

# **Bond Case Briefs**

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## **EMPLOYMENT - LOUISIANA**

### **Winn v. Department of Police**

**Court of Appeal of Louisiana, Fourth Circuit - February 21, 2014 - So.3d - 2013-0199  
(La.App. 4 Cir. 2/21/14)**

After the City Civil Service Commission (CSC) terminated police officer for neglect of duty by not timely reporting misconduct by a subordinate officer. Officer, he appealed.

The Court of Appeal held that evidence supported the CSC's determination that police officer committed neglect of duty by not timely reporting misconduct by a subordinate officer.

Officer ordered vehicle with a dead body to be relocated, officer knew that the burned vehicle behind police station contained a dead body and was the vehicle he had previously ordered to be relocated, officer learned subordinate officer was involved in burning the car, officer consulted an attorney and, based on attorney's advice, invoke his Fifth Amendment privilege against self-incrimination and not report second officer's involvement.

Police officer's Fifth Amendment privilege against self-incrimination did not excuse him of his ongoing duty to report the misconduct of other police officers. The Fifth Amendment provides that no person "shall be compelled in any criminal case to be a witness against himself," and when officer learned subordinate officer was involving in burning a vehicle that contained a dead body he had not been compelled in any criminal case to be a witness against himself or to report misconduct of his own.