



AUGUST 2011

A Report from the Bureau
of Governmental Research

Moonlighting

An Overview of Policies
Governing Paid Police Details



BGR Review Committee

Sterling Scott Willis, *Chair*

J. Storey Charbonnet

J. Kelly Duncan

Hardy B. Fowler

Ann Thorpe Thompson

Edgar L. Chase III

Hans B. Jonassen

Mark A. Mayer

BGR Project Staff

Janet R. Howard, *President & CEO*

Peter Reichard, *Projects Manager*

Vincent Rossmeyer, *Principal Author*

BGR

The Bureau of Governmental Research is a private, non-profit, independent research organization dedicated to informed public policy making and the effective use of public resources for the improvement of government in the New Orleans metropolitan area.

This report is available on BGR's web site, www.bgr.org.

Become a Member

To preserve its independence, BGR relies on financial support from a diverse membership of individuals, corporations and foundations. To find out how you can become a part of BGR, go to www.bgr.org/membership or call us at 504-525-4152 x108.



BUREAU OF GOVERNMENTAL RESEARCH

938 Lafayette St., Suite 200

New Orleans, LA 70113

Phone 504-525-4152

Fax 504-525-4153

www.bgr.org

BGR Board of Directors

Officers

Sterling Scott Willis, Chairman

J. Kelly Duncan, Vice Chairman

Mark A. Mayer, Secretary

Hardy B. Fowler, Treasurer

Board Members

Herschel L. Abbott, Jr.

Christian T. Brown

J. Storey Charbonnet

Edgar L. Chase III

James P. Favrot

Ludovico Feoli

Vaughan Fitzpatrick

Aimee Adatto Freeman

Julie Livaudais George

Samuel A. Giberga

Richard A. Goins

Norma Grace

Yvette Green

John C. Hope, III

Hans B. Jonassen

Shelby P. LaSalle, Jr.

Kelly Legier

N. J. "Woody" Ogé

Nolan V. Rollins

Tiffany J. (T.J.) Thom

Ann Thorpe Thompson

Madeline D. West

Robert J. Whann, IV

Brent Wood

Alan J. Yacoubian

Luis Zervigon

Honorary Board

Harry J. Blumenthal, Jr.

Louis M. Freeman

Richard W. Freeman, Jr.

Ronald J. French

David Guidry

Paul M. Haygood

Diana M. Lewis

Anne M. Milling

R. King Milling

George H. Porter III

Lynes R. Sloss

Edward F. Stauss, Jr.

INTRODUCTION

In March, the Civil Rights Division of the U.S. Department of Justice released an investigative report on the New Orleans Police Department (NOPD). The Justice Department report found numerous systemic problems with the NOPD, including its handling of paid detail employment for off-duty officers. The report stated that “there are few aspects of NOPD more broadly troubling” than its paid detail system, and it made recommendations for improvements.¹

Mayor Mitch Landrieu directed Superintendent Ronal Serpas to completely revamp the department’s paid detail system. On the heels of the mayor’s request, revelations about the city’s use of off-duty officers to examine traffic camera violations at lucrative hourly rates brought the troubled detail system fully into the public eye.

On May 15, the superintendent responded to the mayor’s directive by releasing a plan to reform the NOPD’s detail system (NOPD Reform Plan).² While the plan is not a full-fledged policy, it provides the outline of how the superintendent proposes to reform details and addresses each of the Justice Department’s recommendations. The full policy will be developed in cooperation with the Justice Department.

The NOPD Reform Plan would radically change the way details are administered in New Orleans. As a result, it has generated concern from NOPD unions and some private businesses and neighborhood associations that rely on paid details.

This report discusses the NOPD’s existing and proposed detail policies and procedures, and evaluates their adequacy in light of best practices.

DETAILS: BENEFITS AND RISKS

A detail is the off-duty employment of a police officer in a job that involves the potential use of law enforcement powers. Details include work as varied as patrolling a neighborhood security district, standing guard at a business or private party, providing security or crowd control at a sporting event, or providing personal security for a public figure.

A NOTE ON SOURCES

In preparing this report, BGR reviewed model policies, research and recommendations on details from various national and state organizations focused on law enforcement. BGR also reviewed articles and studies on the topic of details, as well as individual policies from 30 departments around the U.S. The Appendix contains a complete list of sources.

Police departments allow their officers to work paid details as a way of supplementing their salaries. Details also provide a way of meeting the need for additional security in vulnerable situations. They increase the local police presence in the community beyond the level that a government might otherwise be able to afford. While there are departmental costs related to details, departments can price details to cover those costs and generate surplus revenue. Because of the potential benefits, it is common for police departments to allow officers to work details.

However, details carry certain risks.³ Because officers working details are paid by private entities rather than the government, details can divide an officer’s loyalties and foster conflicts of interest. The detail that supplies the supplemental income can become more important to an officer than his primary law enforcement duties. Officers may be tempted to provide special attention even while they are on duty to businesses that pay for details.

Corruption is also a risk. Officers can exploit their position for personal gain by suggesting that normal police protection is contingent on a business paying for a detail. They might also be coaxed to ignore offenses that would hurt an employer’s business. Some businesses may even hire officers on detail with the expectation that officers will do so. When employers are allowed to pay officers directly in cash, details can open the way for tax evasion.

Furthermore, a department’s efforts to present a public image of adhering to the highest moral standards can be undermined by details for businesses associated

with vice or potential abuse, such as strip-tease clubs and bars.

Details can also undermine a police department's chain of command. This happens when officers of a lower rank coordinate details worked by superior officers, leaving a superior beholden to a subordinate.

Details place demands on departmental resources and, unless the fee structure addresses the issue, they can actually increase a department's cost. For example, a department has to provide the resources to supervise details. In addition, officers often use departmental equipment, such as cars, when working details.

Excessive time spent working details can cause fatigue, impairing an officer's ability to perform his primary law enforcement duties.⁴ Additionally, departments can be liable for officer misconduct and worker's compensation claims for injuries that occur during off-duty details.⁵

THE SITUATION AT THE NOPD

Currently, the NOPD's policies and procedures governing details and the department's lack of enforcement leave the department exposed to risk. The department has little control over details. Individual officers solicit or receive requests for details, arrange for staffing on an ad hoc basis, and coordinate scheduling. They also negotiate prices and receive payments directly from employers. In some cases, officers charge a fee for coordinating details with employers. As of August 2010, they cannot be paid in cash.

The current detail system presents a number of other problems. There are inadequate safeguards against officer fatigue. High-ranking officers work on details controlled by subordinates and sometimes serve in a non-supervisory capacity. While there is an approval process for working details, NOPD does little in the way of monitoring, supervision and enforcement. Officers have been working details for the city government that employs them.

According to the Justice Department's report, the NOPD's current paid detail system "drastically under-

mines the quality of NOPD policing."⁶ The report found that the system facilitates extortion and other forms of corruption. It also found that the system contributes to officer fatigue, undermines the chain of command, leads to inequitable policing, is a financial drain on the department, and is poorly monitored.⁷

To address the problems with NOPD details, the Justice Department made six recommendations:⁸

- Create a single office to arrange, coordinate and monitor details.
- Emphasize that working details is a privilege.
- Increase accountability and oversight.
- Prohibit officers from soliciting details.
- Establish a fair system for assigning officers to details.
- Set a uniform pay scale based on rank and charge a reasonable fee to cover the department's related expenses.

The NOPD Reform Plan offers a response to each of these recommendations. It would create an independent office to coordinate, administer and manage all aspects of the detail process. It would strengthen the eligibility requirements to work details. It would prohibit officers from coordinating their own details and from charging other officers a fee for coordination. It would eliminate direct payments to officers from detail employers. It would systematically assign officers to work details. It would set a standard pay rate for officers according to rank and charge a fee to cover the costs of the new detail administration office and the use of departmental property. It would also increase supervision of officers working details.

To combat officer fatigue, the NOPD Reform Plan would institute a six-hour rest period following a detail and limit the total time an officer can work in a week in any capacity to 76 hours. Finally, it would end the practice of providing NOPD detail services to the city government of which it is a department.⁹

CREATING A MODEL POLICY

A well-crafted set of policies and procedures can help to mitigate the risks associated with details. Based on BGR’s research, strong detail policies include the following elements:

- Centralized control and administration of all or most aspects of details.
- Appropriate limitations on the types of businesses that can hire officers for details.
- Eligibility requirements for officers seeking to work details.
- Limitations on work hours.
- A process for fairly assigning work and ensuring proper staffing of details.
- A fee policy that compensates officers on a standardized basis and covers related departmental costs.
- Monitoring and supervision of details.

In this section, BGR discusses best practices with regard to each of these elements. It examines how policies from various police departments comport with best practices, describes the current NOPD policy and sets forth the changes proposed in the NOPD Reform Plan.

Centralized Control and Administration of Details

To minimize the risks identified above, best practices clearly favor centralized control and administration of details. Under such an approach, the department, rather than individual officers, receives and evaluates employer requests, enters into contracts with employers, approves officers to work details, and handles scheduling, job assignments, billings and payments. To prevent extortion or inappropriate relationships between employers and officers, officers are prohibited from soliciting details.¹⁰

To enable the department to exercise this control effectively, best practices call for centralizing key administrative functions in a designated office or turning them over to a coordinator. These functions include receiving and evaluating employer requests for details, contracting with employers, and assigning officers to details. In some cases, the central office or coordinator is also charged with monitoring the performance of officers

working details.

Very few of the departmental policies that BGR reviewed centralize control and administration of details to the degree suggested by best practices. One that does is the Colorado Springs Police Department. A special detail office managed by a paid civilian administrator controls most aspects of details. The office receives and reviews all requests for details and enters into contracts with employers. Officers are not allowed to solicit details. The administrator assigns eligible officers to details based on seniority. The department controls billings and payments through a separate division.¹¹

Currently, the NOPD exerts little control over details. Officers are allowed to solicit and receive requests for details. They handle the staffing and scheduling. With limited exceptions, they negotiate the compensation and handle the billing and payment process.¹²

The NOPD does have an approval process for details. Officers must file a form for each detail and receive approval to work it from their division commander.¹³ The superintendent or his designee is required to review all detail requests to determine whether the work is appropriate for NOPD officers.¹⁴ The superintendent or his designee has final say over the approval of each detail.¹⁵

In its report, the Justice Department treats decentralization as a root cause of the problems with the current NOPD detail system. It notes that individual officers who coordinate details can amass undue powers. The coordinator decides who works, when and where they work, and how much they make.¹⁶ Because officers can solicit their own details and negotiate their own compensation, the decentralized system has opened the way for officers to demand exorbitant sums and even extort business owners.¹⁷

The NOPD Reform Plan proposes the creation of an Office of Police Detail Services to be headed by a civilian director and to operate independently of the NOPD. The office would have responsibility for “coordinating all elements and services relating to paid details.”¹⁸ The NOPD Reform Plan would prohibit officers from soliciting paid detail work.¹⁹ Billing and payments would be processed by the city or an independent entity.²⁰

Limitations on Types of Details

Best practices suggest banning details that detract from the stature of the officer or the agency, pose a conflict of interest for the officer or department, diminish the public's perception of the agency, or impair the officer's ability to perform his primary duties. They also suggest specifically prohibiting certain types of details, such as:

- Details at establishments where there is an obvious potential for illegal activity.
- Details at establishments that sell pornographic material, involve nudity or that otherwise provide sexually-related entertainment.
- Details at establishments that derive the majority of their business from gambling.
- Details at establishments whose principal business is derived from the sale, distribution or manufacture of alcohol.
- Details at the site of a labor strike.
- Details for employers under investigation by the department.
- Details for private investigation businesses.
- Details for employers who are regulated or licensed by the police agency.
- Details for convicted felons.
- Details outside the agency's jurisdiction.

Best practices also usually include bans on secondary employment as a process server, reposessor, debt collector, bail bondsman, independent contractor of police services, or at a credit agency or towing company. Aiding in the preparation of criminal or civil cases is also generally prohibited.²¹

Almost all of the departmental policies BGR reviewed contain some form of prohibition on the types of detail employment and employers.

The NOPD's current policy limits details in various ways. It requires the superintendent or his designee to review all detail requests for suitability, conflicts of interest and circumstances indicating that the presence of an NOPD officer may be inappropriate.²² The policy specifically prohibits details that pose a conflict of interest with the city and cites polygraph examinations as an example. It forbids working for a private guard company and details at bars, lounges and other businesses

where the primary revenue comes from the sale of alcohol. Officers cannot work as private investigators, bartenders, cocktail waiters, doormen, barkers, ticket takers, bouncers and private money couriers, or for bail or bonding companies, collection agencies and gambling establishments. The policy also prohibits NOPD employees from forming any business that receives compensation from, or offers services for, details.²³

While the Justice Department's report does not comment on the scope of the restrictions in the NOPD's policy, it does question the enforcement of such prohibitions. Specifically, it expresses concern about loose interpretation and "lax enforcement" of the prohibition on working at businesses where the sale of alcoholic beverages is the primary source of revenue.²⁴

The NOPD Reform Plan would add details for "city agencies or its political subdivisions" to the list of prohibited details.²⁵ Best practices do not address the issue, perhaps because the notion of a government paying its own employees to work details is unusual.

Officer Eligibility

Best practices suggest creating standards that officers must meet to be eligible for detail assignments. The most basic requirements are that an officer be in good standing with the department and that the detail not impair the officer's ability to perform his primary duties. The good-standing criteria would prevent an officer from working details if he were on reassigned duty pending an investigation, on probation or suspended. Officers on sick or other compensated leave (other than vacation) are also ineligible.²⁶

Almost all departmental policies BGR reviewed impose some sort of eligibility requirements. In certain cases, the requirements are more stringent than those called for by best practices. For instance, the Charlotte-Mecklenburg (N.C.) Police Department prohibits command personnel (captains and above) from working details without the approval of the chief of police.²⁷ The restriction is designed to help maintain the dignity of high-ranking positions.

Some departmental policies also prohibit officers from working details in the area that they normally patrol.²⁸

The intent is to prevent favoritism in policing. However, one drawback to such a ban is that it keeps officers away from details in the areas they know best.

The NOPD's current policy denies details to officers who are administratively reassigned or on sick leave.²⁹ It allows a supervisor to deny an officer's eligibility based on his attendance record, performance and disciplinary history.³⁰ Officers in training are not allowed to work details without supervision.³¹ However, the policy allows high-ranking officers to work details.

The Justice Department report criticizes the NOPD for failing to enforce eligibility standards. It cites an example of an officer repeatedly working details while on sick leave. Worse, it cites reports of "ghosting," in which an officer shows up for roll call but reports to a detail instead of his NOPD assignment in the field. It mentions reports of officers leaving in the middle of investigations to report to details.³²

The NOPD Reform Plan states that the 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."³³ It indicates that the eligibility requirements will be strengthened and the policy updated, but does not provide specifics.³⁴

The NOPD Reform Plan would place limitations on the ability of officers with the rank of captain and above to work details. They would be allowed to work details only in a supervisory capacity and only when details call for large numbers of officers.³⁵

Limitations on Work Hours

Restrictions on officers' work hours are a safeguard against fatigue, which can compromise the officers' safety and that of the public. Research on sleep deprivation among officers has shown that after 10 hours on duty accidental deaths increase by nearly 90 percent. Fatigued officers are more likely to use inappropriate force and become involved in vehicle accidents.³⁶

Best practices call for reasonable limits on the number of hours an officer can work details. These can take the form of limits on the number of weekly detail hours or on the total hours that an officer can work in any capac-

ity during a day or a week.

Some organizations focused on law enforcement suggest specific limits. Several suggest a maximum number of 24 weekly detail hours.³⁷ Several suggest capping employment in any capacity at 64 hours per week, with daily limits ranging from 14 to 16 hours.³⁸ Two of the organizations suggest a rest period of eight hours between off-duty employment and the return to duty.³⁹

Nearly all departmental policies BGR reviewed include specific time limits and many of them comport with best practices. For instance, the Portland (Ore.) Police Bureau limits all employment to 60 hours and details to 20 hours a week.⁴⁰ The Denver Police Department limits officers to 16 hours of work a day and 64 in a week.⁴¹

The current NOPD policy limits the number of detail hours an officer can work in a week to 24. It allows exceptions to this limit during special events such as Mardi Gras and Jazz Fest. However, it places no other limitations on an officer's total work time.⁴² There is no requirement that officers take a break between details and returning to NOPD duty.

The Justice Department report states that there is "little oversight" to ensure that the current cap on weekly detail hours is enforced.⁴³

The NOPD Reform Plan would continue to limit officers to 24 hours of details a week. It would also add daily and weekly limits on total work hours and require a rest period. Officers could work no more than 76 total hours in a week.⁴⁴ They could work no more than 18 hours a day and would have to rest for a minimum of six hours before returning to NOPD duty.⁴⁵ The continued limit on weekly detail hours is in line with best practices. However, the hours proposed for the daily and weekly limits on all forms of work are high relative to best practices and should be reconsidered.

Job Assignments

In order to prevent favoritism and the amassing of power by individual coordinators, best practices call for police departments to create an equitable process for assigning details. Several law enforcement organizations specifically suggest a rotating list as one way to

guarantee fairness.⁴⁶

Many of the departmental policies BGR reviewed align with best practices on job assignments. The policies use a variety of methods to ensure fairness, including random assignments, rotating assignments, assignment on a first-come first-served basis, and assignment based on an officer's seniority or rank.⁴⁷

The current NOPD policy does not address the issue of job assignments. Officers can choose the staffing for the details they arrange.

One of the perverse effects of the system is that lower-ranking officers are coordinating details that employ higher-ranking officers. The Justice Department report found that the current system gives a detail coordinator "an inordinate amount of power," with coordinators holding sway over the financial well-being of other officers, including superiors. It states that the practice "undermines good policing by undermining the chain of command."⁴⁸

The NOPD Reform Plan would create an assignment system managed by the detail office. All detail opportunities would be posted on the NOPD's employee website, and officers interested in serving on a detail could notify the office.⁴⁹ The new detail office would keep a roster of all officers interested in working details and assign details on a rotating basis.

The NOPD Reform Plan calls for rotating officers other than supervisors from ongoing details every 90 days and supervisors every 180 days to prevent members from taking "ownership" of any single detail.⁵⁰

Fee Policy

Best practices call for departmental control of the payment system. Placing control of payments in the department eliminates direct cash payments to officers, makes the compensation system more transparent and allows the department to remove taxes from paychecks. It also prevents officers from charging exorbitant rates for details and enables the department to cover its detail-related costs.

Several national and state organizations focused on law

enforcement suggest that a department establish a fee schedule for details. This fee should include a charge for equipment usage and administration to cover the department's costs, as well as the officer's pay.⁵¹

The Miami Police Department goes even further. It charges an administration fee that pays for the operation of the police department's detail office and generates additional revenue for the city.⁵²

Most of the departmental policies BGR reviewed either centralize control of payments or set a fee schedule, but very few do both. One that does is the Colorado Springs Police Department.⁵³

In New Orleans, officers negotiate their own charges, including management fees, for details.⁵⁴ They handle billings and payments and, until last August, they could be paid in cash.⁵⁵

The Justice Department cites the current payment structure as a major concern. It observes that some detail coordinators charge exorbitant rates. Some seek an extra fee from employers for coordinating services or take "a little off the top" from officers working details.⁵⁶ The report states that when officers can earn more money on their details than they do as officers, "they may feel a greater allegiance to their Detail employer than they do to the public."⁵⁷

The report also faults NOPD for failing to recoup the costs the department incurs when officers work details and for not generating revenue from detail coordination. In most cases, the report says, NOPD does not charge for use of city equipment, vehicles or fuel. The current detail system also exposes the department to the risk of substantial losses. In one case, a police dog accompanying an officer on a detail died falling down an elevator shaft. It cost the city approximately \$15,000 to replace the dog. The report also cites three instances in the last three years when the city paid worker's compensation claims for officers injured on motorcycle details.⁵⁸

The NOPD Reform Plan would end direct payments to officers from detail employers. It would also establish a pay scale based on supervisory and non-supervisory rank. It would charge a fee to cover the expenses of the

independent detail office and the use of city fuel and equipment.⁵⁹

Monitoring and Supervising Details

Best practices call for departments to monitor and supervise all details, without providing specifics about the form that monitoring and supervision should take. The International Association of Chiefs of Police recommends that departments require a specific ratio of officers to supervisors in employment contracts for larger details.⁶⁰ It does not indicate what the specific ratio should be.

Most departmental policies BGR reviewed contain monitoring requirements. Some include on-site inspections and audits of the number of detail hours officers work.

A number of the departmental policies that BGR reviewed required specific supervisory ratios for larger details. For instance, the Columbus, Ohio, Division of Police requires employers to hire one sergeant for every three to six officers and one lieutenant for three or more sergeants.⁶¹

Currently, the NOPD detail policy calls for little in the way of monitoring. It requires each district commander to keep a daily log of all details worked in his district. The policy also directs supervisory personnel to “make themselves aware of those details being worked in their district during their tour of duty.”⁶² District supervisors are also instructed to conduct random checks at detail sites to ensure compliance with department regulations.⁶³

The current policy includes supervisory staffing requirements for details requiring multiple officers. Details requiring five to 13 officers must have at least one sergeant. For details with 14 or more officers, one sergeant is required for every seven officers, one lieutenant for every four sergeants and one captain for every three lieutenants.⁶⁴

The Justice Department report criticizes the NOPD for failing to monitor details and doing “little to encourage accountability.”⁶⁵ According to the report, officers tasked with overseeing details have too little time to do so adequately. It also found that, when officers perform

poorly at details or fail to show up, the businesses employing them have no recourse.

The NOPD Reform Plan calls for increased monitoring for details. Supervision would be “linked directly to the NOPD Public Integrity Bureau” to expedite disciplinary actions for misconduct.⁶⁶ The plan also would increase inspections at detail sites by supervisory officers. Officers would be held to the same standards on details as for regular duty, and performance on details would be included in their performance evaluations.⁶⁷

Additionally, the NOPD Reform Plan would increase supervisory staffing requirements. It would require one supervisor with the rank of at least sergeant or above for every five officers working a detail. Details requiring more than two sergeants would have at least one lieutenant and details with multiple lieutenants would include at least one captain.⁶⁸

CONCLUSION

The NOPD Reform Plan has the potential to improve the department’s paid detail system dramatically. Consistent with best practices, it would:

- Centralize control and administration of details.
- Prohibit officers from soliciting detail work.
- Strengthen eligibility requirements for officers.
- Create a fair system for assigning officers to details.
- Establish a fee schedule that standardizes pay and allows the department to recoup its detail-related costs.
- Prohibit cash payments to officers.
- Increase monitoring and supervision of details.

The NOPD Reform Plan would also impose limits on the total number of hours an officer can work in a day and week. However, the number of hours proposed as the maximums are high compared to best practices and should be reconsidered.

While the NOPD Reform Plan is a promising start,

it is only a broad outline. The importance of spelling out the specific policies in a manner that aligns with best practices and addresses the peculiar problems that have plagued the system in New Orleans cannot be overstated.

Finally, it is important to keep in mind that no matter how strongly a detail policy is worded, its effectiveness depends on how well it is enforced. The Justice Department report indicates that enforcement of existing policies has been severely lacking.

The NOPD Reform Plan provides a good starting point for developing future policies and procedures. Ultimately, it will fall to NOPD leadership and the rank-and-file to fully implement the plan in a way that is consistent with best practices.

APPENDIX

New Orleans Sources

New Orleans Police Department, Operations Manual, Chapter 22.8 Paid Details.

Serpas, Ronal W., Superintendent, New Orleans Police Department, *Reforming Paid Details*, Submitted to Mayor Mitchell J. Landrieu, May 15, 2011 (NOPD Reform Plan).

Serpas, Ronal W., department-wide memorandum re: General Order No. 828, August 12, 2010.

United States Department of Justice, Civil Rights Division, *Investigation of the New Orleans Police Department*, March 16, 2011.

Best Practices Sources

Americans for Effective Law Enforcement, "Regulation of Off-Duty Activities, Part One," *AELE Monthly Law Journal*, December 2007.

Americans for Effective Law Enforcement, "Regulation of Off-Duty Activities, Part Two," *AELE Monthly Law Journal*, January 2008.

Burton, Darcy U., "Outside Employment Guidelines for Law Enforcement Agencies," *FBI Law Enforcement Bulletin*, January 1997.

Commission on Accreditation for Law Enforcement Agencies, Inc., Standards for Law Enforcement Agencies, Secs. 22.3.4 and 22.3.5.

Georgia Association of Chiefs of Police, Sample Law Enforcement Operations Manual, S.O.P. 5-2 Secondary Employment, pp. 13-16.

Hampton, D.R., "Special Inspection: Secondary Employment," City of Durham North Carolina Police Department Professional Standards Division, Office of the Staff Inspector, June 27, 2008.

International Association of Chiefs of Police Law Enforcement Policy Center, "Model Policy – Secondary Employment," October 1997.

International Association of Chiefs of Police Law Enforcement Policy Center, "Secondary Employment," October 1996.

Kentucky Association of Chiefs of Police, Accreditation Standards, Secondary Employment.

Sumpter, Ken, "Managing Department Secondary Employ-

ment," Florida Criminal Justice Executive Institute, June 2010.

Texas Police Chiefs Association, Best Practices Standards, Policy 4.6 Off-Duty Employment.

Virginia Law Enforcement Professional Standards Commission, Rules and Regulations, Off-Duty Employment.

Wisconsin Law Enforcement Accreditation Group, Accreditation Standards, 3rd Edition, October 2008.

Departmental Policies

Anne Arundel County (Md.) Police Department, Written Directive, Index Code 712 Secondary Employment.

Arlington County (Va.) Police Department, Directives Manual, Sec. 512.03 Off Duty Employment.

Austin (Texas) Police Department, Policies and Procedures, Sec. A307 Secondary Employment.

Baton Rouge (La.) Police Department, Policy and Procedure Manual, General Order No. 102, Extra Duty or Secondary Employment.

Boston Police Department, Rules and Procedures, Rule 326 Licensed Premises Inspections/Paid Details.

Charlotte-Mecklenburg (N.C.) Police Department, Interactive Directives Guide, Sec. 300-007 Secondary Employment.

Cincinnati Police Department, Procedure Manual, Sec. 19.140 Outside Employment.

Colorado Springs Police Department, Administrative Manual, General Order 1672, Sec. 16 Extra-Duty Employment Professional Ethics and Discipline.

Columbus, Ohio, Division of Police, Division Directive, Directive 3.17 Secondary Employment.

Denver Police Department, Operations Manual, Secondary Employment, Sec. 114.01.

Florida Highway Patrol, Policy Manual, Policy No. 5.10 Off-Duty Employment.

LeGrange (Ga.) Police Department, Operations Manual, Chapter 5.2 Outside Employment.

Kansas City, Mo., Police Department, Personnel Policy, Policy 630 Off-Duty Employment.

Los Angeles Police Department, Policies and Procedures, Secs. 270.30, 270.35, 744.08-744.96.

Louisiana State Police, Policy and Procedure, P.O. 234 – Secondary Employment/Personal Investments.

Madison (Wis.) Police Department, Madison Police Policy Manual, Policy 4-700 Off-Duty Officer Responsibilities.

Metropolitan Police of the District of Columbia, General Order, GO-PER-201.17 Outside Employment.

Minneapolis (Minn.) Police Department, MPD Policy and Procedure Manual, Sec. 3-801 Off-Duty (Outside) Employment.

Montgomery County (Md.) Department of Police, COMCOR 19A.06.01 Regulations of Secondary Employment (Police).

Naperville (Ill.) Police Department, General Order, No. 22.4 Off-Duty and Extra-Duty Employment.

Orlando (Fla.) Police Department, Policy and Procedures Manual, Art. 46 Off Duty Employment.

Portland (Ore.) Police Bureau, Manual of Policy and Procedure, Secs. 210.70 and 210.80, Secondary and Extra Employment.

Prince George's County (Md.) Police Department, General Order, Chap. 18, Secondary Employment.

Pueblo (Colo.) Police Department, Departmental Policies, Chap. 2-7 Outside Employment.

Richmond (Va.) Police Department, General Orders, Ser. 105 Outside (Off Duty and Extra) Employment.

San Francisco Police Department, Policies and Procedures, General Order No. 11.02 Secondary Employment.

San Jose (Calif.) Police Department, Policies, Rules, Procedures, Policy C 1500 Standards of Conduct – Secondary Employment.

Seattle Police Department, Policies and Procedures, Sec. 5.120 – Secondary Employment.

Syracuse (N.Y.) Police Department, General Rules and Procedure Manual, 16.00 Policy Secondary Employment.

Topeka (Kan.) Police Department, Standard Operating Procedure, No. DM21 Secondary Employment.

Vila, B.J., and D.J. Kenney, "Tired Cops: The Prevalence and Potential Consequences of Police Fatigue," *National Institute of Justice Journal*, Issue No. 248, 2002.

Vila, Bryan, "Sleep Deprivation: What Does It Mean for Public Safety Officers?," *National Institute of Justice Journal*, Issue No. 262, 2009.

Additional Sources

National Institute of Justice, U.S. Department of Justice, "Impact of Sleep Deprivation on Police Performance," www.nij.gov.

ENDNOTES

- 1 United States Department of Justice, Civil Rights Division, *Investigation of the New Orleans Police Department*, March 16, 2011, pp. 69 and 73-74.
- 2 Serpas, Ronal W., Superintendent, New Orleans Police Department, *Reforming Paid Details*, Submitted to Mayor Mitchell J. Landrieu, May 15, 2011 (NOPD Reform Plan).
- 3 For additional information on the benefits and risks associated with details, see the list of best practices sources in the Appendix as well as the Department of Justice report.
- 4 International Association of Chiefs of Police Law Enforcement Policy Center, "Secondary Employment," October 1996, p. 2.
- 5 Burton, Darcy U., "Outside Employment Guidelines for Law Enforcement Agencies," *FBI Law Enforcement Bulletin*, January 1997, pp. 2-3.
- 6 Department of Justice, p. 70.
- 7 *Ibid.*, pp. 70-71.
- 8 *Ibid.*, Appendix, p. 10.
- 9 NOPD Reform Plan, p. 3.
- 10 See, e.g., Burton, p. 8; Georgia Association of Chiefs of Police, *Sample Law Enforcement Operations Manual*, S.O.P. 5-2 Secondary Employment, pp. 13-16; International Association of Chiefs of Police, "Secondary Employment," pp. 2-3; Kentucky Association of Chiefs of Police, *Accreditation Standards*, Secondary Employment, pp. 2-3.
- 11 Colorado Springs Police Department, *Administrative Manual*, General Order 1672, Sec. 16 Extra-Duty Employment Professional Ethics and Discipline.
- 12 New Orleans Police Department Operations Manual, Chapter 22.8 Paid Details, p. 8.
- 13 *Ibid.*, p. 4.
- 14 *Ibid.*, p. 2.
- 15 *Ibid.*, p. 5.
- 16 Department of Justice, p. 71.
- 17 *Ibid.*, p. 72.
- 18 NOPD Reform Plan, p. 7.
- 19 *Ibid.*, p. 10.
- 20 *Ibid.*, pp. 11-12.
- 21 For examples see Georgia Association of Chiefs of Police, p. 14; International Association of Chiefs of Police, "Secondary Employment," p. 2; Kentucky Association of Chiefs of Police, p. 2.
- 22 NOPD Operations Manual, p. 2.
- 23 *Ibid.*, pp. 2 and 8-9.
- 24 Department of Justice, p. 74.
- 25 NOPD Reform Plan, p. 3.
- 26 For examples of officer eligibility requirements, see Burton, p. 4; Georgia Association of Chiefs of Police, p. 14; Kentucky Association of Chiefs of Police, p. 2.
- 27 Charlotte-Mecklenburg (N.C.) Police Department, *Interactive Directives Guide*, Sec. 300-007 Secondary Employment, p. 5.
- 28 For instance, see the Metropolitan Police of the District of Columbia. Metropolitan Police of the District of Columbia, *General Order*, GO-PER-201.17 Outside Employment, p. 6.
- 29 NOPD Operations Manual, p. 4.
- 30 *Ibid.*
- 31 *Ibid.*, p. 3.
- 32 Department of Justice, pp. 70-71.
- 33 NOPD Reform Plan, p. 10.
- 34 *Ibid.*, pp. 9-10.
- 35 *Ibid.*, pp. 13-14.
- 36 National Institute of Justice, U.S. Department of Justice, "Impact of Sleep Deprivation on Police Performance," www.nij.gov; Vila, B.J., and D.J. Kenney, "Tired Cops: The Prevalence and Potential Consequences of Police Fatigue," *National Institute of Justice Journal*, Issue No. 248, 2002, pp. 16-21; Vila, Bryan, "Sleep Deprivation: What Does It Mean for Public Safety Officers?," *National Institute of Justice Journal*, Issue No. 262, 2009, pp. 26-31.
- 37 See Georgia Association of Chiefs of Police, p. 14; International Association of Chiefs of Police, "Model Policy - Secondary Employment," October 1997, p. 2; Kentucky Association of Chiefs of Police, p. 2.
- 38 See Burton, p. 5; International Association of Chiefs of Police, "Model Policy," p. 2; Texas Police Chiefs Association, *Best Practices Standards*, Policy 4.6 Off-Duty Employment, p. 2; Virginia Law Enforcement Professional Standards Commission, *Rules and Regulations*, Off-Duty Employment, p. 1-11.3.
- 39 See Georgia Association of Chiefs of Police, p. 16; International Association of Chiefs of Police, "Secondary Employment," p. 2.

- 40 Portland (Ore.) Police Bureau, Manual of Policy and Procedure, p. 40.
- 41 Denver Police Department, Operations Manual, Secondary Employment, Sec. 114.01, p. 114-3.
- 42 NOPD Operations Manual, p. 6.
- 43 Department of Justice, p. 72.
- 44 NOPD Reform Plan, p. 3.
- 45 Ibid., p. 15.
- 46 See, for example, Georgia Association of Chiefs of Police, pp. 14-15; Kentucky Association of Chiefs of Police, p. 2.
- 47 For random and rotating assignments, see Richmond (Va.) Police Department, General Orders, Ser. 105 Outside (Off Duty and Extra) Employment. For an ongoing, long-term job, a coordinator selects officers to work the detail on a random basis. After a year, officers are reselected. For assignment on a first-come first-served basis, see Arlington County (Va.) Police Department, Directives Manual, Sec. 512.03 Off Duty Employment. For assignment based on seniority, see Colorado Springs Police Department, General Order 1672.
- 48 Department of Justice, p. 71.
- 49 NOPD Reform Plan, p. 11.
- 50 Ibid.
- 51 See, for example, Georgia Association of Chiefs of Police, pp. 14-15; International Association of Chiefs of Police, "Secondary Employment," p. 3; Kentucky Association of Chiefs of Police, p. 2.
- 52 Department of Justice, p. 74.
- 53 Colorado Springs Police Department, General Order 1672.
- 54 Department of Justice, p. 71.
- 55 See Serpas, Ronal W., department-wide memorandum re: General Order No. 828, August 12, 2010.
- 56 Department of Justice, p. 71.
- 57 Ibid.
- 58 Ibid., p. 73.
- 59 NOPD Reform Plan, pp. 11-12.
- 60 International Association of Chiefs of Police, "Secondary Employment," p. 2.
- 61 Columbus, Ohio, Division of Police, Division Directive, Directive 3.17 Secondary Employment, p. 5.
- 62 NOPD Operations Manual, p. 7.
- 63 Ibid., p. 8.
- 64 Ibid.
- 65 Department of Justice, p. 74.
- 66 NOPD Reform Plan, p. 10.
- 67 Ibid.
- 68 Ibid., p. 13.



BUREAU OF GOVERNMENTAL RESEARCH

938 Lafayette St., Suite 200
New Orleans, LA 70113

Nonprofit Org.
U.S. Postage
PAID
New Orleans, LA
Permit No. 432