

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



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April 19, 2017

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 1.17 – Arrest of a Special Officer, Reserve Police Officer, Reserve Sheriff's Deputy Or Any Honorary Officer or Honorary Deputy. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 1.17 – Arrest of a Special Officer, Reserve Police Officer, Reserve Sheriff's Deputy Or Any Honorary Officer or Honorary Deputy, 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: 1.17

TITLE: ARREST OF A SPECIAL OFFICER, RESERVE POLICE OFFICER, RESERVE SHERIFF'S DEPUTY OR ANY HONORARY OFFICER OR HONORARY DEPUTY

EFFECTIVE:

REVISED:

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.