



Office of Inspector General

City of New Orleans

Inspection of Taxpayer/City Funding to Orleans Parish Sheriff's Office in 2011

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Supplement

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SUPPLEMENT

On June 6, 2013, the New Orleans Office of Inspector General (OIG) released an “Inspection of Taxpayer/City Funding to Orleans Parish Sheriff’s Office in 2011.” The report examined the financial support of the municipal and parish jail system (Jail)¹ to determine (1) the amount of City of New Orleans (City) spending on the Jail and (2) the total amount of public revenues that support the Orleans Parish Sheriff’s Office. Inspectors also conducted a benchmark analysis of the New Orleans Jail and the Louisville Metro Department of Corrections, which revealed that the New Orleans Jail appeared to be adequately funded when compared to the benchmark jail.

All revenue sources for the OPSO are public monies, whether they are City general funds, City in-kind support, criminal and civil fines and fees, federal grant monies, or user fees and charges to inmates. On behalf of citizens who finance the jail, the Office of Inspector General provides this supplement to its June 6 inspection for the purpose of answering the following question: what OPSO sources of public revenues are legally available to finance the jail?

The three components of the Sheriff’s mission are to: (a) “provide public safety and service to the citizens of Orleans Parish;” (b) provide for the “care, custody, control, and rehabilitation of inmates;” and (c) provide “the highest level of service and security to the court systems, the execution of court mandates, and the protection of individuals’ rights and freedoms.”² Of the three components, two emphasize the importance of the jail to the OPSO mission: the first addresses public safety generally and the second explicitly singles out the jail as a central function of the Sheriff’s Office. Law, policy, and logic support the use of all non-restricted proceeds of the entire Sheriff’s Office for the most intensive and complex component—and the largest and most expensive operational portion—of the Office’s mission: the Jail.

La. R.S. 13:5581 orders the consolidation of the criminal and civil sheriffs for the parish of Orleans and instructs the sheriff for the parish of Orleans to consolidate the office “with the least possible expenditure of public funds” and to undertake the “efficient and effective operation” of the consolidated office. Further, it stipulates that all laws, rules, and regulations that applied to the civil or the criminal sheriff prior to the consolidation should apply to the office of the sheriff (“Sheriff”) as a single entity going forward:

¹ The term “Jail” refers to the system of facilities used to house and care for inmates for whom the City is financially responsible: municipal inmates, pre- and post-sentencing; pre-sentencing LA DOC inmates; and DOC sentenced inmates awaiting transfer to state facilities. In contrast, “jail” is used to indicate the entirety of jail operations, which may include state DOC inmates post-sentencing who are serving their sentence at Orleans Parish Prison (OPP) or prisoners from other parishes. The City is not financially responsible for the costs associated with DOC or inmates from other parishes housed at OPP, but it appears to be covering a portion of those costs, because the cost per day of housing and caring for an inmate exceeds the per diem amount paid by the State of Louisiana DOC or other parishes.

² http://www.opcso.org/index.php?option=com_content&view=article&id=149&Itemid=725

It stipulates that the sheriff (“Sheriff”) of the consolidated offices “shall be the successor to and exercise all of the functions, duties, and responsibilities” of the respective separate offices.³

It instructs the Sheriff’s Office to “develop a plan for ... the efficient and effective operation of his office.” The consolidation should be accomplished with the “least possible disruption of services and the *least possible expenditure of public funds.*”⁴

Finally, it states that “whenever the civil sheriff of the parish of Orleans or the criminal sheriff of the parish of Orleans is referred to or designated by law, rule, or regulation on the date that those offices are abolished, such reference or designation shall be deemed to apply to the sheriff of the parish of Orleans.”⁵

Pursuant to the consolidation statute, La. R.S. 13:5584 and 13:5586 explicitly permit the Sheriff to use excess civil fines and fees to fund the operation of the office. La. R.S. 5582 establishes the “Salary and expense fund” for the civil sheriff (“Sheriff”) for the parish of Orleans, and La. R.S. 13:5584 permits him to pay deputy salaries and “all expenses incurred in the performance of all duties required of him by law ... ” from this fund.

La. R.S. 13:5586 states that any civil sheriff surplus funds (to be read as “Sheriff” according to La. R.S. 13:5581) shall remain in the “Sheriff” expense fund; however, the surplus “may be expended by the civil sheriff [now Sheriff] in the succeeding year in which the civil sheriff’s [Sheriff’s] salary fund is insufficient to defray current salaries and expenses or where circumstances necessitate additional deputies or additional expenses to be incurred for the efficient performance of all duties imposed by law on the civil sheriff [now Sheriff].” Therefore, the Sheriff is explicitly permitted by law to use any excess fees or funds collected in the commission of civil sheriff operations to fulfill the obligations, responsibilities, and functions of the consolidated Sheriff’s Office.

La. R.S. 13:5522 outlines general provisions regarding sheriff’s salary funds. It stipulates that “A sheriff ... shall pay from the Sheriff and Salary Fund ... all expenses authorized by law which are incurred in the performance of his duties, including, but not restricted to, clerical expenses, the salary of sheriff, and of all deputies... .”⁶ Also, it states that the sheriff “may purchase and equip such real property as is necessary in the performance of his duties, *including but not limited to an adequate and safe jail*” [emphasis added].⁷ The City already supports the majority of OPSO’s personnel costs as mandated by La. R.S. 13:5604; however, La. R.S. 13:5584, 13:5586 and

³ La. R.S. 13:5581(B)

⁴ La. R.S. 13:5581(C)(2)

⁵ La. R.S. 13:5581(D)

⁶ La. R.S. 13:5522(A)

⁷ La. R.S. 13:5522(D)

13:5522 give the Sheriff authority to use surplus funds to pay for these and other costs associated with the operation of the Jail.⁸

If the sheriff's revenues, whether from the civil or criminal division, cannot be used to fund the costs of the consolidated Office and save taxpayer dollars, then what was the purpose of the consolidation? And, what should the public monies generated by the performance of civil operations be used for if not to fulfill the mission of the Sheriff's Office? Should the Sheriff be permitted to use public monies—monies that are not currently subject to public accountability and for which there are few internal controls and little transparency—for purposes that do not meet the needs articulated in the Office's mission?

Nothing in law precludes the Sheriff's Office from using all non-restricted available public monies for the most expensive and extensive element of the Office's mission. In fact, there are explicit provisions of law that permit excess revenues to be used for the lawful performance of the Sheriff Office's duties.

⁸ Currently, the City pays the salaries and benefits of all OPSO criminal division deputies and workers' compensation costs for civil division employees.