



# 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