



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 35.1.7

TITLE: RESPONSES TO MINOR VIOLATIONS OR CREDIBLE VIOLATIONS

EFFECTIVE: 05/10/2015

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PURPOSE

The New Orleans Police Department recognizes that member's behaviors or actions may not always be fully compliant with Department Rules, regulations, Chapters, or policies but are not sufficiently egregious to elevate the behavior or action to a formal disciplinary investigation. These minor behaviors or actions may only require corrective supervisory guidance and not disciplinary action. Supervisors shall address minor violations/infractions through redirection, counseling, or formal discipline (see **Chapter 52.1 – Complaint Intake and Investigation**) according to this Chapter.

Nothing within this Chapter diminishes or relieves a supervisor of their responsibility to refer observed or alleged violations that do not meet the definition of a minor violation/infraction to PIB for a formal disciplinary investigation.

DEFINITIONS

Definitions related to this Chapter include:

Credible Violation/Infraction (CVI) - A credible complaint in which the intake investigation determines there was more likely than not a violation of a Departmental rule, policy, procedure, order, regulation, or verbal/written instructions that a PIB supervisor believes requires minimal intervention through retraining and/or counseling to correct the employee's behavior. Credible Violations/Infractions may be documented through the Supervisor Feedback Log in accordance with **Chapter 35.1.7 – Responses to Minor Violations or Credible Violations**. Only PIB or PSAB may classify a complaint as a Credible Violation/Infraction, which will be documented in IAPro as a sustained violation.

Formal Counseling - The process used to correct a subordinate's behavior that is determined to more likely than not be a violation of Department rules, regulations, chapters, or policies but is not sufficiently egregious to elevate the action to formal discipline. A supervisor must meet with the non-compliant member, explain the manner in which his or her actions are not compliant, and review the relevant policy (or Chapter, rule, or regulation) with him or her. The counseling shall be documented on an NOPD complaint form (Form # 230), which is forwarded to PIB for inclusion in the officer's disciplinary record, and documented in the Supervisor Feedback Log.

Minor violation/infraction (MVI)—A violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through redirection, retraining and/or counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, forgetting to complete an FIC, and cleanliness of vehicle). The behavior must not be the subject of a public complaint must be sufficiently minor that it is correctable by minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of similar violations within a twelve-month period (based on the date of the observed violation) may require discipline. Refer to **Chapter 35.1.7 –Responses to Minor Violations or Credible Violations** for guidance.

Misconduct—Any action or inaction that violates any Departmental Rule, Policy, Procedure, Order, verbal or written instruction, or criminal law other than a grievance as defined in **CAO Policy Memorandum 4(R)** and [Chapter 25.1 – Employee Grievances](#). A supervisor may decide to handle a minor violation/infraction through non-disciplinary means.

Non-disciplinary counseling—A non-punitive process used to correct a subordinate's behavior that is not fully compliant with Department rules, regulations, Chapters, or policies but is not sufficiently egregious to elevate the action to formal discipline. A supervisor must meet with the non-compliant member, explain the manner in which his or her actions are not compliant, and review the relevant policy (or Chapter, rule, or regulation) with him or her. The counseling shall be documented in the Supervisor Feedback Log.

Redirection—Remedial, non-disciplinary, oral instruction provided by a supervisor to a subordinate member on an individual basis. The purpose of redirection is to immediately resolve the minor issue or problem and remediate the individual's behavior by providing guidance. The member does not experience any loss of rights, remuneration, or benefits. Redirection need not be formally documented. When a member repeatedly (i.e., more than three times within a 12-month period) commits the same minor violation/infraction, the supervisor shall not handle the minor violation/infraction through redirection.

Remedial training—Training to specifically address a minor violation/infraction that reveals a deficiency in job skills, knowledge or department procedure. Remedial training is an opportunity to better train and instruct members, clarify any issues involving Departmental Rules, Policies, Procedures, or Orders which may not have been clear to the member.

Supervisor Feedback Log (SFL)—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to supervisors on NOPD Web Apps under Applications.

ELIGIBILITY FOR REDIRECTION

1. Supervisors may use redirection to immediately resolve an MVI.
2. Supervisors are not required to formally document redirection. Supervisors may document redirection in the Supervisor Feedback Log.
3. If a supervisor repeatedly redirects a member for the same or similar minor violation/infraction (i.e., more than three times within a 12-month period), the supervisor shall:
 - (a) Escalate the response to formal counseling and document the counseling in the Supervisor Feedback Log; or
 - (b) Initiate a formal disciplinary investigation as appropriate.

ELIGIBILITY FOR COUNSELING OR REMEDIAL TRAINING

4. If a supervisor observes or discovers an MVI by a member, and the member's past disciplinary record includes no previous sustained violations or infractions of the same type within twelve months, a supervisor may, in his or her discretion after considering the totality of the circumstances, address the MVI through immediate non-disciplinary counseling or remedial training, which shall be documented in the Supervisor Feedback Log.
5. The supervisor must have firsthand knowledge of the behavior that constitutes the MVI.
6. A public complaint cannot be handled through non-disciplinary corrective action as an MVI.
7. When a supervisor repeatedly redirects a member for the same or similar minor violation/infraction (i.e., more than three times within a 12-month period), the supervisor shall not handle the minor violation/infraction through a non-disciplinary response. In such circumstances, a complaint form shall be completed, and the allegation will be investigated and classified appropriately in accordance with **Chapter 52.1 – Complaint Intake and Investigation**
8. Only PIB or PSAB may classify a complaint as a CVI.
9. Supervisors shall respond to any body-worn camera violations according to [Chapter 41.3.2 – Body-Worn Camera Inadvertent Misuse and Non-Use.](#)

SUPERVISOR RESPONSIBILITY FOR AN MVI OR A CVI

10. The supervisor shall document all MVIs in the Supervisor Feedback Log and provide documented redirection or non-disciplinary counseling, unless the MVI was handled through verbal redirection or referred for a formal disciplinary investigation.
11. All Formal Counseling for a CVI shall be documented on an NOPD complaint form (Form # 230) and be signed by the issuing supervisor and the accused employee. This form shall be forwarded to PIB within 10 days of the notification the complaint has been classified as an CVI.
12. Formal counseling requires a supervisor to meet with the non-compliant member, explain the manner in which their actions were not compliant, and review the relevant policy (Chapter, rule, or regulation) with them.
13. The supervisor shall provide the counseling individually, without other officers present, citing the relevant part of the appropriate Rule, Chapter, Policy, Procedure, or Order violated and the behavior that constitutes the MVI or CVI. The supervisor should instruct the member how to avoid repeating the same violation in the future and inform the accused officer/employee that repetition of the behavior may result in disciplinary action in the future. The supervisor shall inform the officer that a record of the counseling will be entered into the Supervisor Feedback Log and/or IAPro.

EMPLOYEE RESPONSIBILITIES

14. Members receiving redirection, counseling, or remedial training shall acknowledge the actions taken by the supervisor. The member shall not experience any loss of rights, remuneration, or benefits as a result of such corrective actions.

15. If the employee denies commission of the MVI, they may indicate they denial to the supervisor who will record this fact in the narrative portion of the Supervisor Feedback Log entry.
16. If an employee believes they have received any redirection, counseling or remedial training of an MVI or CVI in error, they shall notify a supervisor, who can contact the appropriate section to rectify any errors.

REVIEW OF MINOR VIOLATIONS/INFRACTIONS BY PIB

17. PIB shall review the reports from the Supervisor Feedback Log and ensure the identified MVI issues were appropriate for handling under this Chapter.
18. PIB shall discuss any issues with the application or appropriateness of non-disciplinary responses to MVI with the supervisor within 15 days of the non-disciplinary response.
19. If PIB determines that the documented behavior constitutes a more serious offense requiring formal disciplinary investigation, PIB shall notify the commanding officer of the involved supervisor and conduct a formal investigation into the alleged MVI.