



New Orleans Police Department

Reforming Paid Details

Ronal W. Serpas, Superintendent

Submitted to Mayor Mitchell J. Landrieu
5/15/2011



May 15, 2011

The Honorable Mitchell J. Landrieu
1300 Perdido Street
Suite 2E04
New Orleans, LA 70112

Dear Mayor Landrieu:

Sixty days ago, you gave me a strong directive to completely and totally overhaul the New Orleans Police Department (NOPD) paid detail system. The U.S. Department of Justice Civil Rights Division noted in its March 16, 2011, report that “there are few aspects of NOPD more broadly troubling than its paid detail system.”

As a point of history, excluding some changes in the paid detail system in the mid to late 1990s, the NOPD paid detail system has remained virtually unchanged for nearly 50 years. That’s why I identified reforming the detail system in my 65-point plan for transforming the Department last summer. Quite simply, the status quo is in need of an overhaul.

For the first time ever, in fall 2010, we began requiring police officers to notify NOPD at the beginning and end of every detail shift they work. An analysis of data covering the period from December 1, 2010, through April 30, 2011, revealed over 31,000 shifts by approximately 1,100 NOPD members working paid details. It is an understatement to say that the “detail” is embedded in the culture of the Department.

The March 2011 U.S. Department of Justice report provided the City with a substantial list of recommendations which was designed to address deficiencies found within the New Orleans Police Department, including the paid detail system. The recommendations I am delivering today take into account the Department of Justice’s initial recommendations and outline principles for reforming the system. What is clear to all is that the complexity of this issue requires our continued analysis and collaboration with the Department of Justice and others as we seek to create the most efficient and effective model that can be developed.

Most significantly, **we are recommending taking the management of the paid detail system out of the NOPD.** Given the apparent size and scope of paid details, it is preferable to have an independent entity manage this process to free NOPD leadership to focus exclusively on the mission of the NOPD. In its place, we recommend creating a central office to be responsible for coordinating all elements and services relating to paid details. We are recommending an ***Office of Police Detail Services*** be created that would be under the administration of a civilian

director outside of NOPD control and controlled facilities. Creating this independent office is a significant departure from current practice that will lead to the wholesale remaking of the paid detail system. Many police departments have a centralized office to manage details; but, in this recommendation further analysis must be completed to determine the location of such an office outside of the NOPD (city agency, independent entity, etc.).

As a result of the data we have been capturing, we recommend an analysis by a third party to independently account for all aspects (i.e., hours worked, officers working, coordinators/points of contact, pay rates, etc.) on all paid detail types and by short or long term arrangement.

We also commit to a continual review of practices and recommendations as we move forward on these recommendations and others that may become known. To that end, this plan recommends the following key features based upon information known to date, and is subject to continued review with the Department of Justice and other interested stakeholders:

- **Eliminate direct payments to officers from detail employers.** Instead, payment for detail services will be collected by an independent entity and paid to officers through this entity or via regular payroll check.
- **Fairly assign officers to work details.** The Office of Paid Detail Services will maintain a list of paid detail opportunities and a roster of members interested in working details. Openings will be filled on a rotation basis.
- **End the practice of paying officers to coordinate details.** The Office of Paid Detail Services would handle all coordination.
- **Set detail pay uniformly according to rank and include a reasonable fee to cover the cost to the city.** This fee will cover items such as fuel, equipment use, etc.
- **Mandate a six-hour rest period between the end of a detail shift and the start of an NOPD shift and limit the total number of hours an officer can work in a week (through regular shifts, overtime, details) to 76 hours.** These restrictions will prevent officer fatigue when reporting for duty.
- **Prohibit split shifts.** An officer will not be eligible for any detail that would result in an interruption of their NOPD shift.
- **Improve supervision of officers working details by increasing supervisory staffing within the OPDS and linking to NOPD Public Integrity Bureau.** Officers will be held accountable for their conduct on details, just as when they are on duty.
- **Prohibit detail services for city agencies and its political subdivisions.** Instead, departments and agencies will cover the cost of officer overtime.

These key features and the recommendations submitted serve as a starting point based upon a review of current conditions. Fixing this large, failed system will not be easy, but our efforts to make remake the Department and to restore public trust will be for naught unless this system is overhauled. The changes must be lasting and

sustainable and new rules and policies must be better enforced. That's why we will continue to work with the Department of Justice and other departments across the country in the weeks and months ahead to incorporate best practices and operations into this evolving plan.

Both you and I know that the flawed paid detail system has failed both the NOPD, and more importantly, our citizens. This plan today is a first step in completely transforming the NOPD paid detail system and will be a major part of our collective efforts to restore public trust in this department. I look forward to your continued support as we work together to make the streets of New Orleans safe.
Sincerely,

A handwritten signature in black ink, appearing to read 'Ronal W. Serpas', written in a cursive style.

Ronal W. Serpas
Superintendent
New Orleans Police Department

Introduction

As a first step in identifying the size, scope, and characteristics of current practices, the NOPD for the first time ever began requiring police officers to notify NOPD at the beginning and end of every detail shift they work in the winter of 2010. An analysis of data covering the period from December 1, 2010, through April 30, 2011, revealed more than 31,000 entries by approximately 1,100 NOPD members working paid details. These entries reflect short-term paid details (one-time/stand-alone events) and permanent paid details (regularly scheduled repeating events). Additionally, large scale paid details, such as those required in support of the Louisiana Superdome, the New Orleans Arena and the Morial Convention Center, are included in this data.

It is our intention to take immediate steps toward implementing this proposal upon final approval of NOPD's reform recommendations. As a next step, NOPD will work with the City administration to establish an administrative fee assessment schedule, which fully funds and supports all costs associated with this plan. Additionally, accounting and payment procedures will be established to allow City (or another independent entity) to collect fees directly from employers and reimburse members working paid details, ending the practice of officers receiving direct payment from detail employers. This will also ensure that transparency between detail employers and NOPD officers relating to all issues of payment are accounted for. Following the transition period, this office should be ready to assume complete oversight responsibility for all paid detail services, including coordination between employers requesting paid detail services and members who are interested in performing such services.

The day to day management of the relationship between those who request paid details and how officers are selected and assigned we recommend would be the responsibility of the new Office of Paid Detail Services, which would promulgate rules and procedures as appropriate to accomplish this service. The NOPD will continue to provide rules, regulations, policies, etc., which affect an officer's performance of duty whether he or she is on duty or off duty working a paid detail as is the case now. The NOPD will also provide any disciplinary investigation or sanctions to be taken of any proven misconduct of officers related to their performance of duty whether on duty or while working a paid detail. The OPDS will have a direct liaison appointed within the NOPD Public Integrity Bureau on matters of performance or disciplinary issues of any employee participating in paid details. Working with the OPDS, the NOPD's current practices of mandatory on-site visits by District Integrity Control Officers (police captains) and Mission One Field Inspectors (police lieutenants) to observe, monitor and document these inspections will continue, and be modified as necessary to meet the needs of the OPDS or the NOPD.

In order to maintain the current level of services being provided to those employers and neighborhood organizations utilizing the services of off-duty officers, NOPD

recommends a three (3) month transition period be provided to adequately phase in requirements of NOPD and DOJ proposed reforms. During this transition, NOPD will work with the existing paid detail coordinators that have been identified to ensure there is no disruption in service to both business interests and community interest.

Also during the transition period, we recommend that administrative staff be hired, office space outside of NOPD Headquarters be determined, and equipment requirements be filled as needed for this undertaking. Based on NOPD's recent evaluation of paid detail entry data, we project there will be no fewer than two (2) full-time civilian clerical positions and two (2) to five (5) full-time commissioned positions needed, all under the direction of a civilian non-police official administrator. The use of commissioned NOPD employees during the transition period will be to ensure a full understanding of needs and assessment of detail requirements. This number of employees may change as more information is learned, and it is anticipated that once the new OPDS is fully operational, most or all of the NOPD employees can be reassigned to the NOPD. These members will report to a civilian administrator and management team who will direct all aspects associated with paid detail services. *To be clear*, our recommendation is that NOPD personnel would not direct the activities of this office, but will be technical experts to assist in this work. The analysis of an administrative fee structure should be made to ensure that fees collected through this office will fully fund and exceed all associated operating costs.

Addressing Department of Justice Recommendations

DOJ Recommendation #1: Immediately remake the Paid Detail system. In its place, create a single office that arranges, coordinates and monitors all officers' outside law enforcement employment.

To accomplish this recommendation, NOPD proposes the following:

Office of Police Detail Services (OPDS) – A central office responsible for coordinating all elements and services relating to paid details will be created and operated under the administration of a civilian director outside of NOPD control, and controlled facilities. NOPD regulation Chapter 22.08, Paid Details, will be revised as follows:

“The Office of Police Detail Services (OPDS) has been established as the sole contact source responsible for coordinating all elements and services relating to paid details, including oversight of off-duty police services provided under agreements with community homeowner’s organizations operated either individually or as a self-taxing district. **No commissioned employee, civilian employee or reserve member shall be allowed to individually or cooperatively coordinate paid details.**”

OPDS will not accept any detail assignments from the City of New Orleans or its affiliated political subdivisions. This will ensure that no details are created to do work that should properly be the responsibility of the NOPD. Agencies that need additional security for their activities will work out agreements with the NOPD directly and pay the department for the regular time or overtime work of department members. But this policy goes beyond that to ensure no ethics code issues or potential conflicts of interest are created by City of New Orleans agencies using city taxpayer funds to pay city employees for work outside of the regular employment system.

1. **Employer Requirements** - Prior to authorization, any employer wishing to retain off-duty police services must:
 - a. Contact OPDS via telephone or web based application process to complete a form listing employer information and description of services required / purpose of request (e.g. - wedding escort, store security, traffic control, etc.);
 - b. Obtain an Employer I.D. Control Number from OPDS;

- c. Be made cognizant of the breakdown of cost associated with the specific paid detail services they are requesting, including: hourly rates; minimum service hour requirements; administrative fee assessments, and any other fees which may be associated with their request based on additional equipment or other special staffing requirements. For example, only those members trained and certified in the use of specialized vehicles or equipment will be allowed to work certain details (e.g. – motorcycles, bicycles, mounted, scooters, etc.). A schedule of fees shall also be posted on the City’s web site;
 - d. Agree to use of the OPDS ‘Paid Detail Sign-In Sheet’ used to record hours worked and signed by both the employer and detail employee. Original copy of this document shall be maintained by the employer with copy faxed or e-mailed to OPDS within 24 hours of completion of the detail assignment. A copy of the form to be used can be faxed or e-mailed to the employer or downloaded directly through the City’s web site;
 - e. Shall be made aware of the requirements regarding compensation, which include payment to the City (or independent entity) directly by either check, money order or other established payment procedure authorized by the City (or independent entity). Payments directly to NOPD members providing paid detail services is strictly prohibited;
 - g. Be made aware that employers who elect to retain the paid service of an off-duty officer or supervisor for a detail may be subject to employer reporting requirements in accordance with both State and Federal law.
 - h. Be cognizant that they may not select the department members who are assigned to work their detail. Of course, they should report any concerns to the OPDS regarding the performance of any department member assigned to work their detail.
2. **Member Requirements** – Officers, supervisors or civilians wishing to work paid details shall:
- a. Be required to complete a paid detail request form as described in this regulation which must include an ‘Employee Control Number’ assigned by the Office of Police Detail Services. If an employer cannot provide this number or the member has not previously received this authorization number, either the employer or member assigned to work the paid detail should immediately contact

OPDS for assistance.

- b. Submit the paid detail request form through his/her chain of command as outlined in this procedure. A paid detail request form that does not include an Employer Control Number *shall not* be approved by any supervisor;
- c. Comply with procedures requiring detail tracking, to include obtaining an item number, detail location notification procedures, payroll entry requirements and web based detail logging procedures as defined in this regulation;
- d. Record their working hours and sign the 'Paid Detail Sign-In Sheet' that has been provided to their employer by OPDS;
- e. Be made cognizant that payment for detail services will be collected directly by the City of New Orleans (or independent entity) and paid to the employee.
- f. Be made aware that members electing to perform paid detail services may be subject to employee income reporting requirements in accordance with both State and Federal laws.

DOJ Recommendation #2: Underscore that the ability to work Details is a privilege.

To accomplish this recommendation, NOPD will modify current procedure as:

Current regulation states: "Permission to work paid details is a *privilege* available to all commissioned police officers and certain non-commissioned employees meeting the high standards of this department."

Similar wording will be added just above the employee signature line on the department's paid detail request form that each member must sign and submit prior to working a paid detail. This wording shall read:

"I further recognize and accept that permission to work a paid detail is a privilege being provided to me as a member of the New Orleans Police Department and that while representing this agency in my official capacity, I will be expected to perform in accordance with the high professional standards set by this department."

Existing NOPD policy which outlines requirements for eligibility to work paid details will be strengthened to include an overview of the employee's total work performance. The NOPD has been meeting with police labor groups to outline a new

policy to this point. Generally, policy in place now restricts details to officers administratively reassigned, sick leave abuse or other direct action to limit availability. Current policy does not go far enough to ensure that the desired levels of employee daily performance will be linked to eligibility to perform paid details and that policy will be updated accordingly.

DOJ Recommendation #3: Increase officer accountability and oversight of the Detail system.

To accomplish this recommendation:

1. The Office of Police Detail Services will have the authority to determine the sufficient supervisory support levels needed within its agency to oversee regulatory compliance relating to paid detail services. This activity will be linked directly to the NOPD Public Integrity Bureau so that immediate disciplinary actions/investigations can occur upon complaint of misconduct.
2. An added level of oversight will be maintained by NOPD's continued enforcement of existing and recently updated policies requiring daily inspections at detail sites by District Platoon supervisors, Integrity Control Officers (police captains), and weekend Field Inspectors (police lieutenants). NOPD's existing policy of on-duty supervisors visiting paid detail sites continues, and has been advanced by use of Computer Aided Dispatch records of paid detail officer locations since the winter of 2010.
3. Department members will be accountable to the NOPD for their performance on details, just as they are accountable for their performance on regular departmental assignments. In other words, outstanding police work as well as tardiness, absence, or poor performance on details can and will be included in departmental performance evaluations as appropriate.

DOJ Recommendation #4: Prohibit officers from soliciting Detail opportunities.

To accomplish this recommendation, NOPD will add the following wording as an acknowledge statement which must be signed by each member working a paid detail. This wording will read:

"I further acknowledge that the New Orleans Police Department strictly prohibits its members from participating in the solicitation, coercion or individual and cooperative coordination of paid detail opportunities."

If an employee is found to have violated this provision, beyond any departmental disciplinary sanction, detail privileges will be suspended up to and including indefinitely.

DOJ Recommendation #5: Establish a system with appropriately stringent criteria that will fairly assign officers to work Details.

To accomplish this requirement, NOPD would institute the following provision to current policy to link with the Office of Police Detail Services policy/procedure:

Filling Paid Detail Openings: “The Office of Police Detail Services shall maintain a complete roster of members interested in working paid details. This OPDS Detail Roster shall be used on a rotation basis to fill paid detail openings/vacancies. Separate lists shall be maintained according to rank structure (e.g. Police Officers, Sergeants, Lieutenants, Captains, etc.). Members interested in working paid details can contact the OPDS directly or submit their name to OPDS via a web based application process. OPDS shall also maintain a list of paid detail opportunities which can be accessed through the existing NOPD employee web site under the ‘Paid Detail Bulletin Board’ application. This application allows members to view available detail opportunities and submit a request for consideration.” Officers assigned to work details will be rotated every 90 days and detail supervisors every 180 days to ensure that an appropriate balance is achieved between knowledge and familiarity with the detail by the officers while preventing the detail sponsor and officers assigned from believing they have “ownership” of that detail/employer relationship.

It is anticipated that these steps will more fairly distribute paid detail opportunities to more employees, thus providing a more equal distribution of detail hours per week, per employee.

Recommendation #6: Set Detail pay uniformly according to rank and include a reasonable fee that goes to the City to cover the expenses of the outside employment office, workers compensation, fuel, use of equipment, and any other actual or potential costs to the City.

To accomplish this recommendation, NOPD will incorporate the following into existing policy and will be managed through the Office of Police Detail Services:

A schedule of fees per hour by supervisory or non-supervisory rank and equipment (e.g., cars, equine, motorcycle, etc.) will be added as an appendix to our existing regulation and shall additionally be made available by the OPDS and the City’s web page. NOPD proposes that all services be billed by the City (or an independent

entity) directly to the employer and the compensation to employees be paid by the City (or independent entity).

Administrative rates are to be established through an analysis of cost to provide overall management, time keeping, billing, remittance, payment, equipment cost, etc.

Additional Recommended Reforms

In addition to the previously described recommendations, which are intended to address specific Department of Justice provisions, the New Orleans Police Department will modify current paid detail policy to reflect the following additional recommendations:

Supervisor Staffing (This reflects an increase and greater specificity over previous levels):

Detail Minimum Supervisory Staffing Requirements:

The minimum supervisory requirements for a paid detail are:

- For details requiring the simultaneous or overlapping schedule of one (1) officer, up to four (4) officers may be worked without a ranking officer, with the most senior officer accepting supervisory responsibility for the detail.
- Details requiring the simultaneous or overlapping schedule of five (5) to nine (9) officers shall have at least one (1) ranking officer of at least the grade of sergeant.
- Details requiring the simultaneous or overlapping schedule of ten (10) to fourteen (14) officers shall have at least two (2) ranking officers of at least the grade of sergeant.
- Details requiring the simultaneous or overlapping schedule of fifteen (15) to nineteen (19) officers shall have at least two (2) ranking officers of at least the grade of sergeant and one (1) supervisor of at least the grade of lieutenant.
- Details requiring the simultaneous or overlapping schedule of twenty (20) to twenty-four (24) officers shall have at least three (3) ranking officers of at least the grade of sergeant and one (1) supervisor of at least the grade of lieutenant.
- Details requiring the simultaneous or overlapping schedule of twenty-five (25) to twenty-nine (29) officers shall have at least three (3) ranking officers of at least the grade of sergeant and two (2) supervisors of at least the grade of lieutenant.
- Details requiring the simultaneous or overlapping schedule of thirty (30) officers or more shall have supervisory coverage in addition to that specified above based on the following scale:
 - One sergeant or above for every five (5) members;
 - One lieutenant or above for every two (2) sergeants;
 - One captain or above for every three (3) lieutenants;
- Supervisory personnel cannot be supervised on a detail by an officer of a lower supervisory rank.

Paid details requiring a ranking supervisory detail officer shall ensure all reporting requirements are met in accordance with finalized policy procedures.

Captains and above are allowed to fill positions called for by the above staffing requirements, or by filling other supervisory openings through the rotation list on those details staffed at levels described above which only may require either a sergeant or lieutenant. However, those Captains and above electing to fill such a vacancy would be eligible for compensation at the hourly rate approved for the lesser position that they have been selected for based upon the supervisors rotation list. Further, this provision will not impact the superior-subordinate relationship based upon NOPD recognized supervisory positions, i.e., if a Captain were by rotation to fill a Sergeant's position, and another Sergeant or Lieutenant was working the same detail, the Captain remains the ranking supervisor.

Additional Recommended Restrictions:

Split Shifts:

Splitting a shift without pay is strictly prohibited under any circumstance. Split shifts with pay shall be defined as an interruption of scheduled regular duty hours with the use of authorized leave benefits, such as annual, sick or civil. An example of split shift interruption with the use of authorized leave would be a member who reports to work at 8:00AM, uses annual leave for one (1) hour from 10:00AM –11:00AM, and returns to duty status from 11:00 AM to End Tour Of Duty. In order to avoid a disruption in regular duty scheduling, it will be the policy and practice of the Office of Police Detail Services to assign members to work a paid detail only if the request would not require a split shift.

Paid Detail and Regular Duty Payroll Entry / Recording of Hours and Duties:

A paid detail end or start time and a tour of duty start or end time must be separated by a reasonable time span to allow for travel to or from a member's place of assignment.

Prohibited Activity (Revised):

Department members are prohibited from knowingly participating in, or soliciting the creation of, any corporation, company, trust, fund, or cooperative banking account for the purpose of billing, receiving compensation, or coordinating the services of paid details.

Daily Limits and Mandatory Rest Period Before Police Tour of Duty

“No member, including Reserves, shall work more than eighteen (18) hours within a 24-hour period. (The 24-period begins the first time the member reports for either regular duty or a detail, after his/her six (6) hour minimum rest period.) These hours are cumulative and include normally scheduled work hours, overtime, off-duty paid details or outside employment.” Simply put, officers must have a “rest” period with no paid detail employment for six hours immediately preceding their next scheduled tour of duty.

Maximum Weekly Hours for Detail Work/Maximum Weekly Hours Allowed:

Department members will not be assigned more than 24 hours per seven day calendar week of detail work. To safeguard officer safety and optimal service, NOPD officers, barring emergency, will be limited to a total of 76 hours per week of total hours worked (regular shift, overtime and paid details).

The NOPD and the Office of Police Detail Services will create methodologically sound practices to randomly sample police payroll and OPDS payroll to ensure compliance with all policies and procedures related to these purposes. There will also be shared technology of monitoring NOPD and OPDS payroll to ensure hourly limits are met. Any violations found will be investigated with disciplinary action to follow, including stoppage of paid detail privileges.

Conclusion

The recommended reforms and principles outlined in this plan will fundamentally transform the existing detail practices of the NOPD to practices that are based on transparency, predictability and equity to all employees who engage in paid detail activity. The next several months of editing this plan will be intense and will be complex. But we cannot and will not get wholesale reform of the NOPD without steadfast diligence in implementing a complete and total overhaul of the paid detail system. We will settle for nothing less.