

# NOPD CONSENT DECREE MONITOR NEW ORLEANS, LOUISIANA



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File Number: 37PA-191555

Deputy Superintendent Danny Murphy  
Compliance Bureau, New Orleans Police Department  
714 Broad Street  
New Orleans, LA 70119

Dear Superintendent Murphy:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the revised Chapter 1.14 – Arrest of Postal Employees. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 1.14 – Arrest of Postal Employees, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 8.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.  
Very truly

Very truly yours,

David L. Douglass  
For SHEPPARD MULLIN RICHTER & HAMPTON LLP\*  
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WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)  
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.14

### TITLE: ARREST OF POSTAL EMPLOYEES

EFFECTIVE:

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.