officers complete Community Policing Forms to document Community Policing and Engagement activities, such as events, meetings, quality of life concerns, and problem-solving initiatives and conduct. By using Community Policing Forms, the Department can monitor officer community engagement and assess the effect Community Policing to crime reduction and community quality of life improvements. Please see Community Policing Forms Guidance in the Appendix below for more information on CPFs.

#### **6. School Resource Officer Monthly Reports**

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<sup>44</sup> See the Appendix for a Community Policing Plan template

School Resource Officers (SROs) are specifically assigned by the Department to provide security, educational training, and relationship building services in assigned schools. SROs handle incidents occurring on school property, incidents involving truant students, refer students to the school counselor, conduct structured youth engagement activities and collaborate with school staff, students, and parents. When handling school incidents, officers will be mindful of the school administrator's responsibility for student discipline separate and apart from the responsibility of officers for the investigation of crime and law enforcement. SROs complete monthly activity reports to document their work at their respective assignments. These monthly activity reports are submitted to their immediate supervisor and the Community Engagement Section Manager to review and monitor the activities of the SROs. The Community Engagement Section Manager ensures the SROs are compliant with department policies, procedures and Consent Decree mandates as it relates to Community Engagement. These tasks are carried out by conducting scheduled and random reviews and inspections to evaluate compliance.



## ACCOUNTABILITY MEASUREMENTS

### MAX: Management Analytics for Excellence

On October 5, 2016, the Department launched their new, holistic, data-driven approach to police management known as MAX, or Management Analysis for Excellence. MAX replaces the department COMSTAT meetings which were mainly focused on information sharing regarding crime trends. The new program, which was available to the public online, takes that approach even further by focusing not only on crime, but on all other topics for which a Police Captain has responsibility. In addition, MAX has a greater focus on supervisor accountability through a stronger data-driven management. The new MAX data is available online, broken down by police district. The public posting of this management information further demonstrates the Department's commitment to transparency.

MAX measures community policing on a macro-level and allows NOPD leadership to monitor and direct community policing and engagement initiatives. NOPD leadership discusses community policing approaches at weekly MAX meetings, where community policing is emphasized as a core tenet of NOPD's operations and a key component in implementing organizational change.

As noted above, the District Community Outreach and Public Information Plans will be publicly available on MAX. For each plan, the Department will determine a baseline measurement of the problem, where the problem is currently and the goal for complete implementation. Each plan will include an estimated time to complete the project and convey the expected completion date to the public. This could include having CLOs or district platoons assigned to particular duties/tasks for each problem. The data will be updated monthly before each District's NONPACC meeting. The

project description and project update fields provide details for each community priority. The data is presented both in time spent and the number of calls for service for the project. Time Spent is measured as the number of minutes on the project spent in the specified locations. Number of items refers to the number of "dispatched or officer self-initiated" calls for service on the project in the specified location.

## Milestones for Achievement

The NOPD is continuing to create meaningful community partnerships and initiatives to build trusting relationships with the citizens and advance its overall Community Policing strategy. The NOPD has developed the below programs and continued the efforts of current Community Engagement initiatives that have shown great progress in establishing and maintaining bonds with community stakeholders:

1. Conduct Community Engagement Night Out in every police district, to develop the Community Outreach and Public Information Plans (Field Operations Bureau and PSAB)<sup>45</sup>
2. Create District Community Outreach and Public Information Plans (FOB and PSAB).
3. Incorporate community priorities and progress into Management Dashboard (FOB).
4. Conduct PCAB, NONPACC, and MAX district meetings.
5. Collaboration with the Police Academy to ensure current training includes all elements of the Community Policing Manual (FOB and PSAB).
6. Drafted resource documents for SARA, POP, community policing, procedural justice, etc. (FOB and PSAB).
7. Development of training for PCAB's, to be included in their orientation classes, regarding community policing, problem-oriented policing and procedural justice (FOB). (Conducted every two years)
8. Superintendent's message to all personnel on community policing directives. Message should pair all current programs in a comprehensive manner, so that personnel understand how this fit into their duties, aside from calls for service.
9. On a quarterly basis, PSAB audits the Department's community policing activities and drafts a report on its findings.
10. Faith and Blue Weekend. A weekend of festivities with the fundamental premise of creating a coalition with local clergy to establish a more productive community which is one of your tenets to community policing. Working together, the paired officer and faith leader address mutually held biases and work collectively to improve and strengthen relationships between officers and the citizens.
11. Uncomfortable Conversation - Members of the city of New Orleans Pastoral Community and Citizens, meet and have an open dialogue with police regarding civil unrest, how to work effectively together to address needs and concerns of community.
12. Humanizing the Badge – A forum geared to developing opening dialogue between the police and the youth within the community and to show the human side of the men and women behind the badge.
13. Police Activity League (PAL) / Voices of Youth - Bringing to light via discussion youth feelings and sentiments of Racism, Equality, Social Justice, Educational Reform, Law Enforcement Relations and Community Advocacy.

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<sup>45</sup> Notation of units in parenthesis delineates who will be responsible for each task



## THRESHOLDS

This Community Policing Manual is designed to be a long-term, aspirational document that will enhance the NOPD's community engagement, community policing and problem-oriented policing procedures. The following foundational thresholds will be utilized to measure community engagement and the implementation of this plan.

- Inclusion of meaningful community engagement-focused dialogue in the Headquarters MAX meeting and weekly, district MAX meetings.
- Conduct quarterly and annuals reviews of the Department's community engagement activities using the scorecards and processes developed by PSAB.
- Conduct performance evaluation audits, to determine the extent to which NOPD personnel at all levels, embrace community-oriented policing as both a core value and practical strategy for crime prevention and public safety.
- Conduct audits to determine compliance with procedural justice principles, via FIC review, supervisory, random review of BWC footage and/or direct observation, which is to be done on a regular basis, to determine the effectiveness of supervision, relative to community-oriented policing.
- District Community Outreach and Public Information Plans (Community Policing Plans) will be revisited and updated every two years.
- Review of the SROs monthly reports to determine compliance with policy and NOPD priorities.
- Annual community policing in-service and recruit training updated and completed.

## **APPENDIX**

- Chapter: 10.0 Community Policing and Engagement
- Community Policing Form Guidance
- Community Engagement Daily Training Bulletin
- District Community Outreach and Public Information Plan Template
- LGBTQ+ Liaison KSA
- Language Access Coordinator KSA
- District Community Engagement Brochure (front and back)
- “Hot Sheet”



## **CHAPTER: 10.0 TITLE: COMMUNITY POLICING AND ENGAGEMENT**

EFFECTIVE: 11/11/2018

### **PURPOSE**

The purpose of this Chapter is to outline the community policing and engagement program of the New Orleans Police Department.

### **POLICY STATEMENT**

1. The New Orleans Police Department (NOPD) shall promote and strengthen community partnerships, work constructively with the community, ensure collaborative problem solving, ensure ethical and bias-free policing, and work to increase community confidence in the Department.
2. The New Orleans Police Department will effectively engage the community in collaborative problem solving. NOPD will partner with residents and stakeholders to identify and solve problems that contribute to crime, fear of crime and quality of life problems in communities. The Department is committed to proactively solving problems as well as reacting to their harmful consequences.
3. The mission of the New Orleans Police Department is to provide professional police services to the public to prevent crime, maintain order and protect life and property. NOPD is committed to the philosophy and practice of community problem-oriented policing as a means to inform organizational decisions, shape policies, identify training needs, and prioritize crime fighting by engaging each neighborhood and community organization in collaborative problem-solving partnerships. Community problem-oriented policing, and community policing and engagement are critical methods toward achieving NOPD's mission.
4. The New Orleans Police Department will collaborate with community stakeholders and partners on policing and engagement efforts. The Department encourages its members to develop problem solving partnerships with community residents.
5. NOPD recognizes that it serves many diverse communities. Communities arise not only from shared geography but also social ties, common perspectives, and shared circumstances (for example, the LGBTQ or LEP community). NOPD shall seek to engage all communities in its community policing and engagement efforts.
6. NOPD's recruitment efforts shall focus on hiring officers who can build relationships and work collaboratively with all communities.
7. This Chapter operates in tandem with many programs and policies focused on properly serving and collaborating with a variety of communities, including but not limited to Chapter 41.13 – Bias-Free Policing, **Chapter 41.13.1 – Interactions with LGBTQ Persons, and Chapter 55.4 – Limited-English Proficiency Services.**
8. The Department sets forth its community policing vision in its **Community Policing and Engagement Manual**. The Department shall review the Manual annually and update the manual as necessary.

### **DEFINITIONS**

- **Community Engagement**—Activities that foster positive interactions between citizens and



officers, employ community policing ideals, create opportunities for constructive exchanges, and foster substantive collaboration with the community, while enhancing trust and legitimacy.

- Community Policing—A philosophy and operational strategy that promotes organizational practices that support the systematic use of partnerships and problem-solving techniques to work with the community to address the immediate conditions that give rise to public-safety issues such as crime, social disorder and fear of crime.
- Community Policing Plan—A district-specific blueprint of collaborative partnerships with the community. The Community Policing Plan address the unique needs of the communities serviced in each District. Each district’s Captain is responsible for the development of the plan.
- Community Policing Signals—Community policing signals allow the Department to document specific tasks for proactive and community policing. The signals are Area Check, Business Check, Directed Patrol, Residence Check, Quality of Life, and Walking Beats. When dispatched on community policing signals, officers will employ procedural justice techniques.
  - Area Check—Officers will utilize the area check signal when patrolling an area within the District that has been pre-determined as an important area either by the community or the Department.
  - Business Check—Officers will utilize the business check signal to engage occupants at a business within the District.
  - Directed Patrol—Officers will utilize the directed patrol signal to execute a focused collaborative problem-solving, departmental problem-solving, or community policing and engagement in the targeted area.
  - Residence Check—Officers will utilize the residence check signal when the officers physically exit the patrol car and engage occupants at a specific residence absent a call for-service.
  - Quality of Life—Officers will utilize the quality of life signal when responding to any type of quality of life problem.
  - Walking Beat—Officers will utilize the walking beat signal while executing a defined and assigned walking beat.
- New Orleans Neighborhood Police Anti-Crime Council (NONPACC)—NONPACC is a partnership amongst the community, district Captains, and officers to create conversations, identify problems, and devise solutions. Members of the public voice their concerns directly to the District Captain during face-to-face meetings.
- Police Community Advisory Board (PCAB)—A board consisting of five to seven citizen volunteers from their respective police districts. PCAB members serve a two-year term and meet quarterly to address community issues. The City’s Office of Neighborhood Engagement coordinates the application and selection process for PCAB volunteers. The Superintendent has final approval on the selection of members to serve on PCABs.
- Problem—Something that concerns or causes harm to citizens, not just the police. A problem generally involves repeat incidents occurring in a community with related characteristics (time, place, behavior, victim(s), offender(s)) that concern the community.
- Problem-Oriented Policing—A proactive problem-solving approach that uses the SARA model to focus on proactive solutions, specific crime problems and achieving crime and fear reduction results. The problems should be those that the community recognizes as important.
- Procedural Justice—Procedural justice refers to the idea of fairness in the processes that resolve disputes and allocate resources and specifically how the characteristics of police community interactions shape the public’s trust of the police. Procedural justice speaks to four principles, often referred to as the four pillars: (a) Fairness in the processes (b)

- Transparency in actions (c) Opportunities for voice (d) Impartiality in decision making.
- Scanning, Analysis, Response, Assessment (SARA) Model—An approach wherein the community and the department work together to scan for problems, analyze information, respond through implemented strategies, and assess the effectiveness of implemented strategies.

## **COMMUNITY POLICING AND ENGAGEMENT**

9. NOPD shall solicit community input regarding public safety and quality of life priorities to tailor policies and operations to addressing those priorities. NOPD shall continually seek methods of collaborating with the public to improve operations and ensure Constitutional, community-oriented policing.

10. Officers shall participate, when applicable, in the community policing and engagement programs and initiatives outlined in this Chapter. Community policing is the responsibility of the entire Department and not just officers specifically assigned to roles that frequently interact with the public. The NOPD community policing and engagement program includes but is not limited to the activities listed in Appendix A – Community Policing and Engagement Programs.

11. Members of the New Orleans Police Department should initiate partnerships and programs with the community while utilizing problem-oriented policing, procedural justice, and collaborative approaches.

12. Members are encouraged to engage with communities who may be distrustful of NOPD in an effort to build relationships and enhance community problem solving.

## **COMMUNITY POLICING PLANS**

13. Each district shall update its Community Policing Plan semi-annually by doing the following:

(a) Each District shall gather feedback from the community through surveys and meetings to identify community priorities and quality of life issues.

(b) Each District shall then create a plan for addressing the priorities and establish methods of documenting the response to the priorities through community policing signals and/or other methods.

(c) The District shall include the identified priorities, planned response, and documentation methods in the updated Community Policing Plan and input this information into MAX with the assistance of the Analytics Unit.

14. Implementation of Community Policing Plans shall focus on prevention and not solely on enforcement whenever possible. Districts shall utilize available resources and coordinate with City agencies to address current problems and attempt to prevent future problems from arising.

15. In implementing the Community Policing Plans, Districts may deploy officers and detectives in specific geographical areas where a problem is occurring. The assigned officers will work with residents and stakeholders, where possible, to seek solutions and create a safe environment.

16. District Captains shall continually evaluate the effectiveness of their Community Policing Plans and assess whether the identified priorities are still relevant based on crime and quality of life trends provided by the Analytics Unit and MAX system and input from community partners and stakeholders relevant to the identified priority.

## **PROACTIVE PROBLEM-SOLVING**

17. In addition to implementing the Community Policing Plan, each District Captain, working with officers and community partners, will be responsible for identifying problems in the district and working proactively to solve them.

18. Problem-solving projects will be prioritized by the Captain and assigned to officers within the District.

19. Officers should proactively look for problems in the communities they serve. When an officer becomes aware of a problem, he/she should notify his/her supervisor of the problem, who will consider whether to elevate the problem to the District command staff and Community Liaison Officer. The District command staff may decide to allocate time for problem-solving apart from responding to calls for service and/or handling regularly assigned duties.

20. Problem-solving shall include identifying community members who are critical of the NOPD, listening to and working to understand their concerns, and working collaboratively to resolve issues identified.

## **REPORTING**

21. When an officer makes contact with a stakeholder in the assigned area, or conducts any community policing activity, he/she shall utilize the relevant community policing signal to document the stakeholder contact.

22. District Captains are responsible for ensuring that data concerning the following is documented in the MAX system on a District basis:

- (a) Implementation of Community Policing Plans;
- (b) Community policing activities documented through community policing signals; and
- (c) Collaborative problem-solving efforts.

## **ASSESSMENTS**

23. Surveys may be utilized as an outcome measure to determine the effectiveness of Community Policing Plans and other programs. NOPD may also utilize surveys to assess procedural justice within police-community contacts.

24. Community policing and engagement activities shall be incorporated into each District Captain's annual performance evaluations.

25. Community policing and engagement activities shall be incorporated into each officers' annual performance evaluations as appropriate to his/her assignment.

26. Supervisors shall review recordings regularly in accordance with **Chapter 41.3.10 - Body Worn Camera** and to evaluate whether officers are working actively to engage the community and increase public trust and safety. Supervisors shall evaluate how officers perform in accordance with the principles of procedural justice. Supervisors shall incorporate the knowledge gained from the reviews into the ongoing evaluation and supervision of officers.

27. The Audit and Review Unit shall conduct at least quarterly reviews of procedural justice in interactions with the public by viewing body-worn camera footage.

## **TRAINING**

28. Every commissioned member of the New Orleans Police Department will receive at least eight hours of training annually on community policing, community engagement, relationship building, procedural justice and problem-solving techniques, involving the SARA model

## **APPENDIX A - COMMUNITY POLICING AND ENGAGEMENT PROGRAMS**

NOPD's community policing and engagement programs include but are not limited to:

1. Community Policing Plan—A district-specific blueprint of collaborative partnerships with the community. The Community Policing Plan address the unique needs of the communities serviced in each District.
  2. Community Policing and Engagement Manual—A long term, aspirational document that will enhance the NOPD's community engagement and community problem-oriented policing activities. The Manual will guide officers on how to reach out to the community and productively engage citizens to create opportunities for substantive community problem solving.
  3. Community Meetings—The Department seeks opportunities to positively interact with the community in circumstances that are not related to an investigation or enforcement. Community meetings and events provide non-enforcement opportunities to proactively engage and build trusting relationships with the community.
  4. Centralized Community Coordinator—An internal position that serves as a resource for community engagement and policing coordination, literature, training, and tools, with the goal of making a community engagement and policing efforts a success. The Centralized Community Coordinator is also responsible for initiating and maintaining partnerships with other departments and community groups.
  5. Beat Profile—Beat specific information gathered by officers, in collaboration with the community, to serve as a guide to officers and community members engaged in problem solving. Among the information included in the profile is information on organizations and services available within the beat, including entity contact information. The guide should be updated at least annually and be readily available to all who may engage in problem solving.
  6. Body Worn Camera Program—Promotes transparency and trust building between NOPD and the community by accomplishing the following objectives:
    - (a) To enhance transparency and public trust by preserving factual representations of officer-citizen interactions in the form of audio/video recordings.
    - (b) To promote officer safety.
    - (c) To document statements and events during the course of an incident.
    - (d) 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.
    - (e) To preserve audio/video information for use in current and future investigations.
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(f) To provide an impartial measurement for self-critique and field evaluation during officer training.

7. Citizen’s Police Academy—An eight-week program, which is an interactive learning experience for New Orleans residents. Participants receive a closer look at the NOPD and the New Orleans criminal justice system in an informal setting. During their time in the program, participants receive a comprehensive overview of the Department's work, including patrol duties and specialized training programs.

8. Community-Police Mediation Program (CPMP)—The CPMP, administered and led by the Independent Police Monitor, aims to build understanding and improve relationships between NOPD and the community. The program provides opportunities for officers and community members to have a face-to-face conversation, facilitated by neutral community mediators, to share their perspectives, be heard and understood, and come to mutually-agreeable solutions. The program is an alternative to the traditional complaint investigation process and is available for eligible complaints. Eligibility criteria are described in detail in **Chapter 24.2 - Community-Police Mediation**.

9. Police-Community Advisory Board (PCAB)—The PCAB serves an advisory role and is an authorized space for establishing community buy-in, consensus and priorities on public safety issues/concerns for recommendation to NOPD. Each District’s PCAB consists of a minimum of five volunteer community members and holds a public meeting at least four times per year.

NOPD works collaboratively with PCABs to develop and implement public safety strategies that reflect each community’s public safety priorities and concerns about particular police tactics. To the extent specified below, NOPD agrees to seek PCAB’s assistance, counsel, and input to build community consensus on potential recommendations in areas including the following:

- (a) Community policing strategies;
- (b) Accountability for professional/ethical behavior by individual police officers;
- (c) Special task forces that meet high priority community need;
- (d) Central policy changes, where applicable, that improve quality of life;
- (e) Resource allocations to meet high priority, difficult issues;
- (f) Strategies for a qualified and diverse workforce;
- (g) Providing information to the community and conveying feedback from the community to NOPD; and
- (h) Ways to provide data and information.

10. New Orleans Neighborhood-Police Anti-Crime Council (NONPACC)—These meetings provide community members with an opportunity to voice their concerns directly to the District Captain. These meetings occur monthly and are attended by the District Captain and other district personnel. Progress on implementation of the Community Policing Plans will be discussed at monthly NONPACC meetings.

11. Neighborhood Watch—A program that enlists the active participation of residents, in cooperation with law enforcement, to reduce crime in communities throughout the city.

12. School Resource Officer (SRO) Program—SROs are assigned to provide police services to area public high schools and to serve as resources to teachers and staff. The SRO helps school officials cope with school violence and assists in creating a safe and conducive learning environment in public schools. SROs are responsible for conducting youth police dialogues. Specific SRO’s responsibilities are set out in **Chapter 1.20 – School Incidents, School Resource Officers.**

13. Victim-Witness Program—Provides many resources and services, including referrals to outside social services agencies and contacts community members involved in serious crimes, providing information about the various services available to the community. The Victim/Witness Assistance Program, handled thru the Victim Witness Unit, provides the following assistance to citizens:

- (a) Safety planning;
- (b) Victim advocacy;
- (c) Crisis intervention;
- (d) Crime victim reparations;
- (e) Counseling referrals;
- (f) Community resource;
- (g) Referrals;
- (h) Case update information; and
- (i) Information on the criminal justice process

## Community Policing Forms Guidance

The Community Policing Form (CPF) is used to measure and track officer outreach to a broad cross-section of community members, to document extensive problem-solving partnerships and initiatives, and illustrate the implementation of cooperative strategies that build mutual respect and trusting relationships with stakeholders and the NOPD. All community policing activities, events, initiatives, collaborations, and resolutions must be documented in a Community Policing Form. The CPF is housed on a secured internal network drive accessible to all NOPD personnel (NOPD Web Applications).

All commissioned personnel will complete a CPF when he/she is engaging with the community or conducting community policing in a **single event** and not when taking an action that will be documented by using a Community Policing Signal.<sup>46</sup> For example: an officer responding to a complaint of an abandoned vehicle in front of a residence. The officer then takes the necessary action to notify city towing and get the car removed. The single event would require a CPF and not the use of a community policing signal.

### Form Completion

When department personnel open the Community Policing Form homepage on NOPD Web Applications under the Forms tab, they will access the home screen for Community Policing Forms and will complete the form using the following steps:

1. At the top of the homepage the officer will select “Officer’s Activity” to open a blank CPF.
2. The officer’s name, district and assignment will automatically populate on the form.
3. The officer will enter the citizen stakeholder’s name, address, and organization, if applicable.
4. The officer will enter the date of activity and activity type.
5. The officer shall select one of the following activities:
  - a. Strengthening Relationship
  - b. Crime Prevention
  - c. Problem Solving (SARA)
  - d. Crime Trends
  - e. Residence Business Security Evaluation
  - f. Event Coordination
  - g. Meeting
  - h. Community Policing Plan (CLOs only)
  - i. Other. If other is selected, the officer will describe the interaction in the narrative box labeled ‘Other’.
6. The officer will not select the Community Policing Plan as the CLO completes this update for the entire police District. See *Community Policing Form Activities* section below for more information.
7. The officer will select the check box to document if he/she is a CLO or not.

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<sup>46</sup> Community policing signals allow the Department to document specific tasks for proactive and community policing that follow each District’s Community Policing Plans and Initiatives. The Community Policing Signals are 22A - Area Check, 22B - Business Check, 22D - Directed Patrol, 22R - Residence Check, 21Q - Quality of Life, and 22W - Walking Beats.



8. The officer must contact OPCD (Orleans Parish Communication District) and request an item number for the interaction and document the given item number in the “Item Number” field box and any other referenced item numbers associated with the current interaction or matter.
9. The officer will clearly describe the activity, complaint, or interaction in the comment box and submit the form. In the comment box, the officer will note if a follow-up is needed and if the resolution must be referred and completed by an outside agency.
10. If the follow-up can be completed within 24 hours, the initial officer may use his/her discretion to complete the follow-up tasks before submitting the form for supervisor review.
11. Once the form is submitted, the officer’s direct supervisor will receive an email alert to review and approve the submitted form.
12. If the interaction or matter requires a follow-up initiative, the supervisor will select “Yes” in the “Follow-up” section within 5 business days of receiving the email notification,<sup>47</sup> and the form will be directed to the District CLO for follow-up completion.
13. The CLO will go to the location of the issue/matter and assess whether the concern is current and/or what steps will be necessary to resolve the matter.
14. After the CLO’s assessment, he/she will search for the form entry by item number and select the form to document edits and completion tasks.
15. The CLO will document that the follow-up was complete and select “Yes” under “Problem Solved?” If an outside agency must conduct any actions to resolve the matter, the CLO will select “No” under “Problem Solved” but will still document the follow-up he or she conducted and note that the outside agency was notified for their assessment of the matter.
16. The CLO will submit his/her documentations and the form will be directed to the District DSA for approval.
17. After the DSA’s approval of the form, the form is tagged completed in the system and will be reviewed and audited by the Community Engagement Section Manager during the quarterly audit.
18. If the DSA or Supervisor selects “Requested for Resubmit” the form will be redirected to the CLO, and the officer will complete the recommended tasks of the DSA or Supervisor until the form can be approved and submitted as a completed form.

### Community Policing Form Activities

As stated above, officers can select the following form activities:

- a. Strengthening Relationship
- b. Crime Prevention
- c. Problem Solving (SARA)
- d. Crime Trends
- e. Residence/Business Security Evaluation
- f. Event Coordination
- g. Meeting

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<sup>47</sup> This is a separate process from the 30-day form approval requirement. Follow-up forms do not get approved until the problem is resolved or reduced and deemed resolved.



- h. Community Policing Plan (CLOs only)
- i. Other. If other is selected, the officer will describe the interaction in the narrative box labeled 'Other'.

Strengthening Relationships: Officers should describe any interaction that builds trust and legitimacy and any efforts put forth to create lasting relationships with community members. Examples include presentations at community meetings, constant communication with community members to provide information when requested, Police Activities League events with youth, or any interactions where a relationship or partnership is established.

Crime Prevention: Officers should describe any crime prevention strategies presented to community members and any applicable updates. For example, if a Real Time Crime Center camera was positioned at a location with prolonged violent criminal activity.

Problem-Solving (SARA): When writing a Problem-Solving entry, officers shall utilize the SARA method in the form narrative box. If the narrative section does not break down the problem that was addressed via the SARA model, the form entry will be redirected to the officer to resubmit. Officers should specifically document activities in the form following the prompts below:

**Scanning:** This first step requires police to recognize recurring issues and their respective outcomes within their communities. Officer must then prioritize these issues and develop goals to resolve the issue at hand. Officers must then further examine problems within the larger issue.

**Analysis:** To analyze a problem, officers need to identify and understand the causes and entailments of an issue as well as collect data on the problem. The analysis step makes officers specify current responses to an issue, the scope of an issue, resources, and potential reasons for the issue's occurrence.

**Response:** Officers use their research from the analysis step to brainstorm ideas for intervention, select intervention options, outline plans and objectives, and implement proposed plans.

**Assessment:** The final step of the SARA model takes place after officers have tried to solve a problem. Assessment requires officers to evaluate the success of their plan and collect data regarding its outcomes. During this step, officers also determine whether their initial goals were met and make an effort to better ensure continued success.

**\*\*Refer to *The SARA Model* section of this report for more information on documenting SARA\*\***

Keep in mind that if the "Follow-Up" box is checked, the officer only needs to enter the SARA steps taken. For example, if you responded to the problem, but need the CLO to assess the impact, only document how you scanned, analyzed, and responded to the problem.

Crime Trends: Officers should describe any reoccurring crime trends in certain locations, times of day, or any other applicable information. This information assists with analyzing potential problems and issues within the District and allows for better follow-up in the future.

Residence/Business Security Evaluation: Officers should describe any information provided to a community member during a business check or residence check. If there is a situation that requires the officer to provide valuable information on protecting citizens or valuables, the information should be included in the form. For example, if an officer conducts a business check and provides the business owner or employees with information on how to reduce crime or quality of life issues at the business, the officer should document the information in the narrative.

Event Coordination: Officers should document any events they are planning or coordinating in partnership with stakeholders. Engaging the community is an important step in building lasting relationships. Officers are encouraged to assist with coordinating community events.

Meetings: Officers should document community meetings they are attending. Engaging the community is an important step in building lasting relationships. Officers are encouraged to attend and document attendance at community meetings or any other meetings that advance community interests.

#### Community Policing Plan Entries

“Community Policing Plan” activity is only entered into the CPF by CLOs. If a non-CLO officer performed some activity in service of the Community Policing Plan in his/her/their district, the officer should provide an update for the CLO either during roll call, phone, email, or any other feasible mode of communication.

Officers may also need to document in a Community Policing Form the activities they performed in service of one (or more) of the priorities in their districts’ Community Policing Plan. For example, if an officer may have engaged in a “Crime Prevention” activity that addressed one of the priorities in the Community Policy, this activity would be documented using the “Crime Prevention” drop down in the CPF (not using the “Community Policing Plan” drop down since that drop down can only be used by CLOs). CLOs should review the CPFs of the officers in their district when completing the monthly Community Policing Plan reports.

CLOs are required to complete monthly activity reports that summarize the activities performed in service of their district’s Community Policing Plan. In order to do so, the CLO must do the following:

1. Select the activity “Community Policing Plan”. This will populate the specified district’s Community Policing priorities.
2. The CLO will select which project is the target project to update. Once selected, the tasks for the projects will populate along with a blank comment box.

The CLO will clearly describe the updated activity or interaction completed for the month in the comment box relating to the District’s Community Policing Plan and submit the Community Policing

Form. All officers must document relevant interactions within one week of the occurrence and Supervisors must review community policing forms entries within 30 days of submission.

\*The Community Policing Forms will be audited based on form completion and accuracy and not to show compliance of Community Policing or Engagement performed tasks and/or services to the community. The scorecard will track the increases in compliant entries compared to historical data. The Department will be compliant with Community Policing Forms by demonstrating a trend over time to embrace the use of the Community Policing Forms through increased compliance with form entries over time.

**Community Engagement Daily Training Bulletin**

This page is intentionally blank to include the Community Engagement DTB once it is approved.

## **District Community Policing Plan Template**

The Community Policing Plans address the unique needs of the communities serviced in each District. Every 2 years, each District develops a plan that identifies three policing priorities. Below is a template that can be used as a guide in drafting plans.



NEW ORLEANS POLICE DEPARTMENT

**FIRST DISTRICT**

COMMUNITY POLICING PLAN March 2021

(District Community Engagement photos inserted on cover)



## **NEW ORLEANS POLICE DEPARTMENT**

**First District**

**[INSERT TABLE OF CONTENTS]**

### **COMMUNITY POLICING AND ENGAGEMENT PROGRAM OVERVIEW**

The New Orleans Police Department's Community Engagement Program consists of a Community Engagement Policy, Community Engagement Plan and Community Outreach and Public Information Plans.



Community Policing and Engagement Policy

The New Orleans Police Department shall promote and strengthen community partnerships, engage constructively with the community, ensure collaborative problem solving, ensure ethical and bias-free policing, and increase community confidence in the Department.

## Community Policing and Engagement Manual

The Community Engagement Plan is designed to be a long term, aspirational document that will enhance the NOPD's community engagement, community policing and problem-oriented policing procedures. The objectives of this manual are meant to guide officers on how to foster positive community engagement interactions between citizens and NOPD, utilize community policing ideals, create opportunities for substantive engagement with the community, substantive collaboration with the community as well as civic engagement.

### Community Policing Plan

A district-specific collaborative partnership with the community. The Community Outreach and Public Information Plans will be specific to each District and address the unique needs of the community serviced in each District.

On [insert date] the NOPD hosted a forum with the [insert District] Police Community Advisory Board (PCAB) via [insert location]. The purpose of this event was to identify and prioritize public safety concerns voiced by community members. PCAB members reviewed 311 data collected year-to-date- in the Sixth District and reviewed New Orleans Neighborhood-Police Anti-Crime Coalition (NONPACC) citizen concerns to form a list of issues that the Sixth District should address. The Community Liaison Officers collected feedback from the PCAB Members and analyzed the feedback to identify trending problems that could be developed into robust problem-oriented policing plans.

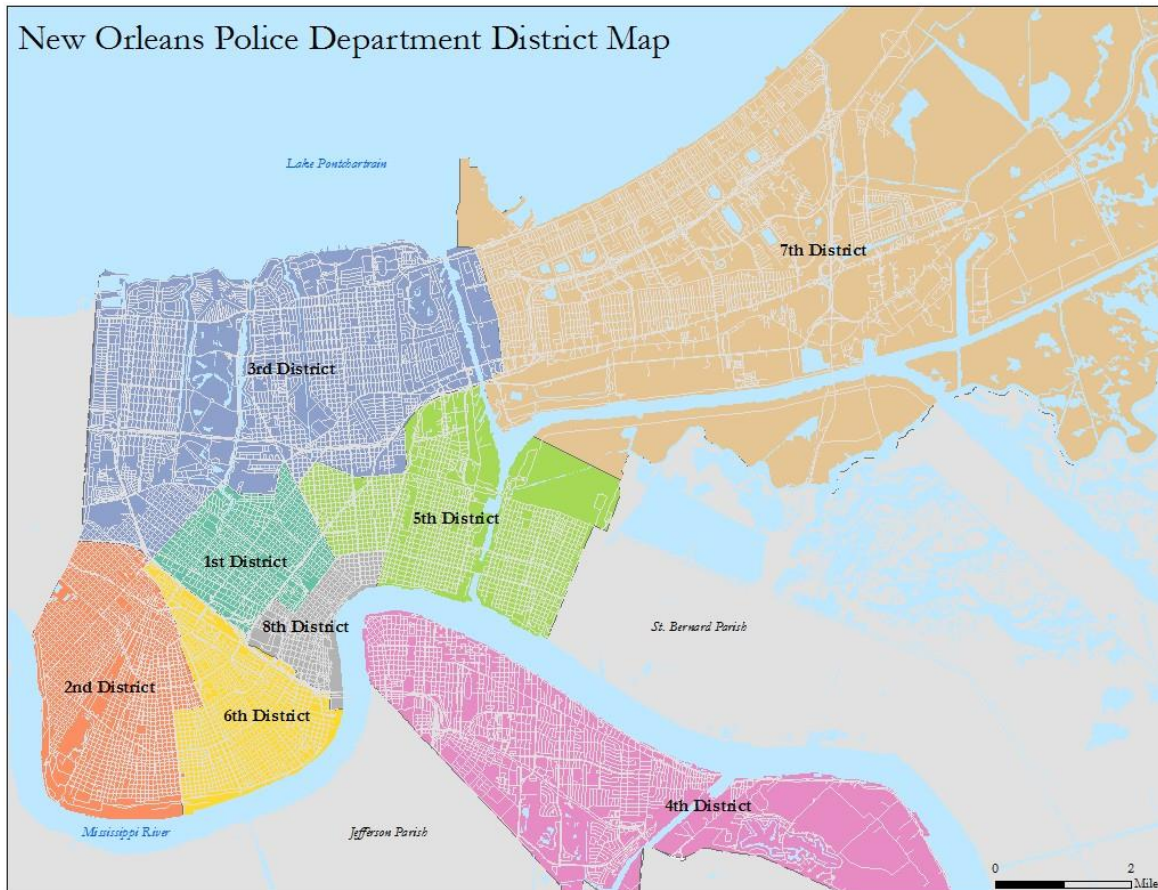
We continue to survey the community every 2 years to update and prioritize these issues. Thus, we continue to establish transparent, actionable items and update them monthly to show community members the district's efforts in resolving community concerns.

### [Insert District] DISTRICT

The [Insert District] District is in the [describe location (i.e. Central City)] located at [physical address].

The[ ] District currently serves a population of approximately [number of residents] residents. Included in the Sixth District are several diverse neighborhoods such as [list at least 3-5 neighborhoods] , to name a few. The area also has [insert notable locations or landmarks, etc. (i.e. one college, shopping on the Magazine Corridor, several shopping centers, and eateries)].

The District has [how many officers] officers as of [INSERT DATE]. The District phone number is \_\_\_\_\_. The District can be contacted by email at [EMAIL]. For more information about the work of these officers, please follow the Facebook page account: [INSERT LINK TO FACEBOOK]



**[INSERT CAPTAIN, SECOND IN COMMAND, CLO AND SRO BIOGRAPHIES]**

During the above listed events citizens are asked the following questions to incorporate their concerns and recommendations into the District Community Policing Plans:

- “In your opinion, what are the greatest problems in your District and how can police help?”
- “How can the community collaborate with the police department to address these issues?”
- “What does the police department do well in terms of community engagement?”
- “What could the police department do better in terms of community engagement?”
- “What activities should the Department undertake to improve relationships with youth?”



- “How can we reach out to individuals not present to engage them in improving the police department?”

## DISTRICT COMMUNITY POLICING PLAN PRIORITIES

Given the issues raised by the community, the primary area of focus in the \_\_\_District Community Policing Plan, drafted for [DATE], will be to do the following:

[LIST AT LEAST THREE PRIORITIES]

## ACTIONABLE ITEMS

Actionable items are specific steps the District will take to implement the District Community Policing Plan. Actionable items will be quantified or qualified through data analytics. The actionable items are transparent and will be updated monthly to allow the community to verify the actions of the District. Actionable items are given via tasks.

[BREAK OUT ACTIONABLE ITEMS BY “TASK #1, TASK #2, ETC.]

## APPENDIX

## LGBTQ+ Community Liaison KSA

### **Position:**

- LGBTQ+ Community Liaison

### **Bureau/ Division/Unit:**

- Open to all bureaus and units

### **Job Description/Position:**

The LGBTQ+ community liaisons will act as a conduit between community members and the Department, including senior leadership. Liaisons will be expected to build strong relationships with community members and to participate in community outreach and recruitment programs citywide. Liaisons will meet with the superintendent or his/her designee at least monthly to share information and feedback and to shape strategies to continually improve services to, and relationships with, members of the community who identify as LGBTQ+. Communication will be clear, direct, and transparent, with an emphasis on community input and accountability. Liaisons will be required to attend specialized training on cultural competency and policing best practices regarding the LGBTQ+ community.

This role will be a coequal part of an officer or civilian employee's duties. While acting in the liaison capacity, individuals will report to the Deputy Superintendent of the Professional Standards & Accountability Bureau or his/her designee.

### **Key responsibilities include:**

- Build strong relationships with individuals and community organizations and attend key community events with the approval of event organizers.
- Convene regular community forums (at least twice per year) to learn about and address current issues affecting the community.
- Provide specific support to LGBTQ+ victims of crime, and/or witnesses, as requested.
- Monitor a dedicated email address, [LGBTQNOPD@nola.gov](mailto:LGBTQNOPD@nola.gov), which will serve as an additional venue for community members to ask questions, raise issues, and provide feedback; respond to messages and follow up as appropriate.
- Review any potential changes to bias-free policies and procedures, soliciting feedback from the community.
- Collaborate with the Education and Training Division and the Professional Standards & Accountability Bureau to ensure proper training on Chapters 41.13 and 41.13.1.
- Facilitate annual community review of Chapters 41.13 and 41.13.1, with a key focus on ensuring that feedback on policies and training is received from marginalized populations within the LGBTQ+ community, including people of color (with an emphasis on the experiences of black transgender women), young people, and individuals experiencing homelessness.
- Work with the Department's language access coordinator to collect feedback regarding LGBTQ+ issues from immigrant communities and others with limited English proficiency.

- Conduct formal trainings to educate community members on their rights and on Departmental policies and processes, and ensure community members have the knowledge, tools, and resources they need to hold officers accountable.
- Treat all community feedback seriously and keep community members informed of any actions taken to address questions or concerns. Guide community members through the complaint process as necessary and ensure that complaints are appropriately followed up on and that the result of the complaint is clearly communicated to the complainant. Work with the Public Integrity Bureau (PIB) to identify and address any relevant trends in complaints regarding treatment of the LGBTQ+ community.
- Maintain familiarity with established and emerging best practices regarding policing and the LGBTQ+ community.

**Minimum Qualifications:**

- Excellent writing skills, oral communication, and interpersonal skills
- Excellent computer skills
- No Sustained misconduct complaints within a 24-month period

**Requirements:**

- Exceptional writing and verbal communication skills
- Strong interpersonal and relationship-building skills
- Ability to meet deadlines
- Strong Moral Character

**Selection Method:**

- Interested candidates should send resume and a 2-3 writing sample (such as a report) to the Professional Standards & Accountability Bureau at [PSAB@nola.gov](mailto:PSAB@nola.gov) no later than Friday, August 16, 2019.
- Letter of recommendation from the candidate's current supervisor.
- PIB history, INSIGHT and last annual evaluation will be reviewed by the Captain of the Professional Standards & Accountability Bureau.
- Final approval recommendation to Deputy Superintendent of Professional Standards & Accountability Bureau for written approval.

## Language Access Coordinator KSA

### **Position:**

- Language Access Coordinator

### **Bureau/ Division/Unit:**

- Professional Standards & Accountability Bureau/Crime Prevention/Community Engagement

### **Job Description/Position:**

Per NOPD Chapter 55.4 Limited English Proficiency Services, the Language Access Coordinator “shall be responsible for coordinating, implementing, and monitoring compliance with all aspects of the NOPD’s services to LEP individuals with the assistance of the Policy Standards Section. This includes ensuring free language access services to all LEP individuals encountered by members of the Department, consistent with this Chapter and the Department’s **Language Assistance Plan.**”

This is a permanent, full-time position.

### **Key responsibilities include:**

- Monitor availability and quality of services provided to populations with Limited English Proficiency:
  - Annually review all new documents, forms, or communications issued by the NOPD to assess whether they should be considered vital materials requiring translation. Work with Community Liaisons and NOPDAIs to have documents and communications translated and distributed to LEP communities.
  - Provide oversight and support to Spanish-Speaking and Vietnamese-Speaking Community Liaisons and ensure their time is spent appropriately on building relationships of trust with the community and addressing areas of concern.
  - At least monthly, review body-worn camera footage of officers interacting with LEP individuals. Complete audit reports detailing need for, and delivery of, services.
  - Work with Community Liaisons to review all body-worn camera footage of NOPDAIs delivering interpretation services to monitor quality and accuracy of services. Report any issues to the Professional Standards & Accountability Bureau for corrective action and/or training updates.
- Collaborate with Community Liaison Officers (CLOs) to develop and implement a comprehensive community outreach plan, including the following actions:
  - Identify and contact all major organizations serving the LEP community.
  - Collaborate with organizations and individuals to identify areas for potential growth and additional training for all officers.
  - Coordinate regular (at least quarterly) public meetings, hosted by Community Liaisons, to solicit feedback from community members.
  - Solicit ongoing recommendations for improved LEP services from the Community Liaisons.

- Annually prepare a report to the Superintendent assessing the language assistance services provided to LEP individuals, the effectiveness of those services, language assistance service complaints that have been received and the complaints' resolution, and any recommendations to improve language access policies and procedures. As part of this report, track and analyze the following information:
  - The number of LEP individuals NOPD staff has encountered in person, by telephone, in written or electronic communications, and on the NOPD website.
  - For each encounter in (a), the number of LEP persons that requested services and the number who were provided services.
  - The primary spoken and written language of the LEP persons provided services.
  - For each encounter described in (a), whether an in-person, remote, or other interpreter service was provided.
  - Number of bilingual staff who have been evaluated for language proficiency including their level of proficiency.
  - Use of document translators by number of documents or communications translated and non-English language.
- Review all community recommendations and implement as appropriate, working with the Education & Training Division and with the Professional Standards & Accountability Bureau as appropriate.
- Work with the Professional Standards & Accountability Bureau to annually assess demographic data, review language access services utilization data, and consult with representatives of the LEP community and District Captains to ensure that the Department is providing the services and benefits the Department provides in all NOPD-conducted programs or activities to LEP persons. Use this review to determine whether vital documents or communications should be translated into additional languages and whether other related changes to the Department's LEP program are necessary.
- Collect and track calls for service data about LEP contacts with NOPD. Prepare monthly reports to the Deputy Superintendent of the Performance Standards & Accountability Bureau outlining LEP services coordinated through OPCD. Incorporate this information into the annual report provided to the Superintendent.
- Regularly attend community events as a representative of the NOPD.
- Coordinate and deliver training to NOPDAIs, other officers, and recruits as needed. This includes the 8-hour Interpreter Skills training required, in addition to Civil Service bilingual certification, to become an NOPDAI.
- Assess the effectiveness and efficiency of the Department's Language Assistance Plan on an ongoing basis and report to the Superintendent or his/her designee regarding needed improvements and any accountability concerns.
- Ensure that English, Spanish, and Vietnamese translations of the current Language Assistance Plan and policy (Chapter 55.4) remain posted in a public area of the police department building, District police stations, and the PIB building, as well as online, and in any other locations throughout the City where individuals go to seek police assistance.
- Distribute the Language Assistance Plan and policy to a variety of community organizations serving LEP communities encountered by NOPD.
- Maintain the NOPD Authorized Interpreter (NOPDAI) list that will include each interpreter's language(s) of proficiency, when language skills were assessed for each language, and if any complaints have been filed against them regarding their language

skills.

- Provide this listing to the executive director of the Orleans Parish Communications District (OPCD) for the use of dispatchers.
- Make this list available on NOPD's intranet.
- Review the list for accuracy at least every six months and provide updates as appropriate.
- Provide quarterly status reports to the Deputy Chief of the Professional Standards & Accountability Bureau or his/her designee detailing the strategies that have been implemented along with any additional recommendations.

**Minimum Qualifications:**

- Four years of NOPD experience as a Commissioned member
- Excellent writing skills, oral communication, and interpersonal skills
- Excellent computer skills
- No Sustained misconduct complaints within a 24-month period

**Requirements:**

- Exceptional writing and verbal communication skills
- Strong interpersonal and relationship-building skills
- Strong managerial skills
- Ability to meet deadlines
- Strong Moral Character
- Preference will be given to NOPDAIs (with fluency in Spanish or Vietnamese)

**Selection Method:**

- Interested candidates should send resume and a 2–3-page writing sample (such as a report) to the Professional Standards & Accountability Bureau at PSAB@nola.gov.
- Letter of recommendation from the candidate's current supervisor.
- PIB history, INSIGHT and last annual evaluation will be reviewed by the Captain of the Professional Standards & Accountability Bureau.
- Final approval recommendation to Deputy Chief of Professional Standards & Accountability Bureau for written approval.

## District Community Engagement Brochure

### SafeCam NOLA

Citizen-provided security camera footage is increasingly becoming an invaluable tool to solve crimes. By voluntarily registering your cameras and contact information with NOPD, detectives will know how to reach you if a crime occurs in the vicinity of your property. For more info, visit <http://www.safecamnola.com/>

### NONPACC Meeting

The # District's monthly NON-PACC (New Orleans Neighborhood Police Anti-Crime Council) meeting is held on the #### of each month at #pm at ####. NON-PACC meetings give citizens the opportunity to meet the # District's leadership team, learn about crime fighting strategies and upcoming events.

### #th District Email Address

*NOPD#DISTRICT@NOLA.GOV*

As the NOPD moves toward becoming a strong community policing focused department, every officer is being trained to provide these services to citizens. We are continually building mechanisms whereby every member of the NOPD has the opportunity to actively engage with the community in various community settings. The NOPD has a dedicated email address for each of the eight police districts, that citizens can use to notify the district's leadership team of community events, community meetings, etc., that they would like the NOPD to actively participate in. Citizens may also email specific quality of life concerns that require a response from law enforcement.



**NEW ORLEANS POLICE  
# DISTRICT**

#### Address

**New Orleans, LA 70####  
504-658-60##**

<http://www.nola.gov/nopd/>

**NEW ORLEANS POLICE  
# DISTRICT**

**Building  
Partnerships  
With the  
Community**

**To Protect and To Serve**



**We Need You In Order To  
Make A Difference!**



## District Community Engagement Brochure Continued...

### Get "NOLA Ready", Report QOL Concerns to 311, Sign Up for Email Alerts and Facebook

The City of New Orleans is always on alert, ready to respond to any situation. Do you have a plan of action? How can you be warned and informed? Sign up for NOLA Ready, the City's emergency alert system, at <http://new.nola.gov/ready>.

The City of New Orleans also has a call line designated for citizens to report concerns and quality of life issues. NOLA 311 agents are available to take your calls about roads, drainage, street lights/signs/signals, code enforcement violations, trash, recycling, abandoned vehicles, blight, grass and many more City services and issues. You can also call 311 to register

for the City's Assisted Evacuation, request information about a City service, as well as referrals to City services. For more info, visit <http://www.nola.gov/>.

If you utilize social networking sites, follow us on Facebook by visiting our page, NOPD ### District, at #####.

Sign up for email alerts from the # District at: <http://www.nola.gov/subscribe/>.



### NOPD Citizens Academy

The NOPD Citizens Academy provides citizens with an opportunity to gain a better understanding of the NOPD and other parts of the criminal justice system, in a fun and interactive setting. Participants learn about aspects of the criminal justice system and how they can work with law enforcement to address community problems. This class meets on Wednesday evenings from 6:00 PM to 9:00 PM and lasts for 8 weeks. For more information on the next Citizens Academy, contact the Community Engagement Unit at 504-658-5590.

### Police Community Advisory Board

The mission of the # District's PCAB is to develop and maintain a partnership with the NOPD # District for the purpose of engaging in a collaborative problem-solving process that supports both the community and NOPD's desire to enhance public safety. The PCAB is a district-based participation structure, comprised of seven (7) volunteer community members. Established to encourage police and community collaboration, the PCAB's provide a framework for community members to give feedback and recommendations to each of the eight police districts in New Orleans. While the PCAB's provide recommendations to the NOPD, they do not have any decision making authority over NOPD finances, policies, or practices. For more information on the PCAB's, visit the "Get Involved" section on the NOPD website: <http://www.nola.gov/nopd/>.

### Volunteers Can Lead Program

The VoCal program offers residents who would like to volunteer their time and skills, the training and opportunity to assist NOPD by providing clerical duties in district stations, providing tourist information for visitors at the 8th District Station, and participating in community engagement strategies. For more information on the VoCal program, visit the "Get Involved" section on the NOPD website: <http://www.nola.gov/nopd/>.

### Important Contact Numbers

- NOPD Non-Emergency (504) 821-2222
- # District Station (504) 658-60##
- Sanitation (504) 658-3814
- Code Enforcement (504) 658-5050
- Public Works (504) 658-8000
- Neighborhood Engagement 658-4980
- Safety and Permits (504) 658-7100
- City Council District # (504) 658-####

\*\*\*\*\*

#### NOPD Community Engagement Unit

(504) 658-5590

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The New Orleans Police Department, under the leadership of Superintendent Shaun D. Ferguson, is engaged in a complete transformation in its approach to ensuring that New Orleans is a safer place to live, work and visit. The NOPD is committed to transparency, accountability, collaboration and integrity.

COMMANDER ###  
# DISTRICT





# **CONSENT DECREE**

## COMMUNITY ENGAGEMENT

NOPD agrees to promote and strengthen partnerships within the community, and to engage constructively with the community, to ensure collaborative problem-solving and ethical and bias-free policing, and to increase community confidence in the Department. To achieve these outcomes, NOPD agrees to implement the requirements set out below.

### **A. Community and Problem Oriented Policing**

**223.** Within 180 days of the Effective Date, NOPD agrees to reassess its staffing allocation and personnel deployment, including its use of specialized units and deployment by geographic area, to ensure that core operations support community policing and problem-solving initiatives, and shall agree to modify any deployment strategy found to be incompatible with effective and community-oriented policing.

**224.** NOPD agrees to deploy an adequate number and distribution of officers to ensure that all neighborhoods have a regularly assigned officer who is familiar with the geographic area, its issues, problems, and community leaders; engages in problem identification and solving activities with the community members around the community's priorities; works proactively with other city departments to address quality of life issues; and is not assigned to answer calls to service absent exigent circumstances.

**225.** NOPD agrees to ensure its mission statement reflects its commitment to community-oriented policing and agrees to integrate community and problem-oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.

**226.** Within 365 days of the Effective Date and annually thereafter, NOPD agrees to provide eight hours of structured annual in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers, and executives.

This training shall include:

- a) methods and strategies to improve public safety and crime prevention through community engagement;
- b) scenario-based training that promotes the development of new partnerships between the police and community, targeting problem solving and prevention;

- c) leadership, ethics, and interpersonal skills;
- d) community engagement, including how to establish formal partnerships and actively engage community organizations, including youth, immigrant, and LGBT communities;
- e) problem-oriented policing tactics, including a review of the principles behind the problem solving framework developed under the “SARA Model” (Scanning, Analysis, Response, Assessment), which promotes a collaborative, systematic process to address issues of the community, including safety and quality of life;
- f) conflict resolution and verbal de-escalation of conflict; and
- g) cultural awareness and sensitivity training. Cultural awareness training shall be designed and delivered in cooperation with City Human Relations Commission staff and community representatives selected by the Commission.

**227.** NOPD agrees to continue to support community groups in each District (e.g., NONPACC) and to meet regularly with the communities each District serves. In addition, within 240 days of the Effective Date, NOPD agrees to develop and implement mechanisms to measure officer outreach to a broad cross-section of community members, with an emphasis on youth outreach, to establish extensive problem-solving partnerships and develop and implement cooperative strategies that build mutual respect and trusting relationships with this broader cross-section of stakeholders. NOPD agrees to develop and implement partnerships to provide immediate and ongoing support to families of victims of homicides and other serious crimes.

**228.** Within 240 days of the Effective Date, NOPD agrees to develop measurements to assess the effectiveness of its community partnerships and problem-solving strategies, including the effectiveness of the Community Coordinating Sergeant program. NOPD agrees to prepare a publicly available report on at least a quarterly basis detailing its community policing efforts in each District, including developing community partnerships and participating in public meetings, and its problem-solving activities, including specific problems addressed and steps taken by NOPD and the community toward their resolution. This report also shall identify obstacles faced and recommendations for future improvement. At least annually, NOPD agrees to issue a publicly available report that summarizes these problem-solving and community policing activities.

**229.** Within 180 days of the Effective Date, NOPD agrees to remake the COMSTAT meeting. The COMSTAT meeting will use the underlying collection and reporting of accurate and meaningful data regarding crime trends and other public safety measures to drive discussion of community-policing successes and challenges. NOPD agrees to ensure the COMSTAT meeting includes discussion and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them. NOPD agrees to use techniques such as spatial mapping and scientific deployment analysis to enable COMSTAT to better support and measure community and problem-solving policing efforts.

## **B. Biennial Community Survey**

**230.** Within 180 days of the Effective Date, and every two years thereafter, NOPD and the City agree to conduct a reliable, comprehensive, and representative survey of members of the New Orleans community regarding their experiences with and perceptions of NOPD and of public safety.

**231.** To conduct the biennial community survey, the Monitor shall retain an individual or entity, to be approved by DOJ, that shall:

- a) develop a baseline of measures on public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters;
- b) design, conduct, and analyze baseline and subsequent biennial surveys of a representative sample of City residents, police personnel, and detained arrestees;
- c) review and consider prior law enforcement surveys in New Orleans and other cities, as well as current or recent concerns in New Orleans, in designing the survey;
- d) engage in informal conversations with New Orleans residents, NOPD officers and command staff, and DOJ representatives, and observe community meetings;
- e) ensure that the resident and arrestee surveys are designed to capture a representative sample of New Orleans residents, including members of each demographic category;
- f) conduct the survey in English, Spanish, and Vietnamese, as necessary, to ensure representation of the entire New Orleans community; and
- g) formally discuss the survey methodology with NOPD supervisors and DOJ and consider these opinions in the development of the initial survey and in making improvements to subsequent surveys.

**232.** NOPD and the City agree to cooperate with the design and conduct of the survey by, for example, helping to organize focus groups of officers and obtaining and providing previous survey instruments and data.

**233.** The report of the baseline survey and subsequent biennial surveys shall be publicly distributed and available.

## **District Community Outreach Programs and Meetings**

**432.** Within 180 days of the Effective Date, NOPD agrees to develop and implement a Community Outreach and Public Information program in each NOPD District.

**433.** The Community Outreach and Public Information program shall include at least one semi-annual open meeting in each of NOPD's eight Districts for the first year of this Agreement, and one meeting in each District annually thereafter. These open meetings shall be led by the Superintendent or Deputy Superintendent and shall inform the public about the requirements of this Agreement; NOPD's progress toward meeting these requirements; and address areas of community concern related to public trust and constitutional policing. At least one week before such meetings, the City shall widely publicize the meetings using earned media opportunities. In determining the locations of the meetings, NOPD shall consider factors such as easy access to public transportation and child care.

**434.** The Community Outreach and Public Information meetings shall include summaries of all pertinent audits and reports completed pursuant to this Agreement and inform the public of any policy changes or other significant actions taken as a result of this Agreement.

**435.** For at least the first two years of this Agreement, every NOPD officer and supervisor assigned to a District shall attend at least two community meetings (e.g., NONPACC and other meetings with residents, and business and religious groups) per year in the geographic area to which the officer is assigned.

#### **D. Police-Community Advisory Board**

**436.** DOJ acknowledges that NOPD and community representatives have acted jointly to create a PCAB to facilitate regular communication and cooperation between the Department, the City, and community leaders, including youth leaders, such as through the development of a community advisory panel and the collaborative development of policing strategies and priorities.

**437.** NOPD agrees to work collaboratively with PCAB to develop and implement public safety strategies that respect and reflect each community's public safety priorities and concerns about particular police tactics. To the extent specified below, NOPD agrees to seek PCAB's assistance, counsel, and input to build community consensus on potential recommendations in areas including the following:

- a) community policing strategies;
- b) accountability for professional/ethical behavior by individual police officers;
- c) special task forces that meet high priority community need;
- d) central policy changes, where applicable, that improve quality of life;
- e) resource allocations to meet high priority, difficult issues;
- f) strategies for a qualified and diverse workforce;

g) providing information to the community and conveying feedback from the community to NOPD; and

h) ways to provide data and information, including information about NOPD's compliance with this Agreement, to the public in a transparent and public-friendly format, to the greatest extent allowable by law.

**438.** NOPD further agrees to participate in quarterly meetings scheduled by PCAB; to allow the meeting agenda to be determined by the PCAB; and to have command/executive level staff representation present at all regularly scheduled meetings.

**NEW ORLEANS POLICE DEPARTMENT**

**HOT SHEET**

*Hot sheets are used to identify areas where illegal activities have occurred or potential problems exist.*

**For emergencies where police are needed immediately, dial 911.**

Location of problem (address): \_\_\_\_\_

Time of day problem most likely occurs: \_\_\_\_\_ AM/PM

**TYPE OF PROBLEM**

Check all that apply and please use the remarks section for any additional information, such as a description of persons, houses, cars, etc.

Drug Dealing

Abandoned Housing Associated with Criminal Activity  Underage Drinking

Noise Violations

Underage Youth Outdoors at Prohibited Times (curfew violations and truants)  Abandoned Vehicles, Believed to be Associated with Criminal Activity

Other Problem: \_\_\_\_\_

Your Name (optional): \_\_\_\_\_ Your Address (optional): \_\_\_\_\_

Your Phone Number (optional): \_\_\_\_\_ Your Email Address (optional): \_\_\_\_\_

Do you want to be contacted by the NOPD, in regards to your concern? YES-----NO

Additional Information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NEW ORLEANS POLICE DEPARTMENT**

**HOT SHEET**

*Police Emergency: Dial 911 Police Non-Emergency Line: 821-2222*

1st District Station: 501 North Rampart Street-----658-6010-----nopd1stdistrict@nola.gov  
2nd District Station: 3401 Broadway Street-----658-6020-----nopd2nddistrict@nola.gov  
3rd District Station: 4600 Paris Avenue-----658-6030-----nopd3rddistrict@nola.gov  
4th District Station: 2405 Sanctuary Drive-----658-6040-----nopd4thdistrict@nola.gov  
5th District Station: 3900 North Claiborne Ave.-----658-6050-----nopd5thdistrict@nola.gov  
6th District Station: 1930 Martin L. King Jr. Blvd.----658-6060-----nopd6thdistrict@nola.gov  
7th District Station: 10101 Dwyer Road-----658-6070-----nopd7thdistrict@nola.gov  
8th District Station: 334 Royal Street-----658-6080-----nopd8thdistrict@nola.gov

**ADDITIONAL RESOURCES**

Code Enforcement: 658-5050	City Council District A: 658-1010
Public Works: 658-8000	City Council District B: 658-1020
Safety and Permits: 658-7100	City Council District C: 658-1030
Sanitation: 658-2299	City Council District D: 658-1040
Neighborhood Engagement: 658-4980	City Council District E: 658-1050

**NOLA 311**

NOLA 311 is New Orleans's primary source of local government information and non-emergency services. NOLA 311 agents are available to take your calls about:

- Roads and Drainage
- Streetlights, Street Signs and Traffic Signals
- Code Enforcement
- Trash and Recycling
- Abandoned Vehicles
- Blighted Property, Grass and More!!

**Dial 311** from any phone based in New Orleans, or 658-2299 or (877) 286-6431 toll free.

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- Social Media and Crime Prevention factsheet, BJA/IACP, October 2010
  
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- New Orleans Police Department Policy Chapter 10.0: Community Policing and Engagement
  
- New Orleans Police Department Policy Chapter 1.20: School Resource Officer
  
- New Orleans Police Department Policy Chapter 41.4.2: Alternative Police Response
  
- New Orleans Police Department Education and Training Division – Annual Master Training Plan
  
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# Public Release of Critical Incident Recordings

## Policy Statement

The City of New Orleans recognizes transparency facilitates increased trust between the New Orleans Police Department (“NOPD”) and the New Orleans community. Consistent with this recognition, it is the policy of the City and the NOPD to facilitate the prompt release of audio and video recordings of critical incidents involving the NOPD so long as the release is consistent with the legitimate needs of ongoing law enforcement operations. All releases of such recordings shall be made in accordance with the provisions of federal, state, and local laws.

- 1) **Definitions.** For purposes of this policy, these terms have the following meanings.
  - a) A “Recording” includes audio and/or video recordings of a Critical Incident in the possession of NOPD.
  - b) A “Critical Incident” is an event in which: an officer uses force resulting in hospitalization or death; an officer intentionally shoots his or her gun at a person(s); an officer strikes someone in the head with an impact weapon, whether intentional or not; a police vehicle pursuit results in death or an injury of a person(s) requiring hospitalization; or an arrested or detained subject dies while in the custody of an officer.
  - c) “Interested Parties” are (1) the Orleans Parish District Attorney’s Office; (2) the New Orleans City Attorney’s Office; (3) the NOPD Compliance Bureau; and (4) the United States Attorney’s Office.
- 2) **Ownership and Custody Of Recordings.** All Recordings made by the NOPD are the property of and in the custody of the City of New Orleans.
- 3) **Recommendation.**
  - a) Within 48 hours of a Critical Incident, the NOPD Public Integrity Bureau shall provide the Interested Parties access to the Recording(s).
  - b) As soon as practicable thereafter, the Deputy Chief of the NOPD Public Integrity Bureau shall confer with the Interested Parties for the purpose of obtaining their input regarding the public release of a Critical Incident Recording.
  - c) No longer than seven (7) days after a Critical Incident, the Deputy Chief of NOPD Public Integrity Bureau shall make a written recommendation to the Superintendent of the NOPD, with a copy to the Interested Parties, setting forth her recommendation regarding release of the Recording. The Interested Parties may submit their written objections to her recommendation, if any, to the Superintendent within 24 hours.

- d) The Deputy Chief of NOPD Public Integrity Bureau shall include in her recommendation reasons the Recording should or should not be released to the public. If she/he recommends release of the Recording, she/he shall identify the Recording(s) or portions of Recording(s) which she/he believes should be released to accurately and sufficiently display the Critical Incident and identify any recommended redactions or blurring.
- 4) **Considerations for Disclosure.** The Deputy Chief of the Public Integrity Bureau and the Interested Parties shall consider the following non-exclusive factors when conferring regarding release of a Recording:
- a) The nature of the incident/crime.
  - b) The location of the incident/crime, in a public or private space.
  - c) The safety or contamination of witnesses to the Critical Incident, including officers.
  - d) The public interest in protecting juveniles, the privacy rights of victims, witnesses, officers and other individuals with a reasonable expectation of privacy, to the extent blurring or redactions will not provide adequate protection.
  - e) The privacy protections afforded pursuant to Louisiana Revised Statute 40:2532 and whether redaction/blurring of identity adequately addresses any privacy concerns
  - f) The contribution release will make to building public trust by facilitating transparency.
  - g) The needs of law enforcement officials in the course of an ongoing investigation and whether release of the Recording would interfere with an ongoing investigation or where it could adversely affect the prosecution of an ongoing criminal matter or reasonably anticipated criminal litigation.
  - h) The input of the recipient of force at issue in the Critical Incident, witness, or, if warranted, the family members of the recipient of force at issue in the Critical Incident
- 5) **Determination.** Within 48 hours of receiving a written recommendation regarding release of the Recording(s), the NOPD Superintendent, on behalf of the City, shall determine whether the Recording(s) shall be released to the public under this Directive or withheld, subject to the Court's review as set forth in section 9.
- 6) **Domestic Violence or Sexual Assault.** No Recording, whether from public or private locations, will be released to the public in cases of domestic violence or sexual assault.
- 7) **Confidential Sources.** No Recording, whether from public or private locations, that may impart the identity of any confidential source will be released to the public.

**8) Release and Redactions or Blurring.**

- a) Recordings of Critical Incidents to be released shall be made available to the public as soon as practicable following the determination of release.
- b) NOPD may redact or blur portions of a released Recording as necessary to a) protect juveniles; b) protect the reasonable expectations of privacy of victims, witnesses, or suspects if applicable; and c) ensure the safety and security of all involved in the Critical Incident. NOPD shall ensure that the released Recording adequately and sufficiently reveals the Critical Incident. NOPD shall identify redacted or blurred portions of a released Recording.

**9) Review.**

- a) During the duration of the NOPD Federal Consent Decree entered in *United States of America v. The City of New Orleans*, Eastern District of Louisiana, CV 12-1924, any determination by the City not to release a Recording of a Critical Incident shall be reported by the City or NOPD to the Court, the Department of Justice, and the Consent Decree Monitor within 24 hours after the date of determination. The City and NOPD will request that the Court confer with the City, Interested Parties and the Department of Justice prior to entering any order reversing a decision regarding release. Nothing in this policy shall be construed as restricting the City or the Orleans Parish District Attorney's Office from appealing a decision of the Court. The Court's decision will not be stayed unless stayed by the District Court or by the U.S. Court of Appeals at the request of the City or DOJ.

- 10) No Third Party Rights Created.** This policy establishes no new rights in any third party with respect to the release of a Recording. Public requests for the release of a Recording are governed by the Louisiana Public Records Act. Nothing in this policy shall be construed to affect the rights of the City under La. R.S. 44:3.

# NEW ORLEANS POLICE DEPARTMENT

## LANGUAGE ASSISTANCE PLAN

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Providing Police Services to Individuals with Limited English Proficiency (LEP)

June 2021



*Shaun D. Ferguson*  
*Superintendent*

New Orleans Police Department  
715 S. Broad Street  
New Orleans, LA 70119

## I. Introduction

The New Orleans Police Department (NOPD) is committed to providing high quality policing services to all members of the New Orleans community, including those with Limited English Proficiency (LEP). An individual is considered to be LEP if they speak, read, write, or understand the English language “less than very well.” In accordance with NOPD’s dedication to bias-free policing, and with Title VI of the Civil Rights Act of 1964, this document outlines the Department’s plan to provide policing services and necessary accommodations to LEP individuals.

NOPD’s approach to bias-free policing is codified in policy and practice. Chapter 41.13 Bias Free Policing establishes a clear policy directive to “provide police services that are equitable, respectful, and bias-free in a way that helps promote broad-based community engagement and bolsters confidence in the Department.”<sup>1</sup> Chapter 55.4 Limited English Proficiency Services specifies that:

“The New Orleans Police Department will take prompt and reasonable steps to provide LEP individuals timely, meaningful access to services and benefits the Department provides in all sponsored programs or activities. All NOPD personnel shall provide free language assistance services, including oral interpreter services and translated communications, to LEP individuals whom they encounter or whenever an LEP individual needs or requests language assistance services. Department personnel who interact with LEP individuals will inform those individuals that language assistance services are available free of charge to LEP persons and that NOPD personnel will provide these services to them.”<sup>2</sup>

The purpose of this plan is to provide information about the language assistance services offered by NOPD to both the community and NOPD. The plan sets forth: (1) an assessment of need for LEP services in New Orleans; (2) the NOPD LEP services available and the roles of NOPD members in providing those services, and (3) NOPD’s obligations to track and analyze data on the use of LEP services to ensure their adequacy.

NOPD released its initial Language Access Plan in November 2016 and updated the plan in November 2020. This plan shall be available in English, Spanish, and Vietnamese at <https://nola.gov/nopd/policies/>, at district stations, at Public Integrity Bureau headquarters, at NOPD headquarters, and at other public meeting places. The plan will also be distributed to local community groups serving LEP communities. It will be housed on Nola.gov under [New Orleans Police Department](#).

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<sup>1</sup> NOPD Chapter 41.13 Bias Free Policing. <https://nola.gov/getattachment/NOPD/Policies/Bias-Free.pdf/>

<sup>2</sup> NOPD Chapter 55.4 Limited English Proficiency Services, paragraph 1. <https://nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-55-4-Limited-English-Proficiency-Services.pdf/>

In 2016 NOPD launched its first ever certified interpreter program, which provides an additional 5% pay to NOPD officers who are certified as fluent in Spanish or Vietnamese and are willing to serve as interpreters for the department. This has given the department a new tool for recruiting individuals with foreign language skills.

## II. LEP Population in New Orleans

New Orleans has a current estimated population of 359,236 residents, according to a recent U.S. Census Bureau report.<sup>3</sup> Of those residents, approximately 9 percent speak a language other than English, and 3.6 percent speak English less than very well, meaning they are considered LEP. *Figure A* below shows the percentage of the population speaking the most common languages in Orleans Parish, which is co-extensive with the City of New Orleans. Spanish and Vietnamese are the most prevalent languages among LEP individuals, with approximately 6,800 LEP Spanish speakers and 3,600 LEP Vietnamese speakers. While there is a sizable population of French speakers, the majority speak English “very well” and, therefore, are not considered LEP.

*Figure A: Population by Language(s) Spoken<sup>4</sup>*

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<sup>3</sup> Data are summarized from information found at the U.S. Census Bureau’s American Fact Finder website. The consulted table is titled “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over.” Data are from the 2011-2015 American Community Survey 5-Year Estimates.

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_5YR\\_B16001&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_B16001&prodType=table)

<sup>4</sup> Ibid.

	Orleans Parish, Louisiana	
	Number of Individuals	Percentage of Population
<b>Total:</b>	359,236	
<b>Speak only English</b>	326,528	90.9%
<b>Spanish or Spanish Creole:</b>	15,561	4.3%
<b>Speak English "very well"</b>	8,764	2.4%
<b>Speak English less than "very well"</b>	6,797	1.9%
<b>French (incl. Patois, Cajun):</b>	4,027	1.1%
<b>Speak English "very well"</b>	3,475	1.0%
<b>Speak English less than "very well"</b>	552	0.2%
<b>Vietnamese:</b>	6,411	1.8%
<b>Speak English "very well"</b>	2,797	0.8%
<b>Speak English less than "very well"</b>	3,614	1.0%
<b>All Other Languages:</b>	6,709	1.9%
<b>Speak English "very well"</b>	4,918	1.4%
<b>Speak English less than "very well"</b>	1,791	0.5%

While LEP individuals reside in every police district throughout New Orleans, geographic data show that certain districts are home to larger LEP populations. The 1<sup>st</sup> district, which comprises Mid-City neighborhoods, has the largest population of LEP Spanish speakers. Sizable Spanish-speaking LEP populations are found in nearly every police district, which suggests that the need for NOPDAIs and other language services is diffuse throughout the city.

Vietnamese speakers, by contrast, seem to be more localized in the 7<sup>th</sup> district. This district, which includes New Orleans East and Village De l'Est, has the largest population of LEP speakers of other languages (primarily Vietnamese). Neighborhood-level data suggest that Vietnamese-speaking residents are clustered in the neighborhoods of Little Woods and Village De l'Est.<sup>5</sup> NOPD's Vietnamese language resources, therefore, should be primarily deployed in the 7<sup>th</sup> district, although there are populations of LEP speakers of other languages in smaller numbers throughout the city.

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<sup>5</sup> Data are summarized and analyzed from information found at the Data Center's website, which utilizes information from Census 2000 and 2010, American Community Survey 2012-2016, and 2015 Local Employment Dynamics to provide statistics by neighborhood. Neighborhood data were then mapped onto police district boundaries to determine statistics by police district.  
<https://www.datacenterresearch.org/data-resources/neighborhood-data/>



Vietnamese officers only make up .33% of the commissioned workforce at NOPD and Hispanic account for 5.66%. The push to hire Spanish and Vietnamese-speaking officers continues to present as a challenge. Recruitment team members have established initial relationships with members of the Vietnamese community in eastern New Orleans as a means to build trust and recruit prospective Vietnamese officers to aide in our service to a community that has traditionally taken care of their own. We are hopeful that an increase in Vietnamese-speaking officers will help the community to become more trusting of the police.

The New Orleans Police Department is committed to understanding and moving past the language barriers and promoting understanding of cultural sensitivities that can contribute to our ability to provide quality service to the community. NOPD aims to maintain consistent participation in events such as, but not limited to those sponsored by the Hispanic Chamber of Commerce of Louisiana, Mary Queen of Vietnam Church, Crescent Care, Metropolitan Community Church of New Orleans and St. Agnes Le Thi Than Church. NOPD utilizing annual community events in its recruitment efforts such as:

- Tet Trung Thu (February)
- Kenner Hispanic Festival (March)
- Audubon Zoological Gardens’ Asian Heritage Festival (April)

*Figure B: Languages Spoken Less Than “Very Well” by Police District<sup>6</sup>*

District	Total Population	Number of individuals who speak Spanish at home and speak English "not well" or "not at all"	Percentage of individuals who speak Spanish at home and speak English "not well" or "not at all"	Number of individuals who speak other languages at home and speak English "not well" or "not at all"	Percentage of individuals who speak other languages at home and speak English "not well" or "not at all"
1st	31,520	2,152	6.8%	214	0.7%
2nd	72,422	1138	1.6%	407	0.6%
3rd	63,039	349	0.6%	496	0.8%
4th	46,316	836	1.8%	405	0.9%
5th	38,872	338	0.9%	134	0.3%
6th	27,532	845	3.1%	252	0.9%
7th	73,573	995	1.4%	4021	5.5%
8th	5,965	143	2.4%	28	0.5%

### III. Accessibility of Policing Services

<sup>6</sup> *Ibid.*

NOPD provides a variety of resources to make policing services and information more accessible to the general public and special needs groups including LEP individuals. The Department recognizes that building awareness of these services is key to improving relationships with LEP communities and to ensuring all members of the community feel that the police are responsive to, and respectful of, their needs.

All NOPD officers interacting with LEP individuals are instructed to assess the need for language access services. They are provided with “I Speak” language identification cards to facilitate this process. The “I Speak” Flashcards are in Appendix A of NOPD Chapter 55.4, Limited English Proficiency. The assessment may also be made via self-identification of the LEP individual, or by the officer’s inquiry as to the individual’s primary language. When the primary language has been identified, the officer is to request an NOPDAI or utilize an ELECTRONIC TRANSLATION DEVICE to provide the needed language access services when a NOPDAI is unavailable. The ELECTRONIC TRANSLATION DEVICE will also provide officers video translation for sign language.

### **Language Access Coordinator**

Implementation of the Language Access Plan falls under the purview of the Language Access Coordinator (LAC). The LAC’s responsibilities include coordinating and monitoring the Department’s compliance with its language assistance plan, assessing the effectiveness and efficiency of the plan on an ongoing basis, and reporting to the Superintendent’s office regarding needed improvements and any accountability concerns.<sup>7</sup> The LAC is tasked with developing and implementing a comprehensive community outreach plan, working with the Spanish-speaking and Vietnamese-speaking Community Liaisons to collaborate with individuals and organizations to solicit feedback and identify areas for growth.

The LAC reports to the commander of the Community Engagement unit, which falls under the Performance Standards & Accountability Bureau. This bureau also houses the Policy Standards Section, which develops and implements all department regulations, orders, policies, and rules. Pursuant to NOPD Chapter 55.4 -, Limited English Proficiency Services, the Language Access Coordinator “shall be responsible for coordinating, implementing, and monitoring compliance with all aspects of the NOPD’s services to LEP individuals with the assistance of the Performance Standards Section. This includes ensuring free language access services to all LEP individuals encountered by members of the Department, consistent with this Chapter and the Department’s Language Access Plan.”

For a full description of the LAC’s roles and responsibilities, please see Appendix A.

### **Spanish-speaking and Vietnamese-speaking Community Liaisons**

In May 2019, the Department solicited applications from officers to fill the roles of a Spanish-speaking Community Liaison and a Vietnamese-speaking Community Liaison. These positions will be filled by full-time officers; the appointees will be designated by the

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<sup>7</sup> Consent Decree Paragraph 192. <https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Consent-Decree.pdf/>

Deputy Superintendent of the Professional Standards & Accountability Bureau. The Community Liaisons must be authorized interpreters certified by Civil Service as fluent in their respective languages. They are responsible for regularly attending and presenting at community events for the Spanish-speaking and Vietnamese-speaking populations. They also perform other duties as directed by the LAC and as part of their responsibilities as authorized interpreters.

For a full description of the Community Liaisons' roles and responsibilities, please see Appendix A.

### **New Orleans Police Department Authorized Interpreters (NOPDAI)**

An NOPD Authorized Interpreter, or NOPDAI, is a civilian or commissioned employee who has been certified by Civil Service as bilingual and has undergone training in interpretation and translation ethics and protocols. NOPD began certifying employees as bilingual in Spanish or Vietnamese in 2016, and in April 2019 certified the first set of NOPDAIs. These individuals are authorized to interpret for others in certain situations, such as interviews, interrogations, or taking and responding to citizen complaints. They also assist with translating and reviewing documents to be published in Spanish and in Vietnamese. NOPDAIs must be recertified every three years.

A list of NOPDAIs has been circulated to all personnel at NOPD and at the Orleans Parish Communications District (OPCD) 911 Communications Center. Updated lists will be provided to OPCD any time an NOPDAI is newly certified or is removed from the list. OPCD employees have been trained to recognize when an incident involves an LEP individual, and to dispatch an NOPDAI or to inform the responding officer that an NOPDAI or ELECTRONIC TRANSLATION DEVICE (see information below) will be needed, and to record information on all LEP callers and their language. The 911 call data is recorded in the Computer Aided Dispatch (CAD) system. The LAC will collect data from this system as well as from the Electronic Police Report (EPR) and Field Interview Card (FIC) systems to analyze data pertaining to LEP calls in order to monitor trends and to ensure that appropriate services are provided.

In situations where an LEP individual is interviewed or interrogated, or a formal statement is taken, an NOPDAI will be called to provide interpretation services. Pursuant to Chapter 55.1, Limited English Proficiency, "An authorized interpreter shall be used for any interrogation or taking of a formal statement when the suspect's or witness's legal rights could be adversely impacted .... Because of the dual role a NOPDAI may have when conducting interrogations and acting as an interpreter, all NOPDAI interrogations shall be video and/or audio recorded."

When an LEP individual wishes to file a complaint, they may call, write, or visit the Public Integrity Bureau (PIB). PIB staff have been instructed to contact an NOPDAI to assist in the taking of and responding to any complaints by individuals who are LEP, as well as the interview of LEP complainants or witnesses. The Language Access Coordinator is

responsible for working with PIB to track complaints and resolutions of complaints filed by LEP individuals, per Chapter 55.4, Limited English Proficiency Services.

NOPD employees with Spanish and/or Vietnamese language skills are incentivized to become NOPDAIs via a pay differential. To maintain NOPDAI status after their initial qualification, they must complete a yearly refresher assessment regarding their language proficiency, and adhere to professional standards and ethics for interpreters and translators. NOPDAIs are required to complete a standard form documenting all interpretation and translation work.

Individuals requesting interpretation and translation work are encouraged to report any concerns or commendations to the Language Access Coordinator. The Spanish-speaking and Vietnamese-speaking liaisons will regularly review body worn camera footage of NOPDAI interpretations to ensure the quality of the services provided. An NOPDAI who regularly refuses interpretation or translation work, or whose work is deemed to be sub-par, will lose their NOPDAI status and will have their pay differential revoked. This determination will be made by the Language Access Coordinator in collaboration with the Deputy Superintendent of the Professional Standards & Accountability Bureau.

For a full description of the NOPDAIs' roles and responsibilities, please see Appendix A.

### **ELECTRONIC TRANSLATION DEVICE**

ELECTRONIC TRANSLATION DEVICE shall be available at each District station. These devices allow officers to connect to a certified interpreter who is fluent in both English and the required target language. ELECTRONIC TRANSLATION DEVICE application will translate multiple languages, including Spanish and Vietnamese. Officers interacting with LEP individuals are directed to use an ELECTRONIC TRANSLATION DEVICE when an NOPDAI is not available or when immediate interpretation services are needed. Officers' body worn cameras shall be in use during ELECTRONIC TRANSLATION DEVICE interpretation; the Spanish-Speaking and Vietnamese-Speaking Community Liaisons shall regularly review these videos to ensure high-quality interpretation services are provided.

### **Translation of Public Website and Available Forms**

The City of New Orleans' official website, nola.gov, has an embedded translation function provided by Google for forwarding facing translating of information. Visitors to the website, including to pages pertaining to NOPD, can select their language from a menu of more than 100 languages. Translated documents shall be added to NOLA.GOV, so visitors can find information about policing services. The documents to fill out complaint or commendation forms in their chosen language shall be embedded in the website.

Key documents and forms, including the Language Assistance Plan, are translated by NOPDAIs or by professional translation services. Policies that have been translated are available here: <https://nola.gov/nopd/policies/>. Key documents are identified by the LAC based on: an annual review of newly created documents and forms; input from officers regarding regularly used forms; requests from individuals (officers or community members);

and feedback from biannual community meetings. PIB complaint forms and information can be found at PIB headquarters, NOPD headquarters, District stations, NOPD and City websites, City Hall, courthouses within New Orleans, all public libraries, the IPM, the Orleans Public Defenders, and at the offices or gathering places of community groups, or online here: <https://nola.gov/nopd/about-us/bureaus/public-integrity/>. Key forms used by police officers in interactions with the public are available via the Department’s intranet. Officers have been educated about the documents’ availability and directed to offer translated forms to LEP individuals whenever applicable.

**Measuring and Assessing Policing Services to LEP Communities**

NOPD has determined that it will record the need for interpretation services by using the NOPDAI form. The responding NOPDAI, or the responding member when no NOPDAI is available, will complete the NOPDAI Form indicating what interpretation services occurred or if no interpretation was available. The LAC will compile the data from these forms to assess the policing services NOPD provides to LEP communities.

Although New Orleans is home to a sizable LEP population, NOPD encounters involving LEP individuals remain relatively infrequent. Calls for service involving LEP individuals account for a small fraction of all calls, and deployment rates of ELECTRONIC TRANSLATION DEVICE interpretation devices are low. While there may be a variety of causes for the relative rarity of police interactions with LEP individuals, anecdotal evidence suggests that reasons may include a lack of awareness regarding available language access services, and a lack of trust in the Department. NOPD is committed to raising awareness through the activities of the Language Access Coordinator, Spanish-Speaking and Vietnamese-Speaking Community Liaisons, and NOPDAIs. These individuals will also work to build strong relationships within the communities they serve, which should engender trust and encourage positive contact with police officers.

**Calls for Service Involving LEP Individuals**

*Figure B* below shows historical data relating to calls for service, which are instances when someone requests police assistance. The table also shows the number of calls for service where the requester had Limited English Proficiency (LEP Calls). From 2015 to 2020, the percentage of calls that involved LEP requesters shows a relative average of 0.21% over the years

*Figure B: Calls for Service by Year*

<b>Year</b>	<b>Total Calls</b>	<b>LEP Calls</b>	<b>Percentage of Total Calls that are LEP</b>
2014	402,012	111	0.03%
2015	382,592	805	0.21%
2016	356,996	738	0.21%
2017	390,633	726	0.19%
2018	405,115	714	0.18%

2019	429,779	655	0.15%
2020	368,590	759	0.21%

### **ELECTRONIC TRANSLATION DEVICE Usage**

Per Chapter 55.4- Limited English Proficiency Services, officers responding to a call for service involving a known LEP individual are directed to “use an approved interpretation service.” The preference is for using an NOPDAI, or New Orleans Police Department Authorized Interpreter, when available. When an NOPDAI is not available, or when immediate interpretation services are required, officers may use an ELECTRONIC TRANSLATION DEVICE. ELECTRONIC TRANSLATION DEVICE is a mobile interpretation device that provides 24-hour access translation to communicate in multiple languages, including Spanish and Vietnamese. ELECTRONIC TRANSLATION DEVICE shall be housed at every District station, and officers are instructed to request one from a supervisor before responding to a call for service involving an individual who is known to be LEP. Officers arriving on a scene who discover that an LEP individual is involved may also request an ELECTRONIC TRANSLATION DEVICE if an AI is not available.

Basic Fact and Use sheets are attached as links to this Plan for the electronic translation devices and services in use by NOPD.



NOPD will track whether or not Vietnamese interpretation is available when needed through the ETD company, Voiance in the invoices. Voiance invoices will include all requests for Vietnamese translations not received. If no services were available, there will be a line item on the invoice indicting no services, at \$0 charge.

*Figure C: Usage of ELECTRONIC TRANSLATION DEVICE for 2013-2018 (Note NOPD discontinued use of the device listed in the below chart due to substandard performance. NOPD has since acquired an ETD for future use and translation.)*

<b>Year</b>	<b># of TOTAL ELSA Uses</b>	<b># of Spanish Uses</b>	<b># of Other Uses</b>
2013	65	60	5
2014	69	65	4
2015	73	71	2
2016	183	146	37
2017	154	132	22
2018	214	199	15
<b>Total</b>	<b>973</b>	<b>873</b>	<b>100</b>

### **NOPDAI Translation and Interpretation**

With the certification of the first class of NOPDAIs, the Department introduced a mechanism to allow for tracking of translation and interpretation services provided by NOPDAIs. Upon completing an interpretation or translation assignment, NOPDAIs are expected to complete a secure online form logging the activity they have performed. Any NOPD or OPCD employees requesting interpretation or translation services who receive a negative response or no response from an NOPDAI are asked to inform the Language Access Coordinator (LAC). The LAC will be expected to regularly review these forms and to compile information regarding any instances where NOPDAIs were non-responsive or failed to complete a requested assignment. NOPDAIs who do not regularly provide interpretation or translation services will be at risk of losing their pay differential, subject to final review by the superintendent's office.

Information about the frequency and type of interpretation and translation services performed by NODPAIs will be made available in future updates to the Language Assistance Plan.

### **Spanish-speaking and Vietnamese-speaking Community Feedback**

In order to open a dialogue with the Spanish-speaking and Vietnamese-speaking communities, and to solicit feedback regarding policing services, NOPD will host Vietnamese-language community meetings and Spanish-language community meetings on an annual basis. Both meetings will be conducted by an NOPD officer who speaks the appropriate language and active in the community. The Department will present information regarding available language access services, and ask the community to provide feedback. Follow-up surveys will be circulated to collect anonymous responses in individuals' chosen language (Spanish or Vietnamese).

Any feedback, comments and or issues noted by these communities will be key in shaping the scope of the work done by the Language Access Coordinator and the Community

Liaisons to address concerns. They will work hand-in-hand with community members and with Department leadership to ensure all LEP individuals feel their voices are heard and their needs are met. NOPD will continue to seek regular feedback from the community during biannual community meetings, annual surveys, and regular contact between the LAC and community organizations to monitor progress and to adjust course as necessary.

The language access coordinator shall assess the effectiveness and efficiency of the language access plan on an ongoing basis and shall report to the Superintendent or their designee regarding needed improvements and any accountability concerns. The Superintendent or their designee shall consider the information provided by the coordinator and respond as necessary to ensure that NOPD's language assistance plan is effective. The LAC will also provide feedback to Policy Standards for annual policy review of the Chapter 55.4, Limited English Proficiency. The LAC will consult with representatives of the LEP community to review, at least annually: implementation of the language assistance plan, including areas of possible collaboration to ensure its effectiveness; identification of additional languages that would be appropriate for translation of materials; accuracy and quality of NOPD language assistance services; and concerns, ideas, and strategies for ensuring language access.

#### **IV. Conclusion**

The New Orleans Police Department's mission is to provide professional police services to all members of the community, regardless of their ability to speak, read, write, or understand English. This plan will serve as the blueprint for NOPD's ongoing work to build community engagement, to bolster public confidence in the Department, and to make all police services accessible to individuals with Limited English Proficiency. The plan will be updated annually based on feedback from the community as well as analysis of trends regarding population data and language access needs. For additional information, please reach out to the NOPD's Professional Standards & Accountability Bureau at [PSAB@nola.gov](mailto:PSAB@nola.gov).



## **Appendix**

- Appendix A: NOPD “I Speak” Flashcards
- Appendix B: Language Access Coordinator Roles and Responsibilities
- Appendix C: New Orleans Police Department Authorized Interpreter Roles and Responsibilities
- Appendix D: Community Liaison Officer Roles and Responsibilities
- Appendix E: Limited English Proficiency 2020 DATA

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 1 of 3)**  
**Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/> وضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Մարդու՞մ ենք նշում՞ կատարե՞ք այս քառակուսու՞մ, եթե խոսո՞ւմ կա՞մ կարդո՞ւմ եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ល្អមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kakhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 2 of 3)**

**Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືຢາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 3 of 3)**  
**Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратикъ уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำทึบด้านหรือทุกภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

## Appendix B

### Language Access Coordinator Roles and Responsibilities

The Language Access Coordinator (LAC) “shall be responsible for coordinating, implementing, and monitoring compliance with all aspects of the NOPD’s services to LEP (Limited English Proficiency) individuals with the assistance of the Policy Standards Section. This includes ensuring free language access services to all LEP individuals encountered by members of the Department, consistent with Policy **Chapter 55.4: LIMITED ENGLISH PROFICIENCY SERVICES** and the Department’s **Language Access Plan**. The Language Access Coordinator shall be responsible for having documents and communications translated and distributed to LEP communities. The Policy Standards Section (PSS) will serve as the central repository of all translated documents (other than investigative case file related translations) and make them available to NOPD personnel and members of the public via NOPD’s intranet website, [www.nopd.org](http://www.nopd.org).

Responsibilities Shall Include but Not Limited to:

1. The Language Access Coordinator will be responsible for annually reviewing all new documents, forms, or communications made available to the public by the NOPD to assess whether they should be considered vital materials requiring translation.
2. In cooperation with the Performance Standards Section, the LAC shall annually assess demographic data, review language access services utilization data, and consult with representatives of the LEP community and District commanders to ensure that the Department is providing the services and benefits the department provides in all NOPD-conducted programs or activities to LEP persons. The Language Access Coordinator shall use this review to determine whether vital documents or communications should be translated into additional languages and whether other related changes to the Department’s LEP program are necessary.
3. The LAC shall prepare an annual report to the Superintendent of Police assessing the language assistance services they provide to LEP individuals, the effectiveness of those services, language assistance service complaints that have been received and the complaints’ resolution, and any recommendations to improve language access policies and procedures.
4. The LAC shall be responsible for creating and maintaining the NOPDAI list that will include each interpreter’s language(s) of proficiency, when language skills were assessed for each language, and if any complaints have been filed against them regarding their language skills.
5. The LAC shall provide the NOPDAI list to the executive director of the Orleans Parish Communications District (OPCD) for the use of dispatchers. This list will also be available

- on the NOPD's intranet web applications under "Resources", and it shall be reviewed for accuracy, at a minimum, every six (6) months with updates provided as appropriate.
6. The LAC shall assess the effectiveness and efficiency of the Department's Language Access Plan on an ongoing basis and shall report to the Superintendent or his/her designee regarding needed improvements and any accountability concerns.
  7. The LAC shall be responsible for collecting and tracking calls for service data about LEP contacts with NOPD.
  8. The LAC shall monitor and collect data from internal systems to track interpretation services rendered by the use of Authorized Interpreters and/or Electronic Interpretation Devices.
  9. The LAC shall monitor and collect data from internal systems and CAD for those incidents where a request for interpretation services were requested / needed and not provided. The focus shall be on "why" the interpretation service was not available and recommendations as to corrective actions that can be taken to prevent the failure to provide services in the future.
  10. The LAC shall prepare monthly reports to his/her respective Deputy Superintendent outlining LEP services. The Language Access Coordinator shall incorporate this information into the annual report to the Superintendent of Police.
  11. At each NOPD building entry point or lobby open to public access, the LAC shall ensure signage in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals.
  12. The LAC shall ensure a notification listing the available translated forms and documents is posted in the lobby of NOPD Police Headquarters, the Public Integrity Bureau, and each District station.
  13. The LAC shall ensure that the available translated forms and documents, along with the available languages, are posted on the [www.NOPD.org](http://www.NOPD.org) website and available to all personnel under the "Resources" tab of the NOPD web applications in either the Spanish or Vietnamese forms folder. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages using interpreter assistance procedures previously described in this policy.
  14. The LAC shall coordinate with the Deputy Superintendent of the Management Services Bureau for reproduction of LEP signage developed through the Policy Standards Section for display at NOPD Police Headquarters, the Public Integrity Bureau, and each District station.
  15. The LAC shall ensure that, at a minimum, the placard and following vital documents are readily available at NOPD Headquarters (lobby); all Police District Stations (front desk); City Hall (front desk), Municipal/Traffic, Criminal and Civil District Courts (location at direction of Clerk of Courts); and all city libraries (checkout desk bulletin boards):
    - How to file a complaint brochure (in English, Spanish, and Vietnamese).
    - The PIB Complaint Form.
    - The Language Assistance Plan and policy; and
    - The LEP Policy.
  16. The Language Access Coordinator shall develop a monthly schedule of inspections of all non-NOPD locations listed herein to ensure the placards, signage and materials listed in this

Chapter are posted and available. Any depleted stocks of forms and signage shall be replaced. The schedule, facility location, inspection and noted deficiencies shall be kept in a log. Each logbook entry shall be maintained for three years after it is filed.

17. The LAC will be responsible for implementing the **Language Access Plan**. To ensure that the Community Engagement Section considers the LEP community within its activities.
18. The LAC, or his/her designee, shall attend and represent the New Orleans Police Department at LEP social and community advocacy functions in a professional and courteous manner.
19. The LAC will provide the Community Engagement Section Manager, or designee, the information for LEP related events. LAC or a designee shall make arrangements to attend these functions.
20. The LAC, or designee, shall conduct crime prevention and business safety presentations on behalf of the City of New Orleans, particularly in neighborhoods where LEP businesses and residents are concentrated.
21. The LAC, or a designee, shall provide bilingual crime-prevention information and programs to the LGBTQ+ community, District NONPACC meetings, PSAB Meetings, Neighborhood Watch, Community Outreach, and Social Services [office, admins, meetings? Social services is not defined.]
22. The LAC shall be responsible for creating and maintaining the NOPDAI list on the NOPD's intranet web applications under "Resources", which will include each interpreter's language(s) of proficiency, when language skills were assessed for each language, and if any complaints have been filed against them regarding their language translation skills, creating an active spreadsheet of all certified AIs, tracking yearly certifications and renewals, and communicating with district supervisors.
23. The LAC will monitor availability and quality of services provided to populations with Limited English Proficiency.
24. The LAC will provide oversight and support to Spanish-Speaking and Vietnamese-Speaking Community Liaisons and ensure their time is spent appropriately on building relationships of trust with the community and addressing areas of concern.
25. The LAC will, at least monthly, review body-worn camera footage of officers interacting with LEP individuals. Complete audit reports detailing need for, and delivery of, services.
26. The LAC will work with Community Liaisons to review all body-worn camera footage of NOPDAIs delivering interpretation services to monitor quality and accuracy of services. Report any issues to the Professional Standards & Accountability Bureau for corrective action and/or training updates.
27. The LAC will collaborate with Community Liaisons Officers (CLOs) to develop and implement a comprehensive community outreach plan, including the following actions:
  - Identify and contact all major organizations serving the LEP community;
  - Collaborate with organizations and individuals to identify areas for potential growth and additional training for all officers;
  - Coordinate regular (at least quarterly) public meetings, hosted by Community Liaisons, to solicit feedback from community members;
  - Solicit ongoing recommendations for improved LEP services from the Community Liaisons.

28. The LAC will review all LEP related community recommendations and implement as appropriate, working with the Education & Training Division and with the Professional Standards & Accountability Bureau as appropriate.
29. The LAC will regularly attend community events as a representative of the NOPD.
30. The LAC will coordinate and ensure training is delivered to NOPDAIs, other officers, and recruits as needed. This includes the 8-hour Interpreter Skills recertification training required, in addition to Civil Service bilingual certification, to become an NOPDAI.
31. The LAC, or his or her designee, shall represent the New Orleans Police Department at LEP social and community advocacy functions in a professional and courteous manner.
32. The LAC shall identify, through crime data and patrol efforts, areas where bias and hate crimes against the LEP community have occurred and inform the LEP community through awareness seminars.
33. The LAC shall monitor statistical and reporting data regarding bias and hate crimes against the LEP community and relay significant changes to the District Captains and the LEP community.
34. The LAC, or his or her designee, shall conduct crime prevention and business safety seminars within the City of New Orleans, particularly in neighborhoods where LEP businesses and residents are concentrated.
35. The LAC, or his or her designee, shall provide bilingual crime-prevention information and programs to the LGBTQ community.
36. The LAC, or his or her designee, shall host meetings to allow business owners, residents, and community activists to meet with officials from their neighborhood precincts.



## Appendix C

### New Orleans Police Department Authorized Interpreter Roles and Responsibilities

A NOPD authorized interpreter (NOPDAI) is a bilingual NOPD employee who has been assessed, tested, and demonstrated their competency in English and a second language using the terminology, phrases, vocabulary, and phrases needed. Once an interpreter establishes competence and receives training on ethical and professional conduct as an interpreter, the officer will be certified and NOPD may authorize him or her to interpret for others in certain situations, such as interviews, interrogations, or talking and responding to citizen complaints. NOPD Authorized Interpreters (NOPDAIs) are available to provide written translation and oral interpretation services in Spanish and Vietnamese. A list of NOPDAIs can be found in the Resources folder on NOPD.org. Members requiring a translation or interpretation should contact an NOPDAI and should include the NOPDAIs supervisor in all communication. NOPDAIs are expected to perform requested duties during his/her regular working hours.

Responsibilities Shall Include but Not Limited to:

1. NOPDAIs shall complete the NOPDAI Form upon performing any translation or interpretation duties. Department members may access the NOPDAI Form in the Online Forms folder on NOPD.org. Use of this form will enable the Department to document the need for, and use of, services for populations with Limited English Proficiency.
2. NOPDAIs shall be available to provide written translation and oral interpretation services in their specified language during his or her regular working hours.
3. NOPDAIs shall inform their direct supervisor when an incident requires their translation or interpretation services.
4. NOPDAIs shall represent the New Orleans Police Department at Limited English Proficiency (LEP) social and community advocacy functions in a professional and courteous manner.
5. NOPDAIs shall attend meetings coordinated by the Community Engagement Section Manager, or his/her designee, for the purposes of training, updates, and trends on LEP issues.
6. NOPDAIs shall assist in providing bilingual crime prevention information and programs to the LGBTQ community.
7. NOPDAIs shall attend the required annual recertification training of skills and abilities to interpret and translate.
8. NOPDAIs shall work with other members of the Community Engagement team to identify community issues, develop strategies, and implement innovative policing solutions within the numerous neighborhoods throughout the community.

## Appendix D

### Community Liaison Officer Roles and Responsibilities

Each district will have a Community Liaison Officer (CLO). One of the main roles of the CLO is to interact and collaborate with the community. This position shall be occupied by a non-probationary patrol officer in the district who shall act as the designated community-oriented liaison for the district. The CLO engages in problem identification and problem-solving activities with community members according to the community's priorities; works proactively with other City departments to address quality of life issues; and will work with platoon officers in problem identification and problem-solving. CLOs will not be assigned to answer calls for service absent exigent circumstances.

Responsibilities Shall Include but Not Limited to:

1. CLOs report to and are supervised by their designated supervisor. CLOs will maintain communication with the Professional Standards and Accountability Bureau's Community Engagement Section and keep them apprised of information regarding community coordinated events and community concerns in their respective districts.
2. CLOs meet with the Community Engagement Section Manager to inform the Department of any technological issues they may face with the reporting database and instructions on how to maintain a reporting structure.
3. CLOs will maintain contact with the various community groups/neighborhood associations of the geographic area served.
4. CLOs will provide businesses with information on crime prevention and conduct follow-up visits with victims of business and residential burglaries to help them strategically identify ways to secure their establishments.
5. CLOs will share crime prevention information in various ways in various settings, including in presentations with residents, neighborhood watch groups, business owners, homeowner's associations, and other public gatherings. CLOs will deliver crime prevention literature at festivals and fairs.
6. CLOs will coordinate events with community groups in their respective district and maintain an active dialogue with the community groups and neighborhood associations in their district.
7. CLOs will maintain communication with the Neighborhood Engagement Office and other City agencies to foster a unified response to issues adversely affecting quality of life.
8. CLOs will partner with City agencies to address nuisance and quality of life issues such as neighborhood blighted property, trash removal, illegal dumping, etc. Calls of that nature will also be entered into the City's 311 system, for proper follow-up by the responsible agencies.
9. CLOs will work with the community to identify and solve problems that contribute to crime and disorder, as well as those issues that adversely affect quality of life.
10. CLOs will work with their respective district's personnel to identify and solve problems that contribute to crime and disorder, as well as those issues that adversely affect quality of life.

11. CLOs will establish and foster partnerships within the community.
12. CLOs will develop and implement proactive and preventative law enforcement strategies.
13. CLOs will increase the public's knowledge and understanding of community policing through educational and training initiatives regarding community-oriented policing strategies.
14. CLOs will build collaborative partnerships between the Police Department and the citizens within the community.
15. CLOs will encourage citizen participation in crime prevention programs including Neighborhood Watch Groups and Meetings.
16. CLOs will attend community "Neighborhood Watch" meetings to address community safety issues.
17. CLOs will collaborate with other government agencies, departmental units, community organizations, the faith-based community, and other appropriate groups to address community concerns.
18. CLOs will interact with other Community Liaison Officers, beat officers, crime analysts and serve as liaisons between the department and the community to prevent crime.
19. CLOs will contact victims of property crimes to offer assistance with security surveys and other programs.
20. CLOs will review and track problem-solving strategies from Neighborhood Watch and Business Watch programs.
21. CLOs will complete other functions as directed by his or her immediate supervisor when not engaged in their primary CLO responsibilities.
22. All mandated Community Policing Forms and/or other documents initiated by CLOs will be submitted to their immediate supervisors in their primary districts of assignment for review and approval. These forms will then be forwarded to the Community Engagement Section Sergeant for review, tracking and monitoring.
23. CLOs will attend all meetings coordinated by the Community Engagement Section Manager for the purposes of training and updates on Community Engagement issues, trend, etc.
24. CLOs will coordinate with the Neighborhood Engagement Office to facilitate district PCAB Meetings.
25. CLOs will consider and incorporate community/citizen interests and concerns in the compilation of the District Community Policing Plans.
26. CLOs will maintain the District Community Policing Plans and recommend initiatives to ensure officers are taking action to work towards district goals and tasks.

## Appendix E

### Limited English Proficiency 2020 DATA

Consent Decree Paragraph 194. Within 270 days of the Effective Date, NOPD agrees to develop a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals. As part of this process NOPD shall: a) document the number of LEP persons requiring NOPD services and their primary language; b) collect data regarding the number of times an interpreter has been used, listed by language and type of interpreter (telephonic or in-person); c) document the number of bilingual staff who have been evaluated for language proficiency, by language, job title, and level of proficiency; and d) document use of translators, vital documents translated, and languages into which vital documents are translated.

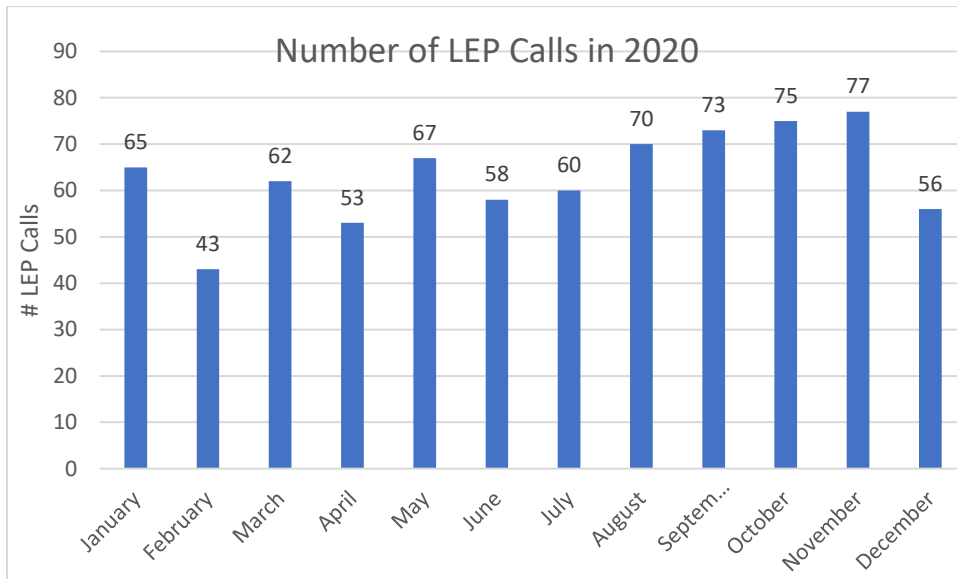
On Friday December 13, 2019, the City of New Orleans experienced a Cyber Attack which compromised integral components of its online systems. The New Orleans Police Department (NOPD) was gravely affected by the loss of use of these systems and was forced to reconstruct the database which collected most of its data. In March of 2020, a Global Pandemic engulfed the World and effected how NOPD was able to service the community. According to CAD data, the NOPD answered 759 Limited English Proficiency (LEP) calls and recorded 282 incidents via the NOPDAI Activity Form. The NOPDAI Activity Forms were not available for use until March 26, 2020. The NOPDAI Activity Form is used to as a centralized location to document the incidents and encounters with LEP individuals who required or requested translation or interpretation services. All police encounters do not always require an Electronic Police Report or Field Interview Card. By using the NOPDAI Activity Forms, NOPD is able to account for all interactions with LEP individuals.

The NOPD has translated the following documents in Spanish and Vietnamese:

- Form 045- Official Notice to Adult Victims of Family Violence Form
- Form 116- Victim/Witness Statement Form
- Form 146- Consent to Search Form
- Form 197- PIB Intro Ltr to Complaint Form
- Form 198- PIB Status Update Ltr to Complaint Form
- Form 199- PIB Ltr to Complaint for Contact Revision
- Form 230- PIB Initial Intake Form/ Commendation Complaint or Documentation of Minor Violation Cantrell
- Form 007- Missing Person Affidavit
- Form 026- Item Number Form

- Form 046- Domestic Violence Patrol Report Checklist
- Form 153- Miranda Rights Form
- Form 208- Auto Theft Affidavit
- Form 212- Missing Person Entry Form
- Form 222- Theft -Burglary Affidavit
- Form 260- Driver Information Exchange Form
- Form 277- Eyewitness Identification Form
- NOPD C.I.T. Resource Sheet
- N.C.I.C. Information Bulletin on Amber Alert Form
- DWI Arrestee’s Rights Form
- Standardized Field Sobriety Test (SFST) Form

On a yearly basis, the LAC will review and assess documents and forms used by NOPD and determine if any additional forms and documents need to be translated to service the LEP community.



Of the 282 documented incidents using the NOPDAI Activity Forms, Authorized Interpreters captured the following data:

11 Vietnamese – 1 document translation, 1 public service announcement, 3 telephone interpretation, and 6 in-person interpretation.

271 Spanish – 1 document translation, 1 self-initiated community engagement speaking with children, 2 TV/News Reports, 3 facetime/video interpretation, 66 telephone interpretation, and 197 in-person interpretations.

**2020 List of Authorized Interpreters**

<b><u>Assignment</u></b>	<b><u>Language</u></b>	<b><u>Commissioned or Civilian</u></b>
1st District	Spanish	Commissioned
1st District	Spanish	Commissioned
1st District	Spanish	Commissioned
1st District/DIU evening	Spanish	Commissioned
2nd District/DIU	Spanish	Commissioned
3rd District	Spanish	Commissioned
3rd District	Spanish	Commissioned
3rd District	Spanish	Commissioned
3rd District/DIU evening	Spanish	Commissioned
5th District	Spanish	Commissioned
5th District	Spanish	Commissioned
6th District	Spanish	Commissioned
6th District/A Platoon	Spanish	Commissioned
6th District/B Platoon	Spanish	Commissioned
6th District/B Platoon	Spanish	Commissioned
7th District	Spanish	Commissioned
7th District	Spanish	Commissioned
7th District/B Platoon	Vietnamese	Commissioned
8th District	Spanish	Commissioned
8th District/A Platoon	Spanish	Commissioned
8th District/DIU evening	Spanish	Commissioned
Academy	Spanish	Commissioned
ISB/Auto Theft	Spanish	Commissioned
ISB/Child Abuse	Spanish	Commissioned
ISB/HIDTA	Spanish	Commissioned
PIB	Spanish	Commissioned
PIB	Spanish	Civilian
PSAB	Spanish	Commissioned

PSAB	Spanish	Commissioned
Recruitment	Spanish	Civilian
SID/Intelligence	Vietnamese	Commissioned

*\*Any and all changes made to the NOPDAI List is updated as necessary by the LAC and distributed to the NOPD and OPCD, as well as posted on the NOPD Intranet*

# New Orleans Police Department

## Policy Manual

### **Rule 1: Operation Manuals**

#### **1. RULES OF PROCEDURES**

Employees shall not commit any act or omit any act which constitutes a violation of any of the rules, policies, procedures, or orders of the Department, whether stated in this manual or elsewhere.

#### **2. EFFECTIVE**

An employee is deemed to have knowledge of these rules, policies and procedures from their effective date. Rules, policies and procedures shall not pertain to a situation or act which existed or occurred before the effective date of these rules, policies and procedures, but such a case shall be governed by the applicable instructions prevailing at the time.

#### **3. VIOLATIONS**

The rules, policies and procedures shall be known as Rules, Policies and Procedures of the New Orleans Police Department. Employees who violate these rules, policies and procedures shall be cited by the appropriate Rule , Policy , Procedure , etc. followed by the rule, policy or procedure number and paragraph. Example: Violation of this paragraph would be cited as Rule 1, para. 3.



# New Orleans Police Department

## Policy Manual

### **Rule 2: Moral Conduct**

#### **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 to this rule.

#### **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.

#### **3. HONESTY AND TRUTHFULNESS**

Employees are required to be honest and truthful at all times, in their spoken, written, or electronic communications. Truthfulness shall apply when an employee makes a materially false statement with the intent to deceive. A statement is material when, irrespective of its admissibility under the rules of evidence, it could have affected the course or outcome of an investigation or an official proceeding, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department, as follows:

- (a) employees shall truthfully state the facts in any oral, written, or electronic communication;
- (b) employees shall not willfully or negligently make any false, misleading, or incorrect oral, written, or electronic communication;
- (c) employees shall not willfully or negligently withhold relevant information of which they have knowledge, from any oral, written, or electronic communication;
- (d) employees shall truthfully answer all questions directed to them on the order of the Superintendent of Police, the Superintendent's designee, a superior officer, or any judicial, departmental, or other official investigative body.

This regulation does not prohibit using accepted practices in interrogation techniques governed by Federal and/or State Court rulings.

#### **4. DISCRIMINATION**

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Employees shall not discriminate against or show partiality to any person because of racial, ethnic, religious, political, sexual, or personal prejudice.

### **5. VERBAL INTIMIDATION**

An employee shall not use or direct unjustifiable verbal abuse, threats or intimidation against any person.

### **6. UNAUTHORIZED FORCE**

Employees shall not use or direct unjustifiable physical abuse, violence, force or intimidation against any person.

### **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 person and that of others, and the security of property commensurate with the circumstances.

### **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).

### **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.

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## **RULE 3: PROFESSIONAL CONDUCT**

### **DEFINITION OF PROFESSIONALISM:**

*Professionalism is both an individual characteristic and an ideological position. The primary definition is that of individual professionalism: the idea that membership of a profession carries with it a set of internalized values that will be reflected in the way in which work is carried out and the ethical standards that are adhered to.*

*John Quiggin: Commentary on Australian & world events from a social-democratic perspective*

### **PROFESSIONALISM**

1. 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 New Orleans Police Department.

### **ABUSE OF POSITION**

2. Employees shall not use their position, official identification cards or badges for personal or financial gain, obtaining privileges, or for avoiding consequences of illegal acts. Employees shall not lend to another person their identification cards, badges, or uniform parts identifying the wearer as a police officer, or permit them to be photographed or reproduced without the approval of the Superintendent of Police.

### **NEATNESS AND ATTIRE**

3. Employees shall, except under circumstances which are duty related, be neat and clean in person and dress, and shall be attired and equipped in accordance with the Department's Operation Manuals, General Orders, Special Orders, and/or from a supervisor. Hair and moustaches shall be trimmed according to the Department's Operations Manuals.

### **ACCEPTING, GIVING ANYTHING OF VALUE**

4. 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), organization(s), or court(s) any gift, donation, good, money, property (tangible, intangible, real

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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 a NEW ORLEANS POLICE DEPARTMENT form 105 (Interoffice Correspondence).

Under no circumstances shall a gift, donation, good, money, property (tangible, intangible, immovable or movable), loan, promise, service, or entertainment be solicited or accepted by any members of the Department if it is reasonable to infer the person, business, or organization:

- seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or
- has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

### **REFERRALS**

5. 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 service (such as an attorney, doctor, 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 policies and procedures contained in the Operation Manuals, General Orders and Special Orders.

### **COMMERCIAL ENDORSEMENT**

6. Employees shall not permit or authorize the use of their names, photographs, or official titles identifying them as employees, in connection with a testimonial or advertisement of any commodity or commercial enterprise, without the written approval of the Superintendent of Police.

### **USE OF DRUGS/SUBSTANCE ABUSE TESTING**

7. 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 (Revised) dated 9/99. An employee shall not report to duty under the influence of any drug, medication or other substance impairing his/her normal sensory and/or motor body functions.

### **USE OF ALCOHOL/DRUGS ON DUTY**

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8. Members shall not drink intoxicating beverages or consume Schedule I, II, III, IV or V, legal or illegal drugs, 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 or drugs to any degree whatsoever, or with an odor of alcoholic beverage on their breath.

### **USE OF ALCOHOL/DRUGS OFF-DUTY**

9. An employee while off duty, shall refrain from consuming intoxicating beverages and Schedule I, II, III, IV, or V drugs to the extent it results in impairment, intoxication, obnoxious or offensive behavior that discredits him/her, the Department, or render the employee(s) unfit to report for his/her next regular tour of duty. Commissioned employees of the Police Department shall refrain from carrying a firearm while in an alcoholic beverage outlet (R.S. 14:95.5 Possession of firearm on premises of alcoholic beverage outlet), consuming alcohol, or while under its influence.

### **ALCOHOL/DRUG INFLUENCE TEST**

10. Any employee in violation of the rules pertaining to the use of alcohol and/or prohibited drugs on-duty and off-duty, shall submit to a test, as ordered by a supervisor. Under orders from the Superintendent of Police, or the Superintendent's designee, an employee shall submit to other additional tests such as saliva, urine, hair, and/or blood test.

### **USE OF TOBACCO**

11. Members, while in uniform, may use tobacco as long as they are not in formation for inspection; leave their assignment or post for the sole purpose of smoking, and/or are not engaged in traffic control. When an employee is in direct contact with the public, he/she shall first obtain permission to use tobacco from the citizen with whom he/she is in direct contact with.

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 vehicle, marked or unmarked;
- appearing as a representative of the New Orleans Police Department including but not limited to, meetings, court appearances.

### **RETALIATION**

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12. Retaliation for reporting misconduct or for cooperating with an investigation of misconduct is an egregious offense and shall be grounds for discipline, up to and including termination of employment.

### **SOCIAL NETWORKING WEBSITES, FACEBOOK, MYSPACE, PRINT OR TRANSMITTED MEDIA, ETC.**

13. 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.

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### **RULE 4: PERFORMANCE OF DUTY**

#### **1. REPORTING FOR DUTY**

A member shall promptly report for duty at the time and place required by assignment or orders. 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.

#### **2. INSTRUCTIONS FROM AN AUTHORITATIVE SOURCE**

An employee shall professionally, promptly, and fully abide by or execute instructions issued from any authoritative source, including any order relayed from a superior by an employee of the same or lesser rank. If the instructions are reasonably believed to be in conflict with the Rules, Policies 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, Policies and Procedures, the employee 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 law.

#### **3. DEVOTING ENTIRE TIME TO DUTY**

Employees shall not read, play games, watch television/movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty, or by authority of their respective Bureau Chief. They shall not engage in activities or personal business which would cause them to neglect or be inattentive to duty.

#### **4. NEGLIGENCE OF DUTY**

- (a) Each employee, because of his grade and assignment, is required to perform certain duties and assume certain responsibilities. An employee's failure to properly function in either or both of those areas constitutes a neglect of duty.
- (b) An employee 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, Policies and Procedures.
- (c) The following acts or omissions to act, although not exhaustive, are considered neglect of duty:

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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 10-42 and the reason therefore; and failing to report his/her return to his vehicles;
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;
7. Failing to take necessary actions so as to ensure 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 ensure that the health, welfare, and property of a prisoner is properly maintained while in individual custody;
10. Failing to properly care 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 to make a written report of the same to his/her commanding officer.

### **5. CEASING TO PERFORM BEFORE END OF PERIOD OF DUTY**

An employee shall be allowed to end his/her period of duty only with prior approval of his/her Supervisor.

### **6. LEAVING ASSIGNED AREA**

Employees shall remain within the boundaries of their assignment except when specifically authorized by their supervisor, radio dispatcher, or in hot pursuit.

### **7. LEAVING CITY ON DUTY**

Employees shall not go beyond the city limits while on duty unless directed by their Supervisor, radio dispatcher, or in hot pursuit.

### **8. HOURS OF DUTY**

Employees 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.



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### **9. SAFEKEEPING OF VALUABLES BY POLICE DEPARTMENT**

Employees 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 relinquished to police.

### **10. ESCORT FOR VALUABLES OR MONEY**

Employees of the Department on duty shall not furnish escort services for transporting of money or valuables unless authorized by a Supervisor.

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### **Rule 5: Restricted Activities**

#### **1. FICTITIOUS ILLNESS OR INJURY**

Members 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.

#### **2. ASSOCIATIONS**

Members 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.

#### **3. VISITING PROHIBITED ESTABLISHMENTS**

Members 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 specific orders from a supervisor.

#### **4. SUBVERSIVE ACTIVITIES**

Members shall not commit, attempt to commit, aid in the commission of, 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 government in the United States, any State, or any political subdivision thereof, by revolution, force, violence, or other unlawful means. Members 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 of Police.

#### **5. LABOR ACTIVITY**

Members 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.

Members shall not engage in any strike or other concerted effort to adversely affect the Department 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.

#### **6. ACTING IN CIVIL MATTERS**

Members 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.

#### **7. ACTING IMPARTIALLY**

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Members 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 arrest in controversies arising between their relatives; nor make any arrest 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. Members may detain offender until intervention of proper authority.

### 8. CIVIL ACTIONS INVOLVING MEMBERS

Members involved in civil litigation or orders of protection as a plaintiff, defendant, petitioner, or respondent, or members involved in civil litigation as a plaintiff, defendant, or witness for actions arising out of the performance of their duty, or their role as a police officer, shall notify the Public Integrity Bureau via **Form 349**. The member shall deliver to PIB, by hand, all Petitions, Complaints, Citations, Summonses or Orders pertaining to the actions no later than the next working day after receipt. **Form 349**, and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

When appearing as a plaintiff, defendant, or witness in any civil litigation, the member shall not be attired in his/her 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.)

### 9. CRIMINAL PROCEEDING AGAINST MEMBER

A member shall immediately report to the Public Integrity Bureau via **Form 349**, information concerning any:

- Arrest or summons as a defendant in a criminal matter;
- Criminal Federal, State, Parish, Municipal or Traffic Court proceeding wherein a member is named a defendant;
- Grand jury proceeding in which the member will be or may be indicted;
- Target letter or any other action instituted against him/her in any criminal investigation.

**Form 349** shall contain the alleged offense, date, if the member was incarcerated, and the name of the agency conducting the investigation in the Gist section. The member shall deliver to PIB, by hand, all affidavits, summonses, indictments, bills of information, grand jury summonses or target letters pertaining to the proceeding no later than the next working day after receipt and prior to the date of the proceeding. Copies of the Form and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

The member shall not be attired in his/her Department uniform when required to appear in any court action instituted against him/her in any criminal investigation.

### 10. TESTIFYING ON BEHALF OF DEFENDANT(S)

Members of the New Orleans Police Department, testifying on behalf of any individual or entity in criminal or civil proceedings, where the testimony is not arising out of the proper performance of their duties, shall not be attired in their NEW ORLEANS POLICE DEPARTMENT uniform, or any part thereof, unless authorized by the Superintendent of Police.

Civil proceedings are defined as, but not limited to, any hearing, meeting, or assembly of any governmental board or commission, civil court, revocation board, licensing authority, or any process thereof, where testimony is given and/or judgments or decisions rendered.

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A criminal proceeding is any phase of a court or court-related process involving the prosecution of a person charged or to be charged with a crime, and testimony is taken to determine the guilt or innocence of the person. For purposes of this Rule, criminal proceedings include, but are not limited to, federal, state, municipal court and traffic court proceedings and parole board hearings.

Testify on behalf of individuals in civil proceedings is defined as the giving of any oral or written statements, and depositions, in any civil proceeding where the individual giving the testimony seeks to influence the decision of the adjudicator in favor of the person he or she testifies for.

When testifying on behalf of any individual in civil proceedings, when such testimony is not arising out of the proper performance of duty, Department employees shall notify the Public Integrity Bureau, via **Form 349**, and deliver to PIB, by hand, a copy of the subpoena pertaining to the litigation no later than the next working day after receipt, if the City of New Orleans or any agency or department thereof, is a party to the proceedings. Notification shall take place no later than the next working day after receipt and prior to the date of the proceeding. The Form and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

Testifying on behalf of individuals in criminal proceedings is defined as the giving of any oral or written statements in any criminal proceeding, where the individual has been subpoenaed by an individual other than the prosecutor.

Members testifying on behalf of a defendant in any criminal proceeding, regardless of the jurisdiction, shall notify the appropriate prosecutorial authority in the jurisdiction where the case is adjudicated, and the Public Integrity Bureau via **Form 349** and deliver to PIB, by hand, a copy of the subpoena pertaining to the proceeding no later than the next working day after receipt, and prior to the trial date. The Form and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

Members testifying on behalf of defendants, other than the City of New Orleans, shall not be attired in their departmental uniform except when on duty and testifying in a matter before the Civil Service Commission.

### **11. TRACKING OF ACTIONS BY PIB**

The Public Integrity Bureau is responsible for entering and tracking all reported actions under this Rule into the INSIGHT System once notified by a member on **Form 349** and/or the receipt of documentation of actions covered by this Rule from any other source until the action(s) have reached a legal conclusion or disposition. This will be accomplished by use of written instructions to the involved member(s) to provide timely updates after initial notification.

### **12. DISPOSITION DOCUMENTATION**

In any civil or criminal proceeding covered under this Rule, in which a member is a named defendant or respondent, the member shall deliver to PIB, the final judgment(s) in the actions no later than the next working day following receipt. This includes, but is not limited to final judgments, orders of dismissal or judgments of conviction or acquittal. The final disposition (judgment, settlement, order of dismissal, conviction, acquittal, etc.) and documents shall be entered into the appropriate database from **Form 349** upon receipt by PIB.

### **13. INTERFERING WITH INVESTIGATIONS**

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Members shall not divulge official information to any other person or agency which he/she knows, or should know, would possibly impede, obstruct or otherwise compromise any criminal or administrative investigation being conducted by a member of this Department, 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 resulting from any criminal or administrative investigation.

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 member shall obtain the express authorization of his/her commanding officer.

### **14. UNDERCOVER INVESTIGATIONS**

Members 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 Deputy Chief.

The prior written authorization of the Superintendent of Police shall be required in all undercover or covert activities in which a member is required or intends 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 criminal 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.

### **15. REWARDS**

Only upon written approval of the Superintendent of Police, shall an employee be allowed to accept any reward resulting from, or connected in any way with, his/her 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.

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### **Rule 6: Official Information**

#### **1. SECURITY OF RECORDS**

An employee shall not impart to any person or remove from any files the content of any record or report, except as provided by law.

#### **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.

#### **3. PUBLIC STATEMENTS AND APPEARANCES**

- (a) Employees shall not publicly criticize or ridicule the Department, its policies, procedures, orders 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.
- (b) Employees 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 without official sanction or proper authority. Employees may lecture on police or other related subjects only with the prior approval of the Superintendent of Police.

#### **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 all members being contacted, and members shall not refer citizens to another officer or Division unless circumstances necessitate such action.

#### **5. INFORMANTS**

Employees shall not be compelled to reveal the identity of a confidential informant except as required by the Superintendent of Police, or by the Deputy Superintendent of the Public Integrity Bureau in matters relating to known or possible misconduct of a Department employee.

#### **6. CONFIDENTIALITY OF INTERNAL INVESTIGATIONS**

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All files concerning Departmental administrative reports and investigations shall be confidential.

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### **Rule 7: Department Property**

#### **1. USE OF DEPARTMENT PROPERTY**

Employees shall use Department property only for the purpose for which it is intended and in accordance with the Department policies, rules, procedures, and orders. Employees shall exercise care in the use of all Department property and equipment and shall promptly report any theft, loss or damage of department property.

#### **2. AUTHORIZED OPERATOR OF DEPARTMENT VEHICLE**

Only licensed members who are authorized by their supervisor shall operate police vehicles.

#### **3. CLEANLINESS OF DEPARTMENTAL VEHICLES**

Employees assigned to operate police vehicles shall be responsible for the cleanliness of such vehicles during their tour of duty.

#### **4. USE OF EMERGENCY EQUIPMENT**

Employees shall not sound the siren or activate the blue light or other emergency device 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.

#### **5. STATEMENT OF RESPONSIBILITY**

Employees 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 accidents even through they may be at fault.

#### **6. OPERATION MANUALS**

Employees shall be personally responsible for maintaining and updating their individual copies of the Department's Operation Manuals.

#### **7. SURRENDERING DEPARTMENT PROPERTY**



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When an employee resigns, is discharged, or ordered by his Commanding Officer, he shall surrender all departmental owned property and equipment.