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TOC-2 (04/15/02)
I. PURPOSE

A. The purpose of this order is to delineate reporting requirements for all levels/ ranks within the Office of the State Fire Marshal, thereby creating an effective organizational chain of command.

1. Except as otherwise directed by specific sections(s) of this Policy and Procedure Manual, all employees of the Office of the State Fire Marshal are to strictly adhere to the organizational chain of command during the course of normal business activities.

II. ORGANIZATION

A. Assistant Secretary (Fire Marshal) – The Fire Marshal is responsible for the overall management of the Department, including the major areas of personnel administration, training, fiscal management, and policy formulation. As an Assistant Secretary within the Department of Public Safety and Corrections, the Fire Marshal reports directly to the Deputy Secretary (Superintendent of State Police).

B. Deputy Assistant Secretary – The Deputy Assistant Secretary is responsible for assisting the Fire Marshal in the management of the Department, and reports directly to the Fire Marshal. In the absence of the Fire Marshal, authority for the management of the Department rests with the Deputy Assistant Secretary.

C. Support Services/Legal/Executive Staff/Special Projects – Reporting to the Fire Marshal or the Deputy Assistant Secretary, these sections and/or individuals are responsible for the delivery of specific services that are required by the Fire Marshal or Deputy Assistant Secretary in the administration of the Department.

D. Chief Architect/DSFM Administrator(s) – The Chief Architect is responsible for the supervision and the delivery of services provided by the Plan Review Section. The DSFM Administrator(s) is responsible for the supervision and delivery of services provided by the following sections: Inspections, Health Care, Arson, Licensing, and Mechanical. The Chief Architect and DSFM Administrator(s) report to the Deputy Assistant Secretary.

E. DSFM Manager(s) – Reporting to the appropriate DSFM Administrator, the DSFM Manager(s) are responsible for the supervision and delivery of services provided by their respective statewide programs, to include Inspections, Arson, Mechanical, and Licensing.
F. Architect Supervisor(s) – Reporting to the Chief Architect, the Architect Supervisor(s) are responsible for the supervision and delivery of services provided by the Plan Review Section. In the course of normal business, non-supervisory Plan Review staff report to their assigned Architect Supervisor.

G. DSFM Supervisor(s) – Consisting of supervisory positions within Inspections, Health Care, Arson, Licensing, and Mechanical, DSFM Supervisors report to their respective DSFM Manager or DSFM Administrator, as appropriate. DSFM Supervisors are responsible for the supervision and delivery of services from their assigned District or Section. In the course of normal business, non-supervisory Inspection/Arson staff report to their assigned DSFM Supervisor unless otherwise directed to report to an assigned DSFM Assistant Supervisor.

H. DSFM Assistant Supervisor(s) – Reporting to the DSFM Supervisor, DSFM Assistant Supervisor(s) are responsible for quality control, training, and quasi-supervision of personnel within specific District boundaries as delineated by the DSFM Manager and/or DSFM Administrator. In the course of normal business, non-supervisory Inspection/Arson staff shall report to the DSFM Assistant Supervisor if so assigned.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002
DATE
I. PURPOSE

This order establishes a formal written directive system and provides for its administration. Each employee shall be issued a Policy and Procedure Manual of the State Fire Marshal that shall be updated as needed. The Manual shall outline the goals and objectives of the Office of the State Fire Marshal and each organizational component.

II. THE WRITTEN DIRECTIVE SYSTEM

A. It shall be the responsibility of the Special Projects Officer, or other employee of the Office of the State Fire Marshal specifically designated by the Fire Marshal, to:

1. Oversee the administration of Procedural Orders issued by the Office of the State Fire Marshal.

2. Maintain the integrity of the system by recommending revision or changes to existing Procedural Orders, and implementing those revisions or changes at the direction of the Fire Marshal.


4. Screen and have approved, by the Fire Marshal, all Procedural Orders prior to implementation and distribution.

5. Act as the official custodian of the system.

6. Advise the Fire Marshal, staff, and field personnel in matters of policy formulation.

B. The system shall be comprised of the following:

1. Deputy Secretary’s Orders
   a. Orders concerning Department of Public Safety matters that are Department-wide in scope.

2. Procedural Orders
   a. Orders, permanent in nature, designed to formalize policy and procedure for the Office of the State Fire Marshal.
POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

SUBJECT: WRITTEN DIRECTIVE SYSTEM

PROCEDURAL ORDER: 102

CANCELS ORDER DATED: 5/15/00

EFFECTIVE DATE: 04/15/02

1. Issued by the Fire Marshal

3. Operational Memos
   a. Orders which are designed to inform personnel of temporary changes in operational procedures, changes in the law, etc.

   1. Issued by the DSFM Administrator(s) and/or Chief Architect.

C. It is the responsibility of each employee to maintain their Manual and familiarize themselves with all updated material when new or revised orders are provided.

   1. A Manual revision record form is provided with each hard-copy Manual and Supervisors are responsible for seeing that the Policy and Procedure Manuals of personnel under their command are current.

   2. The Manual shall be available to all OSFM employees in electronic format on the OSFM Bulletin Board. Revisions shall be administered by the custodian of the system and posted to the OSFM Bulletin Board. Employees shall be notified of revisions by the custodian via intra-Departmental e-mail, with delivery confirmation required.

   3. In all cases, employees shall execute a receipt for all Policy and Procedure Manuals and/or revisions to the Manual.

      a. Supervisors shall forward all original receipts to the Support Services Section of the Office of the State Fire Marshal for inclusion into the employee(s) personnel file. A copy of the receipt shall be retained in the employee office file.

D. Orders shall reflect the effective date of issuance as well as whether they supercede previous orders. Orders shall remain valid until they are cancelled, revised, or repealed.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. PURPOSE

A. The purpose of this procedural order is to explain the authority of the Office of the State Fire Marshal as founded in law, and to define its goals and objectives.

II. LEGISLATION

A. The office of the State Fire Marshal operates in the Executive branch of state government as an office of the Department of Public Safety and Corrections. Act 83 of the 1977 Legislative Session, “Organization of the Executive Branch of State Government” states that the Office of the State Fire Marshal shall perform generally the functions of the state, relating to the protection of life and property from the hazards of fire and panic which may arise from fire or from the threat of fire or explosion.

III. DUTIES

A. The duties of the Office of the State Fire Marshal include:

1. Review of construction documents (plans and specifications) for every building constructed or remodeled in the state other than one- or two-family dwellings to verify compliance with the state adopted fire, Life Safety, handicapped accessibility and energy laws, codes, rules and regulations.

2. Inspection of commercial building for compliance with fire and safety codes.

3. Administering the health care licensure and certification program.

4. Monitoring the construction of and the inspection of boilers and pressure vessels once installed.

5. Conducting bi-annual inspections, both external and internal, of all boilers and pressure vessels.

6. Monitoring the installation, repair, maintenance, use, operation and inspection of all amusement rides and attractions used in the state.

7. Regulating fire protection contractors and burglar alarm contractors.
8. Maintaining the statewide fire incident reporting system.

9. Investigating the circumstances surrounding each fire of suspicious origin or reported to have been caused by human design, or any fire resulting in more than one human death.

10. Providing training in Arson detection and fire cause and origin investigation to local fire departments.

11. Maintaining a central registry for burn injuries and wounds.

IV. ACCOUNTABILITY

A. As public employees given authority to act in behalf of the state, deputies, officers and other employees must follow a system of accountability. Therefore, they are accountable to:

1. The Governor

2. The Legislature

3. Judicial Bodies

4. The Public

ISSUED BY:

[Signature]

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

SUBJECT: SUGGESTIONS TO IMPROVE THE OSFM
PROCEDURAL ORDER: 104
CANCELS ORDER DATED: 5/15/2000
EFFECTIVE DATE: 04/15/02

I. PURPOSE AND PREMISE

A. The purpose of this procedural order is to provide a medium for the transmission of suggestions to improve the effectiveness and efficiency of the Office of the State Fire Marshal.

B. Employees should not be limited by organizational assignment in the formulation, development and critical consideration of plans and programs designed to upgrade the overall effort of the Office of the State Fire Marshal.

II. SUBMISSION OF SUGGESTIONS

A. Personnel with suggestions that fall within the purview of this order may submit them in writing directly to the appropriate DSFM Administrator or to the Chief Architect.

B. Proposed plans or programs should include a brief, non-technical justification.

C. Further personal or telephone contact may follow, as necessary.

D. Appropriate topics for consideration include, but are not limited to the following:

1. Changes in Departmental policies and procedures.

2. Plans or programs which would likely:

   a. Reduce operating costs;

   b. Promote employee safety or morale;

   c. Improve operational effectiveness;

   d. Improve the agency’s public image or profile;

   e. Eliminate duplication of effort;

   f. Improve personnel quality;

   g. Facilitate attainment of Department goals and objectives;
**POLICY AND PROCEDURE**  
**OFFICE OF THE STATE FIRE MARSHAL**

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h. Promote employee recruitment efforts;
i. Improve agency communications;
j. Assist the Department to realize optimum management potential.

## III. ACTION UPON SUBMISSION

A. Once submitted, the appropriate organizational unit shall study the recommendation(s), and a written report made to the Fire Marshal.

B. If approved in whole or part, the DSFM Administrator or Chief Architect may recommend the following:

1. Detailing the submitting employee to Headquarters to provide assistance in further research, or implementation of the suggestion.

2. Provide for insertion of a letter of commendation in the submitting employee’s personnel file.

3. Other action, as may be appropriate.

C. A final disposition on the suggestion will be provided the originator.

**ISSUED BY:**

![Signature]

STATE FIRE MARSHAL

**APRIL 15, 2002**

**DATE**
I. POLICY

A. No employee is authorized to enter the Office of the State Fire Marshal into any agreements, obligations, quasi-contracts, or contracts without first obtaining the written permission of the Fire Marshal. To begin the process of securing funds or entering into agreements, obligations, quasi-contracts, or contract proposal, a written proposal shall be submitted to the Fire Marshal for approval or disapproval. Proposals must identify and briefly discuss the following:

1. The project defined;

2. The proposed source of funds;

3. What federal or private funds are available;

4. How long the funds will be available;

5. What restrictions are placed on the use of funds by the source;

6. Any commitments required of the Office of the State Fire Marshal for participation;

7. Any advantages for the Office of the State Fire Marshal to participate.

B. After a grant has been approved, it is the responsibility of the project director to follow all financial reporting requirements of the funding source. Once approved, the unit that is to receive the benefit of the program shall be responsible for preparation of grant applications, contracts, invitations to bid, job descriptions, monthly reports, progress reports, etc. The Staff Attorney shall assist, at the request of the Fire Marshal, in the preparations of the necessary documents. The DSFM Administrator or the Chief Architect shall be responsible for managing the project and maintaining records in accordance with funding source regulations.
I. **PURPOSE**

A. To fully develop a professional career, an effective position classification system of title and grade must be developed. This order explains such a system.

II. **DEFINITIONS**

A. **Civil Service Terms**

1. **Unclassified Service** – Those appointed positions not included in the classified service as set forth in the Article X of the Constitution of the State of Louisiana.

2. **Classified Service** – All state employees whose jobs fall under the authority and protection of the Department of Civil Service as set forth in Article X of the Constitution of the State of Louisiana.

3. **Class** – One or more positions in the classified service, nearly alike in essential characteristics as to warrant like treatment for purposes of personnel administration.

4. **Classified Position** – Any office, position, or level of employment in the classified service.

B. **Ranking Officer** – The officer having the highest grade or rank. Generally, officers of the same grade are ranked according to the date of their appointment to that grade; however, for a special detail and for a specific period, an officer may be designated to take command without regard to grade or position.

C. **Superior Officer** – One having supervisory responsibilities, either temporarily or permanently, over officer(s) of lower rank.

D. **State Fire Marshal Sworn and Commissioned Officers** – All classified and unclassified personnel who successfully meet Civil Service requirements; who are P.O.S.T certified in accordance with R.S.40:240; who have taken an oath of office; who are filling positions that require the exercise of police knowledge, skills, aptitude and/or considerable educational attainment, as may be necessary for the professional peace officer.
E. Rank – The status of one or more sworn officers in the chain of command established by the position classification plan.

F. Grade – The status of one or more sworn officers within a rank.

II. OFFICIAL POSITION, CLASSIFICATION AND TITLE

A. Appointed – Assistant Secretary (Fire Marshal), Department of Public Safety & Corrections, Office of the State Fire Marshal.

B. Classified Civil Service Positions/Job Title:

1. Deputy Assistant Secretary-2
2. DSFM Administrator
3. Architect Chief
4. DSFM Manager – Fire & Safety
5. DSFM Manager – Mechanical/Boiler
6. DSFM Manager -- Licensing
7. Facility Maintenance Manager 4
8. Attorney-3
9. DSFM Special Projects/Research
10. DSFM Chief, Arson
11. Architect Supervisor
12. Executive Staff Officer
13. IT Technical Support Specialist-3
14. Administrative Specialist 4
15. DSFM Supervisor – Fire & Safety
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17. DSFM Supervisor - Mechanical
18. DSFM Supervisor 1 – Arson
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**ISSUED BY:**  
[Signature]

STATE FIRE MARSHAL  
APRIL 15, 2002  
DATE
I. THE CODE OF CONDUCT

A. Definitions

1. Department – Department of Public Safety and Corrections, inclusive of the Office of the State Fire Marshal
2. Secretary – Administrator of the Department of Public Safety and Corrections
3. Deputy Secretary – Deputy Administrator for the Department of Public Safety and Corrections, Administrator for Public Safety Services and Superintendent of the Office of State Police.
4. Assistant Secretary – Fire Marshal for the Office of the State Fire Marshal.
5. Employee – Any employee of the Department of Public Safety and Corrections, Office of the State Fire Marshal.
6. Officer – Any employee commissioned by the Secretary, Deputy Secretary or Assistant Secretary authorized to enforce laws and carry weapons consistent with peace officer status, or any employee with regulatory enforcement power who customarily comes into contact with the public on a regular basis.

B. REGULATIONS/GENERAL RESPONSIBILITIES

1. Conformance to Laws and Regulations
   a. All employees shall observe and obey all laws and ordinances, all rules and regulations of the Department, and all Procedural Orders of the Department.
      1. A conviction for the violation of any law shall be prima facie evidence of a violation of this section.

2. Conduct Unbecoming an Employee
   a. Employees shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the Department. They shall not conduct themselves in a manner that is unbecoming an employee of the State Fire Marshal or detrimental to the mission of the Office of the State Fire Marshal or the Department.
b. Unbecoming conduct is that conduct which:

1. Brings the Department or any of its subdivisions into disrepute; or

2. Reflects discredit upon the employee as a member of the Department; or

3. Impairs the operations or efficiency of the Department, the employee, or state service; or

4. Detrimentally affects the morale of the Department’s personnel; or

5. May reasonably be expected to destroy public respect for agents and/or confidence in the Department or the Office of the State Fire Marshal.

c. Associations

1. Employees shall avoid regular or continuous associations or dealings with persons whom they know or should know are persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior.

2. Exceptions may be necessary in the performance of official duties or where association is unavoidable because of family relationships.

3. Badge of Office

a. The term “badge of office” shall include the identification/commission card, badge, official position, title, or any other tangible or intangible thing by which it can be construed that the concept “Office of the State Fire Marshal” is being interjected.

b. An employee shall not participate in any form of solicitation where use is made of their badge of office without the express written approval of the Fire Marshal. Participate, as used in this subsection, is not limited in its definition to active conduct.
by the employee, but rather extends to tacit approval or the use of the employee’s badge of office by any other party.

c. An employee shall not use nor permit use of their badge of office for personal or financial gain or the benefit of an individual or group of individuals.

d. An employee shall not seek nor accept any form of reward or remuneration, including money, tangible and intangible property, food, beverage, loan promise, service, or entertainment, excluding wages paid by the Department, as a result of their conduct while acting within the authority of the badge of office, except as directed by the Fire Marshal.

e. An employee shall not use or attempt to use their badge of office for the purpose of avoiding the consequences of illegal acts. The use of “Office of the State Fire Marshal” as part of the address of a member’s operator license, vehicle registration, or other personal papers is prohibited. It is the specific intent of this section to limit the use of the employee’s badge of office to matters within the scope of their employment by the Department. This section shall not be construed so as to restrict any member in the free exercise of constitutionally protected freedoms that are not necessarily limited by the conditions of their employment.

4. Loyalty

a. An employee shall not publicly criticize the Department, its policies or other members or employees by talking, writing or other expression where such expression is defamatory, obscene, unlawful, exhibits a reckless disregard for the truth, or tends to undermine the operation of the Office of the State Fire Marshal.

b. Nothing herein shall prohibit an employee from filing a complaint or criticism through proper channels.

5. Chain of Command

a. All official business transacted by employees of the Office of the State Fire Marshal must be processed through official channels, paying particular attention to the chain of command, and shall be
considered proprietary information, only to be released under proper authority or public disclosure rules.

6. Performance of Duty/Unsatisfactory Performance
   a. An employee shall conscientiously strive to enforce the laws of the State of Louisiana and render service to all citizens within the state and shall be responsible for the proper performance of all duties assigned to them and for strict adherence to the rules, regulations, orders, policies, manuals, and directives promulgated by the Department.
   b. Ignorance of the rules, regulations, orders, policies, manuals and directives of the Department shall not be considered as an excuse or justification for any violation of such by an employee.
   c. Employees shall be responsible for their own acts and they shall not attempt to shift the burden of responsibility for executing or failing to execute any lawful order/duty.
   d. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their duties in such a manner as to maintain the highest standards of efficiency.
   e. Unsatisfactory performance includes, but is not strictly limited to, the following:
      1. A lack of knowledge in the application of laws/codes required to be enforced.
      2. An unwillingness, inability, or failure to perform assigned task(s).
      3. A failure to conform to work standards established for the employee’s grade or position.
      4. A failure to take the appropriate action on the occasion of a crime or other matter deserving of attention.
      5. An absence without leave.
      6. Repeated poor evaluations.
7. Neglect of Duty
   a. An employee shall not, without proper authorization, absent themselves from their assigned region or duties during their tour of duty.
   b. An employee shall remain awake and alert while on duty or if unable to do so, they shall report to their superior, who shall determine the proper course of action.

8. Reporting for Duty
   a. An employee shall report for duty at the time and place specified by their supervisor and at that time be physically and mentally fit, properly attired and ready to assume duty status. Personnel not appearing for duty, scheduled hearings, court appearances, and other designated assignments on time shall be in violation of this order and be subject to disciplinary action.
   b. An employee shall not fail to report for any duty due to illegal or improper conduct.
   c. Subpoenas to appear constitute an order to report for duty under this order. A subpoena placed in an employee’s field office or mail constitutes domiciliary service. Employees must regularly check their mailbox and must notify the court and their supervisor if they cannot attend.

9. Notification of Illness or Injury
   a. An employee who knows that they will be unable to report for duty due to illness or injury shall, as soon as practical but no later than 15 minutes after the beginning of the tour of duty, notify their supervisor, or insure of such notification, advising the supervisor of the nature of the injury or illness, where the employee will be recuperating, and the expected date of return to duty. The supervisor shall also be advised of changes in any of the above which may occur after the original notification was given. The supervisor may require a doctor’s certificate of the employee.
b. An employee injured while on duty shall report such injury to their immediate supervisor as soon as possible and shall comply with the provision of existing regulations pertaining to such injuries.

c. Employees shall not feign illness or injury or otherwise deceive or attempt to deceive any state official, representative of the Department, or representative of the Office of the State Fire Marshal as to the real physical condition of themselves or of other employees.

d. An officer, upon becoming aware that she is pregnant, shall report her condition in writing to the Fire Marshal through the chain of command. Pregnancy shall be considered an illness for the purpose of time and attendance. Further, on a monthly basis, a pregnant officer shall submit physician’s medical certificates that document:

1. The officer’s physical ability to perform the present assigned duties;

2. The physician’s appraisal that the type of work being performed will not injure the officer or her expected child; and

3. Any recommended duty restrictions or modifications, including temporary light duty, if available.

A pregnant officer shall be permitted to continue working regular duty or temporary light duty assignments, if available, as long as monthly physician certificates are submitted or until such time as the physician recommends that work be curtailed.

e. The Office of the State Fire Marshal is not obligated to create light duty assignment(s), and may require the taking of leave by any employee who cannot perform the full range of job functions.

10. Officers Subject to Call While Off Duty

a. Officers shall have regularly scheduled hours of assigned duty, and when not so employed, shall be considered off duty.

b. Officers shall be subject to being called to duty as needed and shall be subject to orders from competent authority and/ or emergency calls from the public. From the time of such a call, the member shall be considered to be on duty.
### 11. Identification

a. Officers shall carry their badge and identification card on their person at all times except when impractical or dangerous to their safety.

b. Whenever an officer takes any police or enforcement action, they shall promptly and courteously identify themselves by giving their name, title and other appropriate identification to persons involved, unless the exigency of a matter requires immediate response; however, at the first opportunity, such identification shall be made. The officer shall also furnish their name, title and assignment to any citizen who may reasonably request same, except when the withholding of such information is necessary for the performance of police or enforcement duties or is authorized by proper authority.

c. In the event an officer’s identification (commission) card is lost, stolen, or destroyed, the officer shall immediately submit an incident report to the Fire Marshal requesting replacement of the card and indicating the circumstances surrounding the request. The report must contain pertinent information regarding the misplacement, theft, or destruction of the card.

### 12. Enforcement Action While Off Duty

a. Officers and commissioned officers have the authority and responsibility to take necessary action with regard to all serious matters brought to their attention while off duty, and which fall within their enforcement powers. Good judgment should be exercised when deciding to act off duty, with due regard given to the seriousness of the matter; the availability of assistance, if required; the availability of appropriate credentials, weapons and restraining devices; the danger or threat of danger to other person(s) and related issues.

b. An officer, off duty and in a private vehicle, should exercise enforcement authority only with the greatest care and with prudent consideration for the above standard.

### 13. Courtesy

a. Courtesy to the public will be strictly observed. An employee’s
conduct and deportment shall always be civil, orderly and courteous. Employees shall be diplomatic and tactful in the performance of their duties, controlling their temper and exercising patience and discretion.

b. Employees shall not engage in argumentative discussions, even in the face of extreme provocation.

c. When required, an officer must act with firmness and sufficient energy to perform their duties.

d. Employees shall, at all times while on duty, refrain from using coarse, violent, profane or insolent language and from voicing any bias or prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

14. Citizen Complaints

a. Employees shall courteously accept any written and signed complaint made by a citizen against any employee of the Department.

b. Employees may attempt to resolve the complaint consistent with departmental policies and procedures, but shall never attempt to dissuade any citizen from lodging a complaint against any employee of the Department.

c. Employees shall follow established procedures for processing complaints.

15. Relations With Other Employees

a. An employee shall never behave disrespectfully or use threatening or insulting language toward any other employee engaged in the execution of their position or duties.

b. No employee shall draw or lift a weapon toward, offer violence against, strike or attempt to strike another employee.

16. Sexual Harassment

a. Policy – In compliance with Title VII, Section 703 of the Civil Rights Act, it is the policy of the Office of the State Fire Marshal to prohibit sexual harassment.
Sexual harassment is an unlawful employment practice that undermines the integrity of employment relationships, debilitates morale, and interferes with work productivity. Therefore, the Office of the State Fire Marshal must take affirmative steps to prevent sexual harassment in any form. It is imperative that this office maintains a work environment free from unsolicited or unwelcome sexual overtures. Immediate action will be taken against any employee who sexually harasses another employee.

b. Definition – Harassment on the basis of sex is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.

c. Prohibition -- Sexual harassment is a prohibited personnel practice when it results in discrimination either for or against an employee on the basis of conduct not related to job performance. As such, sexual harassment in any form will not be tolerated in the Office of the State Fire Marshal.

d. Reporting Requirements – Any employee who feels that he/she has been subjected to sexual harassment shall:

1. Continue to work; and

2. Verbally protest the action to the person who has offended him or her; and

3. Document the occurrence(s), including date and time, and list witnesses to the action, if any; and
4. Report the action immediately to an appropriate higher authority who shall investigate the complaint and consult the Human Resources Management Office of the Department of Public Safety for further instructions; and/or

5. Report the action immediately to the Human Resources Management Office of the Department of Public Safety.

e. If the employee has followed the above listed procedures and is not satisfied with the results obtained, he/she should contact the Human Resource Director for instructions on how to file a formal complaint.

17. Requests for Assistance

a. When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures.

18. Cooperation With Other Agencies

a. An employee shall cooperate with all agencies engaged in the administration of justice as well as other public agencies, federal and state departments by providing all the aid and information permitted by rule and law.

19. False Statements

a. An employee shall make no false statement or falsify any written report to a superior knowing such statement to be incorrect or misleading.

b. No employee shall willfully and/or intentionally withhold any information from a report or statement, knowing such information to be relevant to the report or statement.

20. Reporting of information

a. An employee shall promptly report to their superior any information
that comes to their attention and which tends to indicate that any employee of the Department has violated any law, rule, regulation or order.

b. An employee shall immediately report to their superior officer all information that comes to their attention concerning the commission of any crime or criminal activity that an employee suspects or has reason to believe may have occurred. Supervisors are responsible to see that such information is immediately forwarded to the office of the Fire Marshal via the appropriate chain of command.

C. REGULATIONS/PROHIBITED ACTIVITIES

1. Use of Influence
   a. An employee shall not tacitly nor directly use, attempt to use or permit the use of any internal or external influence to gain promotion, transfer, change of duty or appointment for himself, another employee or any other person.
   
b. An employee is prohibited from actions described in the paragraph above in order to gain assignment to or avoid assignment to any temporary duty or special detail.

2. Interference
   a. No employee shall interfere with or attempt to exert any influence on any of the participants in a Departmental disciplinary procedure, except as expressly provided by regulation.
   
b. An employee shall not interfere with any case or inspection assigned to another employee without the consent of the assignee, except by order of a superior officer; nor shall the employee interfere with the operation of any subdivision of the Office of the State Fire Marshal.
   
c. An employee shall not interfere or intervene in any lawful arrest or prosecution brought by another employee of the Office or by any agency or person unless requested to do so by said agency or person.
   
d. Employees shall not undertake any investigation or other official
action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate action. This section shall not prohibit an employee from volunteering information relevant to any matter outlined above.

e. No employee of the Office of the State Fire Marshal shall intervene or recommend actions to be taken by the Parole Board on behalf of an inmate working for the Department of Public Safety and Corrections.

3. Gambling

a. Legalized Gambling

1. An employee shall not participate in legalized gambling in any form while on duty or while in uniform or while operating a State owned vehicle.

2. An employee shall not participate in gambling in any form while in a Department of Public Safety installation.

3. This section shall not prohibit an employee from participating in legalized gambling while off duty.

4. This section shall not prohibit an employee from participating in legalized gambling activities when in performance of duty and while acting under proper and specific orders.

b. Illegal Gambling

1. An employee shall not participate in any form of illegal gambling at any time.

4. Visiting Prohibited Establishments

a. The entering of house of moral turpitude, illegal gambling house or establishment wherein any law is being violated is permitted only in the performance of an official act.
## Policy and Procedure

**Office of the State Fire Marshal**

**Subject:** Code of Conduct and Ethics  
**Procedural Order:** 201  
**Cancels Order Dated:** 5/15/00  
**Date:** 04/15/02

<table>
<thead>
<tr>
<th>5. Intoxicants</th>
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<tbody>
<tr>
<td>a. <strong>Off Duty</strong> – An employee, while off duty, shall not consume alcoholic beverages to the extent that it results in public behavior which could reasonably be expected to destroy public respect for the Department or would render a member unfit to report for their next regular tour of duty.</td>
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<tr>
<td>b. <strong>On Duty</strong> – An employee shall not appear for duty while under the influence of intoxicants. An employee shall not partake of intoxicants while on duty unless it is necessary to properly perform assigned functions as directed by their supervisor. If an employee has been authorized to use intoxicants while on duty, then it becomes incumbent upon the member not to indulge to the extent that mental capacity is reduced to a state of ineffectiveness.</td>
</tr>
<tr>
<td>c. <strong>Storage</strong> – Alcoholic beverages shall only be brought into or stored in any state owned vehicle or installation or part thereof when officially seized and accounted for as evidence or seized property.</td>
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<tr>
<td>d. <strong>Purchase</strong> – While on duty, employees may only purchase alcoholic beverages if it becomes a necessary part of an investigation or is otherwise related to an act essential to serving in an official capacity. The employee must notify their supervisor as soon as practical afterward. Officers shall not purchase alcoholic beverages while in uniform or operating a state vehicle.</td>
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<tr>
<th>6. Use of Drugs</th>
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<tbody>
<tr>
<td>a. The use of any controlled dangerous substance, as defined and scheduled in L.R.S. 40:961 et. Seq. by any employee is prohibited except where prescribed by a licensed medical practitioner pursuant to treatment by that physician.</td>
</tr>
<tr>
<td>b. When an employee is prescribed medication that is defined and scheduled as a controlled dangerous substance, they shall inform their supervisor of said prescription prior to reporting for duty. When reporting for duty the employee shall also present written documentation from the prescribing physician certifying that the controlled dangerous substance in the prescribed dosage will not impair the employee’s ability to perform his duties.</td>
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c. Use of a controlled dangerous substance other than in the dosage prescribed by a physician may result in termination.

7. Involvement in Altercations
   a. Any employee involved in or aware of any altercation or situation concerning any matter in which they or any other employee could possibly be a defendant, must report the facts to the appropriate supervisor at once and in detail, for transmission to the Fire Marshal.

8. Joining Organizations
   a. An employee shall not, with the intent to further its aims, join or be a member of any organization or society which has as a purpose the overthrow or interference with any lawfully constituted government of the United States.
   b. Exceptions may be granted if such is in the interest of any ongoing investigation or is necessary in the performance of duty according to lawful orders.

9. Political Activity
   a. No classified employee of the Office of the State Fire Marshal shall participate in political activity by:
      1. Soliciting votes or contributions for any political candidate, organization or cause;
      2. Making such political contributions;
      3. Making a public political statement or address;
      4. Wearing a campaign badge, ribbon, or insignia;
      5. Distributing political campaign cards, posters, or buttons;
      6. Attending a social function which is designed to be a fund raiser where a contribution or ticket is required, even if a ticket is offered to the employee free of charge;
7. Becoming a candidate for office or serving as a member of any political committee;

8. Publicly displaying political campaign literature, placards, bumper stickers, or signs in or on any personal property (except by non-civil service employed spouse on community property);

9. Actively participating in an effort to recall from office an elected official (other than by signing a recall petition); or

10. Becoming a candidate for any state, parish, municipal or other political office (other than position of classified employee serving on state civil service commission).

b. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not constitute prohibited activity.

10. Labor Activity

a. Employees shall have a right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

b. No employee shall engage in any “strike” or “job action”. “Strike” or “job action” includes but is not limited to the failure to report for duty, willful absence from one’s position, recognition of unauthorized holidays, sickness unsubstantiated by a physician’s statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

11. Payment of Debts

a. Employees shall make every effort to pay all debts and legal liabilities when they are incurred. Employees must discharge, honorably and promptly, all claims or judgments and satisfy all executions which may be held against him/her within a reasonable amount of time.
b. Disciplinary action may be appropriate in any of the following circumstances:

1. Judgment of creditors has been finally adjudicated and the employee, even though able to pay, has refused to comply with the judgment.

2. The effects of such indebtedness have adversely affected the ability of the employee to perform his job or have negatively reflected on the reputation of the Office of the State Fire Marshal.

c. Absent extenuating circumstances, disciplinary action shall be inappropriate in any of the following circumstances:

1. The employee has made a genuine and sincere effort to pay his debts.

2. The employee has filed a voluntary bankruptcy petition.

3. A garnishment order has been filed.

12. Intervention in Civil Matters

a. Officers shall not take official action in any civil case except where such action will prevent a breach of the peace or assist in quelling a disturbance.

13. Endorsements/ Referrals/ Commercial Testimonials

a. An employee shall not recommend, in any manner in the course of their employment, except in the transaction of personal business off duty, the use or employment of any professional service.

b. Employees shall not permit their names or photographs to be used in the endorsement of any product or service that could in any way be connected with matters regulated by the Office of the State Fire Marshal, or allow their names or photographs to be used in any commercial testimonial which alludes to their position with the Office of the State Fire Marshal without the express permission of the Fire Marshal.
14. Cheating on Examinations
   a. An employee shall not cheat or tamper in any manner with an official examination conducted by or sponsored for this Department by obtaining, furnishing or attempting to obtain, furnish or accept answers or questions to such examinations.
   c. An employee shall not copy, photograph or otherwise remove examination contents; nor shall they use any misrepresentation or dishonest method while preparing, administering, or participating in such examination(s).

15. Use of Tobacco While on Duty
   a. Employees are permitted to use tobacco while on duty except when:
      1. They are in direct contact with the public conducting official business; or
      2. They are in a building or other area where smoking is prohibited; or
      3. Operating a state-owned vehicle.

16. Seeking Publicity
   a. An employee shall not directly or indirectly seek personal publicity through the press, radio, television, or other news media.
   b. Employees shall not furnish information to the public media for the purpose of gaining personal recognition.

17. Electronically or Mechanically Recording Conversations
   a. No employee shall make any mechanical recording of the conversation of another employee of the Department without the prior approval of the Fire Marshal or without the consent of all parties to the conversation.
   b. This order shall not apply to the recording of police-type radio traffic or the recording of calls made to the main, published telephone numbers at the Office of the State Fire Marshal.
c. This order shall not prohibit the use of answering equipment

18. Abuse of Process
   a. Officers shall not abuse process. Officers shall not knowingly make false accusations of either a criminal or an administrative nature.

D. REGULATIONS/ORDERS

1. Insubordination
   a. Except as otherwise stated herein, defiance of lawful authority or disobedience to orders constitutes insubordination.

2. Manner of Issuing Orders
   a. Orders may be issued either verbally or in writing. Verbal orders shall be issued in a clear and civil tone, in an understandable manner, and in the interest of Departmental business. Written orders shall be clear and concise in content, and shall be in the interest of the Department.

3. Lawful Orders
   a. An employee shall promptly obey any and all lawful orders of a superior officer or supervisor. Unless exigencies dictate otherwise, lawful orders shall be handled as soon as practical and reasonable. A “lawful order” is any order or assignment in keeping with the performance of any duty, issued either verbally or in writing over the signature of the Secretary, Deputy Secretary, Fire Marshal, or any other superior officer, supervisor or any order presented by the various manuals, orders, regulations or directives of the Office of the State Fire Marshal necessary for the preservation of good order, efficiency or proper discipline within the Office. This will include orders relayed from a superior officer or supervisor by a member of the same or lesser grade.
   b. Where two or more commissioned officers of the same grade are assigned to a special detail, absent special instructions to the contrary, the senior officer shall be in command.
4. Disobedience to Unlawful Orders
   a. An employee shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees shall request the issuing superior to clarify the order. Should the authority persist in demanding compliance, an employee of superior rank or status to all parties involved should be summoned to decide the controversy. Responsibility for refusal to obey rests with the employee, and employees shall be required to justify their actions.

5. Obedience to Improper Orders
   a. Employees who receive orders which they feel are unjust or contrary to Departmental rules and regulations, are required to obey the order, but may then proceed to appeal that order at the earliest opportunity.

6. Conflicting Orders
   a. An employee who is given a proper order that is in conflict with a previous order or regulation shall respectfully call attention to such conflict. If the superior officer giving the order does not alter or retract the conflicting order, then the order shall stand and under these circumstances, the responsibility shall be upon the superior officer.

   b. In situations of conflicting orders, the employee obeying the conflicting order shall not be held responsible for disobedience of any previously issued order.

   c. When an order contrary to the provisions of any previous lawful order, regulation, directive or manual is given to an employee, that employee shall comply with the order unless it is a violation of the law. Subsequent to compliance, the employee should communicate the facts and circumstances to the Fire Marshal, following the chain of command.

7. Appeals – Unlawful or Improper Orders
   a. An employee receiving an unlawful, unjust or improper order shall, at the first opportunity and preferably prior to the conclusion of the tour of duty in which the order was given, report the fact in writing to the
Fire Marshal through official channels. This report shall contain the facts of the incident and the action taken. Appeals for the release from such orders may be made at the same time.

E. REGULATIONS/ ADMINISTRATIVE ACTIVITIES

1. Residency Requirements
   a. Residency requirements are determined according to the following:
      1. Officers must live in their assigned enforcement territory or within a 30 mile radius of the territory in which assigned.
   b. Employees allowed under previous policy to reside exclusive of these requirements need not comply, but no new exemptions shall be granted.
   c. Officers must maintain a telephone at their residence and provide the number(s) to their supervisors.
   d. Any change in address or telephone number must be reported to the appropriate supervisor in writing within 48 hours.

2. Department Reports
   a. Reports shall be neat, legible, and complete in content. Reports shall be submitted on time and in accordance with existing regulations.
   b. Reports submitted by employees shall be truthful, and no employee shall knowingly enter or cause to be entered any false, inaccurate or improper information, date or misrepresentation of the facts in any Department record or report.
   c. Employees shall not alter or request any other person to alter or withdraw any report, letter, request or other written communication that is or has been conducted through official channels. This restriction shall not preclude the correction of grammatical errors. No employee shall advise, counsel, order or otherwise dissuade any other employee from submitting any lawful report.
   d. Black ink shall be used in completing all handwritten reports.
e. The following abbreviations shall be used to indicate an individual’s race: B - black; I - Indian; O - other; W - white.

   
   a. An employee shall not disseminate, in any manner, any confidential information of the Office of the State Fire Marshal or its employees, without proper authority.
   
   b. For purposes of this order, confidential information shall be defined as follows:
      
      1. That which a person could foresee the disclosure of could endanger an employee or other person.
      
      2. Impede the just disposition of a case.
      
      3. Aid a person to escape arrest or delay the apprehension of a criminal.
      
      4. Permit the removal of evidence.
      
      5. Compromise or negate the judicial process
      
      6. Violate any federal, state or local law or ordinance concerning the release of confidential information.
      
      7. Make known the contents of an internal or criminal violation of L.R.S. 44:3; the Public Records Law.
      
      8. Would identify a person working as a confidential informant, except as provided for in law.
   
   c. An employee of the Office of the State Fire Marshal may be assigned to a position function whereby they may come into contact with information pertaining to the internal administration of the Department, development of procedures and programs, or publicly sensitive matters.
      
      1. Such information shall be regarded as RESTRICTED and an employee shall obtain authorization from their supervisor prior to its dissemination.
to divulging the substance or contents of same to any unauthorized person. An employee failing to exercise such consideration shall be subject to disciplinary action.

d. An employee may remove or copy official records or reports from a Department installation only in accordance with existing regulations, and with proper authorization of the Fire Marshal, DSFM Administrator, or Chief Architect.

e. An employee may divulge, make known, or exhibit the contents of an official file or record only as follows:

1. To duly authorized police officers or police agencies.

2. As provided by law, on approval of the appropriate supervisor, and in accordance with existing regulations.

3. Under subpoena duces tecum served on the Department or its administrators.

4. Public Statements

a. Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information, or act as a representative of the Office of the State Fire Marshal in other matters without prior authorization.

b. Requests for information should be directed to the Fire Marshal or his/her designee.

5. Use of Polygraph/ PSE Examination

a. Upon the order of the Deputy Secretary or the Fire Marshal, employees shall submit to polygraph and/or PSE examinations, when the examinations are specifically directed and narrowly related to a particular internal administrative investigation.

b. Whenever a complaint by a citizen is the basis for the investigation, the matter is non-criminal and no corroborating information has been discovered, employees shall not be required to submit to examinations unless the complainant also submits to such examination.
6. Medical Examinations, Photographs, Lineups
   a. Upon the order of the Deputy Secretary or the Fire Marshal, employees shall submit to any medical, psychological, ballistics, chemical or other tests, photographs or lineups.
   b. All procedures carried out under authority of this subsection shall be specifically directed and narrowly related to a particular internal administrative investigation.

7. Financial Disclosure
   a. Upon the order of the Deputy Secretary or the Fire Marshal, employees shall submit financial disclosure statements when required in the course of an investigation and the information is relevant to the investigation.

F. REGULATIONS/ EQUIPMENT

1. Use, Care and Custody of Department Equipment
   a. Employees shall utilize issued Department equipment in the prescribed fashion, according to existing regulations or directions, and shall not abuse, damage, or lose Department equipment.
      1. If property is lost, intentionally damaged, or damaged through gross abuse or neglect, the responsible employee may be subjected to reimbursement charges and/or disciplinary action.
   b. All Department equipment issued to employees shall be maintained in proper condition.
   c. Equipment, supplies, and services such as computer, telephone, communications or similar services provided by the Department shall not be used for personal purposes.
   d. All uniformed employees shall maintain regulation uniforms in neat order and good repair. The uniform shall be worn in conformance with Departmental policy. Employees shall be neat in appearance and well groomed.
### SUBJECT: CODE OF CONDUCT AND ETHICS

<table>
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#### e. Employees shall immediately report to their supervisor(s) any loss of, or damage to, Departmental property assigned to or used by them. Moreover, the supervisor will be notified of any defects or hazardous conditions found in any Departmental equipment or property.

#### f. Employees shall not mar, mark, deface or destroy any surface on any Departmental building, unless it is in the proper execution of duty and with the consent of competent authority.

#### g. Employees shall not mark, alter, or deface any posted notice of the Department unless ordered by competent authority. No inflammatory, discrediting, or derogatory notices will be posted at any time.

#### h. Issued vehicles shall be serviced on a regular basis in accordance with Departmental requirements as outlined in the vehicle maintenance schedule. This schedule shall be kept current and in the vehicle to be presented to supervisor(s) or the OSFM Fleet Coordinator when requested.

### 2. Surrender of Equipment During Suspension

#### a. Any employee suspended in excess of fifteen (15) days shall immediately surrender their badge, commission card, any issued firearms, Department vehicle, and any other specified equipment to their supervisor. In the case of suspensions of less than fifteen (15) days, equipment will be handled as directed.

#### b. Suspended employees shall not act in the capacity of, or represent themselves as an employee of the Office of the State Fire Marshal in any manner, except when under compulsory process.

### 3. Operation of Vehicles

#### a. Employees shall operate any vehicle in a careful and prudent manner and obey all laws of the State pertaining thereto.

#### b. Employees shall at all times set a proper example for other persons by their proper operation of vehicles.

201-24
d. Employees shall notify the proper authorities when involved in any accident in which they are the operator or custodian of the vehicle. Such notification will be in accordance with existing laws, regulations, policies and procedures.

d. Unjustified speeding is expressly prohibited.

e. Officers shall maintain a valid Louisiana operator’s license of the appropriate class, and they shall notify the Department of any action taken or pending affecting the validity of said license.

G. REGULATIONS/ LAW ENFORCEMENT ACTIVITIES

1. Arrest, Search and Seizure
   a. Officers shall not make any arrest, search or seizure that they know or should know is not in accordance with law or Department policy and procedures.

2. Use of Firearms
   a. The use or handling of a firearm in a careless or imprudent manner or the unjustified endangerment of human life with a firearm is strictly forbidden.
   b. The use of a firearm in any way inconsistent with the Department rules, regulations, policies and procedures is forbidden.

3. Use of Force
   a. Officers shall never use more force than is reasonably necessary under the circumstances.
   b. Officers shall use force in accordance with the law, policies and procedures.

4. Treatment of Persons in Custody
   a. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and Department procedures.
b. Arresting officers are responsible for the safety and protection of prisoners while in their custody. Officers shall, as soon as possible, notify their supervisor of any injury, apparent illness, or other conditions which indicate that the prisoner may need emergency or special care.

c. The arresting officer is responsible for the custody of the prisoner until custody is assumed by other competent authority. Commencing with the time of arrest, the arresting officer is also responsible for the security of the prisoner’s personal property.

5. Protection of Evidence

a. Evidence shall be handled in accordance with Procedural Order 304. An employee shall not destroy, improperly remove, convert to personal use, or manufacture any evidence, contraband or other material found or seized in connection with the investigation of any incident.

b. Weapons and other evidence lawfully seized shall not be converted to personal use even though a judicial officer has returned such to the employee’s custody. Evidence returned in this manner shall be placed in the custody of the Department for disposal according to law.

6. Cowardice

a. Any officer commissioned to enforce laws and carry weapons, consistent with peace officer status, shall not show lack of courage in the face of danger, pain, difficulty or opposition.

b. Officers shall faithfully enforce all laws within the scope of their authority.

7. Attorney General Opinions

a. All requests for opinions from the Office of the Attorney General will be submitted to the Fire Marshal through the normal chain of command.

b. The Fire Marshal will consult with the Legal Section to determine whether an opinion is need and, if so, the necessary steps will be taken to obtain an opinion.
II. ACTION UPON RECEIPT OF A COMPLAINT

A. All alleged or suspected actions of Department personnel involving the commission of a crime, misconduct, malfeasance, or violation of any Departmental rules or orders must be reported to the office of the Fire Marshal through the chain of command for possible investigation.

1. All cases involving possible criminal violation(s) shall be referred to the Internal Affairs Section of the Louisiana State Police. Cases involving acts of gross or willful misconduct or omission may, at the direction of the Fire Marshal, be referred to the Internal Affairs Section.

   a. A report shall be made by the DSFM Administrator, Chief Architect, or their designee on information relating to the alleged offense, even when such is believed to be unfounded.

      1. This information will be reported to the Fire Marshal verbally or in writing as soon as possible.

   b. The information will be conveyed by the Fire Marshal, as he deems necessary, to the Internal Affairs Section within a reasonable length of time, which shall be construed to mean the time necessary to determine the specific nature of the complaint, but shall not exceed 48 hours.

   c. A written statement of the incident shall follow directly to the Fire Marshal, through channels, as soon as practical. This statement shall be forwarded to the Commander of the Internal Affairs Section, if appropriate.

B. Exceptions to this requirement:

1. Anonymous, uncorroborated complaints of violation(s) of Codes, Rules, or Regulations enforced by the Office of the State Fire Marshal, whether received by voice or letter, shall be investigated only at the explicit direction of the DSFM Manager, Administrator, Chief Architect, or the Fire Marshal.
a. The supervisor or employee receiving the complaint shall make every effort to determine the identity of the complaining party, as well as elicit as much pertinent information regarding the allegation as possible.
b. Confidentiality of informant information shall be maintained in a manner consistent with the Public Records Act.
c. The DSFM Manager, Administrator, Chief Architect, or the Fire Marshal, as appropriate, shall be advised of the fact(s) of such anonymous allegation, whereupon it shall be their determination whether a formal inquiry is to be conducted.

2. Complaints relative to differences of opinion between officers and citizens over the appropriateness of enforcement action do not come under the purview of this order.

a. Where a case also involves an employee that is alleged to be in violation of law or a serious transgression of Departmental rules, an investigation restricted to the allegation of misconduct will be conducted in conformity with the procedures.

3. When an alleged or observed infraction is not a violation of law or is not deemed gross and willful misconduct or omission, the DSFM Administrator or the Chief Architect shall be considered the reviewing authority and will not look to higher authority to initiate action. Such cases are the responsibility of the DSFM Administrator or the Chief Architect to resolve, and he/she will be expected to take necessary action without delay.

a. The DSFM Administrator or Chief Architect shall cause to be made a fact-finding administrative investigation of the alleged violation.

1. Unless otherwise directed by the Fire Marshal, the investigating officer shall be of supervisory rank, equal to or higher than the subject of the investigation.

b. Upon completion of the administrative investigation, the investigative findings in the case shall be documented in detail in a written report directed to the reviewing authority. The reviewing authority shall examine the report and determine if it presents a full and complete examination of all facts and circumstances relevant to the incident in question. If it is determined that the matter requires additional
investigation, the entire report shall be returned to the investigating supervisor with specific direction as to the action required. The report should include:

1. The specific regulation alleged to have been violated.
2. A narrative fully detailing the investigative findings.
3. Classification of the allegation:
   a. Unfounded – The allegation is false
   b. Exonerated – The incident complained of occurred, but the actions taken were lawful and proper.
   c. Not Sustained – Insufficient evidence exists to either prove or disprove the allegation.
   d. Sustained – The allegation is supported by a preponderance of the evidence.

C. Determination of results and actions

1. The reviewing authority shall review the administrative investigation and shall reach a finding for each allegation.

2. In the event that a violation is sustained, the reviewing authority may review past disciplinary matters as one factor in determining the proper disciplinary recommendation to prevent future misconduct. Previously sustained violations may be reviewed and considered based upon their relevance to the present matter.

3. The reviewing authority shall forward the results of the administrative investigation to the Fire Marshal with an appropriate recommendation as to any disciplinary action to be imposed.

D. Requests for Internal Affairs Reinvestigation

1. At the conclusion of a Departmental investigation conducted by either Internal Affairs or the Office of the Fire Marshal, the concerned employee has the right to request a reinvestigation.
POLICY AND PROCEDURE  
OFFICE OF THE STATE FIRE MARSHAL

<table>
<thead>
<tr>
<th>SUBJECT:</th>
<th>CODE OF CONDUCT AND ETHICS</th>
<th>PROCEDURAL ORDER: 201</th>
</tr>
</thead>
<tbody>
<tr>
<td>CANCELS ORDER DATED:</td>
<td>5/15/00</td>
<td>DATE: 04/15/02</td>
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2. The request shall be in the form of a letter to the Deputy Secretary, stating reasons justifying a reinvestigation.

3. The ultimate decision to reinvestigate shall be based upon factual information contained in the letter, which indicates the possibility of an inaccurate initial investigation.

III. DISCIPLINARY ACTION

A. Guidelines for supervisors to follow when it is necessary to cause personnel in their command to be suspended are as follows:

1. The designated day(s) of suspension will not begin on, nor include, the person’s regular day(s) off, paid holidays, K-Time taken, or while the person is on leave.

IV. Employee Responsibility/ Cooperation

A. It shall be the duty of every employee to cooperate fully with personnel of the Internal Affairs Section of the Louisiana State Police or any member of the Office of the State Fire Marshal designated by competent authority to conduct an administrative investigation.

B. Employees shall answer fully and truthfully any question pertaining to the administrative investigation of an infraction of law or regulation which is asked by the investigating authority.

C. During the course of an administrative investigation, employees do not have the right to refuse to answer any questions concerning their performance of duty or their adherence to Departmental rules and regulations. However, those statements cannot be used against employees in a criminal prosecution except as provided by law.

D. Employee(s) shall keep the nature and/or any details of Internal Affairs/administrative investigations in the strictest confidence.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. PURPOSE

A. To provide rules and procedures for the regulation of outside employment; and to provide for a system of administrative oversight, review and approval of such secondary jobs.

II. PHILOSOPHY

A. The Office of the State Fire Marshal recognizes that the regulation of outside or secondary employment by personnel is in the public interest and vital to the maintenance of propriety. This body of regulation is necessary to protect the integrity of the Office of the State Fire Marshal by limiting or prohibiting illegal or unethical acts, conflicts of interest, or the perception thereof. Even though the Office of the State Fire Marshal indicates its approval for outside employment, this approval shall not be interpreted to mean that the approving authority condones any illegal or improper act or activity emanating from such outside employment. The Fire Marshal approves the Application for Outside Employment in good faith and any violation of that trust by employees may result in revocation of approval of the application and in disciplinary action.

III. SCOPE/APPLICABILITY

A. This order is applicable to all employees within the Office of the State Fire Marshal, whether commissioned or noncommissioned. Employee, as used in the Order, shall be defined as any classified employee within the Office of the State Fire Marshal.

B. Members of the National Guard and reserve forces are exempt from these regulations insofar as their military obligations are concerned, but those employees must comply with Civil Service regulations governing military leave in peacetime (See Procedural Order 206).

C. Employees shall not be required to report or seek approval for farming activities or rental property, so long as those activities do not comprise more than fifty-one (51%) percent of the employee’s total annual income.

IV. REGULATIONS GOVERNING OUTSIDE EMPLOYMENT

A. No employee shall hold a secondary job or position without express written approval of the Fire Marshal and in the manner prescribed herein.
B. No employee shall apply for or hold employment in any job that would reflect or tend to reflect unfavorably, in any manner, on the Office of the State Fire Marshal. In those cases in which supervisors are uncertain of the propriety of a position, the applicant’s supervisor may request further information from the applicant or the prospective employer, or the office may seek advice and guidance from the Staff Attorney.

C. Supervisors may be held responsible for the accuracy of information provided by employees who apply for outside employment, but applicants shall not be absolved of sharing the responsibility for providing truthful and accurate information. Supervisors are also responsible for reporting any secondary employment conduct which they know or should know to be in violation of Procedural Order 201, Code of Conduct and Ethics, or other applicable rules or regulations.

D. All work performed in outside employment must be during off-duty time.

E. Employees shall not hold outside employment in any business that is licensed by the Office of the State Fire Marshal.

F. No employee or employee’s spouse shall hold financial interest in any business enterprise, endeavor, or entity that is licensed by the Office of the State Fire Marshal unless the employee has written approval of the Fire Marshal.

G. No employee shall hold outside employment at any business establishment frequented by undesirable persons. Such persons include but are not limited to known or suspected felons, sexual offenders, gamblers, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonies or criminal behavior.

H. Employees shall not allow outside employment to interfere with their primary employment in the Office of the State Fire Marshal. Examples of such interference include, but are not limited to:

1. Taking or requesting excessive leave to work at a secondary job.

2. Working hours or a schedule which, even though not in direct conflict with state employment, tends to impair the effectiveness and efficiency of the employee or the service in general.
I. Employees are obligated first to their primary employer, the Office of the State Fire Marshal, and thereafter to their outside employer. Should it be necessary to “call back” personnel to duty from an off-duty status, personnel must promptly report as may be required upon notification.

J. Employees may not use their official position to acquire outside employment or to further their outside employment, nor shall employees show or provide special consideration to others with whom they come into contact during the course of outside employment activities.

K. The use of one’s badge, commission or identification card, badge of office, or other official credentials during the course of secondary activities is expressly prohibited, except when official action is required by policy and/or law.

L. Employees shall not utilize Departmental property in the furtherance of or in connection with their outside employment duties. Such property includes but is not limited to vehicles; office space; office supplies; computer hardware/software; other telecommunications equipment; or any other state-owned property.

M. Employees shall not permit or require that subordinates assist in outside employment tasks while on duty.

N. No employee shall sell, offer for sale, or distribute any item that contains, in any form, any design that is similar to that of the official badge, patch, or other authorized agency insignia, without specific authority of the Fire Marshal.

O. If an employee’s outside employment requires that the employee join a union, such membership is permitted so long as the membership does not violate these or other agency rules and regulations.

P. Employment with other public agencies requires compliance with specific rules and regulations promulgated by the State Auditor.

1. Monies due employees by another public agency for work performed must be submitted to the Finance Section which will forward the monies to the appropriate employee.

2. Any employee granted special permission to work for another public agency shall be responsible for notifying the Finance Section and working out any specific problems or details.
Q. If any employee’s outside employment requires access to Departmental files or records, access shall be permitted and granted in accordance with the rules and regulations governing public accessibility. Employees in the course of their outside employment shall not be afforded any special right of access not afforded to the public in general. However, if copies of reports or documents are made available to the public on a fee basis, they may also be made to employees on a fee basis.

R. Employees shall comply with all provisions of L.R.S. 42:1101 et. Seq., the Code of Governmental Ethics for Public Officers and Employees.

S. Additional limitations may be promulgated and required as may be dictated by the specific nature of the secondary job, e.g. fire protection consultant, etc.

V. APPLICATION FOR OUTSIDE EMPLOYMENT

A. Employees seeking authorization for outside employment must complete an Application for Outside Employment.

B. The form must be completed in detail, signed by the applicant and forwarded through the chain-of-command to the Fire Marshal.

C. The employee’s immediate supervisor shall review the application for completeness and accuracy and may conduct such inquiries as they deem appropriate in determining the propriety of the applicant’s prospective employment.

D. The supervisor shall indicate their approval in the space provided noting any special conditions imposed upon the applicant’s employment.

E. The approved application shall then be forwarded through the chain-of-command to the Fire Marshal.

F. Applications that are not approved shall be returned to the applicant.

VI. ADMINISTRATIVE APPROVAL AND RECORDS

A. The Section/District Supervisor shall forward the application to the DSFM Administrator or Chief Architect as appropriate. The DSFM Administrator or Chief Architect shall consult with the Legal Section and make a final recommendation to the Fire Marshal.
B. The DSFM Administrator or Chief Architect may:
   1. Return the application to the applicant for more information.
   2. Recommend conditional approval based upon additional limitations as provided in Part IV, S., above.
   3. Recommend unconditional approval.
   4. Recommend denial.

C. The Fire Marshal shall be considered the authority with regard to the final disposition of applications.

D. The Fire Marshal shall forward the approved or denied application to the DSFM Administrator or Chief Architect, who shall act as the official custodian of the Applications for Outside Employment.

E. The DSFM Administrator or Chief Architect shall make and distribute copies to:
   1. The applicant;
   2. The applicant’s supervisor; and
   3. The Support Services Section for inclusion in the applicant’s personnel folder.

F. Approval will remain in effect for one year unless the employment is terminated, the work requirements/duties changed, or upon notice from the Fire Marshal.

G. Any form that the Fire Marshal requires to be executed in addition to the application for outside employment shall be considered a binding part of the Application for Outside Employment, and filed accordingly.

VII. EMPLOYEE FOLLOW-UP RESPONSIBILITIES

A. When an employee terminates outside employment, they shall inform the Fire Marshal through the chain-of-command, using the same form, but indicating “Termination Notice” in the appropriate space.
B. If at any time during the period of approval, the nature of an employee’s outside employment changes, the prior approval shall be considered null and void without the necessity of further action by the Fire Marshal. The employee shall complete an updated application and proceed in accordance with this order.

C. Annual renewals should be filed in advance of the current expiration date, taking into account the administrative time necessary for review and approval.
I. **PURPOSE**

A. This order establishes Department policy regarding the payment of overtime wages to authorized personnel of the Office of the State Fire Marshal.

B. These payments will be made after authorized overtime is verified and approved in accordance with the procedures set forth herein.

C. This order shall at all times be subordinate to the rules promulgated by the Louisiana Civil Service Commission.

II. **CLARIFICATION OF TERMS**

A. **Payable Compensatory Time** is compensation for hours worked by a nonexempt employee in addition to their regularly assigned hours. Fair Labor Standards Act provisions notwithstanding, payable compensatory time will be taken off by an employee or paid at one and one-half the hourly rate, according to Civil Service rules, when the funds are available.

1. Special attention must be given work assignments to insure that whenever possible, an employee will not work in excess of their tour of duty; but when absolutely necessary, all additional time over the regular tour of duty shall be shown on the “Attendance and Leave Record” as payable compensatory time. Supervisors authorizing additional time are instructed to make every possible effort to prevent unnecessary accumulation of payable compensatory time by changing days off, or other appropriate schedule manipulation.

2. An employee required to work on their regular time off will be credited with payable compensatory time. When a P.O.S.T. certified officer is on authorized leave status (sick, compensatory, or annual leave) and returns to work because of a “callout” (i.e. emergency, etc.), their time over regular tour of duty hours will not accrue as payable compensatory time until the time actually worked exceeds 80 hours per pay period. In such cases, P.O.S.T. certified officers shall earn non-payable K time.

3. All personnel will have to show regular tour of duty time as worked before attempting to claim payable compensatory, unless it is their regular day off.

4. An officer may work certain exempted, voluntary overtime when they have taken a holiday or leave, but not while on sick leave. No officer may take leave in order to work an overtime detail during their normally scheduled working hours.
5. Until such time as the 40/80 hour limit is met, time worked by an officer on any statutory holiday (New Year’s Day, Mardi Gras Day, Good Friday, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day) will be compensated with non-payable compensatory time. Holidays proclaimed by the Governor and certain other statutory holidays (National Election Day, Veteran’s Day, etc.) will be compensated by non-payable compensatory time.

6. COURT TIME – Court time shall be defined as time spent in either criminal or civil court in relation to an employee’s official duty; this includes travel time to and from court. When an employee who is working is required to attend any court they shall claim all court time as regular duty hours. When off-duty or on approved leave, an employee required to attend court may collect witness fees where paid when provided for by law for up to three subpoenas per criminal court, or two subpoenas per civil court of jurisdiction. Any time in excess of that compensated for by witness fees, calculated at a rate of one and one-half hours per subpoena, shall be accrued as compensatory time. In those instances where no witness fees are paid, employees that are off-duty or on approved leave shall claim all hours in court as regular duty hours.

   a. Travel time to and from court or detail assignments in another area shall be credited based upon actual time spent in travel. Supervisors will insure that all hours accrued for off-duty court appearance(s) are documented in the daily activity report.

7. SCHOOLS, TRAINING, SEMINARS, CONVENTIONS – Travel time to and from shall be compensated with payable compensatory time, where attendance is mandatory. No compensatory time is earned for travel to or from any voluntary schools, training seminars, etc.

   a. Any employee required by the Department to attend a school or retrainer (firearms, first aid retrainer, etc.) will claim payable compensatory time for travel not to exceed 8 hours per day.

   b. Hours in excess of 8 hours per day must be approved by the Fire Marshal. When sufficient notification is possible, supervisors should change days off so that overtime is held to a minimum.

   c. The DSFM Administrator or Chief Architect shall make the determination as to whether attendance at a particular school is
### B. Nonpayable Compensatory Time

1. Overtime hours worked by employees prohibited by Civil Service rules from earning payable overtime will be compensated with nonpayable compensatory time.

2. Time earned for working declared holidays, or the designated holiday from a declared holiday, or unpaid statutory holidays will be compensated with nonpayable compensatory time.

3. Time earned in excess of regular duty hours when paid time off has been documented in the same pay period shall earn nonpayable compensatory time (e.g., Sick Leave, Holiday, Annual Leave).

### C. Overtime

1. The Federal Fair Labor Standards Act requires the Department to pay non-exempt employees time and one-half overtime pay for each hour worked in excess of the employees regular work schedule according to the following:

   a. Non-exempt commissioned P.O.S.T. certified officers shall be paid overtime for each hour worked in excess of 80 hours per pay period.

   b. Non-exempt commissioned personnel shall be paid overtime for each hour worked in excess of 40 hours per week.

   c. Non-exempt employees shall be paid overtime for each hour worked in excess of 40 hours per week.

   d. For the purposes of figuring the number of hours worked for paid overtime, only those hours actually physically present on the job will be counted.

   e. Specially funded and exempted overtime details shall not count toward the actual hours worked.

NOTE: Prior approval from the DSFM Administrator, Chief Architect or their designee(s) is required before personnel are scheduled for overtime hours.
2. Quarterly report of accumulated payable compensatory time earned by each employee will be supplied to each supervisor. The supervisor is to ensure that employees take off at least as much payable K Time as they have earned in the current quarter. Scheduling of such leave is the prerogative of DSFM Administrator or Chief Architect.

3. Employees assigned to a working detail lasting several days will not be allowed to claim eating and sleeping time as payable compensatory time on the time records.

4. Except in emergencies, and only when authorized by the Fire Marshal, no employee shall be allowed to work overtime in any pay period wherein he/she has taken leave without pay.

5. All employees requesting leave, other than sick leave, civil leave, military leave, special leave or leave without pay will be required to utilize accumulated leave in the following order:
   a. Payable compensatory time
   b. Nonpayable compensatory time
   c. Annual leave, or when applicable, sick leave

6. Annual leave may be granted on an hourly basis in the same manner as compensatory leave.

III. ADMINISTRATIVE CONTROL

A. Supervisors, Managers, DSFM Administrator(s), and Chief Architect are responsible for effectively managing work schedules to minimize any overtime accumulation.

B. The DSFM Administrator(s) and Chief Architect will instruct all supervisors authorizing overtime work that there must be “reasonable justification for the authorization”. Reasonable justification shall mean the required work could not be performed in the course of normal duty hours.

1. If overtime is necessary, every effort to minimize the total accumulation will be made by all supervisory personnel.

2. After overtime is worked, remaining schedules can be adjusted by giving employees K-Time within the same pay period.
3. Schedule documentation shall be maintained in all Districts/Sections and by the DSFM Administrator(s) and Chief Architect.

C. Compensatory time and overtime will be reviewed for approval by the supervisor whenever an employee performs any duty that constitutes overtime or K-Time earned.

D. All claims for compensatory and/or overtime shall be documented on the A & L form for submission to the employee’s supervisor and the District/Section timekeeper.

1. All claims for compensatory and/or overtime reflected on the A & L form must be substantiated by and coincide with entries in the employee’s Daily Activity Report.

IV. AUTHORIZATION AND VERIFICATION

A. Supervisors or acting supervisors shall have the authority to authorize overtime work, if justifiable, for personnel under their command or subject to their command.

1. There shall be a supervisor or acting supervisor designated by the Fire Marshal for every District and Section of the Office of the State Fire Marshal.

2. Whenever a supervisor authorizes and assigns an employee to overtime work, the supervisor shall inform the appropriate Manager, DSFM Administrator or Chief Architect, as soon as practical.

B. All personnel exempt from the requirements of the Fair Labor Standards Act will claim compensatory time for all hours over 40 per week. In such cases exempt employees may be paid at the hourly rate if funds are available.

1. Personnel in Supervisory ranks will have their compensatory time approved by the DSFM Administrator, Manager or Chief Architect, as appropriate.

2. The DSFM Administrator(s) and the Chief Architect will have their compensatory time approved by the Fire Marshal.
V. GUIDELINES FOR AUTHORIZATION OF OVERTIME

A. All overtime authorized shall be justifiable as described in Section III.

1. Employees assigned to late, or time-consuming matters may be granted permission to complete the investigation/assignment.
   a. Supervisors will make every effort to grant equal time off within the same pay period.

2. No overtime is to be earned while an employee is on “standby”.

B. Falsifying any document pertaining to the accrual of time shall subject an employee to disciplinary action.

ISSUED BY:

[Signature]

STATE FIRE MARSHAL

JULY 17, 2002

DATE
I. PURPOSE

A. This order establishes Department policy regarding expense reimbursement to authorized personnel of the Office of the State Fire Marshal.

B. Expense reimbursement will be made after authorized expenses are verified and approved in accordance with the procedures set forth herein.

C. This order shall at all times be subordinate to the rules promulgated by the Louisiana Division of Administration.

II. DEFINITIONS

A. Officer(s) – Refers to all OSFM sworn, commissioned officers and others designated by the Fire Marshal.

B. Employee – One who is in the classified service of the Office of the State Fire Marshal.

C. In-State Travel – All travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

D. Out-of-State Travel – Travel to any of the other 49 states plus District of Columbia, Puerto Rico and the Virgin Islands.

E. Official Domicile –

1. The official domicile of an employee assigned to an office shall be the city in which the office is located.

2. The official domicile of an employee located in the field shall be the city or town nearest to the area where the majority of the work is to be performed, or such city, town, or area as may be designated by the Department head, provided that in all cases such designation must be in the best interest of the agency and not for the convenience of the person.
III. EXPENSES RELATED TO TRAVEL

A. Meals

1. Employees may be reimbursed for meals according to the following schedule:

   a. Breakfast – When travel begins at/or before 6:00 A.M. on the first day of travel, or extends beyond 9:00 A.M. on the last day of travel, and for any intervening days.

   b. Lunch – Reimbursement shall only be made for lunch when:

      1. Travel extends over at least one night; or

      a. If travel extends overnight, lunch may be reimbursed for those days where travel begins at/or before 10:00 A.M. on the first day of travel, or extends beyond 2:00 P.M. on the last day of travel, and for any intervening days.

      b. Traveler is eligible for both the breakfast and dinner meals; or

      3. Traveler is in travel status for 12 hours or more in duration.

   c. Dinner – When travel begins at/or before 4:00 P.M. on the first day of travel, or extends beyond 8:00 P.M. on the last day of travel, and for any intervening days.

2. Reimbursement for meal expenses – Eligible meals, including conference meals, shall be reimbursed at the rate established by the Division of Administration Travel Regulations, published yearly. All rules and exceptions, as published, shall apply.

   a. Receipts are not required for routine meals within the DOA allowances.

   b. The number of meals claimed must be shown on the expense account.

   c. Partial meals such as continental breakfasts or airline meals are not considered meals.
B. Lodging

1. In-State, Out-of-State, and Conference Lodging shall be reimbursed at the rates established by the Division of Administration Travel Regulations, published yearly. All rules and exceptions, as published, shall apply.

2. Receipts for lodging from a bonafide hotel or motel must be submitted and attached to the expense voucher.

C. Transportation

1. Methods of Transportation
   a. The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. The rules and exceptions established in the Division of Administration Travel Regulations shall apply.
   b. Questions concerning methods of travel should be directed to the Support Services Section.

2. Privately-Owned Vehicles
   a. Employees required to use privately owned vehicles to travel on state business will be reimbursed mileage in accordance with the Division of Administration Travel Regulations.

D. Procedure for Arranging Accommodations/ Travel Exception Request

1. Travel authorization shall be obtained prior to any out-of-state travel, or travel to any in-state schools, seminars, conferences, etc. Travel authorization shall be secured through the Support Services Section.

2. At the time an employee is notified they will be attending a meeting, school, conference, etc., they shall contact motels and hotels in the area and secure confirmation of the most reasonable priced single room rate.

3. If the price exceeds those specified in the Department of Administration Travel Regulations, a request for an exception to the regulation should be forwarded to the Fire Marshal at least three weeks prior to the planned departure date.
a. Written justification explaining why less expensive accommodations cannot be found must accompany the request for exception.

b. Travel exception requests lacking clear and convincing justification will be disapproved.

4. Questions concerning travel related issues should be directed to OSFM Headquarters, Support Services Section.

IV. OTHER REIMBURSABLE EXPENSES

A. Uniform laundry/dry cleaning allowance is reimbursed to all uniformed employees of the rank of Supervisor and below.

1. The laundry/dry cleaning allowance is reimbursed for days in which a full 8-hour tour of duty is performed; partial days shall not be reimbursed.

   a. Exception: When uniformed employees are required to work on weekend(s) or holiday(s), the laundry/dry cleaning allowance shall be reimbursed regardless of the number of hours worked.

V. Expense Reimbursement Procedures

A. All claims for reimbursement for expenses shall be submitted on state Form BA-12, and shall include all details provided for on the form. The BA-12 must be signed by the person claiming reimbursement and approved by his/her immediate supervisor.

1. All applicable blanks must be filled in on the BA-12. Improperly filed expense accounts will be returned for resubmission.

2. In all cases, the date and hour of departure from and return to domicile must be shown.

3. All expense accounts (BA-12’s) must be at OSFM Headquarters in Baton Rouge by the 8th of the month. Those not submitted in a timely fashion will be approved for payment the following month.

B. Excepting where the cost of air transportation, conference, or seminar is invoiced directly to the Office of the State Fire Marshal or the Department of Public Safety, all expenses incurred on any official trip shall be paid by the traveler, and the expense account shall show all such expenses in detail.
1. If the cost of air transportation is paid directly by the OSFM, a notation will be indicated on the expense account indicating the date of travel, destination, amount, and the fact that it has been paid by the OSFM. The traveler’s copy of the passenger ticket shall be attached to the expense account.

2. Expenses shall not be charged to the Office of the State Fire Marshal or the Department of Public Safety.

   a. Employees shall pay their individual expenses and charge them back to the Department on the monthly expense account (BA-12). The approved corporate card (American Express) may be used to avoid the need for travel advances, and will be provided to all commissioned officers.

   b. Exception: In special cases, as defined by the Travel Regulations, the Fire Marshal may approve a travel advance, however the preferred method for purposes of expense tracking and reimbursement is the use of the corporate American Express card.

C. Expense Allowance for Other OSFM Employees

1. Employees of the Office of the State Fire Marshal other than commissioned officers must justify their eligibility for expense allowances in order to submit a claim for such.

2. Expenses will be reimbursed only when these employees are away from their official duty assignment. This allowance will be in accordance with the Division of Administration’s Travel Regulations.

3. Whenever an employee is away from their official duty assignment and authorized to claim expenses, the out-of-area assignment shall be noted on the claim and verified by the appropriate supervisor.

D. Special Exceptions of Record

1. The Assistant Secretary (Fire Marshal) will be reimbursed on an actual expense basis, unless other provisions for reimbursement are made.

2. On special occasions when an employee accompanies or represents state officials, all expenses incurred may be reimbursed as follows:

   a. The Fire Marshal must approve of the reimbursement.
b. Receipts and other appropriate supporting documentation must accompany the request for reimbursement.

VI. PROHIBITIONS

1. No Reimbursement When No Cost Incurred by Traveler

   a. No claim for reimbursement shall be made for any lodging and/or meals furnished at a state institution or other state agency, or furnished by any other party at no cost to the traveler. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

2. Falsification of Expense Accounts

   a. Any person who intentionally falsifies an expense account, or approves or verifies a falsified expense account, knowing same to be false, will be subject to immediate disciplinary action.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002 DATE
I. PURPOSE

The purpose of this procedural order is to provide a uniform filing system by which personnel files for employees of the Office of the State Fire Marshal are maintained.

II. TYPES AND LOCATIONS OF PERSONNEL FILES

A. Personnel File

1. This file shall be maintained by the Support Services Section at OSFM headquarters in Baton Rouge. The Personnel File shall contain all data relating to individual promotions, demotions, transfers, merit increases, etc. It shall also contain letters of commendation as well as letters of complaint along with the dispositions of the same.

B. Training File

1. This file will be established and maintained upon the advent of a training coordinator. This file shall contain all requests for training and the record on any training received.

C. Office Personnel File

1. This file will be maintained at the District or Section level. The Office file will include a copy of the Performance Evaluation of those assigned to the particular District or Section. Pertinent documentation regarding employee performance may be included in this file. Disciplinary matters will not be included. Letters of complaint or wrongdoing should be forwarded through the chain-of-command for disposition.

III. PUBLIC/MEDIA ACCESS TO EMPLOYEE FILES

A. An employee’s personnel file (part II.A. above) is considered a public record and portions are thus subject to disclosure upon proper request. While permission of the employee is not required, as a matter of internal policy the affected employee(s) shall be notified when requests for disclosure are received. Such requests shall be directed or forwarded to the Staff Attorney who shall then forward approved requests to the Support Services Section. The Support Services Section shall notify the employee’s Supervisor that the disclosure request has been received. The Supervisor shall then be responsible for final notification of the employee.
B. The notification process shall not be used as a means to unnecessarily hinder the provision of or access to any personnel file.

C. Requests for disclosure of other employee files as enumerated in Parts B. and C. above shall be directed or forwarded to the Staff Attorney’s office.

IV. CONFIDENTIAL INFORMATION

A. LRS 44:11 exempts from the Public Records Law the home address and the home telephone number (listed or unlisted) of a public employee when the employee has requested that this information be confidential. Due to the nature of the work associated with employment with the Department of Public Safety, Office of the State Fire Marshal, the home address and home telephone number of all employees, commissioned or non-commissioned, shall be considered confidential information, and shall not be released to anyone without the employee’s express permission.

B. Custodians of these records, when responding to requests for public records, shall not display any document or paper without first obscuring from view the home address and/or telephone number of any employee.

C. Should any employee receive a request from anyone for the home address or home telephone number of another employee, the caller shall be advised that such information is confidential and cannot be disclosed.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. PURPOSE

The purpose of this order is to establish a uniform procedure to be used by both OSFM Supervisors and Reserve/ National Guard members. Both parties have responsibilities established by federal and State law.

II. RESPONSIBILITY OF SUPERVISORY PERSONNEL

A. Active Duty for Training (ADT)

1. Grant up to fifteen (15) working days Military Leave per calendar year for military training. This leave is ordinarily sufficient to accommodate the annual active duty needs of most reservists.

2. Additional leave requested shall be granted. The employee is entitled to this additional leave without pay.

   a. The employee may apply for, but shall not be required to use, annual or compensatory leave for military purposes.

   b. Requests to use accumulated compensatory or annual leave should be granted, absent serious adverse impact on Department operations.

B. Inactive Duty for Training (IDT)

1. Military leave as outlined above is not to be used for weekend drills or other inactive duty for training.

2. When inactive duty for training conflicts with the employee’s regular work schedule, the employee is entitled to leave without pay.

   a. Request for the use of accumulated compensatory or annual leave shall be handled as in II.A.,2b. above.

III. RESPONSIBILITIES OF THE RESERVE/ NATIONAL GUARD PERSONNEL

A. Employees applying for military leave under this order shall furnish notification of training dates for ADT at least two (2) weeks in advance of the affected pay period.

B. Employees applying for military leave under this order shall furnish copies of military orders prior to the end of the affected pay period.
B. A minimum of two (2) weeks’ notice shall be given prior to the IDT dates in conflict with regular work schedules to allow for the adjustment of same.

1. Multiple drill dates may be furnished in the same notice.

2. Notifications shall be in writing in the standard memorandum format, addressed to the immediate supervisor.

3. Copies of orders shall be attached, if appropriate and available.

ISSUED BY:

[Signature]

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. PURPOSE AND APPLICABILITY

The purpose of this policy is to establish procedures and guidelines for the Office of the State Fire Marshal in accordance with the policy of the Department of Public Safety and Corrections and with the Federal Family and Medical Leave Act of 1993. This policy shall apply to all employees of the Office of the State Fire Marshal.

II. DEFINITIONS

A. The following are working definitions only. The Office of the State Fire Marshal will extend no more rights than provided for in the Act as interpreted by the Rule.

1. Eligible Employee: One who has been employed by the State of Louisiana for at least twelve (12) months, which need not be consecutive, and has performed at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave (annual, sick or compensatory leave taken shall not be applicable for meeting this hourly requirement).

2. Serious Health Condition: An illness, injury, impairment or physical or mental condition that involves in-patient care or continuing treatment by a health care provider, including treatment for a chronic condition which is incurable or so serious that it would result in an absence from work of more than three (3) days.

3. Health Care Provider: A doctor of medicine or osteopathy authorized to practice or to perform surgery; podiatrists, dentists, clinical psychologists, optometrists or chiropractors authorized to practice and when performing the scope of their practice.

4. Parent: The biological parent or an individual who stood in loco parentis when the employee was a child. This term does not include either mother-in-law or father-in-law.

5. Son or Daughter: A biological, adopted or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis, who is under eighteen (18) years of age, or 18 or older but incapable of self-care due to mental or physical disability. These terms do not include son-in-law or daughter-in-law.

6. Spouse: The husband or wife as defined in accordance with State law excluding unmarried domestic partners.
7. **Twelve (12) Month Period:** That period measured twelve (12) months forward from the date an employee’s initial family and medical leave begins; it shall be determined based on the individual employee’s participation in Family Medical Leave and not on a calendar year.

### III. POLICY

A. It is the policy of the Office of the State Fire Marshal to provide eligible employees up to twelve (12) work weeks of “job protected” leave, either paid or unpaid, within a twelve month period for the following reasons:

1. The birth and care of a son or daughter;

2. The placement of a child for adoption or foster care with the employee;

3. Providing care for a parent, spouse, son or daughter with a serious health condition;

4. A serious health condition that prevents the employee from performing the essential functions of his/her job.

B. An employee requesting Family Medical Leave shall:

1. When the need for leave is foreseeable, make such request in writing using the approved form, “Request For Family Medical Leave”, at least thirty (30) days in advance.

2. When the need for leave is unforeseeable or an emergency, make such request as soon as possible. A spouse or other responsible family member may make the request for the employee if the employee is unable to do so due to his/her serious health condition.

3. Submit medical certification from a health care provider within fifteen (15) calendar days after leave commences due to a medical emergency.

4. Obtain a second or third medical opinion, at OSFM expense, when requested by the Office of the State Fire Marshal.

5. Upon request by the Office of the State Fire Marshal, provide medical reports regarding the employee’s status and intended time of return to duty.
6. Be responsible for arranging payment of the employee’s share of health care premiums when the employee is on an unpaid leave status. The employee shall be responsible for reimbursing the Office of the State Fire Marshal for any premiums paid on his/her behalf.

7. Prior to returning to duty, provide written medical certification from a health care provider stating that the employee on leave due to his/her serious health condition is now fit and able to assume the full responsibility of his/her position.

8. Discontinue any secondary employment while on Family Medical Leave due to his/her serious health condition, unless written approval to continue is obtained from the Fire Marshal or Deputy Secretary.

C. The Office of the State Fire Marshal shall:

1. Require the use of accrued paid leave (annual or sick) for Family Medical Leave. For an employee’s serious health condition, sick leave will be exhausted, then annual leave, then leave without pay. For an absence due to a family member’s illness, annual leave will be exhausted, then leave without pay. Compensatory leave shall not be granted for Family Medical Leave.

2. Have the option to place an employee on Family Medical Leave, if eligible, whether or not it is requested by the employee. The Office of the State Fire Marshal must notify the employee of such in writing.

3. Return the employee to the same position, if available, or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

4. Be entitled to reimbursement for any health care premiums paid on an employee’s behalf.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. **PURPOSE**

   A. The purpose of this procedural order is to establish policy consistent with that of the Department of Public Safety and Corrections, Public Safety Services, regarding use of OSFM computer hardware and software, to include Internet and E-Mail activities.

II. **APPLICABILITY**

   A. This order applies to all employees of the Office of the State Fire Marshal who utilize and/or have access to Department-issued computer equipment. Administrators and Sections heads are responsible for ensuring procedures are in place to comply with this policy.

III. **DEFINITIONS**

   A. **E-Mail (Electronic Mail)** – Information that is sent electronically from one person to another or to a group of persons through a computer network. For the purpose of this policy, E-Mail is any message (including any attachment), letter, report, or similar item being sent via software provided by an Internet service provider or other entity operating a web site or a web page, or through software such as Lotus Notes or any other approved software.

   B. **Attachment** -- An attachment is virtually any type of file, including documents, pictures, music files, video clips, executable files, etc.

   C. **Internet** – Global network of computers connected through data circuits and telephone lines for sharing electronic information.

   D. **OSFM Computer System** – All computer hardware, software, and communications links operated by the Office of the State Fire Marshal and maintained through the offices of the Department of Public Safety Information Services Section and/or through the OSFM IT section.

IV. **POLICY**

   A. The OSFM computer system, to include Internet and E-Mail, is designed to enhance department communication and to conduct department related business. Internet and E-Mail abuse shall not be permitted. Employees are required to use capabilities in an ethical and lawful manner. Use of the OSFM computer system, the Internet and E-Mail must be consistent with the Department mission and goals and not compromise...
the integrity or security of the Department’s Information Systems. Use of the Department’s computer hardware and/or software, to include the Internet and E-Mail, for private personal gain, to make contacts for private personal gain, or for any illegal or unethical purpose is prohibited. Employees shall maintain awareness that loss of use of the Internet and E-Mail caused by the introduction of computer viruses would adversely affect productivity of the Department, and shall conduct their actions to ensure that Internet and E-Mail services are not disrupted.

B. Employees are accountable for the content of files and messages sent via E-Mail and/or downloaded from the Internet. Fraudulent, obscene or harassing materials and/or messages are prohibited from transmission. This includes, but is not limited to, sexual harassment and intimidation, or any other action prohibited by federal or state law.

C. All documents, reports, web pages, files, messages, etc. generated via the OSFM computer system, the Internet, and E-Mail are subject to all applicable federal and state law, public records law and exceptions thereto.

D. Internet and E-Mail Activities

1. The Fire Marshal or his designee is responsible for authorizing Internet use. Supervisors are responsible for monitoring usage and reporting abuse.

2. The Office of Information Services will be responsible for authorizing and approving Internet access/service providers and E-Mail software providers.

3. Employees are prohibited from providing access to Internet and E-Mail capabilities to any person who is not employed by the State. Employees are prohibited from providing Internet and E-Mail capabilities to Department of Corrections inmates.

4. Employees are prohibited from using a Department computer to set up an instant message service through the Internet.

5. Employees are prohibited from subscribing to an Internet or Web E-Mail account using a Department computer. Employees are not prohibited from accessing such an Internet or Web E-Mail account on a Department computer, as long as such account was not established on a Department computer. However, employees shall not open, view, launch or detach attachments received through Internet or Web E-Mail.
6. No employee of the Office of the State Fire Marshal shall establish a web site or home page purporting to be the official home page or web site of the Office of the State Fire Marshal, or of any agency within Public Safety Services.

7. No employee shall obtain or subscribe to any "fee for use-related" services and/or subscriptions without prior authorization. The Office of the State Fire Marshal and/or Public Safety Services will not be responsible for any unauthorized fees incurred by a user.

E. Only software approved by the OSFM System Administrator and/or the DPS Information Services Section shall be installed on OSFM computer equipment.

1. Approved software shall be installed by the OSFM System Administrator, the DPS Information Services Section, or an approved vendor’s representative.

F. For purposes of enforcement of this order, the Fire Marshal, his designee, or any duly authorized representative of DPS Information Services shall have unlimited access to all software, hardware, files, transmissions or any other aspect of Department-issued computer equipment.
I. PURPOSE

This order establishes uniform procedures for the dissemination of requested information that is regulated under the Public Records Law.

II. ROUTING AND PROCESSING OF REQUESTS FOR PUBLIC RECORDS

A. All written requests for Public Records information shall be forwarded to the office of the Staff Attorney who shall review all such requests and render a decision to comply with or deny such request(s).

   1. A decision to comply with a request for Public Records shall be rendered in a timely manner by the Staff Attorney. Until such time as the reviewing Staff Attorney has provided formal notification and direction as to the release of requested Public Records, such records shall be withheld.

   2. A decision to withhold requested Public Records information will be forwarded to the requesting party after decision by, and upon direction of, the Staff Attorney.

B. Supervisors and/or employees in possession of requested Public Records information shall adhere strictly to the direction(s) as set forth by the Staff Attorney in compiling the requested information.

   1. Supervisors shall review the compiled information, make any recommendations necessary and forward the information to the Staff Attorney in a timely manner.

   2. The Staff Attorney will make a final review of the requested Public Records information and make a decision as to its release under the guidelines of the Public Records Law.

C. Release of requested Public Records information shall be at the direction of the Staff Attorney, and in strict accordance with instruction(s) provided by that office.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
POLICY AND PROCEDURE  
OFFICE OF THE STATE FIRE MARSHAL  

SUBJECT: ATTORNEY CONTACT  
PROCEDURAL ORDER: 302  
CANCELS ORDER DATED: 5/15/00  
DATE: 04/15/02  

I. PURPOSE

This order will govern the conduct of OSFM employees who are contacted by attorneys representing litigants in a private action. The objective of this order is to minimize the impact of the governed contact on employee productivity and to promote the impartial performance of duties on behalf of the citizens of Louisiana.

II. SCOPE

The procedures mandated herein shall apply to all communications received from attorneys or persons acting on their behalf concerning litigation, whether by telephone, mail, electronic or personal means.

II. PROCEDURES

A. An employee who receives a request for information should immediately determine whether the information pertains to pending or reasonably anticipated litigation. Any request pertaining to pending or reasonably anticipated litigation is governed by this order.

B. An employee who receives a written communication governed by this order shall immediately forward the communication to staff counsel.

C. An employee who receives any non-written communication governed by this order shall ascertain and report the following information to staff counsel for OSFM:

1. Name, address and telephone number of person initiating contact.
2. Venue (Court in which litigation is being conducted).
3. Docket number.
4. Party represented by attorney or person initiating contact on behalf of attorney.
5. Whether information sought relates to acts or omissions of OSFM.
6. General nature of information sought.

D. Employees of OSFM shall not provide substantive information to any contacting party governed by this order without prior consultation with staff counsel.

ISSUED BY:  
STATE FIRE MARSHAL  

APRIL 15, 2002  
DATE  
302-1
I. PURPOSE

The purpose of this order is to provide officers with an outline of the procedures to be followed from the time that a request for assistance is received to the point where an arson case is finally adjudicated. It is important to remember that this order shall serve as a guide for conducting investigations and that the sequence of procedures to be followed may vary from one investigation to the next depending upon the dictates of the particular investigation.

II. SCOPE

In accordance with state law, the Office of the State Fire Marshal shall conduct a special examination of the circumstances surrounding a fire of suspicious origin, or reported to have been caused by design, or of any fire resulting in more than one human death.

III. ARSON INVESTIGATION

A. Assignment of Arson Investigators

1. Each Arson Investigator will be assigned by the Arson Chief to a specific geographical area for response to all reported arson cases exclusive of those occurring within the jurisdiction of a recognized fire prevention/arson bureau.

2. Each Arson Investigator will have an established tour of duty, generally 8:00 AM to 4:30 PM, unless otherwise determined by the Arson Chief or Supervisor, during which the investigator shall promptly report to work in proper attire unless on approved leave or leave without pay.

   a. After the normal tour of duty has ended, Investigators shall handle all requests for investigation in their assigned area in a manner consistent with the procedures set forth for requests for investigation while on duty.

   b. An investigator unable to respond to an after-hours request for investigation due to sickness, injury, or other emergency, shall notify the Arson Supervisor and/or Arson Chief as soon a practical. Upon receipt of such notification, the Supervisor and/or Arson Chief shall select a replacement to handle the after-hours request(s) until the incapacitated investigator is able to return to duty.
B. Receipt of Request for Investigation

1. The diverse nature of fire protection within this state directly affects arson detection and subsequent requests for investigation. Although the manner in which requests are received may vary from jurisdiction to jurisdiction, they generally come from a local fire chief or fire department. However, requests will be accepted from law enforcement agencies, insurance companies, or concerned individuals according to established protocol.

   a. Upon receipt of a request for investigation, the investigator must determine if the fire is of suspicious nature, is by design, or if it involves more than one human death. Response shall be dictated by established policy as set forth in the Arson Section Callout Protocol.

C. On-Scene Arson Investigation

1. The investigator is required to perform a number of tasks in order to gather factual information. The sequence of these tasks may vary from scene to scene depending on the circumstances of each particular fire. These tasks include, but are not limited to:

   a. Contact the person in charge of the scene as a source of information;

   b. Document scene security;

   c. Document weather or any unusual atmospheric conditions;

   d. Locate the area of origin insofar as possible;

   e. Determine the cause of the fire insofar as possible;

   f. Provide a thorough evidence search of the scene and the immediate surroundings;

   g. Identify and collect evidence, ensuring proper handling and documentation;

   h. Inventory building contents;

   i. Sketch the scene;

   j. Take pertinent photographs of the scene as necessary;
k. Utilize the Arson K-9 when searching the scene for any accelerant;

l. Conduct field interviews with firefighters, police officers, victims, witnesses, or occupants. Interviewees shall be documented as to pertinent identifying information, to include age, gender, and race;

m. Record all information manually or electronically in order to sufficiently complete a written preliminary report utilizing the form(s) provided.

2. Submit properly marked and documented evidence to the appropriate crime laboratory for analysis.

3. Evaluate findings, evidence, and statements to determine whether a crime has been committed.

   a. Further investigation is warranted if it is determined that a crime has taken place, or if the fire is of undetermined origin.

   b. If it is determined that no crime has occurred, then the investigation shall be classified as Non-Incendiary (NI) with the findings fully documented in the preliminary report.

4. The investigator shall contact the Arson Section at the earliest possible time, but no later than the start of the next tour of duty, in order to establish a proper file number for the incident.

5. The investigator shall submit a completed written preliminary report with a proper file number, sketch, and any further supporting documentation to the Arson Supervisor within five (5) working days.

6. Preliminary reports shall be reviewed and approved by the Arson Supervisor on a weekly basis.

   a. Reports that are incomplete or otherwise do not sufficiently document the findings and/or status of the case shall be returned to the investigator for correction and resubmission. A record of such cases shall be made by the Arson Supervisor and forwarded on a weekly basis to the Arson Chief for review.
b. The Arson Supervisor shall be responsible for ensuring that all reports filed by subordinate investigators are both timely and complete in content.

D. Follow-Up Investigation

1. When it has been determined that a crime has or may have been committed, the investigator shall begin a follow-up investigation. As with the preliminary investigation, the sequence of steps followed may vary according to the dictates of the particular case. The investigator is required to be thorough in each step of the investigation. The investigator should:

   a. Contact appropriate insurance representatives in order to secure all pertinent and available information.

   b. Perform criminal history check(s) on involved principles in order to determine involvement in similar previous crime(s).

   c. Perform a thorough background check of all principles and witnesses to include but not limited to:

      1. Marriage records
      2. Credit/financial history
      3. Employment history
      4. Public utility service records
      5. Real estate holdings
      6. Public records check
      7. Medical records
      8. Telephone records

   d. Check for previous fire or police calls involving the same people, property, or neighborhood.

   e. Secure an autopsy report, death certificate, or forensic results for each fatality involved.

   f. Obtain laboratory results for any seized evidence submitted for analysis.

   g. Interview or re-interview victims, witnesses, or other involved parties as necessary. Obtain written or taped statements whenever possible.
2. Supplemental reports fully documenting the investigator(s) activity shall be filed as dictated by case activity, but no less than every thirty (30) days, on all ongoing investigations (cases maintained in the “Active” case status).

3. Supplemental reports shall be reviewed and approved by the Arson Supervisor on a weekly basis.
   a. Reports that are incomplete or otherwise do not sufficiently document the findings and/or status of the case shall be returned to the investigator for correction and resubmission. A record of such cases shall be made by the Arson Supervisor and forwarded on a weekly basis to the Arson Chief for review.
   b. The Arson Supervisor shall be responsible for ensuring that all reports filed by subordinate investigators are both timely and complete in content.

E. Case Status

1. Arrest -- When the investigator is able to establish probable cause for an arrest, an arrest warrant shall be sought, and if obtained, the arrest made in accordance with law and policy. Absent exigent circumstances, every arrest shall be proceeded by the securing of an arrest warrant.
   a. Upon the arrest, the investigator shall complete all required investigative reports, documenting pertinent details concerning the arrested subject, the arrest, transport, and booking.
   b. When an arrest is made, the case status shall indicate “Closed – Arrest, Pending Court”. The case status shall also reflect whether arrested subject(s) were adult or juvenile.

1. In those cases where arrest is made based upon warrant(s) secured by personnel of another agency (as in a Task Force or mutual investigation), but in which investigative personnel of the State Fire Marshal have (1) been officially assigned and have performed key investigative duties, (2) a SFM file number has been established, and (3) the SFM investigator is expected to appear as a witness in criminal proceedings, the case status shall indicate “Closed – Arrest, Pending Court”. The case status shall also reflect whether arrested subject(s) were adult or juvenile.
The State Fire Marshal “Charge Sheet” shall be completed upon arrest of offender(s). The “Charge Sheet” shall reflect all pertinent information regarding assistance provided by or to any other investigative agency.

d. State Fire Marshal “Court Disposition” form shall be filed upon final case adjudication.

2. Exceptional Clearance -- In cases where (1) the investigation clearly and definitely establishes the identity of at least one offender, (2) sufficient probable cause has been developed to support the arrest, charging, and prosecution of the offender, (3) the exact location of the offender is known so that an arrest could be made, and (4) circumstances (as delineated in the definition of Exceptional Clearance) have dictated that no prosecution of the offender is forthcoming, the case status shall indicate “Closed – Exceptional Clearance”. The case status shall also reflect whether offender(s) were adult or juvenile.

a. Investigators shall fully document the circumstances surrounding cases to be closed by Exceptional Clearance. The Arson Supervisor is to ensure that all cases closed by Exceptional Clearance meet the requisite guidelines for such closure.

3. Non-Incendiary -- If it is determined that there is no evidence of arson, then the investigation shall be classified as Non-Incendiary (NI) with the findings fully documented in the preliminary or supplemental report.

4. Inactive – In cases where there is insufficient evidence to warrant further proceedings, the case shall be classified as “Inactive”. The facts and circumstances leading to the “Inactive” classification shall be fully documented in a supplemental report.

1. Cases in the “Inactive” status may be reclassified as “Active” should sufficient information/leads be developed to warrant such a reclassification.

5. Active – The facts of the case warrant further investigation.

F. Reporting of Daily Activity

a. Daily Activity Reports shall reflect all duties performed during the course of the day, as well as any overtime activity, and shall include information pertinent to those activities (travel time, location of activity, File Number(s), contacts, etc.)

2. Daily Activity Reports with attached case documentation shall be submitted to the Arson Supervisor on a weekly basis.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002
DATE
POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

SUBJECT: CONFISCATING, STORING AND DISPOSING OF EVIDENCE, CONTRABAND AND/OR PROPERTY SUBMITTED TO FORFEITURE

PROCEDURAL ORDER: 304

CANCELS ORDER DATED: 5/15/00

DATE: 04/15/02

I. PURPOSE

The following procedures, which conform to R.S. 15:41, et seq., and R.S. 26:370 et. seq., will be the guidelines for confiscating, storing, and disposing of evidence.

The admissibility of evidence into a court of law will depend upon the manner and circumstances in which the evidence was obtained, the integrity of the chain of custody, and the safeguarding/preservation of the evidence after its acquisition by law enforcement authorities. For these reasons, care should be taken to properly document all evidence that is seized regardless of its monetary value, even though the majority of evidence seized by Office of the State Fire Marshal personnel is fire debris having little or no value beyond its evidentiary weight.

II. EVIDENCE CONTROL OFFICERS

A. The Deputy State Fire Marshal Arson Chief is hereby designated the Evidence Control Officer for the Office of the State Fire Marshal.

B. The Arson Chief may designate a regional Evidence Control Officer to facilitate the handling of evidence delivered to regional storage facilities and/or laboratories. The regional Evidence Control Officer may handle evidence/property from all field investigative personnel. Each investigative officer shall comply with all of the provisions for handling evidence in accordance with established procedures.

1. A regional Evidence Control Officer may be designated only when adequate storage facilities exist. Field officers will be allowed to store evidence/property in regional property storage areas if adequate storage space is available.

2. The Arson Chief must approve the storage facilities used by regional Evidence Control Officers.

3. A Property Storage area may be any vault, room, closet, or cabinet that may be securely locked, thereby limiting access to the Evidence Control Officer.

III. CONFISCATING EVIDENCE/PROPERTY

A. The investigating officer in each case shall have primary responsibility for the collection, transport, security, and chain of custody of all evidence, with the advice and consent of his/her supervisor as needed.
1. With the exception of fire debris or ashes, the investigating officer shall notify the Arson Supervisor of the fact that evidence of value has been confiscated or property accepted for safekeeping.

2. When evidence is submitted for testing and/or evidence storage, it shall be in a sealed container or otherwise properly packaged, and shall include required property identification securely attached. Officers shall ensure that Form DPSFM 9125, Property Receipt, has been properly completed for all items of evidence, and that all copies are properly distributed.

B. In order to maintain an accurate chain of custody, officers shall complete Form DPSFM 9125, Property Receipt, whenever evidence or property is seized, confiscated, transferred or released. This is to include packaged samples of fire debris that are to be analyzed to ascertain evidentiary value (see Procedural Order 302 for details on submittal of evidence for laboratory analysis). The Preliminary or Supplemental Report (as applicable) shall reflect the circumstances under which the property came the possession of the State Fire Marshal.

1. DPSFM 9125, Property Receipt, is designed to document the integrity of the chain of custody as well as the safeguarding/preservation of evidence after it has been acquired by officer(s) of the Office of the State Fire Marshal. Distribution of the Property Receipt shall be as follows:

   a. The original (white) shall be filed in the master investigative file

   b. The “Owner” copy (pink) shall serve as a receipt (if required) to the individual from whom the evidence or property is confiscated or released.

   c. The “Officer” copy (yellow) shall be retained by the seizing officer for personal records.

   d. The “Property” copy (buff hard copy) shall accompany the property to the Property Storage area where it is to be filed in the Evidence Control file.

C. It is the responsibility of the investigating officer to transport the evidence to the appropriate laboratory and/or approved evidence storage facility as soon as possible. If a regional Evidence Control Officer has been designated, all evidence/property confiscated shall be turned in directly to the appropriate Regional Evidence Control Officer as soon as possible. All such transfers of evidence/property shall be documented on DPSFM 9125, as noted in paragraph (B).
1. At no time shall an officer allow evidence to remain in their possession for longer than 72 hours without the permission of the Arson Chief or Arson Supervisor.

2. It is permissible to store evidence/property at a Louisiana State Police Troop facility, or other law enforcement agency evidence storage facility approved by the Arson Chief. The storage location of the evidence shall be detailed in the Preliminary or Supplemental Report, as appropriate.
   a. In such cases, the completed DPSFM 9125 shall be maintained in the master investigative file.
   b. Copies of all LSP or "other-agency" evidence tracking forms shall be retained by the officer for inclusion in the master investigative file.

3. An officer may submit evidence directly to a crime laboratory without prior notification of the Arson Chief/Arson Supervisor if necessary to preserve perishable evidence. Evidence may also be collected directly by crime laboratory personnel at the scene of an incident without the prior notification of the Arson Chief/Arson Supervisor.
   a. Whenever evidence is submitted to a crime laboratory without prior notification of the Arson Chief/Arson Supervisor, the submitting officer shall follow the procedures as outlined in Procedural Order 302, Submission of Evidence to LSP Lab for Chemical Analysis.

IV. SECURITY OF EVIDENCE

A. Investigating officers are responsible for the proper packaging, security and custody of all evidence prior to, and during transport to an approved evidence storage facility.

A. No individual may enter an evidence/property storage area alone.

B. The security of the OSFM Regional evidence/property storage area(s) will be maintained at all times by the designated Evidence Control Officer.

C. The Fire Marshal shall insure that the combination or locks to the evidence/property storage area are changed whenever a new Evidence Control Officer is appointed.
### POLICY AND PROCEDURE
**OFFICE OF THE STATE FIRE MARSHAL**

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**D.** A complete inventory of all evidence shall be conducted whenever a new Evidence Control Officer is assigned. The previous Evidence Control Office and the newly assigned Evidence Control Officer shall conduct this inventory.

### V. RECORDING OF EVIDENCE BY EVIDENCE CONTROL OFFICERS

A. Each designated Evidence Control Officer shall maintain an Evidence Control File containing the properly completed “Property” copy of DPSFM 9125, Property Receipt, for all property/evidence stored in the property/evidence storage area. The file shall be maintained so as to provide documentation of property/evidence currently in storage, as well as all documentation of property/evidence that has been released, destroyed, or otherwise disposed of.

1. Each designated Evidence Control Officer shall also maintain a “Pending Analysis” file containing the properly completed DPSFM 9125, Property Receipt, for all evidence that has been submitted to a crime laboratory for analysis. Refer to Procedural Order 302, Submission of Evidence to LSP Lab for Chemical Analysis.

B. Whenever evidence is removed from or returned to the property/evidence storage area, the rear portion of the Property Receipt must be executed to reflect this change.

1. The Evidence Control Officer shall ensure that officers sign and date the “Property” copy of the Property Receipt anytime evidence is removed from or returned to Property Storage.

2. When material is no longer required as evidence for court, the investigating officer shall return the material and the “Officer’s Copy” of the Property Record to the appropriate Evidence control Officer. The word “Destroy” shall be marked on the material and the copy. The Evidence Control Officer shall receive the material and obtain proper authorization for destruction.

C. The Evidence Control Officer may authorize the transport of evidence to a crime laboratory by registered mail, return receipt requested.

### VI. REPORTING OF EVIDENCE BY EVIDENCE CONTROL OFFICER

A. The Evidence Control Officer must ensure that the Evidence Control File contains properly completed DPSFM 9125, Property Receipt, for all property/evidence secured in the property/evidence storage area. The Evidence Control Officer must
also ensure that the “Pending Analysis” file contains properly completed DPSFM 9125, Property Receipt, documenting all evidence that has been submitted to a crime laboratory for chemical analysis.

B. Semi-annually, the Evidence Control Officer shall submit to the DSFM Administrator a completed inventory of all items stored in the evidence/storage area, to include any change in status of the item(s) or disposition thereof. Inventory shall be conducted during the months of March and September.

VII. SEIZING CURRENCY

A. The Office of the State Fire Marshal shall not, as a general rule, seize currency unless it has evidentiary value.

B. Seized currency must be photographed, video taped, Xerox copied, or otherwise fully documented prior to its submission as evidence.

C. All currency or negotiable items coming into the control of State Fire Marshal personnel shall be packaged and sealed as an individual item. This includes currency removed from arrested persons.

D. The separate and sealed individual package of currency will list the exact contents, including the breakdown of denominations, and provide the denomination total and the grand total of the currency.

E. To ensure accuracy and eliminate the possibility of miscount, the following procedure will be utilized for counting and recording all currency which comes under the control of the State Fire Marshal, for any reason:

1. The officer responsible for the custody of the currency shall count the currency by separating it into each denomination.

2. The total amount of each denomination shall be added to determine a grand total.

3. The currency will also be counted in the same manner by another sworn officer, or preferably, a supervisor. The second officer or supervisor shall be documented as a part of the case/property record.

4. After confirming the amount, the currency will be placed in a separate sealed envelope and the exact currency count listed.
F. The currency will either be transported immediately to an OSFM property/evidence storage area, the nearest LSP facility housing an evidence storage area, or released to the owner if circumstances dictate. Any property that is released to the owner must be recorded by a signed Property Receipt and documented in the case record.

VIII. NARCOTIC SEIZURES

A. As a general rule, narcotics shall not be stored under the control of the Office of the State Fire Marshal. Whenever narcotics are seized, the OSFM officer shall contact the nearest State Police Region Narcotics Section for appropriate action.

1. Whenever possible, investigative personnel shall attempt to secure court orders allowing for the destruction of the narcotics after sampling.

IX. DISPOSAL OF EVIDENCE/PROPERTY

A. It is the responsibility of the submitting officer to notify the Evidence Control Officer or the Arson Supervisor when the disposition of property changes. This includes changes from “Evidence” to “Release to Owner”, “Owner unknown, dispose of in accordance with law”, evidence in which the case has been reassigned to a different investigator, evidence that has been through the adjudication process, or samples of ashes/debris that have been returned from the crime laboratory with a negative analysis and may be destroyed.

B. Semi-annually, the Evidence Control Officer shall inventory all evidence/property under the control of the Office of the State Fire Marshal to determine in which cases a motion to dispose of the evidence/property should be filed. The inventories shall be conducted in March and September. As directed in Section V.,B. of this Order, a report is to be directed to the DSFM Administrator.
I. GENERAL RESPONSIBILITIES

A. All evidence submitted to the LSP Crime Laboratory for examination must be accompanied by a completed form DPSSP 4606, "REQUEST FOR SCIENTIFIC ANALYSIS". Supplies of these forms are to be maintained by the Arson Chief, and are available from SFM Supply.

B. All items of evidence to be submitted to the LSP Laboratory for analysis shall be packaged in accordance with the procedures established by the LSP Crime Laboratory.

1. All items of evidence which might constitute a hazard to Laboratory personnel (i.e. flammable, biohazard, etc.) shall be labeled with the appropriate warning label.

2. "Tamper Evident" tape shall be used to seal containers and must be initialed partially on the tape and partially on the container by the person sealing the evidence. Self-sealing plastic evidence bags may be sealed according to the manufacturer's instructions for proper sealing. Heat-sealed plastic bags should have "tamper-evident" tape and initials over the sealed seam.

3. DPSFM 7041, "Crime Scene Search Evidence Report" (self-adhesive evidence tag) shall be properly executed and placed on each container. The tag shall include the Case Number, Investigator's name, offense, date and time of incident, search officer's name, evidence description, and location.

4. A LSP Crime Laboratory “Suspected Arson – Case Information Sheet” shall be submitted with all samples to be analyzed.

C. A State Fire Marshal Form DPSFM 9125, Property Receipt, shall be completed for all evidence submitted to the LSP Laboratory for analysis. This form documents the handling and custody of the listed property/evidence. The Property Receipt shall be executed by the investigating officer and signed by the transporting officer when transport to the laboratory is made. The Property Receipt shall be forwarded to the respective Evidence Control Officer/Arson Supervisor who will file the Property Receipt “Pending Analysis” until such time as the item(s) are returned from the laboratory.

D. Upon notification from the LSP Crime Laboratory, the investigating officer or the Evidence Control Officer shall respond to the laboratory and pick up any analyzed evidence. The Evidence Control Officer will ensure that completed Property Receipts are matched with the analyzed items, that all items of evidence are then...
Properly secured into Property Storage, and the “Property” copy (buff hard copy) updated and filed in the Evidence Control file. The Evidence Control Officer shall notify the investigating officer of its whereabouts and return the “Officer’s Copy” of the Property Receipt to the investigating officer. The original (white) copy of the Property Receipt shall be filed in the master case file in the Arson Section.

E. The Evidence Control Officer shall ensure that officers sign and date the “Property” copy of the Property Receipt anytime evidence is removed from or returned to Property Storage. When material is no longer required as evidence for court, the investigating officer shall return the material and the “Officer’s Copy” of the Property Record to the Evidence Officer. The word “Destroy” shall be marked on the material and the copy. The Evidence Control Officer shall receive the material and obtain proper authorization for destruction.

ISSUED BY:  
STATE FIRE MARSHAL

APRIL 15, 2002  
DATE
I. **POLICY**

It is the policy of the Office of the State Fire Marshal that officers will, at all times, be fair and equitable in the administration of their duties. For this reason, no person should be physically arrested for a criminal violation due to arbitrary, capricious, or prejudicial whim of the arresting officer.

A. **DISCRETIONARY ARREST POWERS**

1. It is highly recommended that sufficient backup officers, either from this office, a local law enforcement agency, or the State Police, be utilized when effecting a physical arrest. Backup officers may be plain clothed or uniformed officers as necessity dictates.

2. In the event of a physical arrest, it shall be the duty and responsibility of the arresting officer to fully document the facts and circumstances leading to the arrest in a preliminary or supplementary report, and to provide all required arrest reports and any supporting documentation relating to the arrest.

3. It shall be the responsibility of the Arson Supervisor to thoroughly check the report for completeness.

   a. It shall further be the duty of the Arson Supervisor to ensure, within reason, that the arresting officer was not arbitrary, capricious, or prejudicial in his decision to arrest, and that the circumstances surrounding the arrest were such that the officer had probable cause to believe that the violator committed the offense charged and that booking was required.

B. **SEARCH OF ARRESTED PERSONS**

1. Officers are authorized to conduct a full search of the person of any individual arrested. Any evidence gained through this procedure may be used as evidence in court.

C. **USE OF HANDCUFFS ON ARRESTED PERSONS**

1. In order to establish a standard procedure regarding use of handcuffs, officers must adhere to the following:
a. Each person who has been physically arrested should be restrained by the use of handcuffs while they are in the custody of the arresting officer until such time as they have been released to the booking officer at the place of incarceration.

1. In those cases where individuals are not handcuffed, officers shall have substantial justification, and such justification shall be fully documented in the case record.

2. The proper method of utilizing handcuffs as a restraining device is to apply the handcuffs behind the back; however the individual officer may decide the potential for violence dictates the use of another form of restraint.

3. When handcuffs are applied to the front, extreme care should be taken to ensure the officer’s safety.

b. Under no circumstances shall a prisoner be handcuffed to a part of a vehicle or to the arresting officer.

c. Particular care is to be taken when searching prisoner(s) to ensure that no weapon or device for unlocking the handcuffs is hidden upon the person.

d. The “double locking device” will be used whenever handcuffing prisoners.

D. TRANSPORT OF ARRESTED PERSONS

1. Due to the primary use of unmarked vehicles with no security devices separating the driver from the prisoner, it is directed that whenever it becomes necessary to transport any subject for booking, a request be made to the local dispatcher or State Police Troop for transport assistance.

2. The arresting officer, who after exhausting all other options determines that they must make transport of a subject for booking, may do so by securing the subject with proper restraints in the front right seat or the rear seat. Vehicle safety restraints (seat and/or lap belts) shall also be used. At least one
additional officer shall accompany the arresting officer when transporting a prisoner in a vehicle not equipped with security devices separating the driver from the prisoner.

3. Officers transporting persons of the opposite sex shall always transmit beginning and ending mileage.

E. DATA CHECK ON ARRESTED PERSONS

1. In order to create a more effective method of reporting to the District Attorney on frequent violators, the following procedures are to be employed in all Regions:

   a. A criminal history check shall be made on all persons arrested for violation of statutes enforced by the Arson Section of the Office of the State Fire Marshal.

      1. Obtain a complete record of arrests/convictions for court.

      2. Determine whether arrested subject is a repeat offender.

2. To prevent unnecessary radio traffic, all computer checks/ criminal history checks on violators should be obtained by telephone whenever possible.
I. POLICY

A. When a physical arrest is made, the officer will incarcerate the violator in the place of confinement which has jurisdiction over the area where the violation occurred.

1. The arrested subject will be booked by the arresting officer and turned over to local authorities.

2. In the event a violator is arrested in a parish other than the parish where the violation occurred, the officer will first book the prisoner in the parish where the arrest was made, after which the transfer of the prisoner to the parish of the offense can be accomplished.

B. Once a physical arrest has been affected, the prisoner will not be released from SFM custody until he has been booked or turned over to local authorities for booking.

C. OSFM officers shall not be involved in the bonding of any arrested person(s).
I. PURPOSE

The requirements for the handling of persons under the age of 18 in a custodial or arrest situation are different from the requirements for handling adults. The purpose of this order is to establish uniform procedures in accordance with existing state law outlining the handling of juveniles or minors.

II. DEFINITIONS

A. A juvenile or child is a person over the age of ten (10) but under the age of seventeen (17).

B. A minor is a person over the age of sixteen (16) but not yet eighteen (18) years of age; that is someone who is seventeen (17) years old.

III. POLICY

A. Enforcement action against juveniles or minors requires the use of discretion tempered by sound judgment. However, once the decision is made to pursue formal charges against a minor or juvenile, the arresting officer may:

1. Charge, then release to a parent or legal guardian.

2. Charge, then release to proper juvenile law enforcement officer for disposition.

3. Charge, then transport to the proper juvenile detention center.

   a. Neither juveniles nor minors will be detained at any adult jail, lock-up, or detention center.

B. Officers choosing to physically arrest a juvenile shall take the same precautions as if dealing with an adult arrestee. This includes both a proper search and the use of handcuffs as prescribed in Procedural Order 405, Physical Arrest of Violators.

C. Officers transporting juveniles shall always transmit beginning and ending mileage.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

SUBJECT: ARSON TIP HOTLINE AND BURN INJURY REPORTING
PROCEDURAL ORDER: 309
CANCEL ORDER DATED: 5/15/00
DATE: 04/15/02

I. ARSON TIP HOTLINE

A. Purpose

The purpose of this order is to establish guidelines concerning the receipt and disposition of information obtained by telephone reporting the incidence of arson or suspected arson.

B. Receipt of Information

1. When a call reporting arson or suspected arson is received during normal business hours, the person receiving the call will complete the Arson Tip Hotline Form, DPSFM 7063. Calls recorded after 4:30 P.M. or before 8:00 A.M. will require that the Arson Tip Hotline Form be completed, as much as practical, from the recorded information.

2. The employee taking such a call will gather as much factual information as possible; such as:
   a. Date, time, and location of fire;
   b. Property owner;
   c. Occupants of the structure, if applicable;
   d. Nature of the fire
   e. Suspect information
   f. Insurance company
   g. Caller’s identity, if possible; however, this is not mandatory.

3. Calltakers are reminded that the importance of gathering facts outweighs the need for identifying the caller.

4. Completed Arson Tip Hotline Forms shall be forwarded to the Arson Chief. An Arson Section file number shall be generated and the case assigned for investigation.

5. Upon receipt of such information, the investigator shall conduct an investigation in accordance with Procedural Order 303, Arson Investigation.
II. BURN INJURY REPORTING

A. Purpose

The purpose of this order is to establish guidelines for gathering information that is to be used to combat arson through the rapid identification and apprehension of suspected arsonists who may suffer burn injuries during the commission of their crimes.

B. Scope

In accordance with state law, the Office of the State Fire Marshal is the central repository for information on burn injuries or wounds when the victim sustains second or third degree burns to five percent or more of the body, any burns to the upper respiratory tract or laryngeal edema, or any case of a burn injury or wound which is likely to result in death.

C. Receipt of Information

1. Information of a burn injury or wound may be received via telephone, mail, or by electronic means. If it is received over the telephone, the Burn Injury Telephone Report will be completed.

2. The person receiving a call during normal business hours should gather as much factual information as possible. This should include:
   a. Time and date received
   b. Name, race, sex, and DOB of victim
   c. Address of the victim
   d. Address where the burn occurred
   e. Time and date of injury
   f. Area, percent, and degree of burns
   g. Apparent cause of burns
   h. Identifying information on reporting facility and person

3. Reports received through the mail will be checked for completeness. The reporting facility may be contacted for more information.
4. Reports shall be forwarded to the Arson Chief. Should the information contained in the Burn Injury Report dictate investigative action(s), an Arson Section file number shall be generated and the case assigned for investigation.

5. Upon receipt of such referral, the investigator shall conduct an investigation in accordance with Procedural Order 303, Arson Investigation.

ISSUED BY:  

STATE FIRE MARSHAL  

APRIL 15, 2002  

DATE
I. PURPOSE

The purpose of this order is to establish control over the types of weapons carried by commissioned, P.O.S.T. Certified State Fire Marshal officers and to enumerate guidelines for the proper use of weapons. Officers of this Department must have successfully passed a qualifying course prior to using any weapon herein authorized.

II. SIDEARMS: REVOLVERS/ PISTOLS

A. Primary Sidearm

1. The primary sidearm shall be either a .357 Magnum revolver or a 9mm Semi-Automatic pistol of a make and model that meets the specifications listed in sections F-1 or F-2 of this order and is tested and approved by the LSP Firearms Section Supervisor. The LSP Firearms Supervisor shall maintain a current list of all approved makes and models and advise field personnel of changes or modifications to the list as necessary. Any rejections of specific makes or models by the LSP Firearms Supervisor must be accompanied by a letter of explanation to the Chief of Staff specifying the reasons for the rejection.

B. Primary Sidearms Required to be Carried

1. All commissioned personnel shall carry their primary sidearm at all times while on duty.

C. Additional (Back-up) Weapons

1. Approved .38 or .357 Magnum revolvers (5 or 6 shot).
2. Approved 9mm double-action pistols
3. Approved .380 pistols

D. Undercover Operations – Policy

1. In cases of undercover work specifically authorized by the Department and where there is a need for greater concealment, it is permissible for officers to utilize calibers .380 and .38 in a make and model herein authorized. During the normal course of investigative duties, plainclothes officers shall carry either .357 or 9mm weapons of a type specifically authorized herein.
E. Off-Duty Officers

1. Off-duty officers may carry any of the above listed weapons

F. Specifications:

1. REVOLVERS:
    Finish: Blue, nickel or stainless steel or approved after market finishes
    Action: Both single and double action capability, the single action pull will be not less than 2.75 pounds, the double action pull will be smooth and not binding.
    Grips: Black or brown in color; material to wood, plastic or rubber; no thumb rest.
    Sights: Fixed or adjustable.
    Barrel: Minimum 2”, maximum 6”.

2. PISTOLS:
    Finish: Blue, nickel, or stainless steel or approved after market finishes.
    Action: Double action capability for first shot.
    Magazine: Factory authorized; no after market products.
    Grips: Factory grips; any after market grips must be approved by the Firearms Section Supervisor.
    Sights: Adjustable or fixed.
    Barrel: Minimum 2”, maximum 6”.
G. Restrictions and Maintenance

1. Officers may carry personally owned handguns of the above listed types. Officers opting to do so must have the handgun inspected by the LSP Headquarters armorer. Once the weapon has been inspected and approved, the officer shall not make or authorize any alterations to the weapon, unless done by the LSP Headquarters armorer, for as long as the weapon is carried in an on duty capacity.

2. All repairs and modifications of state owned weapons, when issued, shall be performed by the LSP Headquarters armorer. Any alteration, addition or polishing of internal parts is prohibited.

3. Trigger shoes are expressly prohibited.

4. Grips may be changed as long as they meet the specifications listed above.

5. Officers shall keep firearms in a clean and serviceable condition, subject to regular inspection.

6. The LSP Headquarters armorer may designate departmental field armorers to perform repairs on weapons with approval of the LSP Firearms Unit Supervisor.

7. The LSP Headquarters armorer must remove the magazine disconnect device from any Smith & Wesson semi-automatic pistol before it may be carried by an officer on duty.

III. AMMUNITION

A. Each officer shall maintain a minimum amount of the following ammunition. Reloaded ammunition is prohibited.

1. Fifty (50) rounds of .357 magnum ammunition, revolver loaded with the same.
   a. Factory ammunition only.
   b. Not less than 125 grain nor more than 158 grain bullet
## POLICY AND PROCEDURE
### OFFICE OF THE STATE FIRE MARSHAL

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2. Fifty rounds of 9mm ammunition and two magazines in addition to the pistol loaded with the same.
   
a. Winchester 147 grain sub-sonic bullet is the approved primary round, and the Federal 147 or 125 grain Hydro-Shock bullet is an approved optional round.
   
b. This is subject to change only by the Firearms Unit Supervisor.

3. .38 and .380 caliber must be factory loaded.

### IV. CARRYING AND STORAGE OF WEAPONS

#### A. Policy – Each officer is responsible for the custody and safekeeping of all firearms assigned to, carried by, or used by him in any manner covered by this order.

1. No officer shall remove or cause to be removed any safety device from an approved firearm.

2. Approved firearms shall be kept clean and in serviceable condition subject to inspection by the Arson Supervisor, Inspection Services personnel and/or officers of the LSP Firearms Unit.

3. Weapons are not to be unholstered except in the line of duty.

4. Weapons shall never be left where they may fall into the hands of unauthorized persons.

5. Weapons in unattended vehicles must be secured in the issued pistol vault.

6. Home Storage
   
   1. The issued pistol vault shall be utilized for home storage of all weapons issued by the Office of the State Fire Marshal.

#### B. Weapons Aboard Commercial Aircraft

1. The carrying of weapon(s) aboard commercial aircraft must be approved by the Fire Marshal and a representative of the airline.
   
a. Refer to security procedures of each particular air carrier.
b. Refer to Regional Civil Aviation Security Service Manager’s procedures of the Federal Aviation Administration.

V. PURCHASE AND APPROVAL OF WEAPONS

A. The department has from time to time entered into agreement with distributors of firearms whereby officers, with the approval of the LSP Chief of Staff, may purchase weapons at a discount.

1. Approval is required to ensure that the spirit of those agreements under which weapons are bought is maintained.

2. Weapons bought through this plan are sold directly to the officer and are subject to special federal restrictions concerning resale.

B. Written permission from the LSP Chief of Staff shall be required before any officer may purchase any firearm through another police agency.

C. All newly acquired weapons require inspection by the LSP Firearms Unit Supervisor or LSP Headquarters armorer prior to being used.

D. Any officer who violates State and/or Federal firearms statutes will be subject to disciplinary action.

VI. QUALIFICATION WITH FIREARMS

A. Qualifying courses and firearms training shall be developed and administered by the State Police Firearms Unit or other P.O.S.T. Certified Training Academy.

B. New officers must complete firearms training and pass P.O.S.T. certified qualifying firearms course(s) prior to the issuance of any weapon by the Office of the State Fire Marshal.

C. Any officer converting from revolver use to semi-automatic use for use on duty must first attend a 3-day transition training course administered by the State Police Firearms Unit. Officers shall qualify with the semi-automatic pistol at the end of the 3-day transitional training course before being allowed to carry it as a primary sidearm.

E. Merely shooting a qualifying score with a firearm does not automatically certify an
E. Minimum qualification with all firearms shall be determined by the State Police Firearms Unit or P.O.S.T Certified Training Academy, dependent upon the course of fire used.

F. Any officer who fails to requalify at the annual in-service retrainer will be subject to immediate remedial training. The Arson Chief will maintain a qualification record of all commissioned enforcement officers, listing all weapons each officer is P.O.S.T certified for, and annual recertification dates for each weapon.

VII. USE OF FIREARMS/OTHER WEAPONS

A. Purpose – The purpose of this order is to establish and enumerate guidelines for the proper use of weapons. The use of force, in general, and the use of deadly force in particular, is a serious act on the part of an officer having potentially far-ranging legal and moral implications. Therefore, it is imperative that adequate training be given and procedures developed so that the officer acts within the boundaries of law and good judgment. The intent of this policy is to establish clear legal and moral guidelines on the use of deadly force with firearms.

B. Policy – Based on the facts known at the time, an officer must meet two criteria before discharging a weapon:

1. The shooting would be legally and morally justified, and
2. Innocent people within range will not be accidentally wounded

C. The policy of the Office of the State Fire Marshal is that firearms will be discharged only as a last resort under the following circumstances:

1. Defense
   a. When the officer has probable cause to believe that it is necessary as a means of self defense from death or serious injury; or
   b. When he/she has probable cause to believe it is necessary to defend the life of another officer; or
c. When the officer has probable cause to believe it is necessary to defend the life of a victim of a crime; or

d. When he/she has probable cause to believe that it is necessary to prevent a crime in which human life is in serious jeopardy as a result of a suspect’s actions; or

e. To apprehend a fleeing felony suspect when the officer has probable cause to believe that the suspect presents an immediate threat of violence, serious injury or death to other persons.

2. Attention or Warning

a. Shots fired into the air or ground are prohibited, except for the purpose of summoning aid when other methods are ineffective and safety is considered.

3. Moving Vehicles

a. Firing at or from a moving vehicle is discouraged.

4. Disposal of animals – The use of firearms to kill an animal that is seriously injured or poses a threat to the safety of humans is approved when no other disposition is practical.

a. Prior to destroying injured animals, the officer should make a reasonable effort to ascertain ownership if the animal is a domestic pet. If destruction of the animal is necessary, the officer shall so advise their Regional Supervisor or the Deputy State Fire Marshal Administrator via radio or telephone of their intentions, clear the area of spectators, then, after using the utmost caution, accomplish the task.

b. The use of deadly force against any animal not resulting in the death or injury to any person shall be fully documented in a memorandum to the DSFM Administrator and a copy forwarded to the Fire Marshal.

5. Surrendering of Weapons

a. An officer should not surrender his firearm to anyone.
6. Removal of Weapon from Holster or Display of Weapons
   a. Officers shall not remove a firearm from the holster or display weapons unless there is sufficient justification.
   b. Actions should be limited to crimes that carry an implication of violence or in which the arrestee may become violent.

7. Use of Other Weapons
   A. Officers shall not use more force in any situation than is reasonably necessary under the circumstances.
      1. The use of police batons, miniature q-batons or flashlights as a weapon is permitted only when the officer has been trained and qualified for such use by the Department of Public Safety.
      2. Use of impact weapons shall be consistent with the Department of Public Safety training
         1. No other weapons will be carried or used by officers.

ISSUED BY:  

STATE FIRE MARSHAL  

APRIL 15, 2002  
DATE
I. PURPOSE

A. The purpose of this order is to establish a uniform policy for the investigation and review of any shooting incident involving personnel of the Office of the State Fire Marshal.

II. REPORTING REQUIREMENTS

A. In the event an officer of the State Fire Marshal discharges a weapon (other than during authorized training) or is the victim or intended victim of a discharge, the officer is required to notify his supervisor immediately. The supervisor will contact the DSFM Administrator and the head of the shooting investigation team. The supervisor will take all necessary and reasonable steps to secure the scene.

B. An investigation is required in instances in which the discharge:

1. is directed at an individual;
2. Causes death or injury to an individual;
3. Is directed at an occupied vehicle;
4. May cause unusual public interest;
5. Is accidental;
6. Causes damage to property

III. SHOOTING INVESTIGATION TEAM

A. The shooting investigation team shall be composed of the supervisor of the LSP Detective Unit, the Director of the Crime Lab and the LSP Firearms Unit supervisor or their designated representatives.

1. Such other members of the Firearms Unit or Crime lab that representatives deem necessary shall also serve on the team.
2. The Detective Supervisor shall serve as chairman of the team and remain in control of the scene as investigator.
3. The investigator shall see that detailed statements are taken from witnesses and that photographs or sketches are made.

B. The shooting investigation team shall conduct an on-the-scene investigation as soon as possible after the incident.

1. The investigation shall be conducted as comprehensively as possible.

2. If the investigator, in conjunction with the DSFM Administrator has reason to believe that the incident is minor in nature, he may elect to conduct the investigation without the assistance of any other unit.

2. The LSP Firearms Unit Supervisor shall be notified in every case.

IV. PUBLIC STATEMENTS

A. The DSFM Administrator or the Special Projects Officer (PIO) of the Office of the State Fire Marshal may issue a statement through the LSP Public Affairs Unit to the media concerning the basic facts of the incident, but no statement as to the guilt of individuals involved shall be given.

B. When an officer’s use of firearms results in the death of an individual, no release may be made without first consulting the Public Affairs Unit of State Police, which will oversee the management of information.

V. SHOOTING REVIEW BOARD

A. The shooting investigation team will submit a written report of the investigation to the Deputy Secretary as soon as possible.

1. If the Deputy Secretary decides to convene a shooting review board, the board shall be composed of the following:

   a. Deputy Superintendent, Office of State Police;

   b. Fire Marshal or his designee;

   c. DSFM Administrator;

   d. Commander of the LSP Internal Affairs Section;
e. Commander of Operational Development  
f. Department General Counsel; and  
g. LSP Firearms Unit Supervisor  

2. The proceedings of the shooting review board are confidential and shall not be discussed outside of a proper and authorized forum.

B. A letter containing the decision of the board will be sent to the concerned officer or officers by the General Counsel.  
   1. Copies of said letter shall be sent to the Fire Marshal.  
   2. A copy shall be placed in the investigative file.  
   3. Upon conclusion of the proceedings the Internal Affairs Section shall be the custodian of the shooting review board records.  

VI. COUNSELING  

A. The Fire Marshal shall order that an officer involved in a shooting incident resulting in death or injury obtain counseling from the professional designated by the Deputy Secretary.  
   1. The Fire Marshal may require any other officer involved in a weapons discharge incident to be attended by the designated professional.  
   2. An officer may request counseling following his involvement in a shooting incident. Such requests are made directly to the Fire Marshal.  
   3. In the event that the primary sidearm of the involved officer has to be seized for analysis or evidence, a replacement shall be obtained.  

ISSUED BY:  

STATE FIRE MARSHAL  

APRIL 15, 2002  
DATE
I. PURPOSE AND SCOPE

A. The purpose of this order is to provide direction by establishing guidelines for those Inspectors performing Fire and Safety inspections to ensure that inspections will be conducted in a consistent and thorough manner.

B. Scope -- The diverse and technical nature of inspection work prohibits the establishment of specific steps that must always be followed during each inspection. Rather, this order seeks to establish broad guidelines that direct the Inspector, in conjunction with training, experience, and sound judgement, to perform consistent and thorough inspections accompanied by sufficient written documentation. Such inspections shall be conducted in accordance with applicable laws, rules, regulations, Codes and established operational procedures of the OSFM Inspections Section.

II. REQUEST FOR INSPECTION

A. Inspectors will receive requests for inspections from many different sources. These include, but are not limited to:

1. General public;
   a. Owners
   b. Architects or contractors
   c. Citizen complaints

4. Public agencies;
   a. Fire departments
   b. Police departments
   c. Other governmental units
      1. Permit office
      2. Licensing agency(s)

3. Internal sources;
   a. Supervisor
   b. Computer generated annual inspections
   c. Personal observation
D. All requests shall be handled promptly and professionally regardless of the source.

1. Those requests originating within an established Certified Fire Prevention Bureau will be directed to that Bureau for disposition where appropriate.

B. In order to better serve the public and to reduce time-consuming travel, the Inspector shall establish a systematic schedule for performing inspections. The primary considerations when scheduling an inspection are:

1. The priority of the inspection requested (i.e., final construction typically has priority over a complaint, which usually has priority over an annual inspection of licensed facilities, which generally has priority over an annual inspection of other buildings);

2. The urgency of the request;

3. The geographic location of the inspection site within the Inspector's assigned area of responsibility.

III. CONDUCTING THE INSPECTIONS

A. After arriving at the inspection site, the Inspector should locate a person of responsibility or authority (i.e., owner, manager, contractor, architect, etc.) in order to explain the purpose of the visit and to facilitate the inspection process.

1. Often it will be helpful to have this responsible party accompany the Inspector on the actual inspection. This will allow the Inspector to easily gain access to all necessary inspection areas as well as allow the Inspector to make this party immediately aware of deficiencies or potential deficiencies so that compliance issues are fully understood.

B. An important factor to be considered by the Inspector prior to beginning the inspection is the occupancy class of the structure to be inspected. This will determine how in-depth the inspection must be while giving due consideration to the applicable code requirements.

C. The Inspector is required to conduct a thorough inspection of each structure to ensure compliance with applicable laws, safety codes, and other regulations.
1. Each inspection shall be conducted in accordance with the provisions of the edition of the Life Safety Code in effect at the time of construction of the structure being inspected. If the edition of the Life Safety Code is not known, the Existing chapter of the current Life Safety Code shall be used to conduct the inspection.
   

2. Notation shall also be made of additional codes that may be applicable, to include American National Standards Institute (ANSI), Americans with Disabilities Act Accessibility Guidelines (ADAAG), referenced National Fire Protection Association (NFPA) codes, Louisiana Administrative Code, and the Louisiana Criminal Code.

C. A systematic, methodical approach to the inspection is recommended so that potential deficiencies are not overlooked.

1. For example, start on the top floor of a multi-story building and work down in order to avoid missing any area of the building.

B. The Inspector shall take detailed notes during the course of the inspection, noting code deficiencies, potential hazards or other deficiencies in order to complete the report at the conclusion of the inspection.

1. The specific location of deficiencies shall be noted for reference by the building owner/manager, etc. and to facilitate reinspection activities.

2. Photographs of deficiencies may be taken for inclusion with the report.

IV. COMPLETING THE INSPECTION REPORT

A. Upon completion of the inspection, the Inspector will complete an Inspection Report. The report shall:

1. Be legible, when handwritten. Handwritten reports shall be completed in black ink only;

2. Have all applicable blocks filled in with appropriate codes, abbreviations, verbiage, etc.;
### POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

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**a.** Particular attention shall be paid to ensure that the “**Begin Time**” and “**Time Out**” blocks/fields are completed with the correct times.

**3.** Include the applicable Code edition under which the inspection was conducted;

**4.** Include correct names, addresses, and other identifying information.

**B.** The “**Code Section**” (deficiencies) portion of the Inspection Report shall include the numerical code number for each section of each applicable code violated.

**C.** A narrative description of the code deficiency will follow in the "**Requirements**" block. This description should sufficiently explain the deficiency so that anyone reading the report will be able to understand the nature of the deficiency.

1. When no deficiencies have been detected, the words “**No apparent deficiencies at time of inspection**” will be noted in the body of the report. This will be followed with either the words "**Acceptable for occupancy, use, licensing, or certification**", as appropriate.

2. If, prior to or during the course of an inspection of a structure under construction or renovation, the responsible party is unable to produce a set of Fire Marshal stamped/reviewed plans, the Inspector shall properly cite this deficiency, confer with his/hers supervisor in reference to issuing a Cease and Desist construction order, then provide a Plan Review application to the responsible party.

   **a.** The Inspector shall note on the Inspection Report "**Occupancy not permitted until satisfactory plan review and inspection are completed**".

**D.** The "**Correction Date**" field will be completed with the date by which the deficiency(s) are to be corrected. Typically, this is forty-five (45) days from the date of inspection, however the date range may be increased or decreased at the discretion of the District Supervisor/ DSFM Manager depending upon the number and seriousness of deficiency(s) found.

1. Life threatening deficiencies that are detected may require immediate action.
with the issuance of a Cease and Desist Order. In such cases, no future correction date shall be given. **The inspector shall confer with the DSFM Administrator, Manager, or Supervisor** concerning the date and time that the Cease and Desist order will take effect.

E. An exit interview, explaining any deficiencies found during the inspection, will be conducted with a responsible party associated with the structure. This person will then sign the Inspection Report.

1. "**Responsible party**" is defined as the owner/manager/principal/architect /engineer/person responsible for the building

F. The Inspector shall complete the report, filling out the "**Time Out**" fields with the correct time. Copies will then be distributed to the responsible party.

1. In those instances in which further research or investigation is necessary, or circumstances prevent the responsible party from receiving a copy of the Inspection Report on the day of the inspection (i.e., closing hour arrives or a complex structure is being inspected), it is incumbent upon the Inspector to deliver a copy of the report to the responsible party upon completion of the report.

G. The completed report, along with any necessary attachments (i.e., certificate of gas or electrical inspection, Certificate of Completion, etc.) will be submitted to the Inspector's supervisor in a timely manner, as determined by that Supervisor.

1. Depending upon the Inspector's assignment, reports may be submitted on a daily or weekly basis.

   a. Regardless of which method used, reports shall be submitted no later than the end of the work-week.

H. Upon returning to a site for reinspection, the Inspector shall proceed as outlined above, primarily to determine whether previously cited deficiencies have been corrected.

1. For deficiencies that have been corrected, re-cite the deficiencies followed with the word "**Complied**" in the "**Correction Date**" column.

2. For deficiencies where no correction has been attempted, cite as in the initial Inspection Report in the "**Code Section**" (deficiency) field of the report, and enter "**Failed to Comply**" in the "**Correction Date**" field.
a. Submit "Failure to Comply" reports to the District office as soon as possible so that a Failure to Comply Letter may be sent to the owner of the facility inspected.

b. Follow established "Fail to Comply" procedures

3. In those instances where obvious attempts have been made to correct any or all deficiencies between the time of the initial inspection and the reinspection, the Inspector may allow additional time for correction.

I. When it becomes necessary to close a building as the result of an inspection, the Inspector shall immediately contact his District Supervisor and relay all pertinent details of the inspection prior to taking any further action.

1. The District Supervisor shall relay the details of the inspection to the DSFM Manager or Administrator for referral to the Fire Marshal.

2. Upon receiving supervisory authorization, the Inspector shall document all pertinent details in his report, to include person or persons granting supervisory authorization. The report shall further reflect the denial of occupancy of the facility as in C.2. above.

3. The Inspector shall notify any concerned public agency or party of such action.

V. FAMILY DAY CARE INSPECTIONS

A. Family Day Care inspections are performed at those private residences that provide care for up to six children or adults as part of programs administered by the Department of Education (F.C.D.C.H.) and the Department of Social Services (C.C.A.P.). Family Day Care inspections shall be conducted in accordance with the applicable provisions of this order, particularly III and IV above, as well as the special provisions listed herein.

B. An agency requesting an inspection must first submit a completed application and request for inspection to the Inspection Division, Baton Rouge Headquarters. Payment for the inspection shall be submitted in the form of a check or money order made payable to the Office of the State Fire Marshal.

1. Employees shall not accept cash for this payment.
B. The completed application will be processed then forwarded to the appropriate Inspector, or in some cases to the District Supervisor for assignment.

C. In the case of F.C.D.C.H. inspections, the inspector shall attempt to coordinate the date and time of the inspection with a responsible party from the sponsoring agency, preferably the agency monitor or head. When practical, inspections will be conducted with this party.

1. When there is no sponsoring agency, as in C.C.A.P inspections, or when scheduling conflicts prevent the F.C.D.C.H. sponsor from accompanying the Inspector, it is permissible to perform such inspections unaccompanied.

E. The Inspector shall perform the inspection at the facility applying for certification according to the requirements listed on the Preapproval form.

1. An Inspection Report shall be completed according to III and IV above for each inspection performed.

2. The report shall reflect all pertinent information, to include the number of children at the facility at the time of inspection and the refrigeration temperature. The agency name, if applicable, shall be listed in the designated field of the report form.

3. The report shall reflect whether the facility is new to the program or a recertification.

4. If a reinspection is necessary, it need not be performed until the date for correction of deficiencies has passed. However, if circumstances dictate, it is permissible to conduct a reinspection prior to the listed date of correction.

5. The Inspector shall leave a copy of the inspection report and receipt at the facility.

F. Completed reports with appropriate documentation shall be submitted to the District Supervisor in a timely manner.
I. PURPOSE AND SCOPE

A. The purpose of this order is to establish guidelines consistent with applicable rules, regulations and laws in order to enable OSFM Health Care Inspectors to perform complete and thorough health care certification inspections.

B. Scope - All health care certification inspections shall be conducted in accordance with the applicable provisions of the National Fire Protection Association (NFPA) Life Safety Code, Title 42 of the U. S. Code of Federal Regulations (CFR), ANSI/ADAG standards, State laws and administrative rules, and established operational procedures and policies of the OSFM Health Care Section.

C. Health care certification inspections shall be performed as directed by Department of Health and Hospital, Health Standards Section, at hospitals, nursing homes, ambulatory surgical centers, residential board and care/intermediate care facilities for the mentally retarded (ICF/MR), in-patient hospices and skilled nursing facilities.

II. INSPECTION ASSIGNMENTS

A. Specially trained and certified Inspectors will be assigned to conduct health care certification surveys by the Supervisor of the Health Care Section after advance notice is received from the Department of Health and Hospital, Health Standards Section regional offices on a monthly basis.

B. The Supervisor of the Health Care Section will provide the Inspector assigned to perform a certification survey/inspection with identifying information about the facility, the date range within which the survey must be performed, and information indicating the type of inspection (survey, annual, and/or re-inspection) scheduled.

C. The Inspector shall be responsible for coordinating his inspection with the DHH survey team for survey inspections. The Inspector should schedule those assigned annual inspections for licensure around the survey inspections. Follow-up and/or final inspections shall be scheduled as time permits.

III. CONDUCTING THE SURVEY/INSPECTION

A. Survey inspections generally require the OSFM Inspector to coordinate his inspection with the other members of the DHH survey team to ensure all members of the team complete their respective specialties of the survey within the scheduled date ranges.
B. The OSFM Inspector should make all efforts to meet with the facility administrator at the same time as the DHH survey members in order to gather the preliminary documentation necessary for the inspection.

1. During the preliminary entrance conference, the Inspector shall present the survey documentation checklist to the administrator, schedule a convenient time to test emergency power and conduct a fire drill. Waiver documents should be prepared by the administrator, if necessary, to be submitted with the survey packet.

C. The Inspector should verify the accuracy of all pre-printed information given to him. Changes or additions should be noted where appropriate to be corrected.

D. The Inspector should conduct his inspection accompanied by a representative of the facility in order to expedite the inspection.

E. The Inspector shall perform a thorough inspection of each structure, addition or renovation in accordance with all applicable codes in effect at the time of construction of that structure, addition or renovation.

1. Each building or wing must be so identified on each annual inspection report, survey inspection report, Statement of Deficiency (HCFA 2567), or Post-Certification Revisit reports (HCFA 2567-B).

F. The Inspector shall complete the appropriate Fire Safety Survey Report (HCFA 2786) as determined by the class of facility and the applicable Life Safety Code for each survey/inspection.

1. All handwritten reports shall be legibly written in black ink.

2. All reports shall be completed and submitted weekly.

3. Required documentation shall be submitted with survey and inspection reports.

a. The Inspector shall complete a Crucial Data Extract form (HCFA 2786-E) for each survey conducted

b. The Inspector shall complete a Worksheet For Rating Residents (F-1, HCFA 2786M) for each resident of an ICF/MR survey.
G. For surveyed facilities, the Inspector shall properly cite each deficiency found during the inspection on the Statement of Deficiency (HCFA 2567), and document the scope and severity of every deficiency.

1. If the facility has repeat deficiencies or the scope and severity level will be a “D or above”, the Inspector shall call the Health Care Section Supervisor to discuss actions to be taken.

   a. If immediate jeopardy exists, as defined by HCFA regulations, the Inspector shall call the Health Care Section Supervisor immediately to discuss appropriate actions to be taken.

H. After the survey inspection is completed, the Inspector shall conduct an exit interview with the facility administrator or other person of authority associated with the facility.

1. The Inspector shall provide the Statement of Deficiencies to the facility administrator with a full explanation of the scope and severity of the deficiencies cited.

2. The Inspector shall request the administrator complete the plan of correction on the HCFA 2567, utilizing the four components required by HCFA, prior to the inspector leaving the facility.

   a. If the administrator is unable to complete and return the plan of correction before the Inspector departs, the Inspector shall gain permission from his Supervisor to issue a Ten-Day Letter (DSFM 7000). This Ten-Day Letter verifies delivery of the statement of deficiencies and directs the administrator to submit a completed plan of correction within ten days to the Office of State Fire Marshal, Health Care Section. The Inspector shall provide the administrator with the appropriate documentation relative to answering the plan of correction using the four required HCFA documentation components.

   b. The Inspector shall retain a duplicate copy of any original form left with the administrator for submission in his survey packet. The original Ten-Day Letter shall be submitted in the survey packet.

I. The Inspector shall obtain all waiver documentation for submittal with his survey. This includes the Waiver Request form, properly signed and dated by the administrator or person of authority with the actual date of the survey, a Waiver Documentation form, and the Waiver Recommendation form. 313-3
J. The Inspector shall leave a copy of his completed statement of deficiency and plan of correction with the DHH survey team prior to leaving the facility.

K. The Inspector shall complete an OSFM worksheet, a Survey Team Composition Workload Report (HCFA 670) and Crucial Data extract form for all surveys conducted.

L. The Inspector shall compile and submit all documentation of their survey inspection to the Supervisor of the Health Care Section on a weekly basis.

1. All forms and documents shall be legible and complete prior to being submitted for approval by the Supervisor of the Health Care Section.

IV. RE-INSPECTION PROCEDURES

A. The Supervisor of the Health Care Section shall provide the Inspector with a Health Care Follow-up Information Worksheet and a copy of the statement of deficiencies, including the plan of correction with dates of completion.

B. The Inspector should revisit the facility within two weeks after the latest completion date provided on the plan of correction. The Inspector shall not conduct his re-inspection prior to the latest completion date unless requested to do so by the facility administrator and approved by the Supervisor of the Health Care Section.

C. Upon re-inspection of the facility, the Inspector shall examine each previously cited deficiency, listing those that have been completely corrected on the Post-Certification Revisit form (HCFA 2567-B) for ICF/MR, HC surveys and/or any survey which was cited with a scope and severity D or above. The Inspector shall re-cite the facility for each deficiency that has not been completely corrected by the time of re-inspection.

1. When deficiencies are re-cited on HCFA 2567, the Inspector shall note whether “substantial progress” or “no progress” had been made in the correction of the re-cited violations.

D. The Inspector shall continue to revisit the facility as long as substantial progress toward correction of the deficiency(s) is being made.

1. If progress toward correction of the deficiency(s) has ceased or no progress has been made at the time of the first follow-up inspection, the Inspector shall notify the Supervisor of the Health Care Section immediately.
E. Any nursing home survey having a scope and severity level of C or below shall be re-inspected using an OSFM Order of Correction.

F. All handwritten reports shall be legibly written in black ink.

G. All reports shall be completed and submitted weekly. Necessary documentation shall be submitted with re-inspection reports.

V. ADDITIONAL DUTIES

OSFM Inspectors assigned to the Health Care Section are also responsible for conducting annual inspections or re-inspections for licensure at established health care facilities, inspections of newly constructed or renovated health care facilities, and investigation of Life Safety Code complaints against health care facilities.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002
DATE
I. PURPOSE

A. The purpose of this order is to provide guidelines for the inspection and/or investigation of those industries regulated by the OSFM Licensing Section.

II. SCOPE

A. Inspectors assigned to the Licensing Section will be required to perform inspections and/or investigations of systems, equipment, companies and personnel regulated by the Licensing Section, to include consumer complaint investigations and firm inspections as described herein. Such inspections and investigations shall be conducted in accordance with applicable laws, rules, regulations, and established operational procedures of the OSFM Licensing Section.

III. INSPECTIONS AND INVESTIGATIONS - GENERAL

A. Inspections and/or investigations will be performed at the direction of the Licensing Section Manager/Supervisor. Any documentation of contractor violation(s) of law or rule shall be submitted to the Licensing Section of the OSFM in Baton Rouge for adjudication.

B. Unless otherwise directed by the Licensing Section Manager/Supervisor, consumer complaints and investigations shall have priority over firm inspections, which usually may be scheduled throughout the course of the work year.

C. A Fire and Safety Inspection Report (DPSFM 7055) shall be completed and submitted for each inspection performed.

III. INSPECTIONS AND INVESTIGATIONS – TYPES

A. Consumer Complaint Inspections/Investigations

1. A consumer complaint shall be assigned to the inspector based upon the district where the violation is alleged to have occurred.

   a. The Inspector shall open an investigation within thirty (30) days after receiving the complaint in order to obtain as much relevant, detailed information and documentation as possible.
1. An Investigative Update form shall be forwarded to the Licensing Section Manager/Supervisor for inclusion into the OSFM database.

b. Investigations shall be completed within sixty (60) days of receipt.

c. Written justification and supervisory approval shall be required for all investigations that either cannot be opened within thirty (30) days or closed within sixty (60) days.

2. The Inspector shall promptly visit the site of the alleged violation in order to examine the person(s), firm(s), equipment and/or system(s) involved in the complaint.

   a. The Inspector shall:
      
      1. Thoroughly inspect the equipment and/or system(s), noting any deficiencies or violations;
      
      2. Thoroughly verify required OSFM license(s) of any and all firms and personnel involved in the complaint;
      
      3. Gather appropriate evidence, to include photographs and statements when feasible.
      
      4. Cite all violations on the appropriate Inspection Report or investigative report form.
      
      5. Forward investigative/inspection report(s) to the Manager/Supervisor of the Licensing Section in a timely manner for disposition.

B. Firm Inspections

1. Industries regulated by the OSFM Licensing Section shall be inspected periodically by Inspectors assigned to the Licensing Section.

   a. Inspectors shall perform firm inspections as part of their regular work schedule, as time permits.
2. Upon arrival at the firm’s place of business, the Inspector shall:

   a. Verify that the firm is properly certified to perform the type of work that it is performing, and that such certification is conspicuously posted;

   b. Ensure that any branch or satellite office(s) are properly registered and subsequently inspected;

   c. Check the following items:

      1. Firm and employee licenses;
      2. Insurance documentation;
      3. Tags;
      4. Equipment;
      5. Codes and manuals;
      6. Employee payroll records;

   d. Visually check all employee licenses to ensure that they are valid for the type of work being performed.

      1. Those licensees not present or who are otherwise unable to produce a valid license may be ordered to produce the license at a later date.

      2. Those unable to produce a license because they are unlicensed or who are no longer employed at the affected firm will be cited accordingly.

   e. Randomly sample up to five (5) customer invoices from the firm’s records. In the case of fire protection and/or sprinkler, the Inspector shall then perform an inspection of those sites to ensure contractor...
competence and proficiency, to verify that the work was performed in accordance to the charges listed on the customer invoice, and to ensure that the firm personnel are properly licensed through the OSFM. Inspections shall require that the Inspector verify employee licensure.

1. The Inspector shall cite the appropriate responsible party, either the contractor, the customer, or both, for any violations discovered during the inspection(s).

   a. Separate inspection reports shall be used for each inspection. Such reports shall be completed in accordance with this order.

2. The Inspector shall submit a copy of the completed inspection report(s) to the Manager/Supervisor of the Licensing Section in a timely manner.

3. Violations cited on the inspection report(s) shall be handled through established administrative process, and coordinated through the office of the Manager/Supervisor of the licensing Section.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. PURPOSE

The purpose of this order is to outline the procedures to be followed by those employees assigned to inspect fireworks sales outlets.

II. SCOPE

In accordance with state law, it is the duty of the Office of the State Fire Marshal to conduct seasonal inspections of fireworks stands to ensure compliance with existing state law(s).

III. INSPECTION PROCEDURE

A. Assignment of Inspectors

1. Prior to the seasonal operation of fireworks stands, each Mechanical Safety Inspector will receive a list of those fireworks stands that are properly permitted. This list will include identifying information that will enable the inspecting Investigator to locate those businesses in their assigned area.

2. Each Mechanical Safety Inspector will be responsible for inspecting every fireworks stand within their assigned area during open season.

B. Completion of the Inspection Report

1. Each Mechanical Safety Inspector will complete an Inspection Report Form, DPSFM 7055, for each business inspected.

   a. The preprinted inspection report with invoice, found at most stands, should be used. If the preprinted inspection report is unavailable, a blank form shall be completed.

   b. The license (permit) number and structure identification number must be included when completing the blank inspection report.

2. All applicable blocks of the inspection report must be completed. Particular attention should be given to ensure that the following items are completed:

   a. Beginning and ending times.
   b. Signature of the Inspector.
   c. Signature and numerical identifiers of the operator of the stand.
d. The correct section citation for any violation listed under “Code Section”

e. The correct terminology describing any violation, along with an order of correction listed under “Requirements”.

f. When no violations are found during an inspection, “No Apparent Violations Noted At Time Of Inspection” shall be noted in the “Requirements” section.

3. Operators will be given one day to correct minor violations prior to reinspection; in those instances where immediate corrective action is taken by the operator or owner in the presence of the inspector, appropriate comments reflecting the actions taken shall be included in the inspection report.

a. Reinspection for the correction of minor violations will generally be conducted the following working day.

4. If a violation is a “clear and imminent danger”, the inspecting officer shall forthwith contact the DSFM Mechanical Safety Manager and relay the pertinent details of the violation. At the direction of the DSFM Mechanical Safety Manager, an order to “Cease and Desist” may be issued, in conjunction with an order of correction.

a. Reinspection for violations posing a clear and imminent danger that have resulted in an order to “Cease and Desist” shall be conducted later in the same day of the initial inspection, allowing a reasonable time for compliance. Results of the reinspection shall forthwith be forwarded to the DSFM Mechanical Safety Manager.

5. A “Cease and Desist” order may be issued to the owner, if present, or operator of a stand previously cited for a minor violation who has failed to correct such violation by the time of reinspection. In such cases the issuance of the “Cease and Desist” order shall be at the direction of the DSFM Mechanical Safety Manager.

6. The owner, if present, or operator of a stand failing to immediately obey any order to “Cease and Desist” is subject to arrest and forfeiture of the contents of the stand. Such action shall be at the direction of the DSFM Mechanical Safety Manager.

a. It is preferable to allow the owner/operator to secure the stand or arrange to have it secured rather than seize the contents.

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b. If a seizure is necessary, investigator(s) shall complete SFM Form DPSFM 9125, Property Receipt, to serve both as receipt and as documentation of all items seized.

c. The facts surrounding such arrest and seizure shall be completely reported, and shall include all supporting arrest documentation.

7. The annual licensing fee, as set by state law, shall be paid to the Office of the State Fire Marshal.

8. Copies of the Inspection Report shall be distributed as indicated on each copy, with one for the owner, one for the State Fire Marshal’s Office, and one for the Inspector.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002
DATE
I. PURPOSE, SCOPE, AND OBJECTIVES

A. Purpose

1. The purpose of this order is to establish guidelines that enable Boiler Inspectors to safely perform thorough and complete inspections of boilers and pressure vessels.

B. Scope

1. All boiler and pressure vessel inspections shall be conducted in accordance with the Louisiana Boiler Inspection Law, the Louisiana Administrative Rules and Regulations, the National Board Inspection Code, the ASME Boiler and Pressure Vessel Code, and established operational procedures and policies of the OSFM Mechanical Section.

C. Objective

1. The primary objective of the Mechanical Safety Section in respect to the inspection of boilers and pressure vessels is the performance of complete, thorough and safe inspections. Boiler Inspectors should be well informed on the causes of accidents, defects, and deterioration of boilers and pressure vessels. Inspectors should further be conscientious and use extreme care in all observations, taking sufficient time to conduct a thorough inspection while remaining cognizant of all safety rules. In addition to the procedures outlined in this order, the Inspector should rely on their training, experience and judgment to achieve the above objective.

II. REQUESTS FOR INSPECTION

A. Requests for inspections are generated from many sources:

1. General public, to include owners/users and citizen complaints;

2. Public agencies

3. Internal sources, to include Supervisor(s), computer-generated annual inspections, and personal observation.

B. All requests for inspection shall be handled professionally and as promptly as practical.
C. The Inspector shall establish a systematic schedule for performing inspections. As requests or monthly reinspection assignments are received, the Inspector shall establish a weekly itinerary. Considerations for scheduling inspections include the urgency to complete the inspection before the annual expiration date, the number of inspections pending, and the location of the inspection site within the inspector’s assigned area. These considerations should aid the Inspector in better serving the public while also reducing inefficient travel and work practices.

D. The Inspector is responsible for all boiler inspections within his assigned area except those performed by commissioned insurance inspectors. However, the Inspector may spot-check those usually performed by commissioned insurance inspectors if the OSFM Boiler Inspector becomes aware that the date for the annual reinspection has passed and an inspection has not been performed.

III. CONDUCTING THE INSPECTION

A. The Inspector shall establish a schedule of inspections to be performed each day. Random spot-checks of new boiler installations or existing installations that have not been inspected are recommended during the course of the Inspector’s daily travel, as prior notice of the intent to inspect is required only when conducting annual internal inspections.

1. Notice to owners or users of an annual internal inspection shall be made sufficiently in advance to allow for adequate preparation of the boiler or vessel to be inspected.

2. Such notice may be done in person, by telephone, or in writing.

B. Upon arrival at the inspection site, the Inspector shall locate a person of authority associated with the establishment, identify himself as an OSFM Boiler Inspector, and explain the purpose of the visit. The person of authority may be the owner, the user, or the manager, or in the case of larger plants, the maintenance supervisor or the project engineer. This person may accompany the Inspector in order to facilitate the inspection.

C. Upon reaching the boiler area, the Inspector shall locate and review the Certificate of Inspection to determine the following:

1. The Certificate is posted in accordance with applicable laws, rules, or codes;
2. The data on the Certificate corresponds with that on the boiler;

3. The Certificate is current;

4. The name of the authorized inspection agency.

D. The Inspector shall proceed to inspect each type of boiler in accordance with the Louisiana Boiler Inspection Law, Administrative Rules and Regulations, the National Board Inspection Code, and the ASME Boiler and Pressure Vessel Code.

1. Prior to an internal inspection, the owner or user shall determine that the boiler or pressure vessel may be safely entered, that there is adequate ventilation inside the object, and that it is free of harmful vapors.

2. The Inspector shall discuss proper safety precautions with the owner or user prior to entry into the vessel.

3. The Inspector shall follow applicable safety rules.

4. A responsible person shall stand by the boiler or pressure vessel at all times while the Inspector is inside.

IV. COMPLETING THE INSPECTION REPORT

A. An OSFM Boiler Inspection Report shall be completed for each inspection performed.

1. Reports that must be handwritten shall be legibly written in black ink.

2. All blocks shall be completed at the time of inspection with the applicable codes, abbreviations, verbiage, etc.

   a. N/A (not applicable) or UNK (unknown) shall be used where appropriate.

3. Information on pre-printed and/or electronically generated forms shall be verified for correctness. The Inspector shall make corrections to those fields that are no longer accurate.

   a. In the case of pre-printed forms, a line shall be struck through any information that is no longer accurate and the correct information added above that which was struck through.
4. Special attention shall be given to the following fields of the Inspection report:
   a. Date of inspection;
   b. Certificate expiration date;
   c. Jurisdiction number;
   d. Owner’s complete name and address;
   e. User’s complete name and address if different than the owner;
   f. Specific location of the boiler in the establishment;
   g. Type of inspection and type of boiler;
   h. Pressure allowed;
   i. Total heating surface;
   j. Input – BTU/hr.;
   k. Input – Kilowatts (electric);
   l. Relative capacity required;
   m. Capacity provided

B. Violations

1. Non-code violations shall be listed in the “Requirements” block.
   a. If none are found, this shall also be reflected in the “Requirements” block with the comment “No Apparent Violations” or similar statement as delineated by the Mechanical Safety Manager and/or Boiler Supervisor.
   b. If requested, the owner/user may be given a completed copy of the report.
c. The owner/user shall be instructed to return the “Invoice” with the designated inspection fee to the Mechanical Safety Section of the Office of the State Fire Marshal.

d. The Inspector shall submit the completed Inspection Report in a timely manner as directed by the Mechanical Safety Manager and/or Boiler Supervisor.

2. Code violations

a. If code violations are found, the inspector shall not complete the OSFM Boiler Inspection Report.

1. The Inspector shall complete the OSFM Mechanical Safety Cessation Order for unsafe conditions, listing the violation(s), corresponding corrective action(s) required, and correction date.

   a. The Inspector shall include the owner/user’s full name and address on the Order.

   b. The Inspector shall date and sign the Order, and shall include his/her National Board Commission number and State Commission number.

   c. The Inspector shall fully explain to the owner/user the measures to be taken to correct the violation(s).

   d. The Inspector shall have the owner/user sign the Order, indicating understanding of the requirements stated therein.

   e. The owner/user shall be provided a copy of the dated and signed Order.

1. It is advisable to have the Order dated and signed by all appropriate parties prior to the copy being given to the owner/user.

f. The Inspector shall submit the completed Order in a timely manner as directed by the Mechanical Safety Manager and/or Boiler Supervisor.
V. AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) AND NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS (NBBI) SHOP REVIEWS

A. ASME and NBBI shop reviews are conducted for the purpose of insuring that proper procedures are in place to assure compliance with the ASME and NBBI guidelines for construction and/or repair to boilers and pressure vessels.

1. ASME and NBBI shop reviews will be conducted in accordance with the guidelines of the ASME and the NBBI.

2. The results of the shop review will be recorded on the form supplied by the applicable organization.

B. The reviews will be conducted only by those person(s) designated by the Manager of the Mechanical Safety Section.

1. All those designated shall hold a valid and current National Board Commission, and be designated “Team Leader”.

C. The request to conduct the shop review is generated by ASME, NBBI, or both, and is transmitted to the Mechanical Safety Section.

1. Upon receipt of the request to conduct a shop review, the Mechanical Safety Manager or the Boiler Supervisor shall contact the affected shop to schedule the date for the review and arrange for the fee.

D. Upon completion of the review, the results shall be sent to ASME or NBBI headquarters, as appropriate, by the Mechanical Safety Manager or his designee.

1. Further processing of the respective “Certificate(s) of Authorization” to construct or repair boilers/pressure vessels shall be the responsibility of ASME and/or NBBI.
I. PURPOSE, SCOPE, AND OBJECTIVES

A. Purpose

1. The purpose of this order is to establish guidelines that enable Amusement Ride and Attraction Inspectors to safely perform thorough and complete inspections.

B. Scope

1. All Amusement Ride and Attraction inspections shall be conducted in accordance with the Louisiana Amusement Ride Safety Law, ASTM Standards on Amusement Rides and Devices, Louisiana Administrative Rules and Regulations, NEC 525, NFPA Life Safety Code 101, manufacturer’s technical manuals and bulletins, and established operational procedures and policies of the OSFM Mechanical Section.

C. Objective

1. The primary objective of the Mechanical Safety Section in respect to the inspection of Amusement Rides and Attractions is the performance of complete, thorough and safe inspections. The Inspector should be well informed on the causes of accidents and defects of amusement rides and attractions. Further, the Inspector should be conscientious and use extreme care in all observations, taking sufficient time to conduct a thorough inspection while remaining cognizant of all safety rules. In addition to the procedures outlined in this order, the inspector should rely on his/her training, experience and judgment to achieve the above objective.

II. REQUESTS FOR INSPECTION

A. Requests for inspections are generated from many sources:

1. General public, to include owners/users and citizen complaints;

2. Public agencies;

3. Internal sources, to include Supervisor(s) and personal observation.

B. All requests for inspection shall be handled professionally and as promptly as practical.
C. The Inspector shall establish a systematic schedule for performing inspections. As requests or assignments are received, the Inspector shall establish a weekly itinerary. Considerations for scheduling inspections include the urgency to complete the inspection before the event’s opening date or the expiration of Certificate of Operation, the number of inspections pending, and the location of the inspection site within the inspector’s assigned area. These considerations should aid the Inspector in better serving the public while also reducing inefficient travel and work practices.

D. The Inspector is responsible for all amusement ride and attraction inspections assigned to him. However, the Inspector may spot-check those rides or attractions discovered by visual, anonymous notification or other means.

III. CONDUCTING THE INSPECTION

A. The Inspector shall establish a schedule of inspections to be performed each day. Random spot-checks of unreported shows, rides and attractions are recommended during the course of the Inspector’s daily travel.

1. Notice to owners or users of an inspection shall be made sufficiently in advance to allow for adequate preparation of the amusement ride or attraction to be inspected.

2. Such notice may be done in person, by telephone, or in writing.

B. Upon arrival at the inspection site, the Inspector shall locate a person of authority associated with the establishment, identify himself as an OSFM Mechanical Inspector, and explain the purpose of the visit. The person of authority may be either the owner or manager. This person may accompany the Inspector in order to facilitate the inspection.

C. Upon reaching the inspection site, the Inspector shall verify required insurance, and shall locate and review the Certificates of Operation to determine the following:

1. The Certificate is posted in accordance with applicable laws, rules, or codes;

2. The data on the Certificate corresponds with that on the ride or attraction;

3. The Certificate is current;

4. The name of the authorized inspector.
D. The Inspector shall proceed to inspect each amusement ride or attraction in accordance with the Louisiana Amusement Ride Safety Law, ASTM Standards on Amusement Rides and Devices, Louisiana Administrative Rules and Regulations, NEC 525, NFPA Life Safety Code 101, and manufacturer’s technical manuals and bulletins.

1. Prior to an inspection, the owner or operator shall determine that the ride or attraction may be safely entered.

2. The Inspector shall discuss proper safety precautions with the owner or operator prior to entry into the ride or attraction.

3. The Inspector shall follow applicable safety rules.

IV. COMPLETING THE INSPECTION REPORT

A. An OSFM Amusement Ride Safety Inspection Report shall be completed for each inspection performed.

1. Reports that must be handwritten shall be legibly written in black ink.

2. All blocks and lines shall be completed at the time of inspection with the applicable codes, abbreviations, verbiage, etc.
   a. N/A (not applicable) or UNK (unknown) shall be used where appropriate.

3. Special attention shall be given to the following fields of the Inspection report:
   a. Date of inspection;
   b. Permit number;
   c. Serial number;
   d. State identification number;
   e. Owner
   f. Name of company (Note location of inspection here);
g. Name of ride;

h. Manufacturer;

i. Manufacturing date;

j. Seating capacity;

k. Ride speed.

B. Only items actually inspected should be checked; for example: sweeps, bracing, retaining devices, etc.

C. Violation and compliance times shall be listed in the “Official Orders” section of the inspection report.

1. Also note if these violations were corrected before the inspection was completed.

2. If no violations are found, note that the ride, attraction, etc. had “No apparent violations” or “Appeared satisfactory at the time of inspection”.

D. The Inspector shall sign the report and note his Inspector ID number. The signature of the owner/operator is also required.

1. The owner/operator shall be given the appropriate finished copy of the report.

2. The Inspector shall explain the proper procedures to the owner/operator for the payment of inspection fees and/or Certificate of Operation.

3. The Inspector shall submit completed reports and fees collected in a timely manner, as directed by the Mechanical Safety Section Manager.

V. CESSATION ORDER (DPSFM 7803)

A. If the owner/operator does not have the proper insurance, NAARSO inspections, or Certificates of Operation, a Cessation Order shall be issued prohibiting operations.

B. If the Inspector determines that an amusement ride or attraction presents an
imminent danger to life safety, or of mechanical/electrical failure, he will attach to such ride a Cessation Order Tag and the amusement ride or attraction shall not be operated.

1. This also includes any ride or attraction on which more than one-half (1/2) of the capacity is deemed unsafe to operate.

C. Operation shall not be resumed until such conditions are corrected in accordance with applicable laws, rules, regulations and codes, and the Cessation Order Tag has been removed by the OSFM Mechanical Inspector.

VI. RED TAGS (DPSFM 7800)

A. Where only individual units of a ride such as cars, seats, or other carriers are defective or deemed unsafe by the Inspector, such units shall be taken out of service and clearly marked with a Red Tag, provided however, such defects do not jeopardize the safety of the entire ride, in which case a Cessation Order is to be issued.

B. These cars, seats, etc. shall not be used until such conditions are corrected in accordance with applicable laws, rules, regulations and codes, and the Red Tag has been removed by the OSFM Mechanical Inspector.

ISSUED BY:

[Signature]

STATE FIRE MARSHAL

APRIL 15, 2002
DATE
I. PURPOSE AND SCOPE

A. The purpose of this order is to establish procedures for the review of plans and specifications for every structure, watercraft and movable constructed or renovated in the state, one and two-family dwellings excepted, prior to the issuance of a permit for construction, verifying compliance with applicable codes, rules, regulations or laws enforced by the Office of the State Fire Marshal.

B. All plan reviews shall be conducted in accordance with the applicable provisions of the promulgated codes and standards of the National Fire Protection Association (N.F.P.A.), Americans with Disabilities Act Accessibility Guidelines, Energy Code for Commercial and High-rise Residential Buildings ASHRAE/IES 90.1-1989, applicable Louisiana Revised Statutes, Administrative Rules, the Plan Review Training Manual and any other applicable rule, regulation, or interpretive policy adopted by the Office of the State Fire Marshal.

II. ASSIGNMENT OF PLAN REVIEWS

A. Projects subject to Plan Review shall be logged into the Plan Review database and sorted into one of several categories. The categories are as follows:

1. Architectural projects over $300,000;
2. Architectural projects under $300,000;
3. Architectural projects involving Health Care or Detention facilities (over and under $300,000);
4. Projects involving the review of fire alarm systems;
5. Projects involving review of automatic sprinkler systems or other forms of suppression (i.e. clean agent systems, CO2 systems, dry chemical or wet chemical systems, etc.);
6. Projects involving kitchen hood suppression systems;
7. Projects involving the review of tanks used for the storage of flammable or combustible liquids;
8. Project re-submittals.

B. The Chief Architect or the Architect Supervisor shall assign each Reviewer reviews of projects from one or more of the above categories. The Chief Architect or the Architect Supervisor may change these assignments as needed.

C. Once assigned a review, the Reviewer shall process the project until completion. This shall include response to questions, telephone calls, and correspondence concerning the project from applicable parties. Resubmitted plans or any additional or supplemental items submitted pertinent to a project shall be forwarded to the original Reviewer for review and inclusion in the Plan Review package.

III. PLAN REVIEW

A. Upon receipt of properly completed Plan Review Application and set of plans, the clerical staff shall assign a project number to the plans. The clerical staff shall then either place the plans and accompanying documentation into the appropriate category bin in order of date of receipt, or distribute re-submitted projects and/or plans that are related to a previously reviewed project (such as fire alarm, tank, or hood suppression system) directly to the appropriate Reviewer.

B. The Reviewer performing the Plan Review shall select the next Plan Review package from their mail box.

1. Unless directed by the Fire Marshal, the Chief Architect, or the Architect Supervisor, all projects shall be reviewed in the order in which they are received. Individual Reviewers shall not take projects out of order nor shall they expedite projects without the concurrence of their Supervisor, the Chief Architect or the Fire Marshal.

2. No employee shall select or hand-pick specific projects based upon the difficulty of review, or review a set of plans out of order of their receipt unless so directed by the Fire Marshal, the Chief Architect, or the Architect Supervisor.

C. The Reviewer performing the Plan Review shall examine the accompanying documentation for accuracy and completeness.

D. When state law requires that a design professional submit plans and specifications for a project, the Reviewer shall ensure that only plans and specifications submitted by Louisiana licensed architects and civil engineers are released for construction.
E. The Reviewer performing the Plan Review shall thoroughly examine the set of plans and cite any deficiency or deviation from applicable codes, laws, rules or regulations.

1. Deviation from applicable codes, laws, rules, or regulations shall not be permitted at the Plan Review level.

2. Failure to cite a major deficiency or deviation without just cause shall result in disciplinary action.

F. The Reviewer performing the Plan Review shall verify the accuracy of system review information, perform data updates and/or revisions as necessary, and shall compose and type the Review Response letter.

G. Plan Review Letters:

1. Plan Review Letters shall be composed of two parts:

   a. Part one shall cite all deficiencies determined in the review.

   b. Part two shall cite all cautionary items determined in the review.

   1. Cautionary items are those that are not readily apparent in the review, but are required to be in compliance.

2. If no deficiencies or deviations are cited, the Reviewer shall stamp each page of the plans and issue a Review Letter permitting construction or renovation to begin within 180 days.

3. If minor deficiencies or deviations are cited, the Reviewer may allow construction to proceed pending modification, or require the submission of revised plans before construction proceeds.

   a. Any specific deadlines and the ramifications for failure to meet these deadlines shall be included in the Review Letter.

4. If deficiencies or deviations are cited that would require major modification(s), the project shall be found not in compliance and the Reviewer shall issue a Not In Compliance letter to the applicant, listing all deficiencies in detail.
a. The Reviewer shall make the determination of a major deficiency, with guidance from established Plan Review policy and/or mandatory rejection lists.

b. Prior to issuance of a Not in Compliance letter, the Reviewer shall obtain the approval of the Architect Supervisor.

H. Re-submittals, Exemption Requests, Information Requests (holds), hood, fire alarm, and tank review projects delivered to a Reviewer’s office shall be reviewed prior to any other assigned project(s).

I. Projects may be expedited at the direction of the Fire Marshal, the Deputy Assistant Secretary, Chief Architect, or the Architect Supervisor.

1. The Reviewer shall immediately review the expedited project.

   a. Any project currently under review shall be set aside until completion of the expedited project.

2. When completed, the expedited review shall be hand-carried to the clerical staff for immediate processing.

   a. It shall be the responsibility of the Reviewer to notify the clerical staff that the project is an expedited review.

J. Deadline dates for “Deadline Imposed” review projects, Information Requests (holds), and/or energy code reviews shall be monitored by the Reviewer, who shall take appropriate action upon expiration of the established deadline.

K. Prohibited Activities:

1. Reviewers shall not review any of their own private contract work submitted to the Office of the State Fire Marshal for review.

2. No employee shall exert any influence, either direct or indirect, upon any other employee involved in the Plan Review of any employee’s private contract work submitted to the Office of the State Fire Marshal.
3. Reviewers shall not:
   a. Provide or attempt to provide services for individuals or entities contacted through their employment with the Office of the State Fire Marshal;
   b. Refer or otherwise advise any individual or entity to utilize the professional services of any other person or company for any reason;
   c. Provide any individual’s or entity’s name, address, and/or telephone number to any other individual or company offering professional services.
   d. Be compensated in any way by design professionals regulated by the Office of the State Fire Marshal.

1. Exception: Intern architects are allowed by special permission of the Ethics Commission to work for local firms in order to meet the IDP requirements necessary to qualify for licensure. Those interns who opt to do this type of work shall not review any projects in the parishes surrounding Baton Rouge as identified in the Ethics Commission ruling.

K. All work shall be completed and submitted in a timely manner, in accordance with the established Plan Review Training Manual.
I. PURPOSE AND APPLICABILITY

A. The purpose of this policy is to prescribe the uniform to be worn by officers of the Office of the State Fire Marshal’s Office, and to delineate the dress code and personal appearance requirements for non-uniformed employees. Every employee of the Office of the State Fire Marshal shall be bound by the provisions of this order.

II. UNIFORMS

A. General Requirements: The uniform shall:

1. Be the responsibility of each individual officer who shall see to it that issued uniforms are kept clean and serviceable at all times;

2. Be worn by all officers in a uniform assignment, regardless of rank, while such members are on duty;

   a. For the purpose of this order, on duty shall be defined as: while working, appearing in court, or any other function the officer is performing while representing the Office of the State Fire Marshal.

   b. Permission to wear civilian clothes may be granted by an officer’s immediate supervisor on occasions where it is more appropriate due to the nature of the assignment.

   c. When on duty in civilian attire, officers shall wear appropriate dress unless there is a specific need to do otherwise.

3. Not be worn in an attempt to gain favorable considerations in purchasing anything of value or to receive free admissions, gifts, or gratuities;

4. Not be worn mixed with visible articles of civilian clothing, specifically necklaces and chokers. Religious medals may be worn provided that they are not visible;

5. Not be adorned with unauthorized insignia or decorations;

6. Be worn in its entirety, as provided by orders. All officers working in pairs or as a group shall be in like uniforms;

7. Not be worn by any person other than regular salaried employees of this Office to whom uniforms are issued;
8. Be returned to the Office of the State Fire Marshal upon separation of the employee from service;

9. Be presented upon instruction for periodic inventory, inspection and replacement, when needed;

10. Be kept fully buttoned as required;

11. Except for ensuring proper fit, uniforms are not be modified in any manner by alteration, addition or removal of any of its parts;

   a. Patches, badges and insignia must be of the type issued by the Office of the State Fire Marshal.

   b. Proper fit is to be maintained.

12. It shall be the responsibility of the Supervisor to inspect employee uniforms for neatness and compliance with this order.

B. Summer Uniform

1. Footwear must be black leather of the following authorized style:

   a. Jodhpur type boot with straps;

   b. Low quarter, military type shoe or workshoe;

   c. Engineer type or Wellington type ¾ boot;

   d. Western type plain, rounded toe, smooth leather boot;

   e. Socks that show must be black or Navy blue.

2. Only uniform issue trousers with a black belt shall be worn.

   a. The ends of the trouser legs shall be without cuffs, and hang between one and one-half (1 ½) and two and one-half (2 ½) inches from the floor while standing with shoes or boots on.

   b. Pocket flaps shall be buttoned, if buttons are provided.
C. Winter Uniform

1. Winter uniforms shall be worn as described for summer uniforms with the following exceptions:

   a. Long sleeve shirts shall be fully buttoned and the issue tie worn. The issued collar insignia shall be worn on long sleeve uniform shirts, and shall be positioned so that the center of the insignia is approximately one inch (1") from the point of the collar.

   b. A long sleeve shirt and tie must be worn whenever an officer is wearing the Command (dress) uniform jacket.

   c. The shirt collar may be unbuttoned and no tie worn whenever an officer is wearing the Blauer uniform jacket.

   d. The badge shall be worn on any uniform jacket.
e. The nameplate shall be worn centered over the right pocket of the Command Jacket.

D. Jumpsuits

1. The use of issued jumpsuits should be limited to those occasions when the wearing of the State Fire Marshal uniform is inappropriate due to certain conditions.

   a. Examples include, but are not limited to:

   1. Fire scene investigation;
   2. Inspections where there is high likelihood of damage to the issue uniform.

2. In situations where the use of jumpsuits may be questionable, the appropriate Supervisor shall make the decision.

E. New/Replacement Uniforms

1. Officers may request replacement of one full uniform set (shirt and trousers) upon their anniversary date. This request shall be forwarded, through the chain of command, to the Support Services Section. The uniform being replaced must be turned in, or a letter of justification initiated by the Supervisor must accompany the request.

2. Request(s) for replacement of damaged items of uniform clothing must be fully justified in writing, approved by the immediate supervisor and forwarded through the chain of command to the Support Services Section.

F. Special Uniforms

1. A particular unit may be granted certain exceptions or uniforms for special purposes by the Fire Marshal. In such cases, the Supervisor shall maintain conformity with the directives applicable to the exception or special uniform.

2. Issued Pullover/Polo Shirt and BDU Pants

   a. Inspectors are to wear the issued pullover shirt only with the state-issued dark-navy BDU pants. The issued BDU pants shall not be bloused. Inspectors have the option of wearing this attire while
conducting inspections, attending staff meetings, or attending OSFM-sponsored training sessions. Inspectors are to wear their dress uniform when attending public gatherings, public meetings, and court.

b. Unless specifically directed by competent authority to appear in uniform or otherwise in accordance with Sections II, A-D of this order, personnel attending independently-sponsored offsite training may wear the issued pullover shirt in those instances when casual attire is allowed by the sponsoring agency.

c. If the employee chooses not to wear the issued pullover, the provisions for duty attire as provided by Sections II, A-D of this order shall apply.

III. PERSONAL APPEARANCE - ALL EMPLOYEES

A. Male employees shall conform to the following specifications:

1. Haircuts:
   a. Sideburns shall be neat and squared, and shall not extend below the bottom of the ear.
   b. Hair may be worn so as to permit it to extend over the top quarter of the ear.
   c. Regardless of style, hair must be neatly trimmed and shall not extend below the top of the collar in the back.
   d. The hair on top of the head will present a well-groomed appearance.
   e. Hair on the back of the head will present a tapered appearance.
   f. Hair in front will be groomed so that it does not fall below the eyebrows.
   g. The wearing of a wig or hairpiece by male personnel while in uniform or on duty is prohibited except to cover natural baldness or physical disfigurement, whether or not natural. When worn, it will conform to the standards herein.
h. Hair will not be dyed an abnormal color.

2. Beards/Mustaches
   a. Beards and/or mustaches are permitted, however they must present a neat and well-groomed appearance.
      1. Mustaches, whether alone or in conjunction with a beard, will be neatly trimmed and not extend over the top of the lip.
      2. Beards will not be of excessive length, nor shall they appear ragged or unkempt.

3. The wearing of earrings, studs, or any other object(s) on the ear by male personnel while on duty is prohibited.

4. The display of any form of exotic body piercing is expressly prohibited.

B. Female Employees
   1. The length, bulk or appearance of natural hair will not be excessive, ragged or unkempt. Hair will be neatly groomed.

   2. The bulk of the hair shall not interfere with the wearing of protective headgear (field personnel).

   3. Hairpieces or wigs worn on duty must appear natural and be in conformance with the standards stipulated herein.

   4. Hair coloring must appear natural.

   5. No ornamentation may be worn in the hair.

   6. Cosmetics, when worn, will be in good taste and natural in appearance.

   7. The display of any form of exotic body piercing is expressly prohibited.
IV. DRESS AND PERSONAL APPEARANCE CRITERIA FOR NON-UNIFORMED PERSONNEL

A. Policy

1. Non-uniformed personnel of the Office of the State Fire Marshal shall dress in attire suitable for business purposes and interaction with the public. Supervisors shall be responsible for enforcement of this dress code within their respective Section(s).

B. Administrative, Supervisory, and Professional Staff

1. Administrative, Supervisory, and Professional staff, to include architectural and engineering personnel, shall wear the OSFM tie, if so issued, with coordinating collared dress shirt and trousers.

2. Administrative and Supervisory personnel shall wear the OSFM blazer, if issued, to all meetings and/or functions held outside the main OSFM compound unless otherwise directed by the Fire Marshal.

3. Female employees in non-uniformed Administrative, Supervisory, or Professional positions shall adhere to the standards for acceptable attire as delineated in Sections IV, C, 1-5.

4. Personal appearance shall follow the general guidelines as established in section III of this order.

C. Clerical Staff

1. Proper decorum in both dress and personal appearance shall be maintained by all members of the Clerical staff of the Office of the State Fire Marshal.

2. Acceptable attire shall include:

   a. Dresses; suits; pantsuits; slacks, skirts, and skorts with coordinated blouses/ tops/jackets. Dresses, skirts and skorts shall be no more than 4” above the knee.

3. Unacceptable attire shall include:

   a. Jeans or jean-type overalls of any type or color;
b. Shorts of any type, tights, leotards, leggings, or "capri" pants worn in lieu of slacks, skirts, or skorts;

c. Dresses, skirts, or skorts more than 4” above the knee;

d. Dresses or skirts split more than 4” above the knee;

e. Revealing or suggestive blouses or tops, to include:
   1. Spaghetti-strap tops worn without jacket or shirt covering;
   2. Half-cut shirts, blouses or tops;
      a. The navel area shall be covered at all times.
   3. Low-cut blouses, dresses, or tops;
   4. See-through or tight-fitting garments.

f. Sweatshirts, sweatpants, or windsuits.

5. Personal appearance shall follow the general guidelines as established in section III of this order.

D. Issued Pullover/Polo Shirt - Policy for non-uniformed employees

1. Non-uniformed personnel may wear the issued pullover shirt only with coordinating slacks or skirt, as appropriate. Non-uniformed personnel have the option of wearing this attire during the course of normal business and while attending OSFM-sponsored training sessions. When attending public gatherings, public meetings, or court, non-uniformed personnel are to adhere to the dress standards as established by Sections IV, A, B, & C of this order.

2. Unless specifically directed by competent authority to appear in business attire in accordance with Section(s) IV, A, B, & C, personnel attending independently-sponsored offsite training may wear the issued pullover shirt in those instances when casual attire is allowed by the sponsoring agency.

3. If the employee chooses not to wear the issued pullover, the provisions for duty attire as provided by Sections 401, IV, A-C shall apply.
E. "Casual Dress" Fridays

1. Unless scheduled to attend a public gathering, public meeting, court, or similar offsite activity, non-uniformed personnel will have the option of wearing casual dress on Fridays. All casual dress will be neat, clean, unwrinkled and in serviceable condition with no holes, rips, or tears.

2. Casual dress includes sport shirts and/or blouses, polo (pullover with collar) shirts, tee-shirts or sweatshirts with no conspicuous logos, advertisements or pictures, windsuits, the issued pullover shirt, slacks, jeans, and athletic (tennis) shoes.

3. With the exception of those articles noted in E,2 (above), employees are to adhere to the provisions of A-C of this Section.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. **PURPOSE**

This order establishes a uniform procedure for the use, maintenance and modification of the Louisiana State Police Radio Communications System, and the procedures for the acquisition, installation, and the use of auxiliary Radio Equipment in SFM units.

II. **GENERAL GUIDELINES AND RESPONSIBILITIES**

A. Operation of DPS communications equipment shall be in full compliance with the procedures set forth by the FCC and this order.

B. Users are directed to make use of the ITU phonetic alphabet and the ten dash and signal codes enumerated on DPSSP 4319.

C. Transmissions shall not interfere with ongoing communications nor prevent the transmission of emergency or urgent communications.

D. Operators shall neither directly nor indirectly cause the transmission of false, fictitious or misleading communication of an emergency.

E. Regard all transmissions as confidential.

F. Insure accurate, complete, yet brief transmissions.

G. Radio use is restricted to pertinent DPS business and urgent personal messages

H. Information regarding use and frequencies, equipment and codes of the Department radio systems is confidential and restricted.

I. No modifications to any LSP 800 MHz radio or component may be made without the prior approval of the Commander of LSP Support Services.

III. **SFM OFFICER RESPONSIBILITIES**

A. Unless directed otherwise by a supervisor, officers will monitor their assigned radios continuously.

B. Should a unit be stolen, the assigned officer shall direct the radio be inhibited a soon as possible.
C. Officers must inform the nearest LSP Troop immediately upon installation, removal, reassignment or reprogramming of an 800 MHz radio.

D. Except in an emergency, officers are restricted to the use of those frequencies assigned to the district in which they are operating.

E. SFM Officers shall not maintain other unauthorized radio equipment in the assigned unit. Scanners are permitted if the installation and/or operation does not interfere with the operation of the 800 MHz radio and approval for such is granted following a request through the chain of command. The SFM Officer shall submit, on appropriate forms, requests for installation of any auxiliary radio equipment to the Fire Marshal via the chain of command. Approval must be granted prior to installation.

IV. 800 MHz SYSTEM OPERATING PROCEDURES

A. Subfleet Assignments

1. TRP/FM 1: Resident subfleet for all SFM agents. This is the subfleet for all SFM officers during the tour of duty. You may scan other subfleets (i.e.: coord/ cal) or DPS/other, but you are to remain on your assigned subfleet. When scanning, you may miss traffic. Not heard, not recorded.

2. TRP/REGROUP: Special operations only to be used when authorized by dispatcher.

3. TRP/TACT 2,3,& 4: To be used for discreet operations. Assigned by command personnel. Not heard or recorded.

4. TRP/CRDCAL: Subfleet for other agency access to LSP system. Must be scanned at all times. Can interface with low band. Heard and recorded.

4a. TRP/CRDTK 1: For other agency use. Heard and recorded.

4b. TRP/CRDTK 2: For communication by other agencies. Not heard or recorded.

5. TRP/DPSOTH: Subfleet for other DPS agencies. Contact dispatch personnel. Heard and recorded.
6. TRP/CAR/CAR: Discretionary use by State Police personnel. "Talk Around", not heard or recorded.

7. TRP/DISP 1: Resident subfleet for uniformed troop personnel, hazmat, and all headquarters personnel. Non-investigative personnel. Heard and recorded.

8. TRP/DISP 2: Subfleet used for routine traffic not of an emergency nature. Dispatch monitored and recorded.


10. NATIONAL 1, 2, 3, 4, & 5: Frequency allocated nationwide for 800 MHz users. Can be used by any user. Range same as Simplex.

B. When dispatch cannot hear a subfleet, the system computers still display every time a mic is keyed and the printer still records all by date, time, type of call and subfleet used.

C. Personnel shall remain on their assigned resident fleet and subfleet unless approval is granted by a supervisor or emergency actions warrant a change. Personnel shall advise communications personnel prior to these changes in fleet or subfleet usage.

D. LSP Troops shall restrict the use of radio/telephone patch functions to official Department business or situations of personal emergency.

E. Should a LSP Troop experience a complete system failure where communication with the base station is not possible because of a conventional repeater or microwave equipment shutdown, officers shall revert to the SIMPLEX mode; however, capabilities are limited to communications from car-to-car and of very limited range.

ISSUED BY:

J. J. Bella

STATE FIRE MARSHAL

APRIL 15, 2002
DATE
I. PURPOSE

A. The purpose of this order is to establish a fleet safety program designed to reduce fleet accidents and incidents.

1. A uniform accident and incident reporting procedure shall be established.

2. Guidelines for assigning responsibility shall be established.

II. DEFINITIONS

A. **Department** – The Department of Public Safety and Corrections, including Offices and Commissions assigned thereto.

B. **Employee** – An individual employed by the Department of Public Safety and Corrections.

C. **Fleet Vehicle** – Any vehicle owned, assigned, leased, or otherwise utilized by the Department.

D. **Fleet Traffic Accident** – A collision or a non-collision resulting in personal injury or property damage involving an employee and/or a fleet vehicle. It also includes any act or omission of an act by an employee or any other driver that causes a motor vehicle traffic accident involving a fleet vehicle. Physical contact by the fleet vehicle is not necessary to constitute a fleet accident.

E. **Fleet Incident** – An event, including legal intervention, involving an employee and a fleet vehicle when, regardless of whether or not the vehicle is actually being operated at the time, the criteria for a motor vehicle accident are absent. It may also include an act or omission by an employee, another person, or a natural phenomenon that is a causation factor resulting in damage to a fleet vehicle. Examples would include vandalism, a tree falling on a parked fleet vehicle, and hail damage.

F. **Legal Intervention** – A collision involving a fleet vehicle as the result of an officer intentionally using that force to stop a continuing offense and make an arrest.

NOTE: Legal intervention shall only be used as a last resort and when the use of lethal force is justified.
G. **OSFM Fleet Coordinator** – OSFM employee designated by the Fire Marshal to coordinate and properly maintain fleet activities within the Office of the State Fire Marshal.

III. **EMPLOYEE RESPONSIBILITY IN FLEET ACCIDENTS OR INCIDENTS**

A. Employee responsibility in fleet accidents or incidents shall be either “At Fault” or “No Fault”.

1. **At Fault** – An employee is At Fault when he/she bears the responsibility for causing the accident or incident. The degree of fault shall be determined by the Fleet Accident/Incident Review Board after considering all pertinent facts and circumstances.

2. **No Fault** – An employee is not at fault when he/she is involved in an accident or incident while operating within the law, and the responsibility for the accident or incident rests with person(s) or object(s) other than the employee-driver.

IV. **REPORTING OF A FLEET TRAFFIC ACCIDENT OR FLEET INCIDENT**

A. Any employee of the Department involved in a fleet traffic accident or fleet incident shall, regardless of the extent of damage, comply with the following:

1. Immediately notify Louisiana State Police Shift Supervisor of the troop area where the accident or incident occurred and furnish the following information:
   a. Location of accident/ incident;
   b. Severity of accident/ incident;
   c. Request any needed emergency services;
   d. Road condition;
   e. Type of collision.

2. Unless disabled, the employee must render all necessary aid and protect the scene from additional accidents.
3. Obtain names and addresses of witnesses and written statements, if possible.

4. Make no statements concerning accident responsibility.

5. Do not engage in arguments; refer all complaints to the area LSP Troop Supervisor or Commander.

6. Remain at the scene, if not injured, pending release by the investigating officer.

7. Submit a written statement to the area LSP Troop Commander that includes a narrative description of the events.

8. Submit to any chemical tests of blood, breath, or urine deemed necessary by the investigating officer.

9. Contact employee’s OSFM Supervisor as soon as possible and relay details of the accident/incident. OSFM Supervisor shall forward details of accident/incident to DSFM Administrator and/or Chief Architect as soon as possible.

10. Complete a Louisiana State Driver Safety Program form (DA-2041) and forward to immediate supervisor for further processing.

   a. DA-2041 shall be forwarded to LSP Support Services Section through the office of the OSFM Fleet Coordinator

B. Accidents or incidents occurring on the Headquarters compound between 7:00 A.M. and 5:00 P.M. on normal work days shall be reported to the Officer in Charge of Physical Security for investigation by a DPS Police Officer.

NOTE: The Officer in Charge of Physical Security shall assume the duties and responsibilities of the area Troop Commander.

1. Except for the Headquarters compound, accidents and incidents occurring off correctional compounds will be investigated by the State Police.

C. The Fleet Accident/Incident Review Board will review any case where the operator of a Department vehicle tests less than .05% Blood/Alcohol Concentration; however, all cases of BAC levels of .05% or greater shall be referred directly to the Deputy Secretary for disposition.
POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

SUBJECT: FLEET SAFETY

PROCEDURAL ORDER: 403

CANCEL ORDER DATED: 5/15/00 DATE: 04/15/02

D. All Department employees shall follow the provisions of this order; however, the sequence of events may be altered as dictated by the circumstances of the accident or incident.

V. FLEET VEHICLE REPAIRS

A. All transactions concerning fleet vehicles involved in fleet accidents or incidents will be conducted through the Support Services Section, Vehicle Procurement and Maintenance Unit. This activity shall be coordinated through office of the OSFM Fleet Coordinator, Baton Rouge Headquarters.

B. In circumstances requiring that the fleet vehicle be towed, all efforts shall be made to have the vehicle immediately towed to the nearest LSP Troop or Regional Headquarters.

1. When a fleet vehicle must initially be stored at a private storage yard due to damages from an accident/incident, the applicable District Supervisor shall contact the OSFM Fleet Coordinator within three days to insure the vehicle’s movement to a State Police facility.

C. The employee shall be required to obtain two repair estimates and submit them to their immediate supervisor for further processing.

1. One estimate must be obtained from an authorized dealer of the same make as the Public Safety vehicle involved in the accident/incident.

2. If unable to obtain two repair estimates because the vehicle is not operable, alternate arrangements shall be made at the direction of the OSFM Fleet Coordinator.

D. Employee Payment of Damages

1. An employee will be allowed to pay for repairs to Department vehicles involved in fleet accidents or incidents only under the following circumstances:

   a. No outside persons or property involved;

   b. No injuries involved in the accident or incident;

   c. Damage is less than $500 to the vehicle;
d. No intoxicants are involved in the accident or incident.

NOTE: ALL ACCIDENTS OR INCIDENTS SHALL BE REPORTED, REGARDLESS OF THE AMOUNT OF DAMAGES AND/OR INJURIES.

2. Estimates of repair costs must be from authorized new vehicle dealers of the type needing repair, which have body repair facilities. As soon as practical, all estimates shall be forwarded to the OSFM Fleet Coordinator for further processing.

3. Upon completion of repairs, the employee using the procedure outlined above will pay the repair company in full and mail copies of the paid invoice(s) to the OSFM Fleet Coordinator.

   1. The invoice should be signed by the employee’s Supervisor indicating satisfactory repair to the vehicle.

   2. The invoice must be made out to the employee, not the Office of the State Fire Marshal or the State Police.

   3. The outlined procedure must be complete within thirty (30) days to avoid review of the accident/incident by the Fleet Accident/Incident Review Board.

4. If an employee decides against exercising the option outlined above, the accident or incident will be processed as any other fleet accident or incident. In all cases, the reports and statements required by this order shall be filed with the OSFM Fleet Coordinator/LSP Fleet Safety Officer in a timely manner.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002
DATE

403-5
I. PURPOSE AND FUNCTION

A. The Fleet Accident/Incident Review Board establishes within the Department of Public Safety an equitable and systematic procedure to determine employee responsibility when involved in a fleet accident or incident.

B. The Board may establish the driving standards for the Louisiana Department of Public Safety by determining whether an act or a failure to act by an employee was a causative factor of a fleet accident or incident.

II. BOARD MEMBERS

A. The Fleet Accident/Incident Review Board shall consist of five commissioned Office of State Police personnel.

1. The commissioned members shall be selected by the Deputy Secretary.

   a. The Board shall consist of:

      1. The LSP Chief of Staff, or his designee;
      2. One Troop Lieutenant;
      3. A Department certified accident reconstructionist;
      4. An LSP Training Academy driving instructor;
      5. One LSTA Representative.

   b. Three members will constitute a quorum for meetings.

2. Board members, except for the LSTA Representative, shall be appointed by, and serve at the pleasure of the Deputy Secretary. The LSTA Representative shall be appointed by the State LSTA President.

B. The promotion, retirement, dismissal, termination or disability of a Board member shall create a vacancy to be filled as outlined above.

C. Places and times of Board meetings will be determined by the LSP Fleet Safety Officer, subject to the approval of the Deputy Secretary.
III. BOARD RESPONSIBILITIES

A. The Fleet Accident/Incident Review Board will first review each fleet accident or incident to determine if the matter was properly investigated.

1. To determine if the matter was properly investigated, the Board will consider at least the following criteria:
   
a. The matter is, in fact, a motor vehicle accident.
   
b. An accident report would be written under the same circumstances involving a private party.

B. The Board shall carefully study each fleet accident or incident to determine employee responsibility according to the criteria established in P.O. 403.

1. In determining the issue of fault, a simple majority vote is sufficient.

2. If an employee is found to be at fault, the Board shall make a written recommendation of disciplinary action commensurate with the facts and circumstances of the instant accident or incident and the employee’s past driving history.

3. The Board shall compile a list of all employees found at fault in a fleet accident or incident for the purpose of attending remedial driver training.

IV. FLEET SAFETY OFFICER

A. The LSP Chief of Staff or his designee shall serve as the Fleet Safety Officer and shall preside over each meeting of the Board, and shall serve as the Board’s advisory chairman.

1. He may submit opinions but will vote only to break a tie among the Board members.

2. He is free to discuss the case before the Board and may offer recommendations.

3. He shall forward the Board’s written recommendations of disciplinary action to the Deputy Secretary.
4. He shall forward a list of names of those employees found at fault in any fleet accident or incident to the Commander of the LSP Training Academy for scheduling of remedial driver training.

V. DISCIPLINARY ACTION RELATIVE TO FLEET ACCIDENT/INCIDENTS

A. Drivers determined to bear no fault shall suffer no Departmental disciplinary action, nor shall such accidents or incidents be counted toward enhanced disciplinary action.

B. An employee may be subject to enhanced disciplinary action if he has been involved in an at-fault accident or incident within the previous five years. This five-year period is the period immediately preceding the date of the accident or incident under consideration.

C. The Board’s written recommendation for disciplinary action against a driver determined to be at fault shall be commensurate with the seriousness of the matter under consideration based upon facts and circumstances with consideration of the employee’s driving history.

D. The final determination of disciplinary action remains the prerogative of the Deputy Secretary.

VI. NOTICE OF REVIEW

A. A letter of notification will be sent to the operator of a fleet vehicle involved in an accident or incident after the Fleet Accident/Incident Review Board has completed its review of the matter. The notification informs the employee of the Board’s findings and advises him of the procedure to be followed in cases of appeal.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE
I. PURPOSE

A. The purpose of this order is to establish guidelines for the proper use and storage of fleet vehicles assigned to employees of the Office of the State Fire Marshal.

II. VEHICLE USAGE LIMITATIONS AND REQUIREMENTS

A. Individually assigned units may not be operated while the employee is off-duty.

B. Only employees specified by the Fire Marshal will be allowed to operate Department vehicles, except in an emergency.

1. This order does not prohibit emergency use with police officers, injured or ill persons, or when the operator is making an emergency run in the interest of protecting life and property.

C. Employees operating fleet vehicles shall not transport or otherwise permit unauthorized personnel to accompany them while engaged in on-duty activities or special detail without written permission of the employee’s Supervisor as appropriate for each occurrence.

1. Transportation of others pursuant to the Department’s law enforcement mission does not require advance written permission.

D. Personnel shall operate all Department vehicles with prudence and care, mindful that abuse, misuse or recklessness reduces the operating efficiency of the Department’s fleet. Unjustified speeding is expressly prohibited.

E. Officers shall not drive nor use a fleet vehicle so as to reflect discredit on the Office of the State fire Marshal. Examples of actions which could reflect discredit on the Department include, but are not limited to:

1. Unjustified speeding;

2. Littering.

F. Smoking is prohibited in any state vehicle operated by an employee of the OSFM.

G. No employee shall operate a Department vehicle after consuming alcoholic beverages.
1. Employees involved in motor vehicle traffic accidents or incidents in fleet vehicles must consent to a chemical test for intoxication upon the request or directive of the investigating officer.

2. Employees must comply with the applicable provisions of Procedural Order 201, Code of Conduct and Ethics, Section C,5 – Intoxicants.

3. Unauthorized operation of a fleet vehicle after consumption of alcoholic beverages shall be prima facie evidence of intent to violate this order.

H. Employees and passengers shall utilize the seat belts and applicable child safety restraints at all times unless an emergency dictates that such use would be dangerous or hazardous. Personnel shall not modify factory-installed safety restraint systems.

I. If so equipped, SFM/LSP radio monitoring shall be maintained when operating the vehicle.

J. Animals may not be transported in state vehicles except as may be required during the course of on-duty activities.

K. Employees shall be held strictly accountable for their personal appearance, conduct and decorum while operating Department vehicles. Employees shall also be held accountable for the appearance, conduct and decorum of any passengers.

L. Nothing will be attached to or tied to the unit that would in any way interfere with the normal movement of the unit, including the installation or attachment of trailer hitches and luggage racks.

M. Employees shall consult their Supervisor in all cases in which the permissibility of a planned trip is in question.

N. Employees shall adhere to the current regulations of the Department and the Division of Administration regarding the use of fleet vehicles, as prescribed by the OSFM Fleet Coordinator.

1. Interstate travel must be approved by the Deputy Secretary, except for travel to or from north Louisiana through Mississippi enroute to or from south Louisiana.

2. District Supervisors and below must obtain permission from the DSFM Administrator or Manager to use assigned units outside assigned districts.
a. Advanced permission is necessary for each occurrence with no general or “blanket” permission granted.

3. Assigned vehicles must be parked at a Department facility at any time an employee will be absent from his work assignment for more than twenty-one (21) consecutive days.

III. MAINTENANCE AND CARE REQUIREMENTS

A. Personnel shall take reasonable measures to provide for the safety and security of individually assigned units and equipment when the fleet vehicle is unattended.

1. P.O.S.T. certified officers shall secure their weapons in accordance with the provisions of Procedural Order 310, IV, Carrying and Storage of Weapons, when the weapon must be left in the unit.

   a. Any loss of unsecured weapons will be borne by the officer.

2. Unattended vehicles shall be locked at all times.

B. Each employee assigned a fleet vehicle shall be held personally responsible for the care, maintenance and cleanliness of his individually assigned unit.

C. Every fleet vehicle is issued with a maintenance schedule specific to the assigned unit, and each employee shall be held accountable for servicing the unit assigned to him in accordance with the maintenance schedule.

1. All personnel are required to insure that the oil in assigned units is changed every 4,000 miles.

2. The maintenance schedule shall be available with the unit at all times and shall be presented upon demand to any authorized party for inspection.

D. Personnel operating fleet vehicles will be expected to service their vehicles (gas-oil-maintenance) at LSP troop facilities, substations, Headquarters in Baton Rouge, or other state facilities as designated by the Deputy Secretary.

1. At no time will an employee acquire gasoline or oil by any non-authorized means except in an emergency, in which case the purchase shall be limited to that necessary to proceed to an authorized facility.
POLICY AND PROCEDURE
OFFICE OF THE STATE FIRE MARSHAL

SUBJECT: USE, CARE AND STORAGE OF ASSIGNED VEHICLES
PROCEDURAL ORDER: 405
CANCELS ORDER DATED: 5/15/00
DATE: 04/15/02

2. In January, 1991, the Department of Public Safety entered into contract with a private fuel vendor to permit greater access to fuel throughout the state. However, employees should use good judgement and reason in utilizing these sites. As a matter of course, personnel should plan to fuel at state facilities.

3. When fueling vehicles at authorized remote fueling sites, employees shall procure fuel in the following priority order:
   a. If available, 89 octane (unleaded plus) should be purchased.
   b. If 89 octane is not available, 87 octane (regular unleaded) may be purchased.
   c. If neither 89 nor 87 octane is available, employees may purchase 91 octane (unleaded premium).

4. When purchasing fuel from a non-state source, employees shall procure a printed receipt verifying the grade and cost of the fuel obtained.
   a. If 91 octane fuel (unleaded premium) is purchased, the employee shall submit his purchase receipt to the OSFM Fleet Coordinator with a written justification of the purchase.

5. When utilizing automated fuel distribution systems, personnel shall insure that accurate mileage is keyed into the system.

6. Personnel traveling intrastate shall plan to acquire gas at troops or other authorized facilities along their routes.

E. Fleet vehicles are issued with all necessary accessories.

1. Employees shall not remove any issued equipment from their assigned vehicle.

2. No additional equipment, decorations or decals may be added without the permission of the Fire Marshal.
3. No painting or alteration of the body, chassis, engine, exhaust system, electrical system or accessories may be made without the prior approval of the Fire Marshal.

ISSUED BY:

J. J. Bella
STATE FIRE MARSHAL

APRIL 15, 2002
DATE
I. **PURPOSE**

A. The purpose of this order is to establish a uniform procedure to accurately account for Department property.

II. **TAGGING PROPERTY**

A. All property owned by the Department of Public Safety and Corrections, Public Safety Services, Office of the State Fire Marshal, valued at one-thousand dollars or more must be assigned a Property Control Number and tag, and the descriptive data recorded on the appropriate department form for transmission to the Department of Public Safety Property Control Section as soon as possible after acquisition.

B. Supervisors are responsible for insuring that property in their District/Section is properly tagged and accounted for.

III. **TRANSFER OF PROPERTY**

A. Before any equipment is installed or any present equipment is transferred from one District or Section to another, Form DPSFM 1521 “Property Control Transfer Report” must be prepared and routed through the DSFM Administrator to OSFM Support Services Section to transfer the described property.

1. The DSFM Administrator must approve this type of transfer prior to the physical transfer of property taking place.

2. Once approved, the transfer of property can be effected.

3. Loaned equipment shall be accounted for in the same manner as prescribed above for transfer of equipment.

4. In extreme emergencies, property transfers may be approved by telephone by the DSFM Administrator, but must be followed up with properly signed forms within forty-eight (48) hours.

B. Property to be transferred from one individual to another (personal accountability) shall be fully accounted for on a DPSFM 1521 and signed by the officer relinquishing the property, the officer receiving the property, and the property custodian for the appropriate organizational unit.
### IV. PROPERTY ACCOUNTABILITY ASSIGNMENT

#### A. Property Not Personally Assigned to Officers:

1. District or Section Supervisors shall be held strictly accountable for property assigned to their respective operations. Though the record keeping functions may be delegated, the responsibility for accountability may not.

2. When a change in position occurs, the outgoing and incoming officers must document the custodial transfer of property by signing and returning the current inventory sheet provided by the DSFM Administrator and/or the Support Services Section.

#### B. Personal Accountability Program:

1. Employees are held strictly accountable for the care and use of all property assigned to them under the Personal Accountability Program. Assigned property may not be loaned to another employee, group or individual, or otherwise transferred in any manner contrary to the provisions of this Procedural Order.

2. All transfers of personally assigned equipment must be documented and approved by the appropriate property custodian.

3. Complete documentation must be filed through the DSFM Administrator to the Support Services Section whenever any of an employee’s personally assigned equipment is damaged, lost, or stolen.

4. If a determination is made of negligence on the part of the employee, the property shall be repaired or replaced at the employee’s expense.

5. When an employee is transferred from one duty assignment to another, they will retain all personally assigned equipment, except specialized equipment assigned through specialized units.

6. Equipment that is peculiar to specialized operations may be retained by the appropriate officer, but a DPSFM 1521 must be completed to remove the equipment from the transferred officer’s personal accountability file.

7. Officers will retain possession of all issued equipment until such time as it may be recalled.
C. Return of Equipment and Property:

1. Retirement and Resignation
   a. Upon resignation or retirement, employees will report to their supervisors to initiate the separation process.
   b. At this time, the employee will receive a checkout list that will be used to return all equipment.
   c. Employees must return all equipment to complete this process.
   d. In the event some of the employee’s equipment is retained by the District or Section, a DPSFM 1521 must be completed and signed by the appropriate Supervisor before the officer’s personal accountability can be cleared.
   e. Employees will be responsible for their personally assigned equipment until the Transfer Report is received.
   f. The final payroll check will be held or reduced in the appropriate amount for missing property or items.

2. Termination:
   a. Upon termination of an employee, the Supervisor of the District or Section is responsible for obtaining all equipment from the employee, to include vehicle, credit card(s), commission card, and any keys to State facilities that may have been issued.
   b. The Supervisor shall be responsible for the return of these items to OSFM Headquarters within ten (10) working days.
   c. Personnel going on terminal leave must turn in all assigned equipment, including vehicles, prior to beginning leave.

V. MAINTENANCE AND REPAIRS

A. It is the responsibility of each employee to keep all equipment clean and in proper working order.
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<th>SUBJECT:</th>
<th>EQUIPMENT ACCOUNTABILITY</th>
<th>PROCEDURAL ORDER:</th>
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B. Employees are responsible for updating records relating to equipment that has been issued to them.

C. In cases where an employee exchanges or replaces vehicle accessory equipment, both the DPS Vehicle Procurement and Maintenance Unit and the OSFM Vehicle Coordinator must be notified.

D. Any equipment to be declared as surplus or acquired by employees as surplus must be processed in accordance with existing law and the Division of Administration’s rules and criteria.

ISSUED BY:

STATE FIRE MARSHAL

APRIL 15, 2002

DATE