

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



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May 8, 2018

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 amended Chapter 61.17 - Traffic Function and Responsibility. The OCDM has no objection to the policy as amended.

We believe that the amended Chapter 61.17 - Traffic Function and Responsibility, 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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CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 61.17

TITLE: TRAFFIC FUNCTION AND RESPONSIBILITY

EFFECTIVE:

REVISED: (Conversion Replaces P/PR500)

PURPOSE

This Chapter outlines how the NOPD utilizes traffic law enforcement to reduce crashes and improve the safety and quality of life of the community.

POLICY STATEMENT

1. The goal of traffic law enforcement is to reduce traffic accidents and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior.
2. This department provides traffic law enforcement efforts in proportion to the frequency of the violation's occurrence in crash situations and in terms of traffic-related complaints from the community.
3. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other related data.
4. Aggressive traffic enforcement with a high priority given to violations of driving while intoxicated (DWI) and school zone speed enforcement is encouraged.

TRAFFIC OFFICER DEPLOYMENT

5. Several factors are considered in the development of traffic enforcement assignments for officers of the New Orleans Police Department. Information provided by the Louisiana State Police is a valuable resource for traffic crashes and therefore officer deployment. Some of the crash factors for analysis include the following:
 - (a) Location
 - (b) Time
 - (c) Day
 - (d) Violation factors
6. All officers assigned to patrol or traffic enforcement functions shall emphasize:
 - (a) Enforcement of traffic laws,
 - (b) Crash-causing violations during those periods and at those locations where the

- incidence of crashes is increased,
 - (c) Directed enforcement action on request,
 - (d) Random enforcement action when appropriate, against violators of traffic laws, and
 - (e) High visibility while working general enforcement, especially at high-crash incidence locations.
7. Other factors to be considered for traffic enforcement deployment are community requests, construction zones, school zones or special events.

ENFORCEMENT QUOTAS AND BIAS

8. Traffic law enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation. This department does not establish ticket "quotas." The arrests or citations issued by an officer shall not be used as the sole criteria for evaluating the officer's overall performance (R.S. 40:2401.1).
9. The enforcement of traffic violations and the reporting of traffic stops shall be in compliance with law and **Chapter 41.13 – Bias-Free Policing**.

WARNINGS AND STOPS WITHOUT CITATION OR ARREST

10. Verbal warnings may be considered in lieu of a traffic citation for minor traffic infractions when based on permissible factors dealing with the driving behavior and within the limitations of **Chapter 41.13 – Bias-Free Policing**.
11. Verbal warnings are not permitted in lieu of citation when a crash investigation has been completed.
12. Written warning citations for violations of motor vehicle laws are specifically **PROHIBITED** (R.S. 32:398.1C).

TRAFFIC CITATIONS

13. Traffic citations shall be issued when an officer has probable cause to believe a violation of the State or Municipal motor vehicle laws has occurred and he/she believes it is necessary to deter future violations.
14. Officers shall fully explain to the motorist the rights and requirements imposed on motorists when issued a citation for a traffic violation in accordance with **Chapter 61.3 – Traffic Citations**.

PHYSICAL (CUSTODIAL) ARREST

15. Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases are outlined in **Chapter 61.3 – Traffic Citations**.

HIGH-VISIBILITY VESTS REQUIRED USE

16. Officers conducting directed traffic enforcement shall employ American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to members who may be exposed to hazards presented by traffic control duties, accident investigations, lane closures, disaster scenes, passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

17. Although high-visibility vests are intended primarily for use while performing traffic-related assignments, they shall be worn at any time increased visibility would improve the safety or efficiency of the employee.
18. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit or when directed by a supervisor.
19. During vehicle stops, high-visibility vests shall be worn any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.
20. High-visibility vests may be used any time a plainclothes officer might benefit from being readily identified as an officer.

STATIONARY OBSERVATION

21. The New Orleans Police Department deters traffic violators by open and visible patrol. Covert operations shall be utilized only when gathering information for eventual action through an overt patrol.

VISUAL TRAFFIC PATROL

22. The tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol. When there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.
23. Uniform patrol officers, including officers assigned to traffic enforcement, shall monitor areas where complaints of traffic violations are of an on-going nature including school zones prone to violations.
24. Enforcement will be directed toward high hazard intersections, speeding complaints, and as indicated by statistical reports.