

FINAL
REPORT OF INVESTIGATION
2008-0026

**TITLE: Motorcycle Officers; City of New Orleans Police Department
UNSUBSTANTIATED.**

LOCATION OF OCCURRENCE: Orleans Parish City Street Routes

DATES OF OCCURRENCE: January 2007 through May 2008

INVESTIGATED BY: Criminal Investigator Shelita Boudreaux

REGULATIONS/CITY CODES VIOLATED: the City of New Orleans ordinance 17271 MCS 154:1524 relative to Permits for excess weight, width, height, and length.

ACTION TAKEN: Recommendations made to the City of New Orleans Police Department Motorcycle Unit and the Department of Public Works Traffic Engineering Division.

This report relates to an allegation involving over-sized load vehicle permits issued by the New Orleans Department of Public Works and the escort of those vehicles by the Traffic Division of the New Orleans Police Department.

BASIS FOR INVESTIGATION

This investigation was initiated after receiving information from the U.S. Department of Homeland Security-Office of the Inspector General (DHS-OIG). A Federal Emergency Management Agency (FEMA) Contracting Technical Representative (COTR) received complaints from FEMA trucking contractors of possible police corruption committed by the New Orleans Police Department (NOPD) Motorcycle Escort Officers. These officers were allegedly demanding cash payments from truck drivers to provide escort services through the city limits of New Orleans.

BACKGROUND

The City of New Orleans requires permits for “oversized” vehicles that travel through its streets. This requirement is imposed in the interest of public safety and traffic

expediency. This permit is required in addition to the oversized load permit required by the Louisiana Department of Transportation and Development (DOTD).

The New Orleans Traffic Engineering Department of Public Works (DPW) provides requestors with a guideline of the requirements for obtaining an oversized load permit, including type and cost. The City provides an option of a single-trip or an annual oversized load permit to its applicants. The cost of the permit is \$10.00 and \$100.00, respectively; this does not include the application fee in the amount of (\$35.00) thirty-five dollars. The single-trip permit is only issued for a specifically identified vehicle that must travel the same route for that trip. Additionally, the vehicles that are permitted must be accompanied by proper escort, police or otherwise, all at the expense of the user. It is the policy of the (DPW) that permittees should utilize the escort services of the Motorcycle Division of the New Orleans Police Department.

EXTENT AND RESULTS OF INVESTIGATION

A Commander of the NOPD Traffic Division told investigators of the DHS-OIG that the City of New Orleans enacted a Municipal Code containing criteria identifying oversized vehicles. He explained the permitting process involves the NOPD traffic officer requesting that the driver have in his possession a “state permit” which is obtained from the Louisiana Department of Transportation and Development (DOTD). NOPD policy allows for the escort fee to be paid directly to the officer, in either cash or by company check. However, they are no longer accepting personal checks due to receiving insufficient funds in the past. He said it is against NOPD policy for one of his officers to demand to be paid in cash instead of a check. In addition, it is against NOPD policy if an officer issues a citation because the operator is unable to pay cash; or demands to be paid more than \$100 per trailer.

A Louisiana Department of Transportation (DOTD) Permits Manager stated the State’s permitting process involving oversized vehicles requires the drivers to obtain a “state permit” through the DOTD to travel on Louisiana state highways and routes. As a courtesy, the department informs the requestor to contact the New Orleans City Police Department (NOPD) when traveling within the City limits to ensure they receive escort services. She explained their department is unaware of the different city or parish requirements and specifications regarding oversize vehicles. Therefore, she agreed to have their personnel inform all requestors to contact DPW regarding oversized load permits.

Records of the NOPD Motorcycle Division were obtained that included the escort paid detail forms and NOPD Escort Ledger (primary book) for the time period of November 2005 through June 2008. These records reflected the escort officer’s name, assigned detail number, escort type, date, time, and the requesting party and contact. A summary of this information along with calculation of the apparent oversized load permits and application fees for selected periods during January 2007 through June 2008 was

performed. With the identity of the requestors determined from these records, a survey was conducted. The survey required the requestor(s) to provide dates, type of permit acquired, documentation of payment, and to describe the procedures used to request all escort services provided. More significant the survey inquired if the requestor(s) were aware of the City Ordinance, Article XIV, Section 154-1524 and if the company's driver was cited or warned for not possessing a city permit.

The survey disclosed seven out of sixteen companies obtained the state permit and utilized NOPD escort service without obtaining a city permit through DPW. Furthermore, the survey showed seven out of sixteen companies were aware of the city ordinance. Of the seven companies were aware of the ordinance, one Company gave reasons for failure to apply for annual permit. It reported the process of applying for an annual permit through DPW was overlooked due to personnel changes and business relocation since Hurricane Katrina. It further explained that its last application for an annual permit was in the year of 2004 or 2005.

One of the sixteen companies indicated his driver received a citation for not having an oversized load permit, but there was no documentation provided. As a result of this, the OIG made an inquiry at New Orleans Traffic Court to verify if any citations were issued by NOPD Traffic Officers for violations cited under MCS 154-1524 relative to Permits for excess weight, width, height, and length in 2007 and 2008. The Traffic Court provided copies to the OIG of three violations cited in 2007 and a copy of the Schedule of Fines for the violations. Any person charged with this traffic offense will pay a fine of \$100 plus \$61 for court cost. However, there were no citations issued by NOPD Traffic Officers in 2008, but two citations were issued in 2009. No citation could be located whose company stated their driver was cited.

Two of the three drivers who were cited by NOPD are employees of one company. The third driver could not be located. One driver stated that he was hauling a 12' wide mobile home on November 14, 2007 when he was stopped by a Motorcycle Officer on Interstate 10 at the Pontchartrain Expressway. He said the officer suspected that he needed an escort, and he explained to the officer that his 12' wide load did not require an escort, as his employer had earlier inquired with NOPD the necessity for an escort. He was told "no escort needed". The driver further explained that there was no need for an escort or permit because his route only included interstate movement, and he believed his load was within legal dimensions. He said the officer measured the height of the load and cited him for violation of MCS 154:1524, height requirement (ticket#J220087). After he was cited, the officer contacted two other police officers to escort him to his destination.

The second driver was issued a citation for MCS 154-1524 Oversized Requirement (14' Height) (ticket #J220088). He was unavailable for an interview. His employer was interviewed regarding this matter pertaining to a traffic citation issued to that driver. The employer stated he contacted NOPD regarding the service of an escort for the loads, but was advised an escort was not required. He explained the officer initially stopped both drivers for not having an escort. During this traffic stop, the officer discovered that the

drivers' loads exceeded the height requirement. The fines were paid on December 6, 2007 for both traffic violations.

The City of New Orleans collected an estimated total of only \$8,775 for oversized load permits issued in the years of 2007 and 2008. An analysis of the records of the NOPD Motorcycle Division for this same period revealed that a substantial degree of non-compliance by the trucking companies that failed to obtain an oversized load permit. As a result of this non-compliance, the City of New Orleans suffered an estimated minimum revenue loss in the amount of \$93,510 for 2007 and \$25,740 for 2008. On these same detail assignments, NOPD Escort Officers personally earned a minimum amount of \$547,810 in escort fees.

CONCLUSIONS AND RECOMMENDATIONS

Based on the information developed, the allegation of NOPD Escort Officers demanding cash payments from truck drivers in exchange for escort service is **“UNSUBSTANTIATED.”** However, NOPD Motorcycle Escort Officers failed to enforce the City Ordinance, Section 154:1524 as it relates to “oversized load permits,” resulting in a substantial loss for the City. Additionally, DPW failed to enforce and monitor the compliance of trucking companies in regards to obtaining an oversized load permit.

As a result of this investigation, the Office of Inspector General recommends to NOPD Traffic Division and Traffic Engineering Department of Public Works the following:

NOPD TRAFFIC DIVISION:

1. Cease the performance of escort services for truck drivers without oversized load permits and refer all requests to DPW.
2. Collaborate with DPW to implement a process that would facilitate a request to perform escorts of oversized vehicles.
3. Utilize a standard “Escort Receipt” form which includes the permit number, company name, date, time, pick-up, drop-off, amount paid, officer's name, and rate.

DPW TRAFFIC ENGINEERING DIVISION:

1. Educate the transportation industry regarding the Municipal Code for the City of New Orleans as it relates to the oversized load requirements and its permitting process.

2. Establish a monitoring and compliance program to ensure adherence to current Municipal Code Ordinances and attendant policies.
3. Incorporate an Automated Electronic Permitting System on the City's website to assist local and non-local companies with the permit process and implement a billing account system.
4. Inform DOTD of their requirements for oversized loads and the permitting process.



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May 10, 2010

Andy Kopplin
First Deputy Mayor/Chief Administrative Officer
City Hall Room 9E06
1300 Perdido Street
New Orleans, La 70112

RE: OIG Case#2008-0026

Dear Mr. Kopplin:

The Office of the Inspector General (OIG) initiated an investigation based upon a referral received from the U.S. Department of Homeland Security Office of the Inspector General (DHS-OIG). The referral alleged that members of the New Orleans Police Department (NOPD) Escort Officers demanded cash payments, as a kickback, from truck drivers to provide escort services through the city limits of New Orleans.

During the course of our investigation, we ascertained that there were no viable criminal violations. However, there are sufficient records and documentation in the case file to support that New Orleans Police Department Motorcycle Escort Officers (Traffic Division) failed to enforce the City Ordinance, Section 154:1524 (**relative to Permits for excess weight, width, height, and length**) as it relates to oversized load permits. Also, Department of Public Works (Traffic Engineering Division) failed to educate the public and monitor the compliance of trucking companies in regard to obtaining an oversized load permit. As a result of this, the City suffered an estimated revenue loss in the amount of \$119,250 on permits and application fees.

Based on the information developed, the OIG recommends the following:

NOPD Traffic Division:

1. Cease the performance of escort services for truck drivers without oversized load permits and refer all requests to DPW.

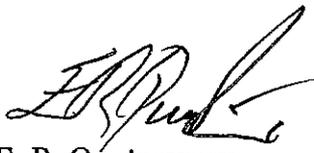
2. Collaborate with DPW to implement a process that would facilitate a request to perform escorts of oversized vehicles.
3. Utilize a standard "Escort Receipt" form which includes the permit number, company name, date, time, pick-up, drop-off, amount paid, officer's name, and rate.

DPW TRAFFIC ENGINEERING DIVISION:

1. Educate the transportation industry regarding the Municipal Code for the City of New Orleans as it relates to the oversized load requirements and its permitting process.
2. Establish a monitoring and compliance program to ensure adherence to current Municipal Code Ordinances and attendant policies.
3. Incorporate an Automated Electronic Permitting System on the City's website to assist local and non-local companies with the permit process and implement a billing account system.
4. Inform Louisiana Department of Transportation and Development (DOTD) of their requirements for oversized loads and the permitting process.

Enclosed is the Report of Investigation (ROI). The exhibits referenced in the ROI will be made available for review upon request. Please submit a written explanation within 30 working days of the actions taken to implement these recommendations.

Sincerely,



E. R. Quatrevaux
Inspector General

Attachments

C: Superintendent Ronal Serpas, Chief of Police
Robert Mendoza, Director, Public Works Department
Lt. Col. Jerry Sneed, Deputy Mayor
Cedric Grant, Deputy Mayor

EQ/sb

CHIEF ADMINISTRATIVE OFFICE
CITY OF NEW ORLEANS

Mitchell J. Landrieu
Mayor

Andrew D. Kopplin
Chief Administrative Officer

June 22, 2010

Edouard Quatrevaux
Inspector General
City of New Orleans
525 St. Charles Avenue
New Orleans, LA 70130

Dear Mr. Quatrevaux:

This letter is in response to OIG Case #2008-0026, which found that the New Orleans Police Department Motorcycle Escort Officers failed to fully enforce the City Ordinance, Section 154:1524 as it relates to oversized load permits. We appreciate your office's work to improve the efficiency of City government and thank you for your recommendations, all of which we agree will improve the oversized load permitting process in New Orleans. Since taking office on May 3, 2010, the Landrieu administration has taken several steps to improve the oversized load permitting processes that are consistent with the recommendations outlined in your report.

Below are a summary of actions being taken by the New Orleans Police Department (NOPD) and the Department of Public Works (DPW):

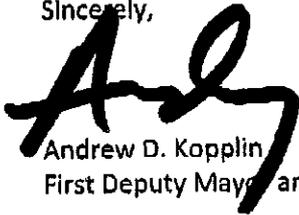
- Superintendent Serpas instructed the NOPD Traffic Division that they will no longer be allowed to perform oversized load escorts without ensuring that a DPW-issued street permit has been issued
- DPW is planning to implement an on-line permitting system, to be launched by July 11, 2011 to facilitate the permit-seeking process and improve record keeping
- While the on-line permitting system is being put in place, NOPD Traffic Division will utilize escort receipt books, which includes permit number, company name, date, time, pick-up, drop-off, amount paid, officer's name, and rate. This will ensure clarity and consistency in record keeping and ensure adherence to relevant policies and ordinances regarding oversized load permits. Hard copies of receipts will be kept in a centralized file maintained by NOPD Traffic Division.
- DPW has met with key constituents, like Louisiana Department of Transportation and Development, the Port of New Orleans, and other key stakeholders in the transportation industry regarding oversized load permitting requirements.

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Once again, thank you for your work to improve the efficiency of City government. Please do not hesitate to contact me if you have any additional suggestions for improving the oversized load permitting process, or any other mechanisms that will improve City services.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Kopplin', written over the printed name.

Andrew D. Kopplin
First Deputy Mayor and Chief Administrative Officer