

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



202.747.1904 direct
ddouglass@sheppardmullin.com

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 1.18 – Arrest of a Law Enforcement Officer from Another Jurisdiction. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 1.18 – Arrest of a Law Enforcement Officer from Another Jurisdiction, 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*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
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: 1.18

TITLE: ARREST OF A LAW ENFORCEMENT OFFICER FROM ANOTHER JURISDICTION

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 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.
-