



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 10.1

### TITLE: PUBLIC SAFETY RIDES

**EFFECTIVE:** 7/10/2022

**REVISED:**

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#### PURPOSE

The New Orleans Police Department is committed to protecting and serving the community. The Department and its members recognize that there are times when it is in the best interests of the individual, the community and the Department that officers provide voluntary transportation to a person or persons for public safety reasons when alternatives (such as a ride share or calling a friend or family member) are not reasonably available.

#### POLICY STATEMENT

1. The investigating officer of the primary unit on the scene or the officer that is providing the Public Safety Ride shall document the ride in a Departmental FIC if not already documented as part of an FIC in an incident or investigation that was just concluded.
2. Public Safety rides are not a substitute for crisis intervention. Individuals in crisis should be handled according to **Chapter 41.25 – Crisis Intervention**.
3. In the event a situation presents an imminent risk of harm to an individual or their safety, presenting an immediate need to flee the scene (e.g. open gunfire, presence of hazardous materials), officers may disregard the procedures outlined herein to affect the immediate removal of the individuals from harm. Notification of actions to supervisors and required documentation shall still take place as soon as the immediate need for action has been accommodated.
4. If an individual is believed to be armed, or is armed, officers should use their judgement when determining if offering a public safety ride is appropriate.

#### DEFINITIONS

**Public Safety Ride** – the voluntary transport of a person or persons from one location to another as a public service, for example, when giving a stranded tourist a ride or when

transporting someone who has been involved in an investigative stop or Call For Service which has already been concluded for their safety. Public Safety rides are not part of a detention and may be refused for any reason.

**Field Interview Cards (FICs)**—The method the NOPD utilizes to document stops and other discretionary interactions between a member of the NOPD and individual members of the community.

## **PUBLIC SAFETY RIDES**

5. Public Safety rides should be offered only where appropriate to protect the safety of an individual and only where the individual does not have reasonable access to transport (such as a family member, friend, or for-hire private transportation).
6. Prior to offering a person or persons a public safety ride, the officer shall communicate the circumstances surrounding the offer to his/her supervisor and shall seek approval from his/her supervisor. The supervisor shall document his/her approval on the primary dispatch channel for the District in which the officer requesting is working.
7. Because public safety rides are not a form of detention or arrest, officers are not authorized to search the individual(s) accepting an offer for a public safety ride except when conducting a consent search as provided by **Chapter 1.2.4 – Search and Seizure**.
8. Unless there is reasonable suspicion supporting a stop, and reasonable suspicion that an individual is armed and dangerous, officers shall not conduct a pat down of an individual prior to providing a public safety ride. Stops and pat downs shall only be conducted in accordance with **Chapter 1.2.4 – Search and Seizure**.
9. If the officer providing a public safety ride knows the individual is armed, they may request that the person consent to provide their weapon to the officer for safekeeping during the duration of the public safety ride. The person is free to refuse to provide a weapon, unless that weapon is legally carried pursuant to a permit for a concealed handgun in accordance with Louisiana Revised Statute 40:1379.3. However, the public safety ride and any request to provide a weapon or consent to search **shall not** be used as a pretext to a search without probable cause and/or a warrant. No other searches are permitted unless conducted in accordance with **Chapter 1.2.4 – Search and Seizure**.
10. If an individual is armed with a firearm, officers shall not offer a public safety ride unless that individual consents to provide their weapon to the officer for safekeeping during the duration of the ride.
11. The person being given/offered a public safety ride is NOT a suspect, NOT in custody and is free to go when and where they wish. An individual that declines the offer of a Public Safety Ride, declines to allow a consent search or provide a weapon is within their rights to do so and the refusal cannot be considered, in any way, suspicious or indicative of criminal behavior. The individual is free of any obligation to remain on

scene, interact with the officers and may leave or remain as they choose.

12. Individuals seeking assistance to voluntarily commit themselves shall be transported in accordance with **Chapter 41.25 – Crisis Intervention**.
13. If an individual refuses a ride, the officer shall confer with this or her supervisor concerning what measures, if any, the officer should take to reasonably safeguard the individual's safety.
14. If the officer performed any search, the officer shall document the search and the legal basis for the search in the FIC. (see: **Chapter 1.2.4 – Search and Seizure** and **Chapter 41.12 – Field Interview Card**.)
15. If any items are removed from the individual and secured in the police vehicle during the ride, the FIC shall document that fact and the return of all items to the person shall be documented in the FIC and on BWC.
16. Unless exigent circumstances exist, Public safety rides shall only be provided in marked NOPD units with ICC (rear seat recorded). The entire ride shall be recorded.
17. Officers conducting public safety rides shall note, on air, on the primary dispatch channel for the District in which the officer is working, that they are providing a public safety ride, the destination and odometer mileage at the beginning and immediately upon conclusion of the transport.
18. Any baggage, purses, or other containers in the custody of the persons being transported as a public safety ride shall be secured separately from the persons (i.e. placed in truck of unit or in front seat of unit) and shall not be searched. The person shall be permitted to keep personal effects such as their phone or wallet with them in the vehicle.
19. All public safety rides shall be documented on the officer's daily activity sheet with specific note of the BWC and ICC use, as well as in an FIC. This includes all offers that are refused.

#### **SUPERVISORS SHALL APPROVE ALL FIC DOCUMENTATION**

20. The approving supervisor will ensure the documentation for a Public Safety Ride has been completed when reviewing the officer's activity sheet. The Supervisor should review all BWC videos documenting Public Safety rides as part of her/his required monthly video reviews.
21. If the actions reviewed appear inconsistent with this Chapter, federal and state law, the supervisor, in consultation with the shift commander (if present), shall document and establish a strategy to remediate the situation. The supervisor shall document any corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**), by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**), or, as appropriate, shall recommend a review of agency policy, strategy, tactics, or training.

**REVIEW**

22. All FICs indicating Public Safety rides shall be subject to review / audit by PSAB for compliance with this Chapter on a monthly basis.
23. Any allegations of misconduct arising from a Public Safety ride will be addressed in accordance with NOPD Policy.
24. NOPD shall assess the data collected during public safety rides on a quarterly basis to ensure that they are not being deployed in a manner that discriminates on the basis of protected categories, such as race (see **Chapter 41.13 – Bias Free Policing**). If NOPD discovers that public safety rides are being offered in a disparate manner, NOPD shall assess whether additional training or policy changes are needed.