

Regular Session, 2011

HOUSE BILL NO. 329

BY REPRESENTATIVES STIAES, ARNOLD, AUSTIN BADON, BISHOP, BROSSETT,
HENDERSON, HINES, LEGER, AND MORENO AND SENATOR HEITMEIER

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

1 AN ACT

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

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

9 Be it enacted by the Legislature of Louisiana:

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

11 §2531. Applicability; minimum standards during investigation; penalties for failure
12 to comply

13 * * *

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

16 * * *

17 (7)(a) ~~When~~ Except as otherwise provided for in Subparagraph (b) of this
18 Paragraph, a formal and written complaint is made against any police employee or
19 law enforcement officer, the superintendent of state police or the chief of police or

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

23 (b) An investigation of an officer or employee of the New Orleans Police
24 Department by the New Orleans Police Department shall be completed within one
25 hundred twenty days. The New Orleans Police Department may petition the New
26 Orleans Civil Service Commission for an extension of this time period for an
27 additional sixty days within which to complete the investigation. If the commission
28 finds that the New Orleans Police Department has shown good cause for the granting
29 of an extension of time within which to complete the investigation, it shall grant an

