



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 52.1

### TITLE: COMPLAINT INTAKE AND INVESTIGATION

**EFFECTIVE: 07/19/2015**

**REVISED: 05/21/2021, 08/18/2024**

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#### PURPOSE

This Chapter governs the reporting, receipt, classification, assignment, processing, investigation, and disposition of complaints regarding all allegations of misconduct against all members.

Every allegation of employee misconduct shall be accepted and fully and fairly investigated. Written findings will be supported by reliable evidence using a "preponderance of the evidence" standard.

#### POLICY STATEMENT

1. The New Orleans Police Department (NOPD) is fully committed to the thorough investigation of every misconduct complaint regarding the service provided by the Department and the conduct of its employees. The Department will accept and address every complaint of employee misconduct in accordance with this Chapter.
2. Discipline is a function of command. Supervisory and non-supervisory employees both share in the responsibility for the administration of the disciplinary process by personal adherence to every Departmental Rule, Chapter, Policy, Procedure, order, and criminal or civil law. Every employee is equally responsible for reporting any violation to a supervisor, PIB, or to the Superintendent of Police.
3. The Public Integrity Bureau (PIB) is primarily responsible for ensuring a fair and consistent disciplinary process throughout the Department. This includes the coordination and supervision of all disciplinary investigations involving all employees of the Department and the assignment and processing of all complaints and allegations.
4. Supervisors assigned to conduct a misconduct investigation of an accused employee shall conduct a thorough investigation and exhaust all valid leads. Misconduct investigations shall be as thorough as necessary to reach reliable and complete findings.
5. While investigating allegations of misconduct and imposing discipline, NOPD employees shall abide by federal law, including the U.S. Constitution, and state law, including Louisiana's Police Officer Bill of Rights (La. R.S. 40:2531).

## DEFINITIONS

**Allegation** — A statement, assertion or claim of misconduct, whether or not styled as a formal complaint and whether or not supported by facts, which if true could constitute a violation of NOPD policy or criminal law.

**Allegation-driven classification of complaint action**—Classification of an allegation and assignment of a Complaint Action to a particular investigative unit based on the complainant's allegation rather than on the possible outcome of the investigation.

**Allegation of criminal misconduct**—A complaint alleging officer conduct that, if true, would constitute a crime.

**Aggravating circumstances**—Conditions or events that increase the seriousness of misconduct and may increase the degree of penalty. Aggravating circumstances may be considered at a Pre-disciplinary hearing to deviate from the recommended or presumptive punishment. For example, if an offense carries a penalty range of one to three days' suspension, a hearing officer may choose to impose a three-day suspension in light of aggravating circumstances.

**Cancelled** – Rank-initiated complaints which the initiating supervisor requests to be cancelled because the complaint was erroneously initiated shall be given the classification of Cancelled (CAN).

**Classification date**—The date on which PIB determines and classifies the allegation as a Complaint Action.

**Complaint Cognizance Date**—The date on which an NOPD supervisor, whether assigned to PIB or assigned to another Bureau, receives a complaint of alleged employee misconduct from any source, observes employee misconduct, which shall be the same date NOPD assigns a complaint tracking number (CTN) to the complaint).

**Complainant**—Any person, including a community member, a nonresident, or a sworn or civilian member of NOPD, who makes a complaint against NOPD or any NOPD employee.

**Complaint**—Any allegation of misconduct by any NOPD employee that is reported by any person, including any NOPD employee. The allegation can come in through any means (in-person, letter, email, etc.) and need not be styled as a formal "complaint."

**Complaint Action**—One of four actions taken based upon the classification by PIB:

- (a) The initiation of a Formal Disciplinary Investigation on the basis of a public or internally-generated complaint of employee misconduct (FDI);
- (b) The documentation of a credible violation/infracton resolved through non-disciplinary counseling or training (CVI),
- (c) The documentation of a Non-Formal Investigation (NFIM) by any Departmental supervisor,
- (d) The resolution of an allegation through a Negotiated Settlement Agreement (NSA),
- (e) The resolution of an allegation through clearance by camera (CBC),
- (f) The resolution of an allegation through mediation (MED),
- (g) The cancellation of an internally generated complaint by the initiating supervisor (CAN),
- (h) The determination that a complaint has already been investigated and resolved (DUP)

**Complaint Form (NOPD Form 230)**—The form that any person may use to file a complaint against an employee of the New Orleans Police Department. Any person can file a complaint without filling out this form (e.g., a complaint may be communicated verbally or online), and a complaint shall not be disregarded if a person refuses to, or cannot, complete this form. However, a copy of this form shall be provided to any person who requests it or asks to file a complaint, and a supervisor shall assist any such person to ensure

the form is filled out thoroughly and forwarded to the Public Integrity Bureau.

**Conflict of Interest** - Includes any actual, perceived, or potential conflict of interest in which it reasonably appears that a member's action, inaction, or decisions are or may be influenced by the member's personal or business relationship.

**Complaint Tracking Number (CTN)**—A unique number assigned by PIB Intake to each complaint received and entered on the Complaint Form and all documents associated with intake, classification, investigation, and adjudication of the complaint. The CTN includes the year the complaint was filed followed by a four-digit sequential number starting with 0001 for the first recorded allegation of the year, followed by an alpha character indicating the source of the complaint (i.e., P = public; R = rank). For example, 2023-0001-P indicates the first complaint received in 2023 and it was filed by a member of the public. Once a complaint has been classified through the PIB Intake Investigation, the PIB Intake Investigator will assign the appropriate three-letter classification to the end of the CTN, identifying the classification (i.e., 2023-0001-P-FDI if classified as an FDI, or 2023-0002-P-CVI if classified as a credible violation/infraction).

The following designations shall be used for classification of an allegation of misconduct during the PIB Intake Investigation:

FDI - Formal Disciplinary Investigation

CVI - Credible Violation/Infraction (Determined to be sustained)

NFI - No Formal Investigation Merited

NSA - Negotiated Settlement Agreement

CBC - Cleared by Camera (BWC, ICC, Surveillance, etc.) (Determined to be of Exonerated or Unfounded)

MED - Mediation

CAN – Cancelled

DUP - Duplicate

**Credibility Assessment** – An assessment of the reliability of a witness statement determined through consideration of all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, if feasible. Credibility Assessments must be conducted, based on a preponderance of the evidence, on each statement obtained during an investigation to determine the reliability of that statement.

**Credible Violation/Infraction** - 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.

If the penalty, as referenced in [Chapter 52.5 – Disciplinary Matrix](#), includes possible demotion or dismissal (a D on the penalty matrix) it is not eligible to be handled as a Credible Violation/Infraction. This includes any offense an investigator determines involves aggravating circumstances, progressive discipline, a constitutional violation, or an egregious offense.

**Documentation of Minor Violation/Infraction Resolved Through Non-Disciplinary Counseling or Training**—Documentation by a supervisor of at least equal or higher rank than the accused of verbal or written counseling by that supervisor when he/she has become aware of or has observed a minor violation/infraction (see [Chapter 35.1.7 –Responses to Minor Violations or Credible Violations](#)). The supervisor must have firsthand knowledge of the employee's behavior that constituted the violation.

**Duplicate Complaint** – A complaint alleging misconduct that has previously been alleged and investigated. If the facts and circumstances in a new allegation differ from the resolved complaint, the new allegation

shall not be classified as a duplicate complaint. This may apply to public or rank-initiated investigations.

**Egregious offense**—An offense for which a penalty that exceeds the maximum recommendation is justified because of its gravity or an excess of aggravating circumstances, such as an intentional offense that causes injury to a member of the public or results in a violation of another person's civil rights.

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

**Force Tracking Number (FTN)**—A unique number assigned by FIT to each reportable use of force event to facilitate awareness of the event and tracking of a use of force investigation. The number includes the letters "FTN" for Force Tracking Number, followed by the year the force event occurred followed by a four-digit sequential number starting with 0001 for the first recorded allegation of the year. FTN 2014-0001 indicates the first reportable use of force event in 2014.

**Formal Disciplinary Investigation**—Internal investigation that may result in disciplinary action as set forth in the Civil Service Rules. Formal Disciplinary Investigations involve complaint allegations that are serious enough in nature to warrant investigation through a formal process that includes interviews/interrogations of accused employees, witnesses, complainants, and a thorough review of all evidence associated with the investigation. Any allegation that may result in demotion or dismissal according to [NOPD Chapter 52.5 – Disciplinary Matrix](#) (or other allegations as required by this chapter), must be investigated through a Formal Disciplinary Investigation. All complaint allegations requiring formal disciplinary investigations shall be assigned a separate FDI number.

**Grievance**—As per CAO Policy Memorandum No. 4 (R) (see [http://www.nola.gov/chief-administrative-office/policies/policies/no-4-\(r\)-employee-grievance-procedure//Appendix "A"](http://www.nola.gov/chief-administrative-office/policies/policies/no-4-(r)-employee-grievance-procedure//Appendix%20A)), a grievance is any dispute about working conditions, alleged violations of City Policy, including an alleged abuse of discretion by a supervisor in the treatment of employees, and disputes as to the interpretation, application, or enforcement of specific employee provisions or rights. Matters under the jurisdiction of the City Civil Service Commission shall not be subject to the grievance procedure described in this Chapter. If any questions arise as to whether a particular dispute is or is not a grievance, the question may be taken up through the grievance procedure (See Chapter 25.2 – Employee Grievances).

**Incident report**—Official written documentation by NOPD (usually in the form of an Electronic Police Report) of the occurrence of an incident occurring in Orleans Parish. The incident is assigned a unique "item number" by the Orleans Parish Communications Division Computer-aided Dispatch system at the time the call for service is received by the Communications Division either by telephone from an outside source (e.g., 911 or 821-2222) or generated in the field and requested over the police radio.

**Intake Investigation** – The preliminary investigation conducted by PIB or PSAB to determine the classification of a misconduct allegation. The Intake Investigation includes interviewing of all complainants and the gathering of evidence as needed to make a determination of classification. The Intake Investigation will classify all allegations of misconduct based on investigative findings that are supported using a preponderance of the evidence standard and shall include a determination of whether there are any policy, training, or tactical recommendations. The Intake investigation shall be documented and subject to the approval of the PIB or PSAB Deputy Superintendent.

**Internally generated complaint**—Any complaint initiated by an NOPD employee, sworn or civilian.

**IPM**—Independent Police Monitor, also referred to as the Office of the Independent Police Monitor (OIPM).

**Limited English Proficient (LEP)**—A person who does not speak English as his/her primary language and has a limited ability to read, write, speak, or understand English is considered "LEP." An LEP individual may be competent in certain types of communication (e.g., speaking or understanding), but may still be

considered LEP for other purposes (e.g., reading or writing).

**Member**—An individual who works for the NOPD. This includes volunteers and Reserve Officers while “on-duty” and performing functions under the auspices of the NOPD.

**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](#).

**Misconduct Investigation Initiation Form**—The form used internally by PIB to document the classification of each complaint and all steps in the complaint investigation process. Because NOPD uses an allegation-based classification system, the facts and circumstances of the alleged misconduct will be articulated on the form. PIB or PSAB shall classify all complaints based on the facts and circumstances alleged by the complainant as applied to the policies, procedures, and rules of the NOPD.

**Null**—For the purposes of this policy, “null” shall mean no discipline, demotion, dismissal, or adverse action of any sort may be taken against an accused officer where the standards required by Louisiana Revised Statute 40:2531 (C) have not been met.

**Sustained but null** – The investigation determines by a preponderance of evidence that the alleged misconduct did occur, but no discipline, demotion, dismissal, or adverse action of any sort whatsoever may be taken against an accused officer where the investigation did not meet the standards required by Louisiana Revised Statute 40:2531 (C).

Adverse action includes a significant change in employment status, such as hiring, firing, refusing to consider for promotion, or reassignment with significantly different responsibilities resulting in a significant change in benefits. Recommendation for additional training and non-disciplinary counseling are not adverse actions.

**No Formal Investigation Merited (NFIM)**—A complaint action in which the allegation, on its face, does not constitute a violation by an employee of any Departmental rule, policy, procedure, verbal, or written instruction, or criminal or civil law. NFIM will be used only for the following types of complaints:

- (a) Complaints disputing traffic citations, except an allegation of misconduct contained in such complaints (e.g., racial profiling, illegal search, excessive force) will be classified and investigated according to its merits;
- (b) Complaints alleging delayed police service (e.g., patrol response or detective follow-up) in which the preliminary investigation demonstrated that the delay was due to workload. However, if the preliminary investigation disclosed that misconduct such as negligence, rather than workload, caused the delay, the complaint will be classified according to its merits;
- (c) Complaints regarding the conduct in a civil incident of an off-duty employee, unless the alleged conduct or its effects constitute misconduct or had a substantial nexus to the employee’s employment; and
- (d) Complaints in which the preliminary investigation demonstrated that the subject employee did not work for NOPD at the time of the incident or in which the identity of the subject employee cannot be

determined despite the best efforts of the PIB investigator.

**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 non-disciplinary counseling shall be documented in the Supervisor Feedback Log.

**NOPD Authorized Interpreter (NOPDAI)**—A bilingual or multilingual NOPD employee who has been authorized to interpret for others in certain situations such as interviews, interrogations, or taking and responding to public complaints.

**NOPDAI List**—A list of NOPD employees who are bilingual or multilingual and authorized by the Department to act as interpreters.

**Preliminary Disposition** – The recommended disposition of a completed investigation, prior to any pre-disciplinary hearing or a final disciplinary recommendation. The Preliminary Disposition is subject to review and change during the adjudication process in accordance with NOPD Chapter 52.4 – Adjudication of Misconduct.

**Notice of Completed Investigation**—Written notice provided to an accused Member that a misconduct investigation has been completed. For commissioned Members, this is the "Notice to Accused Law Enforcement Officer Under Investigation of a Pre-Disciplinary Hearing" (NOPD Form #308). For non-commissioned Members, this is known as the "Notice of Recommended Disposition to Non-Commissioned Member." The notice provides the accused Member with a brief summary of the investigation's findings, and it contains a statement of the charges. The notice also includes the investigator's recommended disposition for each charge and informs the accused Member that a pre-disciplinary hearing will occur.

**Preponderance of the evidence**—Such evidence that when considered and compared with that opposed to it has more convincing force and produces in one's mind the belief that what is sought to be proven is more likely true than not true.

**Public complaint**—Any allegation of misconduct made by an individual who is not an employee or member of NOPD. All complaints received through NOPD or City websites shall be considered public complaints. Any communications (letters, memos, electronic communications, oral communications, etc.) received by NOPD that allege misconduct shall be considered public complaints.

**Public figure** – An elected official, sports figure, television or radio personality, celebrity, or other well-known person.

**Public Integrity Bureau (PIB)**—The NOPD Bureau that is primarily responsible for ensuring a fair and consistent disciplinary process that includes the coordination and supervision of every disciplinary investigation involving an NOPD employee and the assignment, investigation, and processing of every complaint.

PIB is commanded by a civilian Deputy Superintendent of Police who reports directly to the Superintendent of Police. PIB consists of the following: Intake Section, Criminal Investigations Section, Administrative Investigations Section, FIT (Force Investigation Team), Special Investigations Section, Staff Programs, and Special Projects Section. PIB also administers the Professional Performance Enhancement Program (See: Chapter 13.27 – PPEP).

**Recusal** – The withdrawal of an investigator, supervisor, conference or hearing panel member, or investigative body from an investigation because of a conflict of interest which could lead to a reasonable perception that a member's action, inaction, or decisions are or may be influenced by the member's



personal or business relationships. For purposes of this definition, an investigative body could include any Bureau, Division, Section, Unit within the NOPD or another outside entity responsible for misconduct investigations.

**Rights of Law Enforcement Officers While under Investigation ([La. R.S. 40:2531](#))**—Louisiana law governing the rights of every Louisiana law enforcement officer relative to disciplinary investigations, often referred to as the Police Officers' Bill of Rights or the Law Enforcement Officers' Bill of Rights.

**Transmittal form** – a paper form, generated by PIB and attached to the front of each disciplinary investigation, which tracks and documents each delivery and receipt of the hard copy portion of the Disciplinary Investigation from the case initiation and assignment to the final submission to the Deputy Superintendent of PIB. (See Appendix "B" for example.)

## RETALIATION

6. NOPD is committed to ensuring that every employee, as well as any member of the community, can report misconduct to the NOPD without fear or concern for reprisal or retaliation. The Department expressly prohibits an employee from engaging in any form of retaliation, including intimidation, coercion, or adverse action against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.
7. Any form of retaliation by any employee toward anyone for reporting misconduct or for cooperating with an investigation shall be grounds for discipline, up to and including termination. All formal disciplinary investigations initiated for retaliation shall use the Rule 3: Paragraph 12 – Retaliation as the alleged violation (Refer to [Chapter 26.3.3 –Retaliation](#) and [Rule 3: Paragraph 12 – Retaliation](#).)

## SOURCE OF COMPLAINT

8. A complaint may be made by any person, including a member of the public, a civilian or a sworn member of the NOPD, and need not be styled as a formal complaint. The complainant will be asked to sign a Complaint Form or provide information to the receiving supervisor who shall complete the form for the complainant. Refusal to sign a Complaint Form will not negate the requirement that the allegation be documented and fully and fairly investigated. All internally generated complaints shall be investigated in the same manner as a public complaint.
9. Any complaint received by NOPD via an anonymous source or third hand from any known source (e.g., news media, OIPM, OIG, Metropolitan Crime Commission, District Attorney's Office, the City Attorney's Office, or outside agency) shall be investigated fully and fairly with what information is given and/or discovered during the course of the investigation.

## COMPLAINT – METHODS OF SUBMISSION

10. A complaint may be made at any time (24 hours a day, seven days a week) to:
  - (a) Any NOPD member;
  - (b) Directly to PIB (in person during regular business hours, or by telephone);
  - (c) To the Office of the Independent Police Monitor;
  - (d) In person at any police station or facility; or
  - (e) At the complainant's location (such as his/her residence or business in Orleans Parish), at the complainant's request.
11. A complaint may also be made in writing to NOPD's website, the Superintendent's Office, or any police facility address by e-mail, fax, or USPS mail.

12. PIB shall ensure that Complaint Forms, informational materials, brochures, posters, and instructions for making complaints are available online at the City of New Orleans and NOPD websites and in print at appropriate government properties, including NOPD Headquarters, NOPD District police stations, City Hall, Orleans Parish courthouses, all Orleans Parish public libraries, the Office of the IPM, the Orleans Public Defenders' Office, the District Attorney's Office, and at City-administered offices or gathering places of community groups, upon request. Permanent placards will be posted and maintained at all NOPD police facilities describing the external complaint process available to all persons. The placards shall include telephone numbers, e-mail addresses, and Internet sites for complaint filing. The commanding officer in charge of the NOPD unit housed in the facility shall be responsible for ensuring such materials are available in the public areas of the facility.
13. Any individual may submit a misconduct complaint through NOPD and City websites. PIB shall ensure these websites include not only Complaint Forms, but also instructions on how, where, and in what manner misconduct complaints may be filed to ensure the public that no complaint is ever refused, disregarded, or dismissed as trivial. PIB shall monitor these websites on a daily basis in order to promptly identify any misconduct complaints.
14. The Complaint Form and related informational materials shall be made available and posted in the Spanish, Vietnamese, and English languages. Any LEP individual who wishes to file a complaint against an NOPD employee shall be provided with an intake form and instructions in English, Spanish, or Vietnamese, as appropriate, as well as the appropriate translation services pursuant to [Chapter 55.4 – Limited English Proficiency Services](#) to file a complaint.

## RESPONSIBILITY OF ALL MEMBERS TO REPORT MISCONDUCT

15. Any Departmental member who observes or becomes aware of any act of possible misconduct by another employee shall report the incident in accordance with this Chapter. Failure to report or document an act of misconduct or criminal behavior shall be grounds for discipline up to and including termination.  
  
**NOTE:** Officers have a duty to intercede to prevent officer misconduct, including the use of unreasonable force, if the officer has reason to know that misconduct/unreasonable force is taking place and there is a realistic opportunity to intervene to prevent harm. The action required by the officer will depend on the circumstances of the incident. (See [Chapter 1.3 – Use of Force](#).)
16. If a Departmental member observes or becomes aware of any act of possible misconduct by another employee of **equal or lesser rank**, they shall report the incident to any Departmental supervisor or directly to PIB prior to the end of their tour of duty that same day. This conduct may be reported verbally, or in writing using a Complaint Form. If the complaint is reported verbally, the receiving supervisor or PIB shall audio-record the reporting employee's statement, and the audio-recording shall be made a part of the Complaint Form as an attachment. Any written document shall be made a part of the Complaint Form as an attachment.
17. A supervisor may elect to address and resolve a minor violation/infraction through non-disciplinary means, in accordance with [Chapter 35.1.7 – Responses to Minor Violations or Credible Violations](#).
18. If a Department member observes or becomes aware of any act of possible misconduct by another employee of **greater rank**, or fears retaliation from any rank for reporting misconduct, they shall report this incident directly to PIB prior to the end of their tour of duty. This report may be made in writing through a Complaint Form, in person at PIB during its regular hours or by contacting the on-call PIB investigator after regular working hours. Members who prefer to remain anonymous may report the incident through the Office of the Independent Police Monitor (OIPM). If a member reports



misconduct through the OIPM, they shall request and retain the OIPM complaint tracking number.

## RESPONSIBILITY TO ACCEPT COMPLAINT OF MISCONDUCT

19. All NOPD members shall courteously receive all complaints. NOPD employees are prohibited from discouraging in any manner the filing of a misconduct complaint. The refusal by any employee to accept a misconduct complaint, the discouragement of filing a misconduct complaint, or the providing of false or misleading information to a complainant about filing a misconduct complaint shall be grounds for discipline.
20. For every complaint, the receiving employee shall immediately advise his/her supervisor of the location of the complainant, and the allegation. If the identity of the accused employee is known, the receiving employee shall also advise his/her supervisor of the identity of the accused employee. The supervisor in the police district in which the complainant is currently located shall be notified and shall respond to the complainant's location. The supervisor shall be responsible for assisting the complainant to document the complaint. That supervisor shall be responsible for following the procedure for submission of the Complaint Form to PIB.
21. Every misconduct complaint, including an anonymous or third-party complaint, shall be accepted by PIB or by the supervisor meeting with the complainant. Under no circumstance will any employee in any assignment or of any rank, title, or position refuse to accept a complaint or re-direct any complainant to the PIB office to file his/her complaint. Before concluding the meeting with the complainant, the receiving supervisor shall contact the PIB office and obtain a Complaint Tracking Number, which shall be given, in writing, to the complainant, or verbally if the complainant is submitting a complaint by phone. If the PIB office is closed at the time the complaint is made, the supervisor shall contact the on-call PIB investigator through the OPCD Supervisor's Desk to immediately obtain a CTN. PIB, including its on-call investigators, shall maintain an up-to-date and accurate log of complaints, ordered by the CTN issued for each complaint.
22. If PIB advises the supervisor that immediate direct contact between PIB staff and the complainant is necessary, the supervisor will notify the complainant and remain with him or her until a PIB investigator arrives.
23. The supervisor shall also provide the complainant with his/her own business contact number and PIB's office number. It shall be the supervisor's responsibility to ensure that any complaint received by that supervisor receives a CTN. The supervisor shall inform the complainant that he/she will be notified by the investigator periodically in writing of the progress of the investigation and shall be notified at the conclusion of the investigation of the final disposition.
24. NOPD members shall provide their name and badge number to any individual upon request, regardless of whether the individual explicitly requests to make a complaint.
25. If the alleged misconduct involves possible criminal activity or a serious use of force, the supervisor shall (in addition to obtaining a CTN) **immediately** notify PIB either directly or through the OPCD Supervisor's Desk, which shall notify the on-call PIB investigator.
26. If the alleged misconduct involves a serious use of force, the supervisor shall (in addition to obtaining a CTN) immediately notify PIB FIT through the OPCD Supervisor's Desk. FIT shall respond to the scene and otherwise proceed in accordance with NOPD [Chapter 1.3.2 – Force Investigative Team](#).
27. Nothing in this procedure shall prevent or discourage any supervisor from seeking advice from or making notification to PIB in any complaint situation in which the supervisor may seek guidance when determining the appropriate classification (i.e.; SFL, Minor Violation/Infraction, Formal Disciplinary Investigation, etc.). PIB shall review the determination to ensure proper classification of

the complaint situation.

28. If the alleged misconduct involves a possible violation by a member of PIB, the allegation may be made directly to a commissioned member of the Professional Standards and Accountability Bureau (PSAB). The Captain of PSAB's Professional Standards Section, or their designee, shall ensure a CTN is obtained within 24 hours of receiving the complaint allegation and the proper paperwork is completed and forwarded to the PIB quality assurance unit to ensure proper tracking of the complaint. The case shall be designated at the highest level of security access in IAPro or an equivalent database to ensure access to the investigation is controlled.
29. PSAB shall be responsible for investigating all allegations of misconduct made by NOPD officers in which the accused is a member of PIB unless the PSAB Deputy Superintendent determines that another Bureau supervisor should be assigned to investigate (sex crimes, homicide, child abuse, etc.).

## COMPLAINT DOCUMENTATION

30. The supervisor receiving a complaint from any source shall answer any question the complainant may have about the information requested on the Complaint Form and shall review the information written by the complainant to ensure the complaint is defined clearly. The supervisor shall ensure the complainant understands the importance of answering, if possible, all relevant questions, which include:
  - (a) the complainant's personal and contact information including the preferred method of contact and best time to attempt contact;
  - (b) a possible need for language assistance;
  - (c) the name, badge number, and assignment of the accused officer;
  - (d) a detailed description of the accused employee and any other Departmental employee on the scene of the event;
  - (e) the accused's clothing/uniform;
  - (f) the type of vehicle driven, including any identifying markings;
  - (g) the date, time, and location of the event;
  - (h) the facts of the alleged violation, including specific actions taken and/or words spoken by the employee;
  - (i) and the name and contact information of any witness.
31. If circumstances indicate that the complainant is incapable or unable to complete the form, the supervisor shall offer to complete the form for the complainant. A refusal by a person to provide personal and contact information shall not be grounds for a refusal to accept a complaint. The supervisor shall list what information is available, including listing the person as unknown or anonymous, and note the refusal in the narrative of the complaint form.
32. Every Departmental supervisor who has been issued a Departmental recording device (body-worn camera and/or digital audio-recorder) shall record the statement of a complainant(s) and any witness or a person with first-hand knowledge of the incident. **A refusal by a person to be recorded shall not be grounds for refusal to accept a complaint.** The complainant's actual refusal to allow his/her complaint to be recorded should be audio/video-recorded if possible, and the supervisor should make the recording a part of the written complaint action. Recordings shall be labeled with the date, the CTN, the name of the accused member, and the name of the person(s) whose statement(s) is/are recorded. This recording shall be labeled as an attachment and made a part of the Complaint Form submitted to PIB by the receiving supervisor. If the recording is captured on body worn camera, the receiving supervisor shall note the date and time, and the assignment of the body worn camera in the complaint form.

33. All statements regarding alleged misconduct by an officer must be restricted in Evidence.com by the supervisor obtaining the statement.

Whether handwritten or dictated, the Complaint Form should be signed by the complainant. Should the complainant refuse to sign the Complaint Form, the supervisor shall write "REFUSED TO SIGN" on the signature line to indicate his or her refusal. If the complainant cannot sign his/her own statement, the supervisor should document the reason on the form.

34. A complainant's refusal to sign shall not invalidate acceptance of the complaint.
35. The supervisor shall retain the original Complaint Form and, if possible at the time of the complaint, provide the complainant with a photocopy of his/her Complaint Form with the CTN. The supervisor should attach copies of any document the complainant provides to the Complaint Form (e.g., citation, notes, photograph, correspondence, text or email message documentation, medical record, booking document).
36. In addition to assisting with the completion of the Complaint Form, the supervisor shall also collect and list any available physical evidence, such as:
- (a) a photograph of a claimed injury or the absence thereof;
  - (b) any audio or video recordings;
  - (c) any CEW recordings;
  - (d) any documentation of medical treatment;
  - (e) a photocopy of the traffic citation, affidavit, summons, or booking paperwork.
37. Every photograph shall be marked with the date and time taken, the full name of the individual in the photograph, the name of the supervisor taking the photograph, and the CTN.
38. If the complainant/subject objects or declines to be photographed, the complainant's actual refusal should be audio/video-recorded, if possible.
39. The supervisor shall gather all relevant information, including the names of all NOPD officers and employees involved in or witnessing the alleged misconduct.

#### **TRANSMITTING COMPLAINT TO PIB**

40. A supervisor receiving a public complaint shall electronically deliver, prior to the end of their tour of duty, a Complaint Form, and all supporting materials to PIB. The Supervisor shall ensure the original is also delivered to PIB via interdepartmental mail.
41. When a supervisor obtains a CTN from PIB, they become responsible for completing a Complaint Form in its entirety, including all relevant documentation of the alleged or known/observed employee misconduct.. The supervisor shall receive a receipt for the delivery of the Complaint Form and supporting materials; the receipt shall be kept on file by the supervisor's place of assignment.
42. A supervisor receiving a complaint from another NOPD employee, or initiating a complaint against another employee, shall transmit, prior to the end of his/her tour of duty, a Complaint Form, and all supporting materials to PIB.
43. A non-supervisor NOPD employee wishing to initiate a complaint against another employee may choose to complete a complaint form and transmit the form with all supporting materials directly to PIB either electronically, or in person. Non-supervisor NOPD employees who prefer to remain anonymous may report the incident through the Office of the Independent Police Monitor (OIPM). If a member reports misconduct through the OIPM, they shall request and retain the OIPM complaint

tracking number.

### **REQUEST FOR WITHDRAWAL OF A PUBLIC COMPLAINT / DUPLICATE COMPLAINTS**

44. If a complainant expresses his/her desire to withdraw a complaint, they may complete a "Request to Withdraw Complaint" form; however, NOPD does not allow the dismissal, withdrawal, or cancellation of any public complaint against any employee on the request of the original complaining individual. The investigator shall audio and/or video record the interview with the complainant in which they shall be asked to explain the reason(s) for the request to withdraw. This audio and/or video recording and the completed withdrawal form shall be made a part of the investigation. The investigation must continue utilizing what information has already been provided by the complainant and any witnesses. The investigation must be concluded with a proper disposition. The disposition of "WITHDRAWN" is not utilized by NOPD.
45. If the Intake Investigation reveals that the allegations of a complaint have already been alleged, investigated, and resolved, the subsequent complaint may be classified as a Duplicate Complaint. Any classification of an allegation as a duplicate complaint must attach the CTN of the original investigated allegation and the results of that investigation.
46. Any complaint that alleges continuing, repetitive, or conduct that has not been investigated may not be classified as duplicate complaints.

### **REQUEST FOR CANCELLATION OF A COMPLAINT ACTION ORIGINALLY REQUESTED BY AN NOPD SUPERVISOR**

47. The supervisor who is also documented as the complainant may request to "CANCEL" or change that complaint action to another form of complaint action (e.g., "Internally Generated Complaint" to "Documentation of Minor Violation/Infraction Resolved Through Non-Disciplinary Counseling") utilizing an inter-office correspondence (NOPD Form 105) through his/her chain of command to the PIB Deputy Superintendent of Police. The correspondence must contain the reason(s) the supervisor is requesting to cancel the complaint or to utilize a different form of complaint action. The PIB Deputy Superintendent of Police has the final judgment in any request to cancel a complaint or change the complaint action type.
48. The original Form 105 must be delivered with the chain of command approvals and/or disapprovals to PIB within five (5) days of the cognizance date of the alleged violation. If any person in the requesting supervisor's chain of command disapproves the request, the initial complaint shall proceed as written and submitted, governed by the original complaint action due dates. The Form 105 requesting the change will continue through the approval process and will be made a part of the investigative file on the complaint. The person disapproving the request must document their reasons in a Form 105 which will become a part of the request and follow through the chain of command.

### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

49. PIB has the primary responsibility for the Intake Investigation, coordination, review, classification, and assignment of every allegation of employee misconduct. The PIB Deputy Superintendent is delegated the authority of the Superintendent of Police for the purpose of directing every disciplinary investigation and any matter involving employee integrity or the known or alleged misconduct of any Departmental employee. The PIB Deputy Superintendent shall report directly to the Superintendent of Police on all disciplinary matters.
50. If the intake investigation determines the allegation should be classified as anything other than an FDI, the Intake Investigation shall include, at a minimum, the following:

- (a) Whether the police action was in compliance with training and legal standards;
  - (b) The incident indicates a need for additional training, counseling, or other non-disciplinary means;
  - (c) The incident suggests that NOPD should revise its policies, strategies, tactics, or training;
  - (d) A supervisory review and approval documenting the Captain's disagreement or agreement with the findings.
51. Any policy, strategy, tactics, or training recommendations implemented as a result of the Intake Investigation or an FDI shall be provided to PIB for documentation in IAPro.
52. Once PIB is notified of possible criminal activity involving an NOPD officer or employee, PIB shall immediately notify the Superintendent of Police, the IPM, and the District Attorney and/or United States Attorney's Office, through the Deputy Superintendent of PIB.
53. PIB's responsibilities also include:
- (a) Review of every complaint;
  - (b) Review of all video evidence pertaining to every complaint prior to categorization and classification;
  - (c) Categorization of every complaint into the appropriate complaint action;
  - (d) Classification of every FDI as use of force, criminal, or administrative;
  - (e) Sub classification of allegations within the "administrative" category into subcategory groups for assignment, including: (1) serious misconduct; (2) other (non-serious) misconduct; (3) allegations eligible for Negotiated Settlement; (4) allegations eligible for Community-Police Mediation; and (5) Minor Violation / Infractions.
  - (f) Assignment of every complaint to the appropriate Bureau for corrective action or investigation;
  - (g) Assignment of due dates for all investigative forms and investigations;
  - (h) Investigation of all Formal Disciplinary Investigations retained by PIB;
  - (i) Review and approval of every completed complaint action, investigation, report, or document, whether completed by PIB or another Bureau;
  - (j) Review of all Use-of-Force investigations completed by field supervisors to ensure they are complete, and that the supervisor's determination that the force is justified is supported by the evidence (See [Chapter 1.3.6 – Reporting Use of Force](#)).
  - (k) Final review of the recommended disposition of all complaint actions, whether investigated by PIB or another Bureau;
  - (l) Issuance of the Notification to Accused Law Enforcement Officer under Investigation of a Pre-Disciplinary Hearing or Determination of an Unfounded or Not Sustained Complaint. (Notification form to be prepared by investigator and submitted with the completed investigation); and
  - (m) Transmittal of notification letter to every complainant within the time period provided by policy indicating the result of the investigation after classification for NFIMs and Credible Violation/Infractions, or final approval of the formal disciplinary investigative disposition.

#### **AUTHORITY TO CLASSIFY A COMPLAINT**

54. PIB, or their proxy, has the authority to classify an allegation of employee misconduct as indicated in paragraph 55 below. PIB shall have authority to initiate an appropriate complaint action. The classifications may be reviewed by PSAB to ensure equitable treatment of similarly situated complainants and accused employees.

**COMPLAINT CLASSIFICATION AND ASSIGNMENT**

55. Upon receiving a completed Complaint Form or other allegation of misconduct, PIB shall investigate the allegation to determine the proper classification of the allegation into one of the following categories:
- (a) FDI - Formal Disciplinary Investigation
  - (b) CVI – Credible Violation/Infraction
  - (c) NFI - No Formal Investigation Merited
  - (d) NSA - Negotiated Settlement Agreement
  - (e) CBC - Cleared by Camera (BWC, ICC, Surveillance, etc.)
  - (f) MED - Mediation
  - (g) CAN - Cancelled
56. PIB shall complete an Intake Investigation before categorizing every complaint. PIB shall have the authority to make this determination, and shall independently assess each Complaint Form notwithstanding any preliminary designation made by the member completing the Complaint Form.
57. Non-community complaints that during the PIB intake investigation are determined to be sufficiently minor that they are correctable by counseling and minimal intervention, with the goal of non-repetitive behavior, may be referred to the accused employee's supervisor to be addressed in accordance with [Chapter 35.1.7 – Responses to Minor Violations or Credible Violations](#). These may include credible violations / infractions or minor violations / infractions. The documenting supervisor must provide documentation of the action taken to PIB within 10 days of the referral, in the form of an SFL entry. This documentation shall be included with the case file (electronically if appropriate) for reference. PIB shall be responsible for notifying the NOPD complainant as required by policy.
58. If the Intake Investigation determines the complaint allegation appears to be a credible violation / infraction or minor violation / infraction it shall be classified as an FDI if it meets at least one of the below criteria:
- (a) The offense is a level D or higher on the penalty matrix (see Chapter 52.5 – Disciplinary Matrix);
  - (b) The penalty matrix allows for possible demotion or dismissal (i.e., a Level B 3rd offense 2-5-10/D);
  - (c) At the written request of the PIB Deputy Superintendent;
  - (d) More than two (2) allegations of a CVI / MVI eligible offense are present in the complaint;
  - (e) Allegations of Misconduct that meet the criteria for Serious Misconduct in paragraph 78 of this chapter;
  - (f) The accused employee has already received 2 SFLs within the previous 12-month period for a similar offense;
  - (g) If the complaint involves an allegation of unauthorized force; or
  - (h) If the accused employee prefers the allegation be more thoroughly investigated, the employee may request the investigation be handled as an FDI.
59. For all allegations of misconduct categorized by PIB as FDI – Formal Disciplinary Investigation, PIB shall further classify each allegation into one of the following categories, if appropriate:
- (a) Use of Force;
  - (b) Criminal; or
  - (c) Administrative.

- 1) As set forth below, PIB shall further classify allegations within the “administrative”



category into subcategory groups for assignment, including:

- a. serious misconduct;
- b. other (non-serious) misconduct;
- c. allegations eligible for Negotiated Settlement; and
- d. allegations eligible for Community-Police Mediation.

- 60. PIB's allegation-based complaint classification protocol shall be used to guide PIB in determining the Bureau to which a complaint shall be assigned.
- 61. When classifying a complaint as an FDI, if the alleged misconduct is prohibited by both an NOPD Chapter and a specific NOPD Rule, the rule must be cited as the violation in lieu of Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)(6).
- 62. When the cited violation for an allegation of misconduct is Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)(6), the investigator must cite the specific Chapter and Paragraph that has been violated.
- 63. Each separate instance of misconduct alleged should be addressed as a separate violation, even if the conduct is a repeated violation (e.g., if the allegation accuses an employee of theft on two separate occasions, each occasion should be listed as a separate violation).
- 64. Where the facts of an allegation suggest NOPD may not be viewed as impartial when conducting investigations involving criminal misconduct by an officer, administrative investigations involving public officials, or serious uses of force indicating apparent criminal conduct by an officer, these investigations may be referred to an independent and highly competent entity outside of NOPD, as determined by the Superintendent of Police or their proxy.
- 65. When determining an appropriate outside agency to conduct an investigation, NOPD should consider the following factors when applicable:
  - (a) The type of investigation
  - (b) The impartiality and objectiveness of the investigating agency
  - (c) What privileges exist regarding the confidentiality of the investigation
  - (d) If there are any investigatory timeline requirements and can they be met
  - (e) Any costs required by the outside agency
  - (f) The public perception and/or credibility of the outside agency
- 66. If appropriate, especially in cases involving allegations of workplace harassment, discrimination, or nepotism, The Superintendent of Police or their proxy may deem it appropriate to hire an outside entity, such as a law firm or workplace investigations firm, specializing in those areas.

#### **CLEARED BY CAMERA CLASSIFICATIONS**

- 67. If the intake investigator determines the complaint is clearly, demonstrably unfounded or exonerated based on camera footage, and no other misconduct is evident, the intake investigator shall notify the reviewing PIB supervisor.
- 68. The PIB supervisor shall review and approve the conclusion if appropriate. The supervisor shall prepare a brief report documenting the review and the rationale for the decision.
- 69. If the reviewing PIB supervisor approves the classification, the investigation shall conclude, and the complaint shall be classified as CBC. No additional investigation will be required, and the complainant shall be notified as required by policy.

70. If the supervisor disapproves the Preliminary Disposition, the investigator shall continue to investigate the complaint to reach another appropriate classification.
71. All allegations of misconduct determined to be Cleared By Camera (CBC) will be documented in IAPro as unfounded or exonerated.

### **CREDIBLE VIOLATION / INFRACTION CLASSIFICATIONS**

72. If the Intake Investigation determines the complaint allegation meets the below criteria, it should be classified as a credible violation / infraction:
  - (a) A 1st, 2nd, or 3rd, Level A offense by the penalty matrix (see Chapter 52.5 – Disciplinary Matrix),
  - (b) A 1st or 2nd Level B offense by the penalty matrix (see Chapter 52.5 – Disciplinary Matrix),
  - (c) A 1st Level C offense by the penalty matrix (see Chapter 52.5 – Disciplinary Matrix).
73. If the Intake Investigation determines the complaint allegation constitutes a credible violation / infraction, it may be addressed in accordance with paragraph 57 of this chapter, unless the conditions of the allegation require an FDI in accordance with paragraph 58 of this chapter.
74. If the credible violation is more effectively addressed by the immediate supervisor of the accused employee, PIB intake shall document the infraction in the PIB Intake Investigation Packet and notify the employee's supervisor to take corrective action.
75. The corrective action taken shall be documented in the supervisor feedback log and forwarded to PIB to add the disposition into IAPro. The IAPro disposition will be listed as sustained violation and the comments will reflect the handling as a CVI.

### **ALLEGATIONS OF MISCONDUCT INVOLVING USE OF FORCE**

76. Complaints involving allegations of serious uses of force, uses of force indicating apparent criminal misconduct by an officer, or uses of force by NOPD personnel of a higher rank than sergeant shall be investigated by FIT. Refer to [Chapter 1.3.2 – Force Investigation Team.](#)

### **ALLEGATIONS OF CRIMINAL MISCONDUCT**

77. Complaints involving allegations of criminal conduct will be investigated by PIB/Criminal unless a determination is made by the PIB Deputy Superintendent that a conflict of interest exists (such as the misconduct allegation involves a member of PIB).

Those complaints that allege criminal conduct may include violations of municipal, state, or federal law, including false arrests and civil rights violations (such as unauthorized force).

### **ALLEGATIONS OF SERIOUS MISCONDUCT**

78. Misconduct allegations that involve serious misconduct but that do not involve force or allege criminal misconduct will be investigated by PIB/Administrative, and will not be assigned outside of PIB. These include but not limited to:
  - (a) Criminal Misconduct (including theft)
  - (b) Unreasonable use of force
  - (c) discriminatory or bias based policing;
  - (d) false arrest; or "planting" evidence;
  - (e) untruthfulness/false statements;
  - (f) unlawful search;
  - (g) retaliation;

- (h) sexual misconduct;
- (i) domestic violence;
- (j) misconduct implicating the conduct of the supervisory or command leadership of the subject employee; and
- (k) any allegation that a Captain request be investigated by PIB rather than by the accused employee's Bureau

79. An investigation that requires the assistance of a specialized or support unit shall be coordinated with that unit's supervisor.

## **OTHER MISCONDUCT ALLEGATIONS**

80. Complaints of misconduct of a less serious nature may be assigned to the accused member's unit of assignment as a formal disciplinary investigation, or as a credible violation/infraction if appropriate. These include but are not limited to:
- (a) courtesy;
  - (b) neglect of duty;
  - (c) service complaints;
  - (d) missed court; and
  - (e) professionalism.

## **CONFLICTS OF INTEREST AND RECUSALS**

81. If a conflict exists with PIB in any internal investigation, the investigation will be conducted by an appropriate supervisor, outside of PIB, and reviewed by the PSAB Deputy Superintendent. PIB shall not be consulted during the investigation or be involved in the review process.
82. Investigators shall not be assigned to investigate any current supervisors in their chain of command or supervisors who were in their chain of command at the time of the alleged misconduct.
83. Investigators should recognize if a potential conflict exists with witnesses, witness and employee representatives, or accused employees. If a potential conflict exists, the investigator shall notify the Command Staff of the Public Integrity Bureau, or their proxy.
84. NOPD Command Staff shall resolve the matter to avoid any conflicts, seeking advice from legal counsel, if possible.

## **NEGOTIATED SETTLEMENT / MEDIATION / GRIEVANCES**

85. In certain limited circumstances, NOPD, through PIB, may elect to address and resolve a rank-initiated violation (i.e., an allegation of misconduct reported by an NOPD supervisor) through a negotiated settlement agreement between the department and the officer. See [NOPD Chapter 52.2– Negotiated Settlement Agreements](#)
86. As outlined in [Chapter 52.3 – Community-Police Mediation](#), in certain limited circumstances, upon classifying a complaint, NOPD through PIB may elect to address and resolve an allegation of misconduct brought by a civilian through an OIPM-led mediation program.
87. An internal complaint may result in the grievance process. A grievance is any dispute about working conditions, alleged violations of City Policy, including an alleged abuse of discretion by a supervisor in the treatment of employees, and disputes as to the interpretation, application, or enforcement of specific employee provisions or rights. Grievances are defined in [CAO Policy Memorandum 4\(R\)](#) and [Chapter 25.1 – Employee Grievances](#).

**INVESTIGATION OF ALLEGED CRIMINAL CONDUCT**

88. The PIB Deputy Superintendent shall be notified of the pending arrest of any member of the department, in advance of the arrest if possible.
89. If circumstances require a member to be immediately arrested, the arresting officer shall notify the PIB Deputy Superintendent immediately after the arrest. The PIB Deputy Superintendent shall ensure the Superintendent and the member's Bureau Chief are notified.
90. When notified of an allegation of a potential criminal violation, the matter may be investigated by NOPD or the Superintendent of Police may request an outside law enforcement or prosecutorial agency with jurisdiction in Orleans Parish to conduct the criminal investigation parallel to the administrative investigation conducted by NOPD.
91. An employee accused of criminal conduct shall be provided with all rights and privileges afforded to an individual under the State and Federal constitutions.
92. During the pendency of a misconduct investigation, no employment action other than administrative reassignment, revocation of weapon authorization, and/or suspension of police powers shall be taken against the accused employee based solely on an arrest or crime incident report. An administrative investigation shall be conducted based upon the allegation(s) in the crime incident report.
93. Investigations that involve both criminal and administrative allegations shall be conducted concurrently. If there are ongoing criminal proceedings or a request for prosecution, any compelled interviews of the accused officers may be delayed, if necessary, until the criminal proceedings have been completed, unless authorized by the superintendent or their proxy. No other part of the investigation shall be held in abeyance unless specifically authorized by the Superintendent or their designee.
94. If an investigator is assigned to conduct both the criminal and administrative investigation, the subject officer shall not be compelled to provide a statement to said investigators where there is a potential criminal investigation for prosecution of the officer until the remainder of the investigation has been concluded, unless after consultation with the prosecuting agency and the PIB Deputy Superintendent, such compulsion is deemed appropriate by the Superintendent.
95. In the event the subject officer provides a compelled statement, PIB shall ensure that any criminal investigation shall not subsequently have access to that statement or the administrative investigation during the pendency of the criminal investigation.

**ASSIGNMENT OF AN ADMINISTRATIVE INVESTIGATION**

96. The investigation of an alleged administrative violation involving serious misconduct shall be completed by PIB, and any complaint deemed by the PIB Deputy Superintendent or his/her designee to be of a serious nature may be retained within PIB for investigation.
97. The investigation of other alleged administrative violations may be assigned by the PIB Deputy Superintendent or his/her designee to another Bureau. Once an administrative violation is assigned to a Bureau for investigation, the Bureau liaison who interacts with PIB and who is appointed by the individual Bureau deputy superintendent shall assign the investigation within the Bureau.
98. The investigation shall be assigned to a supervisor of at least equal or higher rank than the accused. The investigator shall not be a member who was involved in the incident as a witness or alleged participant.

99. Whether retained in PIB for investigation or assigned to an investigator from another Bureau, the procedures to be followed during the investigation are the same.

The Division/District-Level investigation reports and all related documentation and evidence should be provided to PIB immediately upon completion and approval by the appropriate supervisor of the investigation, but no later than three business days after completion.

## EMERGENCY SUSPENSIONS

100. If a violation, behavior, or action, by the accused employee involves an extraordinary circumstance in which their continued presence in the workplace, in any capacity, presents a significant risk to the safety and well-being of coworkers or members of the public, an emergency suspension may be considered.
101. Only the Superintendent or their designee may authorize emergency suspensions, and only after a hearing determining the need for the suspension has taken place.

### EMERGENCY SUSPENSION – PROCESS

102. If the Superintendent of Police, or a proxy, determines an emergency suspension may be appropriate, a hearing shall be conducted prior to the employee returning to work or being placed on emergency suspension status.
103. The investigating supervisor who receives notification of an authorized 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.
104. The form shall be provided, in person, to the suspended member, and shall clearly indicate their right to appeal the emergency suspension.
105. 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.
106. 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. They shall also confiscate any NOPD property the member may have in their immediate control or possession.
107. Suspended members shall ensure they can be reached at the address and phone numbers provided. If, during the suspension, the member's contact address or telephone numbers change, the member is responsible for advising their supervisor and the investigator assigned to conduct the investigation of any new listings where they can be reached.
108. The supervisor notifying the accused member of the emergency suspension shall ensure the accused member's Captain is notified of the emergency suspension proceeding. The accused member's Captain shall follow the same guidelines and procedures provided for disciplinary suspensions regarding the confiscation of departmental property in the member's possession, custody, and control.

109. If no on-duty supervisor is available from the accused member's unit, the accused member's Captain shall be responsible for ensuring Department property is confiscated within 24 hours from the time of the suspension, if not immediately available.
110. 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.
111. The original, signed receipt shall be forwarded to PIB to be made a part of the case file.
112. The supervisor issuing the receipt shall ensure a copy is sent to the accused member's Captain.
113. 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 PIB, and placed in the case file.

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

114. If all departmental property is not immediately available at the time of the emergency suspension, the suspended member's Captain shall be responsible for confiscating the property and issuing a receipt within 24 hours of the suspension.
115. The member's Captain shall be responsible for securing all confiscated Department property until the member is restored to full duty. The Captain may store the property in a secure location within their command or may secure the confiscated property in accordance with department policy regarding suspended members.

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

116. After the initial hearing, the PIB Chief shall review all emergency suspensions the next working day and then on a 48-hour basis and shall advise the Superintendent and the member's Deputy Chief if the member may be restored to duty, in any form, pending final disciplinary action.
117. The PIB Deputy Chief should consult with the City Attorney's office regarding any decisions to continue or remove a member from emergency suspension.
118. Only the Superintendent of Police, or their designee, shall terminate the emergency suspension of a member.
119. When an emergency suspension is terminated, the Deputy Chief of PIB shall notify the member's Deputy Chief and the director of personnel in writing.
120. 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.



**ADMINISTRATIVE INVESTIGATIONS**

121. Every NOPD employee is required to be truthful at all times in spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to their scope of employment and operations of the Department. Failure to comply shall result in termination.
122. In any administrative investigation of an employee, an accused or witness employee shall:
- (a) Cooperate fully in the investigation process;
  - (b) Give a written and/or audio/digitally/video recorded statement upon request by the investigator;
  - (c) Sign any written or transcribed statement made by the employee;
  - (d) Appear at any disciplinary hearing when instructed by an authoritative source;
  - (e) Submit to a breathalyzer test when ordered by a supervisor;
  - (f) Submit to any or all of the following conducted by an authorized/certified examiner when ordered by the Superintendent or his/her designee: 1) A polygraph examination; 2) A Computer Voice Stress Analyzer (CVSA) examination; 3) A Psychological Stress Exam (PSE); 4) A urinalysis, blood test, and/or other medical laboratory test; 5) A psychological and/or psychiatric evaluation; 6) A physical lineup; 7) The taking of photographs; and/or 8) Handwriting analysis;
  - (g) Personal Communication Devices, including member-owned devices and services, may be subject to review or disclosure if used for departmental or public business in accordance with [Chapter 41.3 – Personal Communication Devices](#);
  - (h) Submit a financial disclosure statement when ordered by a Court having jurisdiction. A photocopy of the court order shall be labeled as an exhibit and made a part of the investigative report;
  - (i) Sign a Confidentiality Admonishment form (NOPD Form 305), if requested. The form shall be supplied by the PIB investigator; and
  - (j) Read, sign, and date the original superintendent's disciplinary letter (NOPD Form 105) for the PIB case to document that they have been formally notified of the disposition of an investigation in which they are an accused employee.

In the event of an ongoing criminal investigation, any compelled statements or other compelled evidence collected during the administrative investigation shall not be used or made available in the criminal investigation.

123. If an employee refuses to comply with the requirements listed above a new complaint will be initiated and handled as a formal disciplinary investigation. Investigators and/or supervisors shall not use force, threats, coercion, or law enforcement powers to compel compliance in an administrative investigation.

**EMPLOYEE REPRESENTATIVE DURING A DISCIPLINARY INVESTIGATION INTERVIEW**

124. In either an administrative or criminal investigation, an NOPD employee acting as a representative for an accused and/or observing the interview of an individual in connection with an investigation conducted by PIB into the alleged misconduct of NOPD personnel, may be required to sign a Confidentiality Admonishment (NOPD Form 305) prior to the commencement of the interview. The form shall be supplied by the PIB investigator.
125. The member's representative, if any, will only advise the member but will not in any other way interfere with the interview.
126. A witness or accused member's representative may not be selected to serve on any hearing panel or act as a hearing officer in any proceedings resulting from the investigation.

**INVESTIGATOR & INVESTIGATIVE PROTOCOLS / RESPONSIBILITIES**

127. The supervisor who has been assigned to conduct a complaint investigation shall be designated as the "investigator." Investigators outside of PIB shall be of at least equal rank to the accused employee; however, an exception may be approved by the Superintendent of Police or the Deputy Superintendent of PIB. A misconduct complaint investigator(s) may not be a supervisor who:
  - (a) used force during the alleged incident;
  - (b) conducted himself/herself during the alleged incident in a manner that led to the injury of a complainant;
  - (c) authorized the conduct that led to the alleged incident; or
  - (d) witnessed or was directly involved in the alleged incident leading to the allegation of misconduct.
128. Upon assignment to a formal disciplinary investigation, the investigator shall conduct a thorough investigation, attempt to interview all witnesses, gather all potentially relevant evidence, and exhaust all valid leads.
129. The investigator is responsible for applying for an extension of the due date within thirty (30) days of the issuance of a control number, when necessary, and particularly when any complainant, witness, principal, or evidentiary material will not be available in time to complete the investigation by the investigator's assigned due date.
130. The Investigator shall be responsible for updating the PIB Transmittal form.
131. The misconduct investigator shall seek to identify all persons at the scene of an incident giving rise to a misconduct allegation, especially all NOPD officers. The investigator shall note in the investigative report the identities of all officers and other witnesses who were on the scene but assert they did not witness and were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.
132. The investigator shall search for, and obtain copies of, relevant video evidence, including body-worn camera footage, mobile video unit footage, surveillance video of the incident, the accused, witnesses, or other relevant recordings (such as video evidence of the accused, the complainant, or involved witnesses). Copies of the video shall be included as exhibits and labeled with the PIB Complaint Tracking Number. If the investigator is unable to find video evidence, he or she shall provide an explanation for the unavailability of evidence, such as "Officer's body worn camera not activated."
133. The misconduct complaint investigator shall interview each complainant, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant. If extenuating circumstances require that the interview of the complainant not be conducted in person, the investigator shall document those extenuating circumstances in the investigative file.
134. All witnesses, including officers witnessing or involved in an incident that becomes the subject of a misconduct complaint, shall provide a written statement regarding the incident, or be interviewed as described below. If due to extenuating circumstances, a witness cannot be interviewed or if a witness refuses to be interviewed, those facts shall be documented (e.g., unavailability or uncooperativeness of a witness).
135. Where the allegation involves serious misconduct or other circumstances indicate that interviews are necessary to sufficiently investigate the allegation, the investigator should conduct an in-person interview, when feasible. The interview shall be recorded in its entirety, absent, in the case of non-officer witnesses, specific documented objection. All interviews with accused employees shall be conducted in person.

136. Each officer, witness, and complainant shall be interviewed separately. An NOPDAI not involved in the underlying complaint will be used when taking statements or conducting interviews of any Vietnamese or Spanish speaking LEP complainant or witness. Nothing in this chapter shall prohibit any officer, witness, or complainant from having an attorney, advocate, or support person present during the interview, so long as that person is not also a witness or under investigation for the same allegation.
137. Investigators shall digitally record the statements of the complainant, any principal, and every known witness (For non-department employees, the investigator shall digitally record the witnesses' statements in their entirety, absent a specific documented objection. However, all department employees shall be subject to digital recording in their entirety).
138. Investigators shall collect evidence and property, when applicable, and maintain chain of custody records (evidence in criminal cases should be submitted to Central Evidence & Property CE&P under the Complaint Tracking Number).
139. It may be necessary for an investigator to consult a subject matter expert regarding the investigation (e.g., Academy Use of Force Instructors, a Legal Research and Policy section, or Crisis Intervention Instructors). If the investigator consults any subject matter expert, the information received must be documented in the investigation.
140. Investigators shall address each section of the investigative report, documenting all facts, and reach a conclusion supported by the preponderance of the evidence and prepare a written recommendation. Investigators shall not copy and paste the PIB intake investigation into their report, and instead must summarize any investigative steps taken by PIB during that initial investigation.
141. When appropriate for the finding reached, prepare a Notice of Completed Investigation, i.e., "Notice to Accused Law Enforcement Officer Under Investigation of a Pre-Disciplinary Hearing or a Determination of an Unfounded or Not Sustained Complaint" (NOPD Form 308), and submit the form along with the investigative report;
142. Submit a complete, coherent investigative report to his/her immediate supervisor by the investigator's assigned due date; the date of the investigative report shall be the date the completed report is submitted to the investigator's immediate supervisor for approval and forwarding through the chain of command to the PIB Deputy Superintendent and/or the Superintendent of Police. The Investigator shall document the date the investigation was initially submitted to their supervisor on the investigation transmittal form.
143. Investigator's responsibilities regarding the accused employee(s) include:
  - (a) Complying with La. R.S. 40:2531 (Police Officer's Bills of Rights) by meeting the due dates set by PIB and the investigator's Bureau representative and which have been written on the PIB Transmittal form.
  - (b) The investigator assigned the complaint shall inform the accused employee in writing of the classification of the complaint and a brief synopsis of the complaint within ten (10) days of the receipt of the investigation, introducing himself/herself and providing contact information. This introduction letter can be sent to the employee's department email. Alternative methods of notice may be provided by telephone. If notice is given by telephone, the call must be tape recorded.

- (c) Before taking a formal statement from an accused employee, but not including immediate field investigation, the investigator shall provide notification (Form 196) to the accused employee, at least five (5) days before the statement, informing the employee of the:
  - i. Allegation(s) against the employee;
  - ii. Employee's rights and responsibilities relative to the investigation; and
  - iii. Date, time, and location the employee is to appear for the statement.
- (d) The investigator shall instruct the accused employee to sign the Form 196 indicating receipt of the original form. A copy of the signed notification shall be labeled as an exhibit and made a part of the investigative report.
- (e) During the formal investigation, the investigator should obtain a digitally recorded statement from the accused employee in every case. Investigators obtaining a digitally recorded statement from the accused employee shall follow the below guidance regarding the interview:
  - i. The audio/video file shall be labeled with the PIB Complaint Tracking Number, date the statement is taken, the accused employees' name, and the name of the person(s) whose statement(s) is recorded. The file(s) shall be labeled as an exhibit and made a part of the investigative report. Digitally recorded statements shall be preserved pursuant to [Chapter 83.1 – Collection of Evidence](#) and [Chapter 83.2 – Computers and Digital Evidence](#).
  - ii. In an investigation that does not involve criminal allegations, the interview shall normally take place during the employee's tour of duty.  
The PIB Deputy Superintendent shall have the authority to extend or change an employee's regular tour of duty hours if necessitated by the demands of the investigation. Should the interview time extend past the employee's tour of duty, for payroll purposes, the employee shall be listed as working in the payroll system. If the employee is suspended or on any other leave status, the employee may be ordered to appear at any given time at a designated location to give a statement.
  - iii. In a criminal investigation, the investigator shall begin the accused employee's criminal statement with a full reading of and acknowledgment by the commissioned employee of "Rights of Law Enforcement Officers While Under Investigation" and, if relevant, the Constitutional rights relative to the giving of a criminal statement in a criminal investigation. Criminal investigations shall be separate from administrative investigations.
  - iv. Investigators shall use the statement format for "Administrative Investigation of a Commissioned and/or Civilian NOPD Member" for statements of accused members in all administrative investigations (attached as appendix C).
- (f) If an employee waives their criminal rights at any time during the interview process, the investigator shall stop the interview and further question the employee as to their understanding of the rights. The investigator shall immediately request that the employee sign an NOPD Miranda Rights form (Form 153). The form shall be labeled and listed as an exhibit.
- (g) Separately interview and digitally record each accused employees' statement;
- (h) Investigators should avoid the use of leading questions when taking statements from accused employees.
- (i) If, when ordered, an employee refuses to make an administrative statement as an accused employee or witness, the investigator shall digitally record the refusal unless extenuating circumstances prevent the recording, in which case the extenuating circumstances shall be

documented in an Interoffice Correspondence (Form 105). The investigator shall immediately notify the accused employee's Deputy Superintendent and the PIB Deputy Superintendent, and submit a Complaint Form to PIB.

- (j) During interviews, the investigator shall provide breaks for rest, personal needs, and meals, as needed. No interview shall last more than eight hours in any 24-hour period, unless authorized in writing by the Superintendent. During interviews of members, the investigator shall also accommodate reasonable requests for breaks, regardless of interview length.
- (k) When an employee's counsel and/or representative is present during the rendering of a statement in an administrative investigation, he/she shall be allowed to advise the employee and make statements on the record regarding any question. The counsel may also provide names of witness(es), as per "The Rights of Law Enforcement Officers While Under Investigation," on behalf of the employee.

#### **CORRESPONDENCE TO A NON-MEMBER COMPLAINANT**

- 144. The investigator of a formal disciplinary investigation shall forward correspondence to a non-member complainant, via departmental letterhead, by email or certified mail, on the following timetable:
  - (a) Immediately upon being assigned the formal investigation, a letter, introducing themselves to the complainant as the investigator of the complaint (Form #197), and
  - (b) Every 45 days from the date the investigator's commanding officer received the complaint, updating the status of the investigation. This shall continue until the investigation is submitted for approval (Form #198).
  - (c) Immediately upon completion of his or her investigation, the investigator shall forward to PIB, through the chain of command, a completed letter to the complainant indicating the investigator's recommended disposition. PIB shall send the letter to the complainant upon review and approval.
- 145. All correspondence shall be included as part of the investigative case file.
- 146. If the investigator is unable to contact the complainant via the telephone number(s), email address, or at the address provided in the Complaint Form, they shall mail to the complainant's recorded address a certified letter advising the complainant of the need to immediately contact the investigator. The letter shall advise the complainant that the investigation may be severely impeded without the complainant's assistance if the complainant fails to respond. The investigator shall utilize the wording of the letter shown in Form #199. This correspondence and certification of delivery/receipt shall be included as part of the investigative case file. Even if the complainant cannot be contacted, the investigation shall continue as necessary to resolve the original allegation based on the evidence and investigatory procedures available.
- 147. A misconduct investigation shall not be closed simply because the complaint is withdrawn or because the alleged victim is unwilling or unable to provide additional information beyond the initial complaint. In such instances, the investigation shall continue as necessary within the allowable investigation timeframes established under this Agreement to resolve the original allegation(s) where possible based on the evidence and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense shall not be the deciding factor as to whether an NOPD officer committed the alleged misconduct, nor shall it justify discontinuing the investigation.

148. If an investigator becomes aware at any time, including during an interview or the taking of a statement, of criminal conduct on the part of any member or employee, the investigator shall immediately suspend the investigation and notify the Captain of PIB.
149. PIB shall regularly inform the complainant of the status of the misconduct investigation. At a minimum, PIB shall inform the complainant in writing of the classification of the complaint and the unit assigned to investigate the complaint within ten business days of classification; the disposition of the investigation within ten business days of the investigation's completion; and whether any disciplinary action was taken within ten days of disciplinary decisions being reached.

## **CREDIBILITY ASSESSMENTS**

150. The purpose of a credibility assessment is to determine the reliability of a person's statement in an investigation. An assessment must be conducted, based on a preponderance of the evidence, on each person's statement obtained during an investigation to determine the reliability of that person's statement.
151. Investigators shall not give automatic preference to a member's statement over a complainant's statement or vice versa.
152. In all investigations, investigators shall make credibility assessments when reviewing the statements/allegations of complainants, accused employees, and witnesses in accordance with the nature of the statements/allegations and the issues of the case. Investigators shall use a preponderance of the evidence standard when making credibility determinations.
153. When making a credibility assessment, Investigators shall consider all relevant evidence gathered during the investigation, in addition to the obtained statements, including the following:
  - (a) The person's opportunity to see or hear the things that the person claims to have seen or heard;
  - (b) Any motive the person has to lie;
  - (c) Any interest the person may have in the outcome of the case;
  - (d) Any bias of the person;
  - (e) The person's memory and ability to recall events;
  - (f) Information pertaining to the person's truthfulness or lack thereof;
  - (g) Any inconsistencies in the person's statement and whether they are supported or contradicted by evidence;
  - (h) Information, including criminal or disciplinary history that suggests a habit, routine, or pattern of relevant behavior. Information about a person's character or reputation alone, without more, shall not be considered.
  - (i) Previous disciplinary dispositions, such as sustained, including sustained but null.
  - (j) The potential effects of trauma experienced by the individual
154. Investigators must recognize that statements may contain some inconsistencies and contradictions. When inconsistencies occur, investigating supervisors should not automatically disbelieve the person who made the statement. The investigator should consider whether the inconsistencies relate to significant or insignificant matters and whether the inconsistency is reasonable in light of the circumstances.
155. The investigator shall review the accused employee's long form for specific allegations and dispositions to determine whether there is commonality or a pattern similar to the allegations in the case at hand, considering the time between complaints and their similarity to the subject case. If necessary, the investigator shall request, and PIB shall provide, past investigative case reports for review. When a member's disciplinary history includes Unfounded, Exonerated, or Not Sustained



cases, these cases cannot be used in a credibility determination unless the allegations or investigative file reflects a pattern or relevancy to the subject case.

### **ADDITIONAL INVESTIGATOR & INVESTIGATIVE PROTOCOLS / RESPONSIBILITIES FOR RESERVE OFFICERS / SUPERVISORS**

156. In addition to the above guidelines and requirements, the following will apply to misconduct investigations involving only Reserve Division members:
- (a) Reserve Division supervisory personnel with qualified experience, as determined by PIB, shall conduct misconduct investigations unless PIB reserves the right to do so.
  - (b) If a Reserve member is working as a civilian employee of the City / Department, misconduct investigations and discipline will follow the process and penalty matrix for employees and not volunteers.
  - (c) Any disciplinary penalty imposed that is higher than a Level "D" in the Reserve penalty matrix shall result in termination.
  - (d) Reserve members could benefit from education-based discipline if the violation resulted from a "knowledge" issue rather than "attitudinal".
  - (e) For internally generated complaints only, minor violations shall be addressed through the Supervisor Feedback Log rather than a formal FDI unless progressive discipline mandates.
  - (f) Penalties for disciplinary violations for Reserve members will be assessed as an increase in required volunteer hours at the rate of 1 day of suspension equals 8 additional volunteer hours. All additional hours are to be assessed and served at the rate of 8 hours per month. (e.g., If a Reserve member receives a 3-day suspension, the member must work the additional 24 hours at the rate of 8 hours a month for 3 consecutive months.
  - (g) Refusal to work the assessed penalty shall result in automatic dismissal. Reserve members cannot work Police Secondary Employment until all assessed penalties have been completed.

### **TRANSCRIPTION OF STATEMENTS**

157. If a formal disciplinary investigation results in a recommended disposition of SUSTAINED by the investigator, each recorded statement shall be transcribed if any of the following criteria are met:
- (a) The offense is a level D or higher on the penalty matrix (see Chapter 52.5 – Disciplinary Matrix),
  - (b) The penalty matrix allows for possible demotion or dismissal (i.e., a Level B 3rd offense 2-5-10/D)
  - (c) The accused employee is of the rank of Lieutenant or higher,
  - (d) At the written request of the PIB Deputy Superintendent.
158. If an investigation meets the criteria requiring transcribed statements, each recorded statement shall be transcribed by the investigator. Each page of the transcript shall be initialed by the accused employee, and the last page shall be signed and dated by the accused employee. Each transcript shall be labeled as an exhibit and made part of the investigative report.
159. A transcript of a digitally recorded statement is not required in an investigation which has the recommended disposition of NOT SUSTAINED, UNFOUNDED, or EXONERATED.
160. The initial recording of the complainant's allegations, if taken by PIB Intake personnel, shall be transcribed only if no subsequent statement is taken from the complainant by the investigator and the investigation meets the criteria requiring transcribed statements.
161. Any reviewing authority, including the PIB Deputy Superintendent, may return an investigation for a transcript in any case where a transcript is deemed necessary for the review process.

162. Outside of the criteria listed in the section, the Deputy Superintendent of PIB may grant written approval for a statement not to be transcribed in an investigation that includes recommendation for sustained violations. To ensure the accuracy of investigative conclusions, the PIB Deputy Superintendent shall be responsible for conducting a random check of completed investigative cases in which no transcripts are provided.

### INVESTIGATOR'S FINDINGS AND RECOMMENDED DISPOSITION(S) OF INVESTIGATIONS

163. In each investigation, outcome of court proceedings, for the complainant or accused employee, shall not be the deciding factor as to whether an accused employee committed the alleged misconduct, nor shall it justify discontinuing the investigation.
164. The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

**Unfounded**—the investigation determines by a preponderance of the evidence that the alleged misconduct did not occur or did not involve the accused officer.

**Sustained**—the investigation determines by a preponderance of the evidence that the alleged misconduct did occur.

**Not sustained**—the investigation is unable to determine by a preponderance of the evidence that the alleged misconduct occurred.

**Exonerated**—the investigation determines by a preponderance of the evidence that the alleged conduct did occur but did not violate NOPD policies, procedures, or training.

165. When the recommended disposition is UNFOUNDED, EXONERATED, or NOT SUSTAINED, the investigator shall cite only the number and title of the RULE the employee allegedly violated with the recommended disposition. After each Rule, make reference to any applicable Departmental regulation, order, or procedure (Chapter, Special Order, General Order, Personnel Order, Bulletin, etc.), which most specifically addresses the alleged violation (Example: Rule 4: Performance of Duty; Paragraph 2: Instructions from Authoritative source, to wit, **Chapter 41.3.10 – Body Worn Camera**). If a **criminal or traffic law** was allegedly violated, the specific law shall be cited by statute number and wording. Multiple rules shall be cited in ascending numerical order.
166. When the recommended disposition is SUSTAINED, the investigator shall quote each rule for which he/she recommends a sustained disposition and the applicable Departmental regulation, order, procedure, or law, and provide a complete explanation of how the employee may have violated the rule (i.e., if untruthful, state how, when and to whom the employee was untruthful and how, when, and by whom the employee's information is disputed). Multiple rules shall be cited in ascending numerical order.
167. When a charge is sustained, the investigator must include a violation of Rule IX of the Civil Service Rules for the City of New Orleans, as it pertains to Maintaining the Standards of Service, using the following phrase after the last listed violation:
- [Accused employee's name] may also have violated Rule IX of the Civil Service Rules for the City of New Orleans, relative to Maintaining Standards of Service]*
168. Administrative investigations shall also assess and document the following:
- (a) whether the police action was in compliance with training and tactics;

- (b) whether the incident indicates a need for additional training, counseling, or other-non-disciplinary corrective measures;
  - (c) and whether the incident suggests that NOPD should revise its policies, strategies, tactics, or training.
169. If the supervisor determines during their review of an incident that NOPD should revisit policy, tactics, or training related to the incident, the supervisor shall document that in a Program Review Request Form (see: Program Review Request (PRR) Form #358). The supervisor submitting a PRR is responsible for thoroughly completing the form's "Request" section. The supervisor shall make an earnest effort to provide information to facilitate the review of the request. The requesting supervisor shall make a digital copy of the form and email it to [PSAB@nola.gov](mailto:PSAB@nola.gov). Supervisors shall ensure they provide valid contact information to assist PSAB with any follow-up questions or concerns that may arise.
170. PIB shall document sharing this information with the relevant supervisor(s), who shall refer any recommendations to the appropriate individual for implementation, document the implementation, and return that documentation to PIB. Nothing in this paragraph shall relieve PIB from its obligations provided in Chapter 1.3.8 – Serious Disciplinary Action Review Board.

#### **ADDITIONAL OR AMENDED VIOLATIONS DISCOVERED DURING INVESTIGATION**

171. If the investigator identifies a credible violation/infraction that is not the principal basis of the complaint, the investigator shall note the credible violation in the investigative report and communicate the credible violation to the member's supervisor for appropriate follow-up. The credible violation/infraction may be considered an additional misconduct violation (other sustained misconduct) within the complaint investigation, but the investigator should consider non-disciplinary methods for handling the credible violation/infraction as appropriate, including if the member has no pattern of similar credible violations within the preceding year (i.e., more than three times within a 12-month period). The investigator shall still pursue the original allegation even if it is a credible violation (See [Chapter 35.1.7 –Responses to Minor Violations or Credible Violations](#)).
172. If an investigator discovers an additional possible violation that may require formal disciplinary investigation and is unrelated to the complaint, the investigator may address the possible violation in the ongoing investigation or contact PIB to initiate an additional investigation.
173. If the investigator chooses to address the possible violation in the ongoing investigation and a statement has already been obtained from the accused employee, the investigator must ensure the accused employee is notified, in writing, of the additional violation, and an additional statement must be obtained from the accused employee that addresses the violation.
174. If no statement has been taken from the accused employee at the time the additional possible violations are discovered, the accused employee must be notified of the additional violation being investigated prior to the statement being taken.
175. If during the investigation, it becomes apparent the original alleged rule violation does not adequately address the allegations or violation, the investigator may amend the alleged violation to the appropriate rule. If the alleged rule violation is amended, the investigator must follow the same requirement above, as if the amended violation is an additional possible violation.
176. Any possible additional or amended violations discovered during the investigation that are determined to be unfounded, not sustained, or exonerated, must be documented in the investigative report with an explanation for the determination.

## REPORT FORMAT

177. The investigator shall utilize NOPD Form 105 (Interoffice Correspondence) to document the formal investigation (referred to as an FDI Report). An example of the properly formatted FDI report, with a synopsis of what each section contains, is attached as **Appendix F** of this chapter.
178. The narrative of the FDI Form 105 shall contain the following sections:
- (a) **INTRODUCTION:**
    - 1. **BRIEF SYNOPSIS**
    - 2. **ALLEGATIONS**
  - (b) **INVESTIGATION**
    - 3. **WITNESSES**
    - 4. **CREDIBILITY ASSESSMENTS**
    - 5. **TRAINING, TACTICS, AND/OR POLICY RECOMMENDATIONS**
    - 6. **NOTICE OF RECOMMENDATION TO THE ACCUSED**
  - (c) **SUMMARY**
  - (d) **DISCIPLINARY RECOMMENDATION(S)**
  - (e) **EXHIBITS LIST**
179. Any evidence referenced in the report must be listed or identified as an exhibit. If the exhibit is unable to be physically attached to the investigation, the investigator must reference the storage location of the evidence. This includes listing any BWC or ICC footage that exists.
180. Any extension request submitted to Civil Service, along with any response, shall be included as an exhibit.
181. The investigator's signature, with the rank, title, and date typed below the signature, shall conclude the report. The investigator's initials shall also be handwritten on each page of the investigation in the bottom right-hand corner.
182. The report shall conclude with a signature line for each person in the investigator's chain of command, up to and including the Superintendent of Police or their designee. The signature lines must provide the date for each signature and an indication of whether the reviewer concurs or does not concur with the investigator's recommendation (see **Appendix F**).
183. The complete investigative report shall be assembled unstapled and in the order outlined in the Investigative Case File Organization provided in **Appendix A**, with all exhibits in order. Each page of the investigative report shall be sequentially numbered. The entire package shall be placed into a large manila envelope, labeled with the PIB Complaint Tracking Number on the front, and shall be forwarded to PIB through the investigator's chain of command for approval.
184. Every exhibit page shall have the Complaint Tracking Number, the exhibit letter, and the page number. For example, the fifth page of a 10-page exhibit shall note: **PIB CTN #: 202X-XXXX, Exhibit J, Page 5 of 10.**

## INTERVIEW FORMATS

185. Refer to the appendices of this chapter for interview formats that shall be used for:

- (a) Appendix B to this chapter is the format that shall be used for any statement taken from an accused employee in an administrative investigation.
- (b) Appendix C to this chapter is the format which shall be used for any statement taken from an accused employee in a criminal investigation.
- (c) Appendix D to this chapter is the format which shall be used for any statement taken from an employee witness in an administrative or criminal investigation.
- (d) Appendix E to this chapter is the format which shall be used for any statement taken from a complainant and/or non-employee witness in an administrative or criminal investigation.

## **EXTENSION OF FORMAL DISCIPLINARY INVESTIGATION DUE DATE**

- 186. An extension of the formal disciplinary investigation due date may be requested by the investigator if a complainant, witness, principal, or evidentiary material will not be available or if extenuating circumstances preclude the investigator's ability to complete the investigation by the assigned due date. The investigator may apply to Civil Service for an extension of the 75-day due date (NOPD Form 200). The extension request must be submitted to Civil Service within the first thirty days of the investigation (i.e., within 30 days of the complaint cognizance date). The subject line of the extension request form shall include the CTN and the names of the accused officers. The form shall be delivered personally or electronically by email to Civil Service and to PIB at [piextensions@nola.gov](mailto:piextensions@nola.gov) with the subject line "PIB Extensions." An extension hearing will be set by Civil Service to allow the Civil Service Hearing Officer to determine if the extension is necessary, and to allow the accused employee to address the requested delay.
- 187. A photocopy of the written decision by the Civil Service hearing examiner shall be provided to the assigned investigator, electronically or personally, by PIB within 48 hours of the hearing or receipt by PIB.
- 188. Photocopies of the date-stamped request or the electronic email and request (if delivered electronically), and the hearing examiner's written response shall be made a part of the investigative report as exhibits. The amended PIB due date is written on page two (2) of the Misconduct Investigation Initiation Form by PIB to reflect the due date if/when an extension is approved by Civil Service.

## **PIB LIAISON**

- 189. When a Bureau receives notification from PIB that a disciplinary investigation is to be assigned to that Bureau, the PIB liaison for that Bureau shall respond to PIB and complete the receipt for assignment. The Bureau Deputy Superintendent shall assign the investigation to a supervisor in that Bureau who is of at least equal rank to the accused employee. Only one primary investigator is to be assigned to any investigation, regardless of the number of accused employees or differing assignments, other employees may be designated to assist, with permission of the Deputy Superintendent of the assigned Bureau.
- 190. The PIB liaison is responsible for calculating and documenting all Bureau due dates on the Misconduct Investigation Initiation Form. The Bureau representative is also responsible for maintaining a tracking system for that Bureau's investigations to ensure all due dates are met at every Bureau level and that the completed and approved investigation is submitted to PIB on or before the PIB due date. The internal Bureau due dates should take into account and allow for report review, corrections, and resubmissions.

191. Investigators may request additional information from PIB through the PIB liaison. Additional information requested from PIB may include employee's long forms, short forms, or previously completed investigations.

#### **INVESTIGATOR'S UNIT AND/OR DIVISION CAPTAIN**

192. The investigator's unit Captain shares with PIB and the Bureau Chief the overall responsibility for ensuring the timely completion of a coherent and comprehensive disciplinary investigation. The investigator's Captain shall review the completed investigative report and concur or not concur with the investigator's recommendation(s). If the investigator's unit supervisor does not concur with the investigator's recommendation, he/she shall write an NOPD Form 105 to the PIB Deputy Superintendent and the Superintendent of Police, through his/her chain of command documenting his/her differing recommendation(s) and the reason for each change of recommendation. This Form 105 shall be placed on top of the investigative report and shall accompany it to the Deputy Superintendent of PIB. The composing of this Form 105 shall not delay the processing of the investigation in the Bureau.
193. The investigator's Captain shall return to the investigator for further action any investigation that has a factual or investigative deficiency, error, or omission. The deficiencies will be identified in a written report to the investigator that is made part of the file and a copy forwarded within 24 hours of completion to the Deputy Superintendent of PIB.
194. The investigator's supervisor shall forward to, and ensure receipt of, the reviewed and approved investigative report to their respective Bureau Chief, to be received by the Bureau Chief no later than the due dates stipulated by the Bureau representative on the Misconduct Investigation Initiation Form. Any revision by the investigator to the investigative report shall not delay the processing of the investigation by the unit supervisor.

#### **INVESTIGATOR'S BUREAU CHIEF (Deputy Superintendent)**

195. The investigator's Bureau Chief shares with PIB and the unit/division supervisor the overall responsibility of ensuring the timely completion of a cogent, coherent disciplinary investigation. For disciplinary investigations assigned to a Bureau, the investigator's Bureau Chief shall review the completed formal disciplinary investigative report and concur or not concur with the investigator's recommendation(s).
196. If the investigator's Bureau Chief does not concur with the investigator's recommendation, he/she shall write an NOPD Form 105 to the PIB Deputy Superintendent documenting his/her differing recommendation(s) and the reason for each change of recommendation. This Form 105 shall be placed on top of the investigative report and shall accompany it to the PIB Deputy Chief. The composing of this Form 105 shall not delay the processing of the investigation in the Bureau.
197. The investigator's Bureau Chief shall return to the investigator for further action an investigation which has a factual or investigative deficiency, error, or omission; however, no new investigation may be conducted if the notice of a completed investigation has already been provided to the accused officer, or the time limitations provided by law have expired. The deficiencies will be identified in a written report to the investigator's supervisor that is made part of the file and a copy forwarded within 24 hours of completion to the PIB Deputy Superintendent.

#### **COMPLETION OF INVESTIGATION AND DUE DATE CALCULATION**

198. Every investigator or supervisor assigned to investigate a complaint action shall proceed with due diligence. Factors such as witness availability and the complexity of allegations may affect the



progress of the case. Every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt and in accordance with Departmental Procedure and the Rights of Law Enforcement Officers While Under Investigation (RS 40:2531(B)(7)).

199. Investigations shall be completed within 75 days (La. R.S. 40:2531(B)(7)) of the Complaint Cognizance Date, unless the employee has obtained an extension from the New Orleans Civil Service Commission. PIB must classify the complaint within 14 days of the issuance of a control number. The 14-day period of classification is included in the 75-day investigative limit and does not extend the 75-day limit.
200. The assigned investigator may request an extension from the New Orleans Civil Service Commission for up to an additional 60 days if the investigation reasonably requires such an extension.
201. All administrative investigations conducted by the New Orleans Police Department shall be completed within the time limitations mandated by law, as provided in La. R.S. 40:2531.
202. The investigation is considered complete upon written notice to the employee under investigation of a pre-disciplinary hearing (R.S. 40:2531(B) (7)). The member conducting the investigation should ensure their report is completed by the assigned due date so notification can be made in a timely manner.

#### **PIB/PSAB DEPUTY SUPERINTENDENT**

203. The PIB Deputy Superintendent shall review every completed investigative report from every Bureau except those in which the accused is a member of PIB.
204. The Deputy Superintendent of PSAB shall review every completed misconduct investigation alleging misconduct made by NOPD officers in which the accused is a member of PIB.
205. For investigative reports completed by a Bureau other than PIB, the PIB Deputy Superintendent shall compose a Form 105 to the Deputy Superintendent of the investigator's Bureau addressing and returning any investigative report which has a factual or investigative deficiency, error, or omission which will require further investigation by the investigator, if the investigation is still within the time limits provided by Louisiana R.S. 40:2531. Once all deficiencies, errors, or omissions have been corrected, the investigation shall be returned to the PIB Deputy Superintendent for final review and approval. If the accused employee is a member of PIB, the PSAB Deputy Superintendent shall assume the responsibilities of the PIB Deputy Superintendent contained in this paragraph.
206. The Public Integrity Bureau shall review past case reports and specific allegations and dispositions to determine whether there is commonality or a pattern similar to the allegations in the case at hand, considering the time between complaints and their similarity to the subject case. When a member's disciplinary history includes Unfounded, Exonerated, or Not Sustained cases, these cases cannot be used in a credibility determination unless there is a clear pattern or relevancy to the subject case. If the accused employee is a member of PIB, the PSAB Deputy Superintendent shall assume the responsibilities of the PIB Deputy Superintendent contained in this paragraph.
207. Investigative reports will not be returned informally; they can only be returned with a Form 105 from the PIB or PSAB Deputy Superintendent to the Deputy Superintendent of the investigator's Bureau, a copy of which will be placed in the investigation's permanent file.
208. For investigative reports completed by PIB, the PIB Deputy Superintendent shall return to the investigator any investigative report which has a factual or investigative deficiency, error, or

omission which will require further investigation by the investigator, if the investigation is still within the time limits provided by Louisiana R.S. 40:2531. Once all deficiencies, errors, or omissions have been corrected, the investigation shall be returned to the PIB Deputy Superintendent for final review and approval.

209. PIB shall review the final recommended disposition of all complaint actions in which the accused is not a member of PIB. The PIB Deputy Superintendent shall either concur or not concur with the investigator's recommendations or those of any reviewing supervisor documented in a Form 105. If they do not concur with any of the recommended dispositions, they shall compose their own Form 105 addressed to "Memo to File" if they determine a differing recommended disposition. No new investigation or information may be considered when authoring the Form 105 if the investigation has been completed.
210. PSAB shall review the final recommended disposition of all complaint actions in which the accused is a member of PIB. The PSAB Deputy Superintendent shall either concur or not concur with the investigator's recommendations or those of any reviewing supervisor documented in a Form 105. If they do not concur with any of the recommended dispositions, they shall compose their own Form 105 addressed to "Memo to File" if they determine a differing recommended disposition. No new investigation or information may be considered when authoring the form 105 if the investigation has been completed.
211. If the completed misconduct allegation involved possible criminal conduct by a member of PIB, the PSAB Deputy Superintendent shall oversee the investigation with the same responsibilities the PIB Deputy Superintendent would have had regarding a PIB misconduct investigation. The PIB Deputy Superintendent shall not be involved in the oversight of the case, except to ensure the PIB Quality Assurance Unit is available to track and process the investigation in the same manner as all other misconduct investigations.
212. The PIB Deputy Superintendent is responsible for ensuring that the final disposition regarding discipline is fully implemented in a timely manner, consistent with all rights of the accused member.

#### **APPROVAL OF PRELIMINARY DISPOSITION**

213. Once the Deputy Superintendent of PIB or PSAB has approved the Preliminary Disposition of an investigation, that disposition may be transmitted to the Superintendent of Police or their designee for review and approval of the Preliminary Disposition. If the Superintendent's designee is the Deputy Superintendent of PIB or PSAB, their approval shall be the final approval of the Preliminary Disposition.

#### **SECURITY OF COMPLETED INVESTIGATIONS**

214. An investigation of misconduct may include confidential and protected information not revealed to anyone other than authorized personnel, except pursuant to lawful process and in compliance with [Chapter 82.1.1 – Records Release and Security](#). The investigative file shall be securely maintained by PIB indefinitely.
215. Any transferable media files or links used to share documents or exhibits associated with an investigation shall be password protected.

#### **RELEASE OF INFORMATION TO THE PUBLIC**

216. The release of member information to the public shall be coordinated through the Public Information Office and the Office of the Superintendent of Police.

217. PIB records are maintained and secured by PIB and are accessible only as consistent with law. The PIB file room is secured with a coded and audible alarm system. PIB records are maintained indefinitely, in accordance with State law and Departmental policy.
218. A member's disciplinary history shall consist of all complaints, including the fact that an officer is under investigation. The entire disciplinary history is not exempt from disclosure under the Public Records Law. The Law Department will not release any documents, files, recordings, etc. related to the investigation until the investigation is complete (i.e.; the Notice of Disposition form has been issued to the accused employee(s)), based on the provisions of Louisiana R.S. 40:2531 and *Hessler v. City of New Orleans*, Civil Dist. Ct. Parish of Orleans, no. 2021-01923.

## **ANNUAL STATISTICAL SUMMARIES OF INTERNAL INVESTIGATIONS**

219. PIB shall compile annual statistical summaries based on records of internal investigations and publish the report on the NOPD's website. The purpose of the report is to inform the public of the NOPD's investigations and dispositions of misconduct complaints. The annual statistical summary shall be made available to the public or an employee of the Department upon written request to the NOPD Custodian of Records and subsequent approval by the PIB Deputy Superintendent. PIB and the IPM shall coordinate and confer with each other in collecting, analyzing, and reporting this data to avoid or minimize duplication of efforts or resources. The annual statistical summary shall include at least the following:
  - (a) a summary of each misconduct complaint including a description of the allegation, the final approved disposition, and any discipline imposed;
  - (b) aggregate misconduct complaint data showing the number of each type of complaint and the number and rate of sustained cases after final approval;
  - (c) analysis of this data that identifies trends and concerns, including demographic and geographical trends involving misconduct allegation;
  - (d) documents the response to the identified trends and concerns;
  - (e) A summary of all retaliation complaints investigated during the time period analyzed.

## **Appendix A – Investigative Case File Organization**

The complete investigative report shall be assembled unstapled and in the order outlined in the Investigative Case File Organization provided below, with all exhibits in order. The entire package shall be placed into a large manila envelope, labeled with the PIB Complaint Tracking Number on the front, and shall be forwarded to PIB through the investigator's chain of command for approval.

Once received by PIB, the case file shall be organized in a uniform fashion. The investigation report format will include colored paper. Each color will be used as a divider to divide the investigation and make it easy to locate documents quickly.

- (a) Pink = Hearing Forms (Sustained)**
- (b) Orange = Tracking and Miscellaneous Forms (including buck slips, inventory forms, etc.)**
- (c) Green = Exhibits**
- (d) Blue = Notice of Disposition**
- (e) Yellow= Initial Complaint (left hand side)**

The completed investigative report should be placed on the left-hand side of the opened folder on top. A yellow sheet of paper shall be placed below the completed report. The initial complaint shall be placed under the yellow paper. These pages should be secured with an “acco” fastener in two holes punched at the top of every page.

The right-hand side of the folder should have the tracking forms, exhibits (labeled and in order), and notices of disposition. Place all CD's, tapes, loose pictures, and small items (i.e., certified receipts) in one manila envelope and place the envelope on top of all forms on the right-hand side of the folder. These items should be secured with an “acco” fastener with two holes punched at the top of every page.

## Appendix B – Administrative Statement Guide

### STATEMENT FORMAT FOR AN INTERVIEW RELATIVE TO AN ADMINISTRATIVE INVESTIGATION OF A COMMISSIONED OR CIVILIAN NOPD EMPLOYEE

*[Transcription Date]*  
*P.I.B. CTN # [Number]*

*[The following shall be read onto the audio tape by the investigator]*

*This is a statement under P.I.B. CTN # [control #] of New Orleans Police Department employee [accused employee's name], badge number [badge number], employee ID number [number], assigned to [assignment]. This statement is being taken by [rank/name, and assignment of person conducting interview] at [location where recording is being taken] on [date of recording].*

*This statement is relative to a complaint of alleged [title and number of alleged violation or law], reported under police item # [item # if applicable], which occurred on [date/time of violation] at [location of violation].*

*"Q" denotes questions by [rank/name of person conducting interview].*

*"A" denotes answers given by [rank/name of accused commissioned employee].*

*Those present during the taking of this statement are [rank/name & assignment; include rank/names of accused and interviewer, also rank/name(s) and place(s) of assignment of any other person(s) present during interview].*

*The starting date and time of this statement is [starting time of statement].*

*Q: [name of accused employee], are you aware of your rights as outlined in the Police Officer's Bill of Rights, Louisiana Revised Statute 40:2531? A:*

*Q: Per the provisions of the Police Officer's Bill of Rights, I will read into this record the following information:*

- 1. The nature of this investigation is a complaint of alleged [Departmental rule, Chapter, or state statute, etc.].*
- 2. The name(s) and position(s) of the (those) person(s) conducting this investigation is (are) [rank/name and assignment of anyone presenting questions during interview].*
- 3. Those present during the taking of this statement are [interviewer's rank/name], [accused employee's name], [rank/names of others present].*
- 4. You may take notes during or record this statement.*
- 5. You may have counsel or other representative, or both, present during any interrogation, and you will be allowed a reasonable time to summon either or both*

*to be present, if you so desire.*

6. *Your counsel may call witnesses to testify on your behalf.*

*Q: Do you understand what I have just read to you?*

*Q: Do you wish to exercise any of the rights I have just read to you? A:*

*Q: Be advised that I am now beginning a Departmental internal administrative investigation. I hereby advise you New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries. Additionally, employees must answer truthfully all questions asked in all matters and official investigations related to the scope of their employment.*

*Employees are required to be truthful at all times, in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department.*

*In view of this, are you willing to comply with the New Orleans Police Department Chapter 52.1.1, and make a statement, and answer questions in this Departmental internal administrative investigation?*

*Q: Please state your name, badge number, and place of assignment. A:*

*Q: I would like to bring your attention to [date, time, and location of violation]. Will you state all the pertinent facts, of which you have knowledge, concerning the incident which occurred at that time and location?*  
*[AND/OR PROCEED WITH PREPARED QUESTIONS]*

*Q: Is there anything you would like to add or delete from this statement? A:*

*Q: Is this statement true and correct to the best of your knowledge? A:*  
*This concludes the statement given by [accused employee's name]. Concluding date and time of this statement is [concluding time of statement].*

**Appendix C – Criminal Investigation Statement Guide**

## STATEMENT FORMAT FOR AN INTERVIEW RELATIVE TO A

*CRIMINAL INVESTIGATION OF AN NOPD COMMISSIONED OR CIVILIAN EMPLOYEE*

*[Transcription Date]  
P.I.B. CTN # [Number]*

*[The following shall be read onto the audio tape by the investigator]*

*This is a statement under P.I.B. CTN # [complaint tracking #] of New Orleans Police Department employee [accused employee's name], badge number [badge number], employee ID number [number], assigned to [assignment]. This statement is being taken by [rank/name, and assignment of person conducting interview] at [location where recording is being taken] on [date of recording].*

*"Q" denotes questions by [rank/name of person conducting interview].*

*"A" denotes answers given by [rank/name of accused commissioned employee].*

*Those present during the taking of this statement are [rank/name & assignment; include rank/names of accused and interviewer, also rank/name(s) and place(s) of assignment of any other person(s) present during interview].*

*The starting date and time of this statement is [starting time of statement].*

*Q: [name of accused employee}, are you aware of your rights as outlined in the Police Officer's Bill of Rights, Louisiana Revised Statute 40:2531?*

*A:*

*Q: Per the provisions of the Police Officer's Bill of Rights, I will read into this record the following information:*

- 1. The nature of this investigation is a complaint of alleged [nomenclature of violation or law].*
- 2. The name(s) and position(s) of the (those) person(s) conducting this investigation is (are) [rank/name and assignment of anyone presenting questions during interview].*
- 3. Those present during the taking of this statement are [interviewer's rank/name}, [accused employee's name}, [rank/names of others present].*
- 4. You may take notes during or record this statement.*
- 5. You may have counsel or other representative, or both, present during any interrogation, and you will be allowed a reasonable time to summon either or both to be present, if you so desire.*
- 6. Your counsel may call witnesses to testify on your behalf.*

*Q: Do you understand what I have just read to you?*

*A:*

*Q: Do you wish to exercise any of the rights I have just read to you?*

*A:*

*Q: Are you fully aware of your constitutional rights relative to the giving of a criminal statement in a criminal investigation?*

*A:*

*Q: Per the provisions of the Constitutions of the United States and the State of Louisiana, I will read into this record the following information:*

- 1. You need not make any statements, that is, you have the right to remain silent.*
- 2. Anything you say may be used against you in a trial.*
- 3. You have the right to consult with and obtain the advice of an attorney before answering any questions.*
- 4. If you cannot afford an attorney, the court will obtain an attorney to represent you and advise you.*
- 5. You have the right to have your attorney or an appointed attorney present at the time of any questioning or giving of any statement. Do you understand what I have just read to you?*

*A:*

*Q: Will you waive your constitutional rights and give a statement in a criminal investigation?*

*A:*

*If the answer to the preceding question is "NO," proceed to the appropriate section of Appendix B on page 3. If the answer is "YES," go to page 4 of Appendix B.*



**IF RIGHTS ARE NOT WAIVED AND NO ADMINISTRATIVE STATEMENT IS TO BE TAKEN AT THIS TIME, USE THIS STATEMENT.]**

*Q: Because of your refusal to waive your rights in a criminal investigation, I will now advise you that this statement is now concluded.*

*This concludes the statement given by [accused employee's name] Concluding date and time of this statement is [concluding time of statement]*

**IF RIGHTS ARE NOT WAIVED AND AN ADMINISTRATIVE STATEMENT IS TO BE TAKEN AT THIS TIME. USE THIS STATEMENT.**

If the accused employee to be interviewed refuses to waive his or her rights, each investigator must first consult with the Captain of PIB before proceeding with the administrative statement.

*Q: Because of your refusal to waive your rights in a criminal investigation. I will now advise you I am terminating the criminal investigation and now beginning a Departmental internal administrative investigation. Do you understand this?*

*A:*

*Q: Be advised that I am now beginning a Departmental internal administrative investigation. I hereby advise you New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination. Additionally, employees are to be truthful at all times in all matters and official investigations relating to the scope of their employment and failure to comply will result in termination. Employees are required to be truthful at all times, in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. In view of this, are you willing to comply with the New Orleans Police Department Chapter 52.1.1, and make a statement, and answer questions in this Departmental internal administrative investigation?*

*A:*

*Q: Please state your name, badge number, and place of assignment. A:*

*Q: I would like to bring your attention to [date, time, and location of violation]. Will you state all the pertinent facts, of which you have knowledge, concerning the incident which occurred at that time and location? [AND/OR PROCEED WITH PREPARED QUESTIONS]*

*Q: Is there anything you would like to add or delete from this statement?*

*Q: Is this statement true and correct to the best of your knowledge?*

*A*

*[This concludes the statement given by [accused's name]. Concluding date and time is \_\_\_\_\_.]*

**[IF CRIMINAL RIGHTS ARE WAIVED, USE THIS STATEMENT.  
ALSO, HAVE THE EMPLOYEE SIGN "Rights of an Arrestee/Suspect"  
form.]**

*Q: You have stated that you wish to waive your constitutional rights relative to the giving of a criminal statement in a criminal investigation. I am showing you "Rights of an Arrestee/Suspect" form #. Please read the form and sign the form. [Wait for accused to sign form.] [Name of accused officer] has now signed the NOPD Miranda Rights Form 153.*

*Q: Please state your name, badge number, and place of assignment. A:*

*Q: I would like to bring your attention to [date/time & location of violation]. Will you state all the pertinent facts, of which you have knowledge, concerning the incident which occurred at that time and location?*

*A:*

*OR [PROCEED WITH PREPARED QUESTIONS]*

*Q: Is there anything you would like to add or delete from this statement?*

*A:*

*Q: Is this statement true and correct to the best of your knowledge?*

*A:*

*This concludes the statement given by, [accused employee's name]  
Concluding date and time of this statement is [concluding time of statement]*

**Appendix D – Witness Employee Statement Guide****STATEMENT FORMAT RELATIVE TO AN INTERVIEW OF AN EMPLOYEE  
WITNESS IN ADMINISTRATIVE & CRIMINAL INVESTIGATIONS**

## NEW ORLEANS POLICE DEPARTMENT

[Transcription Date]  
P.I.B. CTN # [Number]

This is a statement under P.I.B. CTN # [control #] of [employee witness's name], badge number [badge number], employee ID number [], assigned to [assignment].

This statement is relative to a complaint of alleged [violation name], which occurred on [date/time of violation] at [location of violation].

This complaint has been lodged against [accused employee's name]. This statement is being taken at [location] on [date of statement]. "Q" denotes questions by [investigator's rank/name].

"A" denotes answers given by [witness employee's name].

Those present during the taking of this statement are [rank/name & assignment]

NOTE: Employees are required to be truthful at all times, in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. Failure to comply will result in termination.

The starting date and time of this statement is [starting time of statement].

Q: Please state your name, badge number, and place of assignment. A:

Q: This is to advise you that you are being interviewed only as a possible witness in this case and as of this time you are not being accused of any misconduct. Do you understand this?

A:

Q: I would like to bring your attention to [date, time, & location of violation]. Will you state all the pertinent facts, of which you have knowledge concerning the incident which occurred at that time and location?

A:

[PROCEED WITH PREPARED QUESTIONS]

[Continue with Questions & Answers]

Q: Is there anything you would like to add or delete from this statement? A:

Q: Is this statement true and correct to the best of your knowledge? A:

This concludes the statement given by [witness employee's name] Concluding date and time of this statement is [concluding time of statement]

**Appendix E – Witness Employee Statement Guide****STATEMENT FORMAT FOR AN INTERVIEW OF A COMPLAINANT OR NON-EMPLOYEE WITNESS IN ADMINISTRATIVE & CRIMINAL INVESTIGATIONS**

P.I.B. CTN NUMBER: [Number]

This is a statement under P.I.B. CTN # [control#] made by [name], [race], [sex], [date of birth], [address], [home phone #], [business phone#]

This statement is relative to a complaint of alleged [violation(s) name(s)] against employee(s) [accused employee(s) name(s)], assigned to [accused employee(s) assignment] which occurred on [date/time of violation], at the location of [location of violation]

This statement is being taken at [location] on [date of statement]. "Q" denotes questions by [investigator's rank/name].

"A" denotes answers by [complainant/witness's name].

Those present during the taking of this statement are [rank/name & assignment] The starting date and time of this statement is [starting time of statement].

Q: Please state your name and address. A:

Q: Please state what happened on [date/time/location of violation]. A:

**[PROCEED WITH PREPARED QUESTIONS]**

Q: Is there anything you would like to add or delete from this statement? A:

Q: Is this statement true and correct to the best of your knowledge? A:

This concludes the statement given by [subject's name]

The concluding date and time of this statement is [concluding time of statement]

## Appendix F – FDI Report Format Example

### DEPARTMENT OF POLICE INTEROFFICE CORRESPONDENCE

<b>TO:</b> Name of Superintendent	<b>DATE:</b> Date Investigation Complete
<hr/>	
Superintendent of Police	
<hr/>	
<b>FROM:</b> Investigator's Name, Rank, and	
Place of Assignment	
<hr/>	
<b>SUBJECT:</b> PIB CTN # *****	
Accused Employee, Rank, EID, and Place of	
Assignment	
<hr/>	

---

#### **Introduction:**

This section shall identify the investigator by rank, name, and assignment. It shall recount by whom and when the investigator was assigned the investigation. The introduction shall include the following subheadings:

#### **Brief Synopsis**

Give a brief synopsis of the allegation(s) including what, when, where, how, and by whom the alleged violation(s) was committed, and any other pertinent information that the investigator deems necessary. Do not copy and paste the intake investigation.

#### **Allegations**

The synopsis of the allegations shall also set forth the alleged violations. Identify and list every possible misconduct violation contained within the complaint or identified during the supervisor's initial inquiry into the complaint or through his/her own observation.

The investigator shall pursue all allegations in the original complaint but may choose to refer minor violations/infractions discovered through the course of investigation to the relevant supervisor for appropriate follow up (see **Chapter 35.1.7 – Non-Disciplinary Responses to Minor Violations**) rather than including the minor violations/infractions as formal allegations. The investigator shall clearly document in a report any minor violations that were referred to the member's supervisor.

Cite the numbers and title of the Rule and Chapter, order, etc., that may have been violated.

If an allegation involves a criminal law, the state or municipal number and title shall be included.

If multiple alleged violations, each shall be listed in numerical order by rule number, then by paragraph number. Each allegation shall be numbered as V1, V2, V3.

The only allegation(s) which shall be listed under the individual accused employee is (are) the allegation(s) made against that specific employee.

### **Investigation**

The investigator shall document a detailed account of every aspect of the investigation, including an individual summary of each interview, whether recorded or written. If the interview is recorded, the transcription of this interview (if one is required) shall be labeled and listed as an exhibit. If the investigator obtained a written statement from any party, the written statement shall be labeled and listed as an exhibit.

If the investigation is better served by further breaking down the narrative section into different topics or investigative steps, the investigator may include additional sections of the investigation as necessary (i.e., review of surveillance footage, review of BWC footage, review of ICC footage, review of 911 call audio, etc.).

### **Witnesses**

List every witness, including members, and identify whether each witness was contacted or provided a written statement, and whether any interviews were recorded. If a witness was not contacted or an interview was not recorded, give an explanation. For example: "Joe Doe could not be reached despite numerous attempts; he provided a non-working telephone number and refused to provide an address."

### **Credibility Assessments**

Provide a relevant assessment of the complainant(s) and witness(es) in accordance with Chapter 52.1.

### **Training, Tactics, and/or Policy Recommendations**

The investigator must assess whether: (i) the accused's conduct was in compliance with training and legal standards; (ii) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures; and (iii) the incident suggests that NOPD should revise its policies, strategies, tactics, or training. (see: Program Review Request Form #358).

If any consultation with subject matter experts is conducted regarding policy, training, or tactics, that consultation shall be documented in this section.

### **Notice of recommendation to the accused**

The circumstances, date, time, and location of notification to the accused employee of the investigator's recommended disposition shall be documented in this section. This includes the date and time the accused was provided with and signed the NOPD Form 308 (notice of disposition to the accused).

### **SUMMARY**

This section shall summarize the important aspects of the investigation and why the investigator arrived at the conclusion of culpability or innocence on each allegation. The Summary Section shall contain only information already fully documented in the Investigation Section and shall not introduce any new information.

### **DISCIPLINARY RECOMMENDATIONS**

Each alleged violation shall be addressed individually, with a recommended disposition on each rule allegedly violated, and a complete justification of the recommended disposition of each rule appearing in the original Misconduct Investigation Initiation Form. Any additional sustained misconduct violations (not alleged in the original form) shall be listed after the original violation(s) under the sub-heading "Additional Sustained Violations." Any additional accused employees and their sustained misconduct violations shall be listed under the subheading "Additional Accused and Sustained Violations."

**EXAMPLE:**

**Officer John Doe:**

**V1: Rule 2: Moral Conduct, Paragraph 6: Unauthorized Force**

.....**EXONERATED**

*The investigation determined, by a preponderance of the evidence, Officer Doe used an amount of force that was objectively reasonable in light of the circumstances to effectively bring the incident or person under control. The actions of the subject of force during the incident would have led an objectively reasonable person to believe they presented an immediate threat of harm to others.*

Respectfully Submitted,

\_\_\_\_\_  
Investigator Name, Rank,  
and Place of Assignment

CONCUR / DOES NOT CONCUR

\_\_\_\_\_  
Chain of Command Name, Rank, and  
Place of Assignment

CONCUR / DOES NOT CONCUR

\_\_\_\_\_  
Chain of Command Name, Rank, and  
Place of Assignment

CONCUR / DOES NOT CONCUR

\_\_\_\_\_  
Name of Superintendent  
Superintendent of Police



**EXHIBITS**

The final page of the investigative report shall be the Exhibit page. Each exhibit (Misconduct Investigation Initiation form, recording, written order, evidence receipt, photograph, etc.) shall be assigned a letter. A list of exhibits that contains more than **twenty-six** (26) items shall utilize a double-alphabet designation (AA-ZZ). Each exhibit shall carry a corresponding label on the exhibit itself. Each exhibit listed shall include a description of the exhibit, the number of pages in the exhibit, and whether the document is an original or a photocopy; as indicated below:

Exhibit A PIB Transmittal page, original

Exhibit B Formal Disciplinary Investigation initiation form, original

Exhibit C Transcribed statement of [XXX], 5 pages, original

Exhibit D Incident report, Item # X-XXX-XX, 4 pages, photocopy

Exhibit E TRIP record for [XXX]. Dated XXX, one page, original

Exhibit F Photographs, taken by Crime Lab, Item # X-XXX-XX, four

Initials \_\_\_\_\_

P.I.B. CTN #202x-xxxx-x-FDI  
Investigator's