

NOPD CONSENT DECREE MONITOR  
NEW ORLEANS, LOUISIANA



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VIA ELECTRONIC MAIL ([tafaverill@nola.gov](mailto:tafaverill@nola.gov))

Deputy Superintendent Timothy Averill  
Compliance Bureau, New Orleans Police Department  
714 Broad Street  
New Orleans, LA 70119

RE: Policy Approval

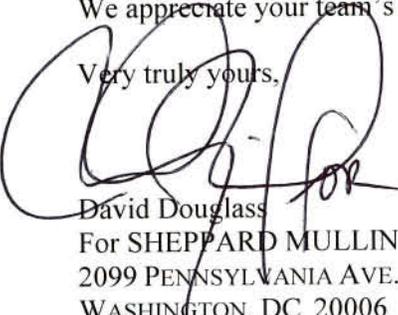
Dear Superintendent Averill:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the revised policy Chapter 1.2.4, Search and Seizure. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 1.2.4, Search and Seizure, 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 ¶ 18.

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

Very truly yours,

  
David Douglass  
For SHEPPARD MULLIN RICHTER & HAMPTON LLP\*  
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CC: HONORABLE SUSIE MORAN (VIA ELECTRONIC MAIL)  
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.2.4

### TITLE: SEARCH AND SEIZURE

**EFFECTIVE:**

**REVISED:**

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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 should be conducted with concern for safety, dignity, courtesy, respect for privacy, and hygiene, and should 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 Warrant Content, Forms and Reviews**), 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.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Body cavity search**—Any visual or physical inspection of a person's genital or anal region 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.” A “stop” requires an officer to have reasonable suspicion that the person has committed, or is about to commit, a crime. 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.

**Field Interview Cards (FICs)**—The method the New Orleans Police Department (NOPD) utilizes to document official Stops/Terry Stops of members of the public. To conduct a field interview, the officer must have reasonable suspicion that the person has been, is, or is about to be, engaged in the commission of a crime.

**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.

**Plain feel doctrine (aka plain touch doctrine)**—An officer may seize an object while conducting a legal pat-down search 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 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.

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

**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.

**Strip search**—Any search of an individual that includes the removal or rearrangement of some or all clothing to permit visual inspection of the suspect’s groin/genital area, buttocks, female breasts, or undergarments covering these areas.

## SEARCH AND SEIZURES

5. 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, incident to a lawful arrest, and exigent circumstances.
6. 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 Warrant Content, Forms and Reviews).**

## GENERAL REQUIREMENTS FOR SEARCHES AND SEIZURES

7. 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.
8. Officers of the Department shall strive to conduct searches with dignity and courtesy.
9. Officers should explain to the person being searched the reason for the search and how the search will be conducted.
10. Officers should attempt to record the activity on which they base their reasonable suspicion to the extent practicable and safe pursuant **Chapter 41.9 - Body Worn Camera** and **Chapter 41.3.8 – In Car Camera**.
11. Officers shall not seize or search recordings in a manner inconsistent with **Chapter 1.2.10 – Public Video Recording and Photographing Police Activity**.
12. Officers should carry out searches with due regard and respect for private property interests and in a manner that minimizes damage. Officers should leave property in a condition as close as reasonably possible to its pre-search condition.
13. 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.
14. 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.

15. Officers shall not frisk any person for the purpose of determining that person's gender or to view or touch the person's genitals. 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.
16. 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.
17. 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.
18. Officers shall not compromise their safety, or other officers' safety, in order to justify searches.
19. 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;

### **CONSENT TO SEARCH**

20. 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.
21. 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;
  - (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 can be executed.
22. 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 will be given to the consenting person.

### CONSENSUAL CONTACTS

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

### PERFORMING A STOP/DETENTION

24. When reasonable suspicion 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/Terry Stops**. All stops MUST be documented on the NOPD electronic Field Interview Card and any related incident reports (EPR).

### JUSTIFICATION FOR CONDUCTING PAT-DOWN SEARCHES/FRISKS

25. During a stop, if the officer reasonably believes the suspect is in possession of a weapon that presents a danger to the officer or others, the officer may conduct a frisk (pat-down search) of the suspect's outer garments to search for weapons. The search must be limited to what is necessary to discover weapons; 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.
26. Not every stop or detention justifies conducting a pat-down search. These searches 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.
27. In **addition** to the basis for the stop itself, 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/Terry Stops**.) 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.

**PERFORMING A PAT-DOWN SEARCH/FRISK**

28. Officers shall conduct pat-down searches only in the following manner:
- (a) Unless exigent circumstances exist, pat-down searches 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 search 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.
  - (c) Because pat-down searches 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.
  - (d) Pat-down searches are of outer clothing only. 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-down searches, officers may seize only those items that are immediately recognizable as contraband without manipulation of the object (plain feel doctrine).
  - (f) Officer must articulate in the electronic Field Interview Card and any related incident reports (EPR):
    - 1. The reasonable suspicion for the stop;
    - 2. The reasonable suspicion for the pat down search; and
    - 3. The results of the pat-down search, including a description of any weapon(s) or contraband found and the location on the body or clothing where recovered.
  - (g) 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.
  - (h) If the pat-down of the subject's clothing fails to disclose a weapon, no further search may be conducted without a warrant or probable cause to arrest.
  - (i) If a weapon or obvious contraband is discovered during the pat-down, the officer may retrieve that item only.
  - (j) 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.

**ARREST AND TRANSPORTATION SEARCHES**

29. An officer shall conduct a search of an arrestee:
- (a) Immediately after the arrest,
  - (b) When receiving an arrestee from another person; and
  - (c) Before transporting an arrestee in any Department vehicle (see **Chapter 71.1 – Prisoner Transportation**).
30. 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.

**SEARCHES OF VEHICLES WITH ARRESTS**

31. The United States Supreme Court, in *Arizona v. Gant*, 129 S. Ct. 1710 (2009), ruled that police may search the passenger compartment of a 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.
32. 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 those areas in which a weapon may be placed or hidden.
33. 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.

**CUSTODIAL SEARCHES**

34. For the safety of everyone, the officer having control over an arrestee shall search the arrestee before being brought into any New Orleans Police Department facility.

**SEARCHES AT ANY NOPD FACILITY**

35. Officers receiving arrestees in any NOPD facility shall thoroughly search the arrestee. When an arrestee has been handcuffed, the arrestee should remain handcuffed until the search is completed.

**HANDLING OF ARRESTEE'S PROPERTY**

36. Officers shall take reasonable care in the handling of an arrestee's property to avoid damage, discrepancies, or losses.
37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. 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**

43. 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.
44. 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.
45. 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.
46. 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.

**STRIP SEARCHES**

47. Strip searches 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) Only officers trained on how to conduct a proper strip search may participate in a strip search.
  - (c) Officers shall use appropriate methods and personal protective equipment when conducting strip searches.
  - (d) All officers involved in a strip search shall take reasonable steps to minimize the potential embarrassment or discomfort to the party being searched.
  - (e)
  - (f) All officers involved with the strip search shall be of the same gender as the identified gender of the person being searched.
  - (g) All strip searches shall be conducted in a professional manner and include the least number of personnel necessary.
  - (h) Whenever possible, a second officer of the same gender should assist in conducting the search.
  - (i) Officers conducting a strip search shall not touch the genital area, buttocks, or female breasts of the person being searched.
  - (j) 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.
  - (k) Strip searches shall not be video recorded or photographed unless required for evidentiary reasons and specifically authorized in writing, in advance, by a supervisor.
48. Officers shall not conduct field strip searches of arrestees except in rare and exigent circumstances when the life of the officers or others may be placed at risk and the officer has articulable probable cause that the subject is concealing a weapon or contraband. Field strip searches must be explicitly approved by a supervisor. Supervisors shall immediately respond to the scene when an officer requests permission to conduct a strip

search. Where field strip searches are conducted, they must be done under conditions that provide privacy.

### **Strip Search Reporting Requirements**

49. The primary officer conducting the search shall prepare a written search form 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) If a field strip search, the exigent circumstances that placed the life of the officers or others at risk; and
  - (k) If a field strip search, the steps taken to protect the person's privacy.
50. The officer shall provide a copy of the written authorization and search form to the person searched.

### **BODY CAVITY SEARCHES**

51. No person may be subject to a body cavity search **without** a search warrant.
52. A body cavity search **shall only** be conducted at a medical facility by authorized medical personnel.
53. 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**

- 54. 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 gender identified by the person being searched.
  - (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.
- 55. 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;
  - (h) A list of the items, if any, recovered during the search and the location on or in the body where found; and
  - (i) 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**

- 56. 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.).
- 57. 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.
- 58. Unless a specific exception exists under State law or the investigator has obtained consent from the person from whom the sample is to be taken, a warrant is required before any sample is taken.
- 59. 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.

60. All procedures governing the collection and preservation of evidence and chain of custody outlined in **Chapter 83.1 – Collection of Evidence** shall be followed.

#### **DOCUMENTATION – OFFICER’S RESPONSIBILITIES**

61. Officers who seek a search warrant shall provide an affidavit or sworn declaration supporting an application for a search warrant which shall include: an accurate and clear description of the reasons for the request for the search; the place or thing to be searched; and the items or possible evidence that are the purpose of the search.
62. Officers are responsible for documenting any search and to ensure that any required reports are sufficient including, at a minimum, documentation of the following:
- (a) The facts that establish probable cause for the search;
  - (b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for keys or access codes);
  - (c) What, if any, injuries or damage occurred;
  - (d) All steps taken to secure property;
  - (e) The results of the search including a detailed description of any property or contraband seized; and
  - (f) If the person searched is not of the same gender, any efforts to summon an officer of the same gender as the person being searched and the identification of any witnessing officer.
63. 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.

#### **DOCUMENTATION – SUPERVISOR’S RESPONSIBILITIES**

64. 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.
65. 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.
66. 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; and
  - (d) Name of approving/disapproving supervisor.
67. As part of the supervisory review, the supervisor shall document in the District or Division’s Compliance Logs those 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.

68. 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.
69. Supervisors shall take into account the quality and accuracy of search warrants and supportive affidavits or declarations in officer performance evaluations.
70. Supervisors shall assist their subordinates in developing operational plans for the execution of search warrants, be present for execution of their subordinates' search warrants, and review and document such searches in after-action reports within 24 hours of the execution of such search warrants.

#### **TRAINING**

71. 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.