

BATON ROUGE POLICE DEPARTMENT

General Order
No.112

Effective Date
10-15-1997

Revised Date
6-30-2020

Subject: Discipline

Reviewed 6/11/20

POLICY

It is the policy of the department to codify the rules and procedures necessary to ensure the orderly performance of duty. Furthermore, the department recognizes it is necessary to enforce the provisions of this code fairly, but with vigor. Police officers are, and should be, subject to the closest scrutiny with regard to the performance of their duties.

The purpose of the disciplinary code is not to ridicule officers or merely punish those who err. The purpose of the code is threefold: to clearly identify a standard of conduct that is required, to identify problems that may be solved by instruction and failing that, provide objective penalties for non-compliance.

GOAL STATEMENT

The Department has a responsibility to create a system of discipline that is both effective and fair. The disciplinary code must serve the citizens by promoting accountability within the Department, must protect and develop members of the Department and must above all, insure the integrity of the Department.

The goal statement is based on three principles, none of which may be considered independent of the other:

- The discipline process must encourage self-discipline and acceptance of responsibility by employees. No employee shall tolerate misconduct on the part of another.
- The discipline process must reinforce positive behavior. It must identify problem areas and use training, counseling and guidance to correct any deficiencies. However, it is the Department's responsibility to correct deficiencies that training and counseling fail to correct. Therefore, sanctions shall be imposed for repeated violations.
- To all concerned, the employee, the citizen and the administration, the discipline process must be perceived as fair and impartial. Any sanctions imposed must satisfy the severity of the misconduct.

PROCEDURES

The code is structured in the same manner as the Louisiana Criminal Code, with offenses grouped in categories based on the relative seriousness of the offense. There are three categories numbered sequentially from least to most serious. The potential penalty is then set according to the level of seriousness and escalates with subsequent offenses. The most serious offenses will be dealt with severely, although at the discretion of the Chief of Police.

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DISCIPLINARY PROCESS

I. Basis for disciplinary action

- A. Officers shall not be the subjects of disciplinary action by the Department, unless their actions constitute one of the following:
 - 1. A violation of state, local or federal law;
 - 2. Conduct so offensive it would bring scorn and ridicule upon the Department;
 - 3. Incompetence;
 - 4. A violation of written or verbal department rules, policy, procedure or orders;
 - 5. Nonfeasance or failure to act.
- B. The Chief of Police shall reserve the right to issue special orders categorizing and prohibiting activity which he deems detrimental to the department. The intent of these orders shall be specifically to prohibit such further activity, and not to discipline retroactively for the original violation.

II. Supervisor's Role

- A. The primary responsibility for maintaining and reinforcing officer conformance with the standards of conduct of the Department shall be with the officer and first line supervisors.
- B. Supervisors shall familiarize themselves with the officers in their unit and closely observe their general conduct and appearance on a daily basis.
- C. Supervisors shall remain alert for indications of behavioral problems or changes that may affect an officer's normal job performance. Such information shall be documented by a supervisor.
- D. Where a supervisor perceives that an officer may be having or causing problems, the supervisor should assess the situation and determine the most appropriate course of action.
- E. A supervisor may recommend additional training to refresh or reinforce an officer's skills.
- F. Counseling may be used by a supervisor as follows:
 - 1. To determine the extent of any personal problems that may be affecting performance and to offer assistance and guidance;
 - 2. To discuss minor and infrequent rule violations and to discuss the substance and importance of the rules with the officer.

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- G. Conference Worksheets can be used to document the counseling of employees. Conference Worksheets can also be used to document good work activities that may or may not reach the level of a Letter of Commendation. Conference worksheets will be maintained for 12 months by the supervisor writing the worksheet while the employee works under that supervisor immediate control. In the event the employee is transferred from under the supervisor's control within the 12 months, the supervisor will deliver the conference worksheet to the employee's new supervisor. If a supervisor chooses to use a conference worksheet the employee will be given a copy of the worksheet.
- H. Where the supervisor feels training or counseling is appropriate, he shall recommend that to the district/unit commander. The district/unit commander shall then discuss the recommendation with the supervisor and officer. The district/unit commander may reject, modify, or endorse the recommendation. He shall forward his comments to the bureau commander (if the officer does not report to a bureau commander) who shall make the final decision. If training or counseling is indicated, the bureau commander shall make the necessary arrangements in order to effect the recommendation.
- I. All records pertaining to training or counseling when used to correct behavior or deficient performance shall be forwarded to Internal Affairs division.

III. Citizen Complaints

- A. All citizen complaints pertaining to Departmental policies or procedures or those alleging officer misconduct shall be documented and investigated by the Department.
 - 1. Complaints may be given in person, over the telephone or in writing. All defined complaints shall be documented if it is found that no policy/procedure was violated or if the complaint has to be forwarded to another division/section for officers not assigned to the commander taking the initial complaint.
 - 2. Anonymous complaints or complaints from citizens who wish their names to be held in confidence shall be accepted for investigation.
- B. Citizen complaints shall be accepted by any supervisor (Sgt.) or (section, division, unit, shift, etc.) commander in the Department who is approached for assistance.
 - 1. If a commander is not available, a supervisor may take the complaint by documenting the complaint and promptly forward it to his shift commander or division commander if not available. Only a commander may investigate the complaint that violates or is a questionable violation of departmental policy/procedure. If the commander's investigation finds no violation on the officer, the documentation shall be completed and forwarded to the Division commander to be maintained.
 - 2. The supervisor may attempt to resolve the complaint by an explanation of departmental policy/procedure, where applicable. Attempts to resolve the complaint shall be documented on the complaint report.

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3. In the event a citizen with a complaint approaches an officer, he shall immediately put the complainant in touch with a commander or a supervisor if a commander is not available.
 4. When a supervisor takes a complaint, where the officer that the complaint is brought upon is not assigned to his/her shift, the supervisor taking the complaint when a commanders not available, shall complete a Citizen's Complaint form and forward it to his section/division commander to be promptly forwarded to the officer's bureau commander.
- C. Upon receipt of a citizen's complaint, the Internal Affairs Division shall contact the complainant and advise them the matter is under investigation and that written disposition will follow.

IV. Responsibilities of the Internal Affairs Division

- A. The Internal Affairs Division shall have primary supervisory responsibility for the review and investigation of all complaints against officers, whether initiated by the citizen or the Department. While investigating a complaint of misconduct, the Internal Affairs Division is delegated the authority of the Chief of Police for the purposes of directing the investigation.
- B. Upon receipt of a complaint an initial determination shall be made whether to assume primary investigative responsibility for the case or to refer it to the appropriate commander shall be made. A commander's investigation may be ordered stopped at any time and full investigative authority assumed by the Internal Affairs Division.
1. Allegations of Class 1 and 2 violations may be investigated by the appropriate commander as outlined above.
 2. Allegations of Class 3 violations will be investigated by the Internal Affairs Division. Allegations of sexual harassment will be jointly investigated by Internal Affairs.
- C. The Internal Affairs Division shall also have the following responsibilities:
1. Maintenance of a complaint log;
 2. Maintenance of a central file for complaints in a secured area, kept in conformity with State law and current Union contracts;
 3. Conducting a regular audit of complaints to ascertain the need for changes in training or policy;
 4. Publication of an annual summary, made available to the public, of complaints received and investigated by the Department and their final disposition.
- D. The Internal Affairs Division may recommend to the Chief of Police that a case be referred for criminal investigation and/or prosecution.

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V. Commander Investigation

- A. Complaints may be received by the Internal Affairs Division or by supervisory or command level personnel. If received by a field supervisor, the officer(s) involved shall be identified, if possible. The complainant's name, address and telephone number shall be taken and then forwarded to the shift/ unit commander. The shift/ unit commander shall initiate the investigation. If the officer is not assigned to that shift/ unit commander the complaint documented shall be forwarded to the officer's bureau commander. He shall then route the complaint to the officer's shift/ unit commander. Upon completion of the investigation, the findings will be forwarded to Internal Affairs Division on standardized IA form. If the complaint does not meet the criteria to forward to Internal Affairs Division, the investigating commander will complete a Citizen's Complaint - Commander's Accountability Report to be kept on file in the commander's office.
- B. If the complaint was originally received by Internal Affairs, a referral form shall be made and the officer identified. An internal affairs case number shall be assigned.
- C. It will be the responsibility of the shift/unit commander to conduct the investigation. It must be completed and returned to the bureau commander within fifteen (15) days.
- D. The investigation will include, but is not limited to obtaining a statement from all involved parties (officer[s], complainant, witnesses, etc.) and reducing these statements to a written synopsis.
- E. The shift/unit commander shall then submit a report of his findings, including a recommendation for disciplinary action if warranted, to the division/district commander. He shall review the report and forward it to the bureau commander along with any comments he feels appropriate.
- F. The Bureau Commander will review the report and make one of three findings:
 - 1. Concur with the recommendation;
 - 2. Reject the recommendation and make his own;
 - 3. Return it for further investigation.
- G. If disciplinary action is recommended and it is within the scope of the bureau commander's authority, he may begin the proceedings. The completed report shall then be sent to Internal Affairs where it will be placed on file. If it is outside the scope of his authority he shall forward the completed report with his comments to Internal Affairs for final disposition and submittal to the Chief of Police.

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VI. Criminal Investigations

- A. If the Internal Affairs Division conducts an investigation and it is determined the alleged violation is criminal in nature, an investigator from the Criminal Investigation Bureau shall be contacted, and he/she will conduct an investigation in cooperation with Internal Affairs.
- B. It shall be the responsibility of the Criminal Investigation Bureau to assist the Internal Affairs Division with all criminal complaints uncovered in a disciplinary investigation. These investigations shall be conducted as any other.
- C. If the allegations are clearly criminal in nature, an investigator from the Criminal Investigation Bureau shall be involved from the onset. The criminal investigator will assume responsibility for and therefore control of the investigation. All reports shall be forwarded to the Chief of Police and him or the Acting Chief (in the Chief's absence) shall be notified prior to any arrest. The office of media relations shall also be notified, unless otherwise directed by the Chief of Police.
- D. If an officer is arrested prior to a disciplinary investigation, a separate internal investigation shall be conducted, for disciplinary purposes only. The findings shall be presented to the Chief of Police for possible disciplinary action and/or administrative leave.

VII. Officer's Duties and Rights during Interview

- A. Investigations concerning alleged criminal conduct will be conducted as any other criminal proceeding.
- B. Prior to an interview concerning allegations of administrative violations, the officer shall be advised as follows:
 - 1. The officer can be required to answer all questions directly related to the performance of his official duties or fitness for office:
 - 2. Refusal to comply with an order to answer such questions is a violation of departmental rules which may subject the officer to further discipline up to and including dismissal.
 - 3. Any required self-incriminatory admission made during the interview may only be used in subsequent administrative proceedings and shall not be used in criminal proceedings.
 - 4. All interviews will only be recorded by the Internal Affairs Investigator. At the conclusion, you are ordered not to disclose or discuss the content of the interview or investigation with anyone, except your legal representative, without first obtaining written permission from the appointing authority.
- C. Officers must comply with all orders to appear for interviews and board hearings related to internal investigations.

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VIII. Counsel at Interview for Administrative Violations

- A. Officers will be permitted to have an attorney, union representative, supervisor, or other personal representative with them in the room during an interview concerning allegations of misconduct by an employee. A reasonable length of time, as determined by the Internal Affairs commander shall be allowed for the officer to obtain representation.
- B. In administrative proceedings the officer's representative or counsel shall be allowed to offer advice to the employee of officer and make statements on the record regarding any questions asked of the employee of officer at any interrogation, interview, or hearing in the course of the investigation. In cases where an interview focuses on or leads to evidence of potential criminal activity by the officer his legal representative may advise and confer with the officer during the interview, but may not terminate the interview. The interview will be conducted in accordance with Section VII, B.3 of this order.

IX. Special Administrative Examinations

- A. At the direction of the Chief of Police or Acting Chief (in the Chief's absence) an officer may be required to submit to the least invasive form of examination that may include an Intoxilyzer, blood, breath, urine, psychological, polygraph or other medical examination if such analysis is warranted by articulable facts. If the officer/employee is involved in a "serious incident" as defined by City-Parish Policy the department will follow the City-Parish procedures.
- B. An on-duty supervisor is required to notify the Health & Safety office when it is suspected that inebriation or drug usage is affecting an officer's performance of duty or operation of a departmental vehicle.
- C. An officer under investigation may request any of the tests mentioned in paragraph A (above), at his expense, if it is believed that such an examination would be beneficial to his defense.
- D. An officer will be required to participate in a live line-up and/or submit to photographs of the officer without a court order, if an identification line up is solely for administrative purposes.
- E. Property belonging to the Department is subject to inspection at any time. Departmental property includes, but is not limited to: vehicles, desks, files, storage lockers, and computer discs. Any property contained within departmental property including, but not limited to suitcases, briefcases, duffle bags, purses, and the like is subject to search and inspection.
- F. In the event of a citizen complaint against an officer in which a polygraph examination is anticipated, the complainant shall take a polygraph exam and be deemed truthful prior to the officer's exam. In the event of an administrative investigation, which is not the result of a citizen complaint, the administering of a polygraph examination will be governed by IX (A) of this order.

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- G. Where allegations of misconduct or criminal activity are involved, an Internal Affairs' investigation may require the disclosure of the employee's financial records.

X. USE OF PRESCRIBED MEDICATIONS

- A. Department employees shall not take any of the narcotic drugs defined in Louisiana Revised Statute 40, Articles 964 and 966, unless prescribed for them by a licensed medical practitioner.
- B. When a commissioned officer is prescribed medication which is defined and scheduled as a controlled dangerous substance, he/she shall inform the Health & Safety Office of said prescription prior to reporting for regular duty, extra duty, training, and/or overtime assignments. Before reporting for any form of duty, the officer shall present written documentation from the prescribing physician certifying that the CDS in the prescribed dosage will not impair the officer's ability to perform his duties.
- C. Use of a controlled dangerous substance other than in the dosage prescribed by a physician may result in termination.
- D. Confidentiality: The department recognizes the confidentiality and privacy due to employees. Disclosure of any information relating to the employee's medical information and treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

XI. Rights during an Interview

- A. Prior to any interview or special examination, the officer under investigation will be allowed to view the original complaint and/or hear it on audio tape. If a summary listing the relevant facts exists, the officer will be allowed to view the summary. The officer will be given a document detailing his rights and duties during the investigation.
- B. All interviews will be conducted while the officer is on duty, unless the seriousness of the investigation is such that an immediate interview is required. If the officers directly involved in a death or incident involving great bodily harm so request, the Internal Affairs Division shall refrain from taking the statement for at least twenty-four (24) hours after the incident, unless otherwise directed by the Chief of Police.
- C. The interview shall be held at an appropriate departmental facility chosen by the interviewer.
- D. Officers under investigation shall not be subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No promise or reward shall be offered.

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- E. The complete interview shall be recorded on audio tape. The reason for any interruptions shall be noted.
- F. Accused officers or their supervisors may contact Internal Affairs Division to ascertain the status of the investigation of a complaint.

XII. Temporary Restricted Duty

- A. The Chief of Police or representative of the Chief may place an employee on temporary restricted duty with pay if the Chief or representative of the Chief determines that it is in the best interest of the department.
- B. The Chief of Police or Acting Chief (in the Chief's absence) will designate as soon as possible an investigation of the circumstances which caused the employee to be placed on temporary restricted duty. This will be conducted by I.A., Criminal Div. and/or supervisory investigation.
- C. The employee will be advised in writing of his or hers duty's while on restricted duty. The employee will also be advised in writing about the status of use of the departmental vehicle and off-duty employment.
- D. Temporary Restricted Duty will not be used as a form of punishment.

XII. Administrative Leave

- A. It is the responsibility of the Department to ensure no unfit employee is allowed to continue working.
- B. The Chief of Police or Acting Chief (in the Chief's absence) may place and continue an employee on administrative leave with pay if the Chief or Acting Chief (in the Chief's absence) determines that it is in the best interest of the department.
- C. The Chief of Police or Acting Chief (in the Chief's absence) will conduct as soon as possible a full investigation of the circumstances which caused the employee to be placed on administrative leave.
- D. If the employee is unable to continue to work (i.e. he is under the care of a doctor or therapist) he will be allowed sick leave until that is exhausted and may be allowed additional sick leave at the discretion of the Chief of Police, consistent with State law.
 - 1. The exception to this rule is: if the employee is held without bond, he will not be given administrative leave.
 - 2. If the employee so desires, the use of vacation or compensatory time will be allowed.

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- E. The use of the departmental vehicle and off-duty employment is prohibited until the employee returns to full duty. At the discretion of the Chief, any other equipment (portable radio, taser, ect.) shall be turned in as well.

XIII. Disciplinary Articles

The following articles of discipline are intended to be used as citations of misconduct or a failure to comply with policy, procedure, or Departmental regulations.

0:0 Violators Subject to Disciplinary Action

All members of the Baton Rouge Police Department regardless of rank or assignment are subject to disciplinary action for any violation of the rules, procedures, or department policy contained herein or in other procedural manuals issued by the Department. It is not necessary the violation be intentional, but may be by omission or failure.

- 0:0.1** The evidentiary standard shall be that of a preponderance of evidence; that is, would a reasonable man given the evidence at hand determine it is more likely the violation occurred than it did not.

- 0:0.2** It is the responsibility of each member to be aware of the current rules, regulations, procedures, or policies established by the Department. No member shall plead ignorance of the rules as a defense to disciplinary action.

0:1 Definition of Letter of Caution

A letter of caution will be served on a member who is in violation of the rules, regulations, procedures, or policies of the Department. The purpose of the letter is to give constructive criticism of a member's behavior, actions, and/or appearance.

- 0:1.1** A letter of caution will consist of a brief factual statement covering the violation and surrounding circumstances, a quotation of the applicable section(s) and the subsequent disposition of the letter.

0:2 Definition of Letter of Instruction

A letter of instruction shall be served on a member who is in violation of the rules, regulations, procedures, or policies of the Department. The purpose of this letter is twofold: to advise the member of his violation and to instruct him in the proper procedure or how to correct the violation.

- 0:2.1** A letter of instruction shall consist of a brief factual statement covering the violation and surrounding circumstances, a quotation of the applicable section(s) and means a member may employ to correct the deficiencies.

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0:2.2 Disposition of Letters of Caution/Instruction

A letter of caution or instruction will server as a basis for further disciplinary action for (1) one year form the date of issue. The letter will not go into the employee's personnel file, but will be retained in the confidential correspondence files of the Chief of Police for that period.

0:3 Definition of Letter of Reprimand

A letter of reprimand shall be served on an employee who is in violation of the rules, regulations, procedures, or policies of the Department. The purpose of this letter is to inform the member that his actions are intolerable and that repeated actions of the same nature will bring forth harsher punishment.

0:3.1 A letter of reprimand shall consist of a brief factual statement detailing the violation, a quotation of the applicable section(s) and an order to desist from the behavior.

0:3.2 A letter of reprimand will be retained in the member's personnel jacket for a time period consistent with State law and applicable union contracts. It may be used as a basis for additional or subsequent disciplinary action.

0:4 Definition of Remedial Training

Remedial training is further instruction prescribed by the Chief of Police or his designee and designed to educate employees and correct improper behavior.

0:5 Suspension/Demotion

Suspension is a personnel action mandating unpaid leave for a specified period of time to an employee. Suspension may be recommended by any command level officer, but must be approved by the Chief of Police or the Acting Chief in the Chief's absence. Demotion is a personnel action reducing the rank of an officer. Only the Chief of Police may demote an officer.

0:5.1 Any supervisor (Sergeant or above) may relieve from duty, pending pre-disciplinary procedures, any member subordinate to him for an infraction of a Category 2 or Category 3 offense. Such action must be immediately reported through the chain of command, to the Chief of Police (or Acting Chief in the Chief's absence) followed by a complete report of the incident. The report must cite the article(s) violated and make specific recommendations for further disciplinary action.

0:5.2 The absence occasioned by the action will be determined to be with or without pay pending the report of the Supervisor to the Chief (or Acting Chief in the Chief's absence) and pre-disciplinary procedures have been completed. Such action must immediately be reported to the Supervisor's commanding officer who will investigate the incident and forward a report to the Chief of Police, as in Article 0:5.1, above.

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0:5.3 Any member suspended from duty will be carried on the roster as "No Pay-Suspension" and all benefits including pay, leave accrual, seniority accrual for both promotion and retirement will be suspended, until reinstatement by the Chief of Police. The suspended member will relinquish upon demand his/her Police Commission, issued weapon(s) and unit to the suspending authority. The suspended member is further prohibited from acting in any official capacity as an officer of the Baton Rouge Police Department, including extra-duty employment, until reinstated by the Chief of Police.

0:5.4 A member relieved from duty by a supervisor or commanding officer shall be entitled to a meeting with the Chief of Police, or his/her designee within one (1) working day of the action. At this meeting the member shall be given a copy of the report detailing the charges pending against him. If further disciplinary action is pending, the member will be so notified in writing.

0:6 Any regular employee in classified service subjected to disciplinary action resulting in monetary loss, has the right to request a hearing before the Municipal Fire and Police Civil Service Board. Such a request must be in writing, submitted within (15) fifteen days of the action.

1:0 Category 1 Offenses

These violations need not be intentional. This standard is based on the premise every employee is issued a copy of the rules, regulations, and procedures to be followed and trained in their application. It is the responsibility of every employee to be current with regard to departmental policy and the rules and regulations governing conduct.

It shall be the duty of every member of the Department to maintain a copy of the current Manual of Policy and Procedure. All members shall be aware of the provisions of the Manual and shall not deviate from established procedures.

Violations of the provisions in this category will generally be investigated by an officer's supervisor, but certain cases may be referred to Internal Affairs.

1:1 Use of Tobacco Products on Duty

No member of the Department while on duty shall smoke or use any tobacco product while in direct contact with the public or while in City Parish buildings except in areas specifically designated for smoking.

1:2 Dress Code

All members of the Department shall adhere to the dress code while on duty, working extra-duty, appearing in court or when officially representing the Police Department.

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1:3 Personal Identification

All members shall have their employee identification card and badge with them at all times while in the City limits or in the discharge of official duties and whenever carrying a weapon in adherence to LRS 14:95. (The identification card must have the employee's name, photo, and identification number.) When communicating via the telephone, employees shall identify themselves. The employee's full name and identification number shall be provided upon request.

1:4 Drivers License Required

Any employee who drives a City-Parish vehicle in conjunction with his employment shall obtain and keep a valid Louisiana drivers license with them at all times while on duty.

1:5 Punctuality

All members of the Department shall be punctual in attendance for duty, courtroom appearance or at any other departmental function where time is specified.

1:6 Residence and Telephone

Each member of the Department shall reside within the limits as prescribed in current City Parish policy. Members shall inform the Office of the Chief of Police and immediate supervisor within (24) twenty-four hours when moving or changing telephone numbers. Every member must list his residential street address (no Post Office boxes) and the primary telephone numbers for 24/7 availability and/or notification of mobilization which rings at that address.

1:7 Completion and Submission of Required Forms

Each member of the Department shall complete all reports, forms and any other required documents prior to the end of their tour of duty unless waived by their supervisor until the next day (in no case shall the time exceed forty eight (48) hours). These required reports shall be presented to their supervisor for approval as required. In cases of grievance it shall be processed and forwarded up the chain of command within the time limit specified in G.O. 115. (*Reference G.O. 276 "Reporting Requirements"*)

1:8 Wearing of the Uniform

The Chief of Police will prescribe the uniform to be worn by members of the Department as in General Order 114. All clothing and equipment will be worn by members of the Department as issued, except for alterations to insure proper fit.

1:8.1 All members of the Department assigned to uniform duties shall wear the official uniform while on duty, as indicated in General Order 114. At no time will only part of the uniform be worn with civilian clothes. All clothing shall be kept clean and pressed; all leather will be shined. All metal parts shall be polished. Shirts will be buttoned/ zipped and tucked in at all times.

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- 1:8.2 All members assigned to investigative or administrative divisions shall wear clothing in keeping with General Order 114.
- 1:8.3 The Class A uniform as described in General Order 114 are to be worn on all occasions of dress and ceremony or as directed by the Chief of Police. Officers above the rank of sergeant shall wear a hat with gold braid on the visor. The hat is to be worn centered on the head and level, with a space three fingers wide between the visor and the bridge of the nose.
- 1:8.4 The baseball style cap may be worn while on duty, working extra duty or as directed by special order. It is to be worn as issued.
- 1:8.5 The divisional insignia shall be worn on the left shirt collar and rank insignia on the right. Officers who have not yet achieved rank shall wear the PD emblem on the right shirt collar. Insignia shall be worn parallel to the ground and centered on the collar along the stitching (see illustration General Order 114).
- 1:8.6 The name plate shall be worn centered over the right pocket and with the bottom edge flush with the pocket edge. If the Baton Rouge City Police American Flag in not worn award ribbons shall be worn above the name plate. The ribbons shall be centered and flush to the name tag or flag pin with up to four (4) in a row. (Refer to General Order 114)
- 1:8.7 Only personal pins approved by the Chief of Police can be worn on the uniform. This insignia is to be worn centered on the right pocket flap below the name plate. (Refer to General Order 114)
- 1:8.8 The badge shall be worn over the left pocket. Any marksmanship award shall be worn horizontally on the left pocket flap 3/4 of an inch from the top edge. (See illustration General Order 114)
- 1:8.9 The pistol belt is to be worn as issued. Belt keepers are to be worn, be black basket weave leather with or without brass snaps. All ammunition whether in belt loops, speed loaders or magazines shall be worn on the front portion of the belt, not in the rear.
- 1:8.10 Officers shall wear black leather oxford style shoes or boots, with plain round toes and low heels. Black or dark blue socks shall be worn with shoes or boots that expose socks to view. (Refer to General Order 114)

1:9 Chain of Command

The current organizational chart shows the span of control and delineates the Chain of Command within the Department. All orders, instructions, reports, and communications will follow the channels indicated on this chart, except in emergencies or when otherwise authorized by written directive.

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1:10 Surreptitiously Recording

Definition: A recording, media, whether analog tape, digital, smartphone, or other similar device perpetrated in a stealthy or secretive manner.

One of the key components of effective law enforcement is the cooperation, which an officer receives from fellow members as well as the general public. The wearing or utilization of surreptitious recording devices will inhibit expression and cooperation among officers and all employees of the Department.

1:10.1 No employee of the Baton Rouge Police Department shall surreptitiously record another employee without authorization from the Chief of Police.

2:0 Category 2 Offenses

This section is based on the premise that members are expected to conduct themselves in a manner as prescribed by the Code at all times. Violation of the provisions of this section will be generally investigated by an officer's supervisor, but certain cases may be assumed for investigation by the Internal Affairs Division.

2:1 Command of Temper

All members shall exercise emotional control while in the performance of their duties. No member while on duty or while acting in an official police capacity off-duty shall use rude or derogatory language, racist terminology, or attempt to deride, offend, or insult anyone.

2:2 Shirking Duties

Members of the Department shall perform all other duties and responsibilities associated with their assignment to include, but not limited to; promptly responding to calls for help, assistance, or service, render aid or assistance if necessary and conduct a thorough investigation of all reported criminal or suspicious activity.

2:3 Abuse of Sick Leave

No member of the Department shall intentionally use sick leave in a manner that is not in accordance with departmental policy set forth in "*General Order 104: Sick Leave*".

2:4 AWOL

No member of the Department shall absent himself without approved leave or informing a superior of illness.

2:5 Interdepartmental Cooperation and Cooperation between Agencies

Members will fully cooperate, exchange information, and provide assistance to other members of the Department and officers of other law enforcement agencies.

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2:6 Failure to Report Lost or Damaged Equipment

No member shall fail to notify the Department, in writing, when assigned equipment is lost or damaged. (*Ref. General Order 206*)

2:7 Damaging Departmental Equipment

No member of the Department shall willfully or through neglect or failure to act, abuse, damage, lose or cause to be soiled or wrongfully dispose of any property or equipment of the Department. If departmental issued equipment is/are damaged, lost, soiled, or stolen as the result of an act(s) of willful neglect or abuse, the employee shall reimburse the BRPD for the replacement cost of the equipment.

2:7.1 Departmental equipment is to be used only in the manner for which it was designed, consistent with a member's training.

2:7.2 Members are responsible for all issued equipment and shall be expected to present any part or all for inspection.

2:7.3 Members who are issued vehicles shall be responsible for the cleanliness and preventative maintenance of the vehicle, as required. No member shall make unauthorized repairs or adjustments to the vehicle.

2:8 Traffic Violations

Any member receiving a moving traffic citation, whether on or off duty, must report the incident to the Chief of Police in writing within 5 days of receipt of the citation.

2:8.1 Any member convicted of a moving traffic violation excluding DWI, H&R Driving and/or Reckless Operation as defined by the Louisiana Revised Statutes shall be subject to additional disciplinary action, including termination, whether the offense occurred on or off duty.

2:9 License Suspension

Any member whose driver's license has been suspended or revoked by the Department of Public Safety will immediately report this to his commanding officer. If the suspension is for other than regulatory reasons, the employee will be subject to disciplinary action. Until the member's license is reinstated, he shall not drive departmental vehicles and may be reassigned to administrative duties.

2:10 Outside Agency Involvement

Any member involved in any incident with an outside law enforcement agency, where the member is the subject of an investigation whether charges were filed or not (i.e. Dispute of any kind, restraining order, criminal investigation, etc.), shall immediately notify their supervisor. The supervisor receiving the information must immediately notify their Division Commander who, in-turn, will notify the Chief of Police as soon as possible regarding the incident.

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2:11 Conduct Unbecoming an Officer

Every member of the Department, whether on or off duty, in an official or unofficial capacity, must conduct himself at all times in such a manner as to set a good example for all others with whom he may come in contact. He shall in no way, through actions or neglect, bring dishonor or disgrace upon himself or the Baton Rouge Police Department.

2:12 Respect of Fellow Members

All members shall treat each other, regardless of rank or assignment with the respect due a fellow law enforcement officer. No member shall use insulting, derisive, or demeaning language directed at another member.

2:13 Digital Mobile Video/Audio Equipment (including Body Worn Camera)

Any member who possesses a DMVR key without authorization and/or violates any portion of the Digital Mobile Video/Audio Recording Equipment and/or the Body Worn Camera policy will be subject to a Category 2 Offense violation.

3:0 Category 3 Offenses

This section governs the violation of statutes, ordinances or those provisions of the Code of Conduct or Procedural Manual which could threaten the integrity of the department, pose a danger or threat to the public or members of the department, and/or have criminal consequences. All violations of this section will be investigated by the Internal Affairs Division. Sexual harassment will be jointly investigated with the Harassment Investigator.

3:1 Felony Conviction

Any member convicted of a felony, as defined by Louisiana Revised Statutes will be terminated, whether the offense occurred on or off duty.

3:2 Misdemeanor Conviction

Any member convicted of a misdemeanor or the offense of Driving While Intoxicated, Hit and Run Driving, and/or Reckless Operation as defined by the Louisiana Revised Statutes shall be subject to additional disciplinary action, including termination, whether the offense occurred on or off duty.

3:3 Possession of Narcotics

The use, possession, or attempted possession of illegal drugs as defined in the Louisiana Revised Statutes is prohibited, except as part of an officially sanctioned investigation.

3: 4 Failure to Secure Property or Evidence

No member of the Department shall neglect to secure and properly preserve and process any property, money, or articles which he has confiscated to be offered as evidence or which has been found.

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3:4.1 All evidence or found property shall be entered into the Evidence Division before the end of his/her shift. The officer may secure the evidence in his/her unit to be turned in the next calendar day; however, the officer must obtain permission from his/her supervisor prior to taking this action. If the evidence is to be secured in the unit and turned in the next calendar day, this course of action must be documented in the report.

3: 5 Unauthorized Public Statements

No member of the Department shall make statements for publication or broadcast purporting to represent the Department, except as authorized by Departmental Policy or the Chief of Police.

3:6 Unauthorized Investigations

No member will institute an independent investigation of any other member or any public official without first obtaining authorization from the Chief of Police or his designee. This shall not be construed to prohibit supervisors from monitoring and controlling personnel under their command. Should the Chief of Police be involved in the activities leading to the investigation, the commanding officer of the Internal Affairs Division shall be notified of the investigation.

3:6.1 Any information regarding allegations of misconduct or improper performance of duty which comes to the attention of any officer will be promptly and fully reported through the chain of command to the Chief of Police or his designee.

3:7 Release of Prisoners/Allowing Escape

No member of the Department shall, without proper authority, release any prisoner, nor through neglect or design allow any prisoner to escape. All escapes shall be investigated by the shift or unit commander who will file a thorough report with the Chief of Police.

3:8 Confidentiality

All departmental business is to be considered confidential and no member shall release any information to anyone without proper authorization. No member shall make known to anyone a proposed action of the department or the details of any police action.

3:9 Failure to Provide Information to a Superior

No member may keep silent, fail to fully provide information to a superior, make any false statements, or misrepresent facts regarding misconduct as described in the disciplinary code, criminal code, or on his part or the part of another member of the department.

3:10 Manufacturing Evidence

No member shall manufacture evidence. Members shall only collect and transfer evidence consistent with department policy and approved collection methods.

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3:11 Bribery or Extortion

No member shall accept any bribes, nor engage in any extortion or any other unlawful means of obtaining anything of prospective or actual value by using his position with the Department.

3:12 Confiscated Property

No member will, without proper authorization, convert any property, found or confiscated while on duty to his personal use.

3:13 Assault on a Member

No member of the Department shall strike, attempt to strike or point a weapon at another member.

3:14 Sexual Harassment

No employee will solicit sexual favors, commit unwanted sexual advances or other verbal or physical conduct of a sexual nature, ridicule, mock, deride, belittle, or harass any person during the course of his/her duties as a member of the Baton Rouge Police Department.

3:15 Cowardice

No member shall avoid responsibility, actively endanger another officer or member of the public by failure to act or manifest cowardice in any form.

3:16 Desertion

Any member not reporting for work, without notifying a superior, for more than two (2) consecutive shifts shall be guilty of desertion.

3:17 Carrying Out Orders

It is incumbent on every member of the Department to observe and give effect to the policies of the Department. Members of the Department are required to obey any standing or general order, abide by all policies and procedures and promptly carry out any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank, whether issued verbally, in writing or by tele-communications (2-way radio, phone, fax, digital communications). If a member is issued an order that is in conflict with departmental policy or an order previously issued by a superior, this fact shall be brought to the attention of the supervisor issuing the order. If the supervisor fails to resolve the conflict, the order shall stand and the responsibility shall be his. Officers are not required to obey unlawful orders.

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3:18 Insubordination

No member shall use threatening, insulting or demeaning language directed to a superior officer, nor shall a member be disrespectful of any officer superior to himself while that superior officer is in the execution of his duties.

3:19 Falsification of Documents

No employee shall willfully falsify any form, report, or document.

3:20 Use of Force

Every member of the Department shall use only the force necessary to affect an arrest or maintain custody of a suspect. All members shall abide by the provisions of the Departmental policy with respect to the use of **Non-Lethal Force** and the **Use of Deadly Force**.

3:21 Association with Known Criminals

No member will knowingly associate on a continuing social basis with individuals who have been convicted of any felony without prior written approval of the Chief of Police, or except as part of an authorized investigation.

3:22 Violation of Laws

No member will willfully or by neglect or omission violate any Federal, State or City ordinance, or statute.

3:22.1 Any member receiving any type of summons or arrest will notify the Chief of Police in writing within five (5) days of receipt.

3:23 Truthfulness

Every member of the Department is required to be truthful except while conducting investigations that require surreptitiousness.

3:24 Use of Alcohol or Controlled Substances

A member of the Department shall not appear for duty or attempt to take official action while off duty, when under the influence of alcohol or prescription drugs which may impair his ability to think clearly.

3:24.1 No member shall purchase alcoholic beverages, or visit bars or lounges while on duty or transport alcoholic beverages in a departmental vehicle unless it is evidence or on official business as directed by a supervisor.

3:24.2 Any member found guilty of an offense in this section, in addition to departmental discipline, is subject to the provisions of the current City Parish Drug Policy.

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4:0 Table of Penalties

The following table shall be used as a guide for supervisory personnel when making a recommendation as to discipline for violations of rules, regulations, or Departmental policy. The Chief of Police shall have the authority to modify any recommendation and discipline personnel as he feels is appropriate under the circumstances.

Category	1 st Offense	2 nd Offense w/in 1 Year	2 nd Offense w/in 3 Years	3 rd Offense w/in 5 Years
1	Conference Letter of Caution, Letter of Instruction or Letter of Reprimand	Letter of instruction, Reprimand or 1 day suspension	Letter of Instruction or Letter of Reprimand	Letter of Reprimand - 5 Days Suspension
2	Letter of Reprimand - Three Days Suspension	3 - 5 Days Suspension	1 - 3 Days Suspension	5 Days Suspension - Dismissal
3	One Day Suspension Dismissal	45 Days - Dismissal	15 Days - Dismissal	30 Days Suspension -Dismissal

Note: Offenses of any category need not be of the exact same nature in order to qualify as a second or third offense.