

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



December 8, 2020

202.747.1904 direct

File Number: 37PA-191555

Deputy Superintendent Otha Sandifer
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans, LA 70119

Dear Deputy Superintendent Sandifer:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on Chapter 61.13 - Disabled Vehicles - Stranded Motorist. The OCDM has no objection to the policy as written.

We believe that Chapter 61.13 - Disabled Vehicles - Stranded Motorist, 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)
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SUNNI LEBEOUF, CITY ATTORNEY (VIA ELECTRONIC MAIL)

SMRH:4816-6540-9429.7



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 61.13

TITLE: DISABLED / STALLED VEHICLES – STRANDED MOTORIST

EFFECTIVE:

REVISED: Replaces Policy 520

PURPOSE

The purpose of this Chapter is to provide members of the New Orleans Police Department guidance for providing assistance to motorists in disabled / stalled vehicles within this jurisdiction.

OFFICER RESPONSIBILITIES

1. When an on-duty officer observes a disabled / stalled vehicle or receives a dispatch from Communications Services, the officer should make a reasonable effort to provide assistance.
2. If that officer is assigned to a call of higher priority, Communications Services should be advised of the location of the disabled / stalled vehicle and the need for assistance. Communications Services should then assign another available officer or other department member to respond as soon as practicable.

EXTENT OF ASSISTANCE

3. A disabled / stalled vehicle / stranded motorist may require assistance from Department members. After assistance is rendered or arrangements for assistance are made, continued involvement by department members will be contingent on:
 - (a) the time of day,
 - (b) the location,
 - (c) the availability of department resources, and
 - (d) the vulnerability of the disabled / stalled motorist / occupants.
4. Officers observing a stranded motorist or being dispatched to the scene of a motorist in need of aid shall provide for the motorist's and all occupants' safety.
5. Officers shall advise Communications Services to notify the **Motorist Assistance Patrol (MAP)**, if in their area of coverage.
6. Assistance shall be provided, but is not limited to the examples given as outlined below:
 - (a) Officers shall offer transportation to drivers and occupants to a location where they may secure assistance from qualified individuals of their choice. These

- rides shall follow the guidelines for Public Safety Rides outlined in **Chapter 10.1** and shall be documented in the same manner.
- (b) Officers shall summon New Orleans Fire Department fire suppression personnel in the event of fire or leaking fuel from a vehicle.
 - (c) Officers shall assist in the removal from the roadway, if practical, any vehicle causing a hazard to traffic.
7. Officers shall not suggest nor summon private tow wagons to the scene of disabled / stalled vehicles unless a particular vendor is requested by the operator of the vehicle.
 8. Officers shall not recommend any particular tow wagon service to the operator of a motor vehicle in need of such service.
 9. If an officer determines a vehicle must be immediately removed from the roadway and the operator cannot provide for its immediate removal, the officer on the scene shall contact the Towing Allocation Office (TAO) on the appropriate talk group of his/her NOPD radio informing them of the need for the vehicle to be immediately removed.
 10. It is the responsibility of the TAO operator to order the appropriate tow service as provided for by current city ordinance and procedure.

ABANDONED VEHICLES

11. Officers conducting investigations relative to abandoned vehicles shall:
 - (a) Check the vehicle under investigation through NCIC to determine whether or not the vehicle has been stolen.
 - i. If the vehicle is reported as stolen, the necessary reports shall be completed and the incident handled as per current departmental procedure.
 - ii. If the vehicle is not reported as stolen, the officer will attempt to contact the registered owner and notify him/her of the vehicle's location and condition.
 - (b) If the vehicle has been stripped or is in a "junk" condition, the investigating officer shall contact the Towing Allocation Office (TAO) on the appropriate talk group of his/her NOPD radio informing them of the need for the vehicle to be immediately removed.
 - (c) A police report shall be completed on all vehicles towed or removed from a city street on the authority of an investigating officer. All required forms necessary for the towing of a vehicle shall be completed and made part of the report.

MECHANICAL REPAIRS

12. Department members shall not make mechanical repairs to a disabled / stalled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.
13. Department member shall not "jump start" a car with a dead/low battery by utilizing the departmental vehicle/battery nor will they allow the motorist to do so.

GUIDELINES FOR USE OF PUSH BUMPERS

14. Only those marked units equipped with professionally-installed push bumpers shall be used to relocate a vehicle disabled / stalled as a result of a motor vehicle crash or incident or a disabled / stalled vehicle from a dangerous location or position in the travel

- lanes to an area of safety in order to prevent possible future injury or damage. (see: LA Rev Stat § 32:155).
15. Only members who have completed the Departmental training in the use of push bumpers may use them to relocate a disabled / stalled vehicle. General guidelines include:
 - (a) The push bumpers are designed for Straight Forward pushing only. They are not designed for maintaining bumper contact while pushing vehicles up into embankments or while turning. Such action will result in the bumper twisting and or the pushed vehicle sliding off the push bumper and damaging the police unit's front bumper and front fenders.
 - (b) If an embankment (incline) or turn is encountered, the police unit should disengage the push, allowing the disabled / stalled vehicle to coast through the incline or turn and then re-engage for a straight forward push once the disabled / stalled vehicle comes to a stop.
 - (c) The police unit should never attempt to re-engage the disabled / stalled vehicle while both vehicles are still in motion. This could result in damage to the police unit and/or the disabled / stalled vehicle as well as injury (whiplash) to the disabled / stalled vehicles driver or passengers.
 16. On arrival at the scene of a disabled / stalled vehicle, the officer in a fully marked and equipped emergency vehicle with a push bumper shall:
 - (a) Utilize their vehicle as a buffer, while using all available emergency warning lights.
 - (b) Contact the driver / operator of the disabled / stalled vehicle and determine the problem and if pushing is necessary or appropriate.
 - (c) Ask the driver if he/she is physically and emotionally capable of operating the vehicle while it is being pushed.
 - i. If not, request assistance.
 - ii. If yes, explain the procedure and what is required of the driver/operator. (i.e., path, use of lights at night, they may not have power assist for steering and brakes, transmission in neutral, parking brake off, ignition is on, advise where to steer and stop, etc.).
 17. Officers who determine that the disabled / stalled vehicle should be relocated by use of the push bumper rather than wait for a tow wagon, shall:
 - (a) Assess the feasibility of using the push bumper by ensuring the push bumper aligns properly with the bumper of the vehicle to be pushed. Push bumpers should not be used if they align with the trunk or tailgate of the disabled / stalled vehicle unless exigent circumstances exist and a supervisor approves the use.
 - (b) Explain to the owner/operator of the disabled / stalled vehicle the safety reason for relocating the disabled / stalled vehicle immediately rather than wait for a tow wagon.
 - (c) Document the process, when possible by use of BWC or ICC.
 - (d) Ensure the vehicle to be relocated is unoccupied when being relocated if the wheels and axel are damaged and vehicle will not "roll".
 - (e) Check for fluid leaks other than water only. If fluids (oil, brake fluid, transmission fluid, and engine coolant) have leaked onto the roadway and officer does not have an absorbent available, wait for a tow wagon or MAP unit.
 - (f) Relocate the disabled / stalled vehicle to the closest safe location / position out of the travel lanes
 - (g) Do not exceed 10 mph, as a maximum, while pushing a disabled / stalled vehicle.
 - (h) Notify his/her supervisor of any obvious damage to the disabled / stalled vehicle or unit caused by the use of the push bumper immediately after relocation.
 - (i) Complete any documentation required or directed by his/her supervisor.