Regular Session, 2011

HOUSE BILL NO. 329

BY REPRESENTATIVE STIAES

LAW ENFORCEMENT: Provides procedures for the investigation of officers and employees by the NOPD

AN ACT

To amend and reenact R.S. 40:2531(B)(7), relative to investigations of law enforcement officers; to provide relative to investigations by the New Orleans Police Department; to provide for the time period in which investigations shall be conducted; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2531(B)(7) is hereby amended and reenacted to read as follows:

§2531. Applicability; minimum standards during investigation; penalties for failure to comply

* * *

B. Whenever a police employee or law enforcement officer is under investigation, the following minimum standards shall apply:

* * *

(7)(a) ~~When~~ Except as otherwise provided for in Subparagraph (b) of this Paragraph, a formal and written complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within fourteen days of

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the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which is conducted under the provisions of this Chapter shall be completed within sixty days. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the police employee or law enforcement officer who is under investigation. The police employee or law enforcement officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to sixty days. Nothing contained in this Paragraph shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty days. The investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint. Further, nothing in this Paragraph shall limit any investigation of alleged criminal activity.

(b) An investigation of an officer or employee of the New Orleans Police Department by the New Orleans Police Department shall be completed within one hundred twenty days. The New Orleans Police Department may petition the New Orleans Civil Service Commission for an extension of this time period for an additional sixty days within which to complete the investigation. If the commission finds that the New Orleans Police Department has shown good cause for the granting of an extension of time within which to complete the investigation, it shall grant an extension not to exceed sixty days. For purposes of this Subparagraph, "good cause"

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may include but shall not be limited to circumstances in which the alleged misconduct involves numerous officers or is particularly complex or when evidence is newly discovered well into the investigation. All other applicable provisions of Subparagraph (a) of this Paragraph shall apply to investigations conducted by the New Orleans Police Department.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stiaes HB No. 329

Abstract: Extends the time that the New Orleans Police Dept. has to complete an investigation of law enforcement officers.

Present law provides procedures for the investigation of law enforcement officers who have complaints filed against them.

Present law provides that each investigation of a police employee or law enforcement officer shall be completed within 60 days and provides for a 60-day extension of the investigation.

Proposed law extends this time period for New Orleans Police Dept. (NOPD) investigations from 60 days to 120 days. Authorizes the NOPD to petition the New Orleans Civil Service Commission for a 60-day extension. The commission shall grant the extension for good cause. Proposed law defines "good cause".

(Amends R.S. 40:2531(B)(7))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Deleted references in proposed law to the Public Integrity Bureau.

2. Changed the deadline for completing NOPD investigations from 160 days to 120 days.

3. Authorized the NOPD to petition the New Orleans Civil Service Commission for a 60- day extension for good cause, and defined "good cause".

4. Deleted proposed law provisions regarding the use of additional evidence discovered during the course of, or following, an investigation.

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