



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 13.3

TITLE: PERSONNEL FILES

EFFECTIVE: 04/08/2018

REVISED: Replaces Policy (1026)

PURPOSE

This Chapter governs maintenance, retention and access to NOPD personnel files (sometimes referred to as personnel jackets).

POLICY STATEMENT

1. It is the policy of the Department to maintain consistent employment records and preserve the confidentiality of personnel data contained in personnel files pursuant to state public records law (La. R.S. 44:11).
2. Long-term volunteer records such as for Reserve Police Officers shall be handled in the same manner as employee records.
3. The personnel jacket is part of the INSIGHT Early Intervention System and may contain Personally Identifiable Information (PII) and Health Insurance Portability and Accountability Act (HIPPA) protected data as well as each member's name, badge number, shift assignment, supervisor, race/ethnicity and gender. (See: **Chapter 35.1.9 – INSIGHT**).
4. The use of information contained in INSIGHT shall be in compliance with all applicable laws and Department regulations and shall be regarded as **confidential**. Each member shall be allowed to view his/her own information as well as the information contained on any subordinate under his/her command.
5. Personnel records are kept in both paper version and files and electronic version and files. The personnel jacket does not replace the paper file system.

DEFINITIONS

Brady Material—Evidence held by the prosecution that may be favorable to the defendant, as held by the U.S. Supreme Court in *Brady v. Maryland* (373 U.S. 83 (1963)).

The Prosecution—Includes the prosecutor and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

CONFIDENTIALITY OF ALL PERSONNEL FILES

6. Personnel files are private and confidential and may be exempt from disclosure. A request to release, inspect or copy a personnel record shall be forwarded to the City Attorney's Office for review and a determination regarding the action to be taken by the Department in meeting the request.

PERSONNEL SECTION

7. Each member of the Department shall have a personnel jacket created by the Personnel Section at the time an employee is appointed to the Department. The electronic version of the personnel jacket will be available to the member and the member's immediate supervisor(s) for viewing at any time on the City intranet. A member's electronic personnel jacket can be found on the NOPD Web Application page under Applications / Insight.
8. The Personnel Section shall maintain a personnel jacket on all members throughout their employment or service with the New Orleans Police Department. The member's personnel jacket shall be maintained in accordance with the Department's records retention policy maintained by the MSB – Records Section.
9. Should any employee be transferred to another city agency, thus terminating their employment with the New Orleans Police Department, the Personnel Section shall forward a suitably redacted copy of the employee's personnel jacket to the director of that city agency upon their request.

HUMAN RESOURCE SERVICES

10. The paper version or hard copy of the personnel jacket maintained in the MSB – Human Resource Services – Personnel Section shall contain, but not be limited to, the following:
 - (a) The member's current and all previous addresses (Declaration of Domicile Form B which can be found at <http://www.nopd.org> in the **Forms** folder).
 - (b) Contact person(s) designated by the member in the event emergency notification of a relative is needed.
 - (c) All payroll records and documents pertaining to the reclassification of an employee either through promotion and/or demotion.
 - (d) All other documentation deemed appropriate by the Director/Commander of the Human Resource Services necessary to abide by Civil Service rules and regulations, CAO policies and State Law.
 - (e) The member's current telephone number and all previous telephone numbers.

MEDICAL RECORDS

11. All information pertaining to an employee's medical records shall be kept in a separate paper and electronic file (part of the INSIGHT Early Intervention System) located in the Personnel Section of the New Orleans Police Department. No information pertaining to an employee's medical history shall be kept at the unit or division level. (See **Chapter 35.1.9 – INSIGHT**).

DECLARATION OF DOMICILE

12. All employees shall complete the Declaration of Domicile Form B and submit same to their immediate supervisor within 10 working days of obtaining a new domicile or residence.

13. Supervisors shall forward all completed Form Bs to the Personnel Section within three working days of their receipt.
14. Personnel Section shall upload the document to the member's personnel jacket within five working days of receipt.

EMPLOYEE HOME / CELL / DEPARTMENT PHONE NUMBER

15. Employees are responsible for notifying their supervisor via the **INSIGHT Data Correction Form** immediately upon obtaining a new home/cell or department telephone number. (See **Chapter 35.1.9 – INSIGHT**).
16. The Early Intervention Unit shall forward a copy of the **INSIGHT Data Correction Form** indicating the correction made to the Personnel Division for correction and notation in the member's paper or hard copy personnel file.

RESIDENCE BOOK

17. Each Bureau/Division/District/Section/Unit within the New Orleans Police Department shall maintain a residence book on all employees assigned to the unit. The residence book is a hard copy of the following records, maintained and kept current for each member assigned to the Bureau/Division/District/Section/Unit. It shall contain the member's:
 - (a) Name;
 - (b) Domicile;
 - (c) Home telephone number;
 - (d) Personal cell number (if the member carries while on-duty); and
 - (e) Department cell phone number (if assigned).
18. Supervisors are responsible for ensuring his/her subordinates maintain updated records in the member's personnel jacket and for updating the residence book as the information changes.
19. The residence book should be available to all Bureau/Division/District/ Section/Unit supervisors 24 hours a day, but the information contained in the residence book is **Personally Identifiable Information (PII)** and shall be restricted to **authorized Departmental use ONLY**. (See **Chapter 35.1.9 – INSIGHT**).
20. Departmental employees are **PROHIBITED** from releasing personal telephone numbers to **anyone** unless authorized by the Director of Personnel or the Superintendent of Police. (See **R.S. 40:2532**).

EXEMPTION FOR PIB - INTERNAL INVESTIGATION FILES

21. The internal investigation file is not part of a member's personnel jacket and shall be maintained under the exclusive control of the Public Integrity Bureau in conjunction with the office of the Superintendent. Access to these files may only be approved by the Superintendent or the Deputy Chief of the Public Integrity Bureau.

RELEASE OF INFORMATION

22. No member of this department may disclose private or confidential data without the written consent of the affected member or written authorization of the Superintendent or Police or his/her designee, except as provided by this policy, pursuant to lawful process, court order or as required by state law (see generally: **La. R.S. 44:3; La. R.S. 44:4(23)**).

PURGING OF FILES

23. An officer may make a written request to purge from their file any record as specified in La. R.S. 40:2533(C) or found to be inaccurate by use of the **INSIGHT Data Correction Form**. (See: **Chapter 35.1.9 – INSIGHT**).

BRADY MATERIAL IN PERSONNEL FILES

24. The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as Brady material, which may be contained within Department personnel jackets.

RELEASE OF PERSONNEL FILES TO THE PROSECUTOR

25. Generally, the only time the prosecuting attorney (District Attorney, Attorney General or a grand jury) is entitled to access confidential law enforcement officer personnel files without filing a court motion is during an investigation of the conduct of an officer of this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.
26. Absent a specific investigation of an identified officer or a specific investigation of this department, or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the District Attorney or grand jury without full compliance with the court process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.
27. Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by law or through the process set forth in court and evidentiary rules (**C. Cr. P. 718; Code of Evidence Art. 607**).
28. If an officer is a material witness in a criminal case, a person or persons designated by the Superintendent may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:
 - (a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of Brady material in the officer's personnel file.
 - (b) The prosecutor should be instructed to file a court motion in order to initiate an in camera review by the court.
 - (c) As with any court motion, and prior to any review of the files by the court, the subject officer shall be notified in writing that a court motion has been filed.
 - (d) The responsible custodian of records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.
 - (e) If the court determines that there is relevant Brady material contained in the file, only that material ordered released will be copied and released to the parties filing the court motion.
 - (f) Prior to the release of any materials pursuant to this process, the custodian of records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon

completion of the case.