

Bond Case Briefs

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EMPLOYMENT - LOUISIANA

O'Hern v. New Orleans Police Dept.

Supreme Court of Louisiana - November 8, 2013 - So.3d - 2013-1416 (La. 11/8/13)

Police officer, who pleaded nolo contendere to illegal use of weapons, appealed his termination of employment alleging that it was unlawful because of failure to timely complete the investigation.

The Supreme Court of Louisiana held that disciplinary investigation of police officer's conduct in drinking alcohol, taking drugs, and shooting his gun multiple times in his personal vehicle while on a police shift was completed within 60 days, as required by statute. Preliminary investigation was a criminal investigation that was not governed by 60-day rule, and subsequent administrative investigation was completed within 60 days. A criminal investigation into actions of a police officer tolls time limit for the administrative investigation.

"The investigation in question stems from the following incident. While on duty on December 12, 2009, Mr. O'Hern left his patrol assignment and went to his private vehicle. He drove to the top floor of a downtown parking garage, consumed a bottle of whiskey and ingested nearly a dozen Clonazepam (anti-anxiety) tablets. He then tasered himself and discharged his firearm over twenty times, shooting through the windshield and roof of the vehicle. Responding officers found Mr. O'Hern incapacitated and took him to a medical facility where he informed personnel that he attempted to commit suicide. His blood alcohol content was 0.105%."