

New Orleans Police Department

Policy Manual

Rule 5: Restricted Activities

1. FICTITIOUS ILLNESS OR INJURY

Members shall not feign illness or injury; falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

2. ASSOCIATIONS

Members shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are racketeers, sexual offenders, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of family relationships.

3. VISITING PROHIBITED ESTABLISHMENTS

Members shall not knowingly visit, enter, or frequent a house of prostitution, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty, or while acting under proper specific orders from a supervisor.

4. SUBVERSIVE ACTIVITIES

Members shall not commit, attempt to commit, aid in the commission of, or advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or assist in the overthrow or destruction of the constitutional form of government in the United States, any State, or any political subdivision thereof, by revolution, force, violence, or other unlawful means. Members shall not be allied with any group of persons whose individual or collective actions or purpose of action is prohibited by this rule, except in the performance of duty as directed by the Superintendent of Police.

5. LABOR ACTIVITY

Members shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations, except as provided by law.

Members shall not engage in any strike or other concerted effort to adversely affect the Department productivity. Strike includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

6. ACTING IN CIVIL MATTERS

Members shall not give legal advice or express a legal opinion in civil matters beyond that which is necessary to prevent a breach of the peace or violation of law, but shall instead suggest that inquirer seek such information from another source of the inquirer's choosing.

7. ACTING IMPARTIALLY

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Members shall take no action in a matter normally within the scope of their duties to which they are an interested or involved party, or make arrest in controversies arising between their relatives; nor make any arrest in their own quarrels, or between themselves and their relatives, friends and/or neighbors, except to prevent injury to another, or when a felony has been committed. Such circumstances shall be called to the attention of a Supervisor, who shall take the required action. Members may detain offender until intervention of proper authority.

8. CIVIL ACTIONS INVOLVING MEMBERS

Members involved in civil litigation or orders of protection as a plaintiff, defendant, petitioner, or respondent, or members involved in civil litigation as a plaintiff, defendant, or witness for actions arising out of the performance of their duty, or their role as a police officer, shall notify the Public Integrity Bureau via **Form 349**. The member shall deliver to PIB, by hand, all Petitions, Complaints, Citations, Summonses or Orders pertaining to the actions no later than the next working day after receipt. **Form 349**, and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

When appearing as a plaintiff, defendant, or witness in any civil litigation, the member shall not be attired in his/her Departmental uniform, except when the employee is appearing as a representative of the New Orleans Police Department. (ADDITIONALLY: SEE C.A.O. POLICY MEMORANDUM 47 DATED SEPTEMBER 24, 1987 RE: INDEMNIFICATION FOR CITY OFFICERS AND EMPLOYEES.)

9. CRIMINAL PROCEEDING AGAINST MEMBER

A member shall immediately report to the Public Integrity Bureau via **Form 349**, information concerning any:

- Arrest or summons as a defendant in a criminal matter;
- Criminal Federal, State, Parish, Municipal or Traffic Court proceeding wherein a member is named a defendant;
- Grand jury proceeding in which the member will be or may be indicted;
- Target letter or any other action instituted against him/her in any criminal investigation.

Form 349 shall contain the alleged offense, date, if the member was incarcerated, and the name of the agency conducting the investigation in the Gist section. The member shall deliver to PIB, by hand, all affidavits, summonses, indictments, bills of information, grand jury summonses or target letters pertaining to the proceeding no later than the next working day after receipt and prior to the date of the proceeding. Copies of the Form and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

The member shall not be attired in his/her Department uniform when required to appear in any court action instituted against him/her in any criminal investigation.

10. TESTIFYING ON BEHALF OF DEFENDANT(S)

Members of the New Orleans Police Department, testifying on behalf of any individual or entity in criminal or civil proceedings, where the testimony is not arising out of the proper performance of their duties, shall not be attired in their NEW ORLEANS POLICE DEPARTMENT uniform, or any part thereof, unless authorized by the Superintendent of Police.

Civil proceedings are defined as, but not limited to, any hearing, meeting, or assembly of any governmental board or commission, civil court, revocation board, licensing authority, or any process thereof, where testimony is given and/or judgments or decisions rendered.

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A criminal proceeding is any phase of a court or court-related process involving the prosecution of a person charged or to be charged with a crime, and testimony is taken to determine the guilt or innocence of the person. For purposes of this Rule, criminal proceedings include, but are not limited to, federal, state, municipal court and traffic court proceedings and parole board hearings.

Testify on behalf of individuals in civil proceedings is defined as the giving of any oral or written statements, and depositions, in any civil proceeding where the individual giving the testimony seeks to influence the decision of the adjudicator in favor of the person he or she testifies for.

When testifying on behalf of any individual in civil proceedings, when such testimony is not arising out of the proper performance of duty, Department employees shall notify the Public Integrity Bureau, via **Form 349**, and deliver to PIB, by hand, a copy of the subpoena pertaining to the litigation no later than the next working day after receipt, if the City of New Orleans or any agency or department thereof, is a party to the proceedings. Notification shall take place no later than the next working day after receipt and prior to the date of the proceeding. The Form and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

Testifying on behalf of individuals in criminal proceedings is defined as the giving of any oral or written statements in any criminal proceeding, where the individual has been subpoenaed by an individual other than the prosecutor.

Members testifying on behalf of a defendant in any criminal proceeding, regardless of the jurisdiction, shall notify the appropriate prosecutorial authority in the jurisdiction where the case is adjudicated, and the Public Integrity Bureau via **Form 349** and deliver to PIB, by hand, a copy of the subpoena pertaining to the proceeding no later than the next working day after receipt, and prior to the trial date. The Form and all required documents shall be routed to the Office of the Superintendent and the Office of the City Attorney by PIB.

Members testifying on behalf of defendants, other than the City of New Orleans, shall not be attired in their departmental uniform except when on duty and testifying in a matter before the Civil Service Commission.

11. TRACKING OF ACTIONS BY PIB

The Public Integrity Bureau is responsible for entering and tracking all reported actions under this Rule into the INSIGHT System once notified by a member on **Form 349** and/or the receipt of documentation of actions covered by this Rule from any other source until the action(s) have reached a legal conclusion or disposition. This will be accomplished by use of written instructions to the involved member(s) to provide timely updates after initial notification.

12. DISPOSITION DOCUMENTATION

In any civil or criminal proceeding covered under this Rule, in which a member is a named defendant or respondent, the member shall deliver to PIB, the final judgment(s) in the actions no later than the next working day following receipt. This includes, but is not limited to final judgments, orders of dismissal or judgments of conviction or acquittal. The final disposition (judgment, settlement, order of dismissal, conviction, acquittal, etc.) and documents shall be entered into the appropriate database from **Form 349** upon receipt by PIB.

13. INTERFERING WITH INVESTIGATIONS

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Members shall not divulge official information to any other person or agency which he/she knows, or should know, would possibly impede, obstruct or otherwise compromise any criminal or administrative investigation being conducted by a member of this Department, by a member of any other local, State or Federal investigative organization, or law enforcement agency.

Such prohibited activity shall include, but not be limited to, the release, disclosure or communications by any means, of any information to any suspect in an investigation, or to any unauthorized person, which would tend to identify any officers acting in an undercover capacity, the identity of confidential sources, informers, or witnesses, and any investigative methods and techniques utilized in a particular investigation.

Such prohibited activity shall also include the release, disclosure or communication of descriptions of any vehicles or specialized equipment utilized in any investigation, suspects in or targets of any particular investigation, the existence of or description of any evidence or possible evidence, or any official data, computerized or conventional, either directly or indirectly related to or resulting from any criminal or administrative investigation.

It is understood that it will routinely be necessary to share such investigative information with members of other investigative or law enforcement agencies. Prior to the disclosure of such information or data to any person authorized by law and departmental policy to receive such data, the member shall obtain the express authorization of his/her commanding officer.

14. UNDERCOVER INVESTIGATIONS

Members shall not, in the course of their official duties, engage in any undercover or covert activities without the prior written authorization of their respective Bureau Deputy Chief.

The prior written authorization of the Superintendent of Police shall be required in all undercover or covert activities in which a member is required or intends to engage in corrupt practices, including but not limited to, accepting bribes, the purchase of or possession of any controlled dangerous substance, or direct or indirect involvement in any criminal violence.

Physical surveillance of a suspect or target of any official investigation or activities of confidential informers shall not be considered undercover or covert activities for the purpose of this rule.

15. REWARDS

Only upon written approval of the Superintendent of Police, shall an employee be allowed to accept any reward resulting from, or connected in any way with, his/her performance or responsibilities as a Police Officer. Request for such approval shall be forwarded to the Superintendent through the member's unit chain of command.