



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 52.8

### TITLE: SUSPENSIONS AND EMERGENCY SUSPENSIONS OF MEMBERS

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy 1053**

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#### PURPOSE

This Chapter establishes guidelines for effecting the suspension, emergency suspension or arrest of a member of the New Orleans Police Department.

#### DEFINITIONS

**Suspension**—The relieving of a police department member from all work related duties as a result of a sustained infraction of department rules, policies and/or procedures.

**Emergency suspension**—The immediate relieving of a police department member from all work related duties.

#### DISCIPLINARY SUSPENSION

1. A member may be suspended as a result of a disciplinary infraction only after a Disciplinary Letter has been signed by the Superintendent of Police and issued to the member.
2. In the event that a member refuses to sign for the Disciplinary Letter, additional disciplinary action may be taken. This refusal will not negate the disciplinary letter and/or the penalty assessed. The supervisor issuing the disciplinary letter shall note on it refused to sign and/or unavailable to sign.

#### DISCIPLINARY SUSPENSION – COMMANDER'S RESPONSIBILITIES

3. Commanding Officers shall review a copy of the Disciplinary Letter noting a suspension on any members under their command and shall ensure that the members are carried suspended the correct number of days as indicated on the suspension letter and within the time frame designated.
4. The suspended member's Commander shall be responsible for ensuring the disciplined member is instructed to surrender all Departmental property in his/her possession prior to serving the suspension. The disciplined member's commander shall assign an on-duty supervisor from the member's chain of command who shall, on the last working day prior to beginning a suspension for disciplinary reasons, confiscate the following

Department property and issue the member a receipt for same:

- (a) Member's badge and frontispiece;
- (b) Member's police or departmental identification;
- (c) Member's personal PIM Card;
- (d) Member's radio;
- (e) Member's assigned vehicle, keys, and gas card;
- (f) Member's departmental weapon(s);
- (g) Member's vest;
- (h) Any other department issued property specified by the Superintendent of Police or the member's Bureau Chief.

5. The member's Commander shall be responsible for securing all confiscated Department property until the member is restored to full duty. The commander shall store the property in a secure location within his/her command or may secure the confiscated property in the Central Evidence and Property Section.

#### **DISCIPLINARY SUSPENSION – PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

6. The Public Integrity Bureau shall ensure a copy of the suspension form will be delivered to the Department of Civil Service within five calendar days of the completion of the suspension form. A receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file in PIB.

#### **DISCIPLINARY SUSPENSION – MEMBER'S RESPONSIBILITIES**

7. A member while on suspension / emergency suspension **is not commissioned**. That member shall not:
  - (a) Drive any city vehicle,
  - (b) Carry a firearm as a "peace officer" (La. R.S. 40:2405),
  - (c) Wear uniform parts,
  - (d) Make any public appearances representing themselves as a member of the New Orleans Police Department, or
  - (e) Work police secondary employment.

#### **EMERGENCY SUSPENSIONS**

8. Only the Superintendent or his/her designee may authorize emergency suspensions.
9. Reasons for an emergency suspension shall include, but shall not be limited to:
  - (a) The accused member's use of drugs and/or alcohol;
  - (b) Any act or omission to an act which jeopardizes the public's safety or the Department's integrity;
  - (c) Any actions which bring into question the accused member's continued ability to perform his/her duties; or
  - (d) The member's physical arrest and booking.

#### **EMERGENCY SUSPENSION – SUPERVISOR'S RESPONSIBILITIES**

10. The supervisor who receives approval for an emergency suspension of a subordinate shall document the emergency suspension on a **Notification of Suspension Form** (Form #310), including the name of the person by whose authority the member was suspended. The Notification of Suspension Form shall be distributed as indicated on the form prior to the end of the initiating supervisor's tour of duty.

11. PIB shall ensure a copy of the suspension form is delivered to the Department of Civil Service within five calendar days of the date of the suspension. A receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file in PIB.
12. The supervisor effecting the emergency suspension shall notify the accused member's Commander of the emergency suspension proceeding. The accused member's Commander shall follow the same guidelines and procedures as outlined herein for Disciplinary Suspensions in the confiscation of departmental property in the member's possession, custody and control.
13. If no on-duty supervisor is available from the accused member's unit, the accused member's Commander shall be responsible for insuring Department property is confiscated within 24 hours from the time of the suspension.
14. The receipt issued to the accused member shall include:
  - (a) The Public Integrity Bureau's case number,
  - (b) Police item number, if applicable,
  - (c) A complete description of the property,
  - (d) The date confiscated, and
  - (e) The signatures/dates of both the supervisor and member.
15. The original, signed receipt shall be forwarded to the Public Integrity Bureau to be made a part of the case file.
16. The supervisor issuing the receipt shall insure a copy is sent to the accused member's Commander.
17. If the property is returned to the member, the returning supervisor shall have the member sign and date a copy of the receipt. A copy of the signed receipt, which indicates the return of Department property, shall be sent to the Public Integrity Bureau and placed in the case file.
18. It is important the Department have the ability to readily contact a suspended member.
19. At the time the emergency suspension is initiated, the supervisor effecting the suspension shall obtain from the member a current mailing address and any contact telephone numbers where he/she can be reached.
20. Suspended members shall insure they can be reached at the address and phone numbers provided.
21. If, during the suspension, the member's contact address or telephone numbers change, the member is responsible for advising his/her Commander and the investigator assigned to conduct the investigation of any new listings where he/she can be reached.

#### **EMERGENCY SUSPENSION – COMMANDER'S RESPONSIBILITIES**

22. If all departmental property is not immediately available at the time of the emergency suspension, the suspended member's commander shall be responsible for confiscating the property and issuing a receipt within 24 hours of the suspension.
23. The member's commander shall be responsible for securing all confiscated Department property until the member is restored to full duty. The commander may store the property in a secure location within his/her command or may secure the confiscated

property in the Central Evidence and Property Section.

#### **EMERGENCY SUSPENSION – PUBLIC INTEGRITY BUREAU’S RESPONSIBILITIES**

24. The Public Integrity Bureau Chief shall review all emergency suspensions on the next working day and weekly thereafter and shall advise the Superintendent and the member's Deputy Chief if the member may be restored to duty pending final disciplinary action.
25. Only the Superintendent of Police, through the Deputy Chief of the Public Integrity Bureau, shall terminate the emergency suspension of a member.
26. When an emergency suspension is terminated, the Deputy Chief of the Public Integrity Bureau shall notify the member's Deputy Chief and the Personnel Director in an interoffice correspondence utilizing Department letterhead.
27. The correspondence shall indicate:
  - (a) The date the emergency suspension began,
  - (b) The effective date of return to duty, and
  - (c) The number of calendar days of the suspension.
28. The Deputy Chief of the Public Integrity Bureau shall be responsible for delivering a copy of the emergency suspension termination to Civil Service within five calendar days of the date of the form, and a receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file in PIB.

#### **ARREST OF POLICE DEPARTMENT MEMBERS**

29. The Public Integrity Bureau Chief shall be notified of the pending arrest of any member of the department, in advance of the arrest if possible.
30. If circumstances require a member to be immediately arrested, the arresting officer shall notify the Deputy Chief of the Public Integrity Bureau immediately after the arrest. The Deputy Chief of the Public Integrity Bureau shall insure the Superintendent and member's Bureau Chief are notified.