

December 12, 2024

Anne Kirkpatrick, Superintendent of Police
New Orleans Police Department
1615 Poydras Street
New Orleans, LA, 70112

Mr. Brian Boyle, Director
New Orleans Office of Secondary Employment
1601 Perdido Street, Building H, Suite 3H112
New Orleans, LA 70112

Re: New Orleans Police Department (NOPD) Secondary Employment Policies and Procedures

Dear Superintendent Anne Kirkpatrick and Mr. Brian Boyle:

The Office of Inspector General (OIG) is authorized to review “rules, regulations, policies, procedures, and transactions” in order to “prevent and detect fraud, waste, and abuse, and to promote efficiency and effectiveness in city programs and operations.”¹ This letter is in regard to the corrective actions taken by the New Orleans Police Department’s (NOPD) and the Office of Secondary Police Employment (OPSE) in response to previously identified instances of payroll irregularities. The City of New Orleans budgeted close to \$165 million for NOPD personnel in 2024.² After review, the OIG found that, while the NOPD and OPSE revised their policies and procedures in order to reduce the risk of fraud, there were still opportunities for improvement in the departments’ procedures and internal controls.

Secondary employment, commonly referred to as details, included all “off-duty employment, for compensation, of any NOPD member by another individual, business, establishment, or organization where the member is performing the duties of a police officer or a function of the police department.”³ Between 2020 and 2022, several local media outlets reported NOPD officers were “double dipping” by working details during regular NOPD shifts, potentially committing payroll fraud.⁴ A slate of investigations by the NOPD, OIG, and FBI related to payroll inconsistencies and

¹City Code Sec. 2-1120(2) and (10)(f). See also Home Rule Charter of the City of New Orleans Article IX, Sec.9-401(2).

² City of New Orleans, *2024 Proposed Annual Operating Budget: New Orleans Police Department Budget Summary* (New Orleans, LA: City of New Orleans, 2024).

³ New Orleans Police Department, Operations Manual, Chapter 22.08: Police Secondary Employment, 3, last updated June 12, 2022, <https://nola.gov/getattachment/NOPD/Policies/Chapter-22-08-Police-Secondary-Employment-Effective-6-12-22-with-Appendix.pdf/?lang=en-US>.

⁴ Lee Zurik, “11 NOPD Officers Investigated for Possible Double-Dipping,” *Fox8live.com*, July 6, 2023, <https://www.fox8live.com/2023/07/07/zurik-11-nopd-officers-investigated-possible-double-dipping/>; John Simerman,

double dipping resulted in the federal indictments of two NOPD officers.⁵ The indictments included allegations that officers who received payments for on-duty NOPD shifts while also being paid for off-duty details or for otherwise engaging in non-work activities while on details.⁶

In response to the federal indictments, the New Orleans Office of the Independent Police Monitor (OIPM), which is tasked with oversight and accountability for the NOPD, performed a review of the NOPD secondary employment processes, including whether the NOPD effectively identified violations. In their 2023 report, the OIPM found that, among other issues, the lack of communication between the NOPD and the OPSE payroll systems limited the entities' ability to track secondary employment violations and quickly reconcile time discrepancies. The report also described confusion among NOPD staff about how time restrictions on work shifts were calculated.⁷ The report acknowledged that the NOPD and the OPSE revised and re-implemented secondary employment policies and procedures to address identified weaknesses.⁸

Following the OIPM's report and the media coverage about potential "double dipping," the OIG sought to examine whether these policy changes and manual payroll system integration improved the NOPD's ability to identify violations involving officers who worked overlapping NOPD and detail shifts.

Adequacy of NOPD and OPSE Policies and Procedures on Secondary Employment

The NOPD entered into a Consent Decree with the City of New Orleans (City) and the United States Department of Justice in 2013. The Consent Decree required the City to establish a "Secondary Employment Coordinating Office" with authority to "arrange, coordinate, arrange full-auditable payment, and perform all other administrative functions" related to NOPD secondary employment.⁹ The Consent Decree also included eligibility requirements for officers to participate in secondary employment. These requirements included a mandate that employees complete a standard

"FBI Targets Five NOPD Cops in Probe of Timesheets, Sources Say," *NOLA.com*, February 16, 2022 https://www.nola.com/news/crime_police/fbi-targets-five-nopd-cops-in-probe-of-timesheets-sources-say/article_00371820-8f77-11ec-9a95-539691474a8e.html; John Simerman, "Loosened Restrictions on NOPD Detail System in Big Paychecks for Officers, Questions," *www.nola.com*, October 16, 2021.

⁵ *United States of America v. Todd Morrell*, No. 24-CR-003, U. S. District Court for the Eastern District of Louisiana, Rec. Doc. 1, Indictment for Wire Fraud; *United States of America v. Leesa Augustine*, No. 24-CR-213, United States District Court for the Eastern District of Louisiana, Rec. Doc. 1, Indictment for Wire Fraud, Aggravated Identity Theft, and False Statement to a Federal Agent.

⁶ *United States of America v. Todd Morrell*, No. 24-CR-003, U. S. District Court for the Eastern District of Louisiana, Rec. Doc. 1, Indictment for Wire Fraud; *United States of America v. Leesa Augustine*, No. 24-CR-213, United States District Court for the Eastern District of Louisiana, Rec. Doc. 1, Indictment for Wire Fraud, Aggravated Identity Theft, and False Statement to a Federal Agent.

⁷ New Orleans Office of Independent Police Monitor, *Secondary Employment Report Changes & Education*, 10.

⁸ New Orleans Office of Independent Police Monitor, *Secondary Employment Report Changes & Education*, 15-17.

⁹ Amended and Restated Consent Decree Regarding the New Orleans Police Department, *United States v. New Orleans* (Civil Action No. 12-CV-01924), 86, accessed July 15, 2024, <https://nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Consent-Decree.pdf>.

registration form and obtain authorization from their direct supervisor before being permitted to work details.¹⁰

The Decree further identified specific criteria for the NOPD and OPSE to use when evaluating an officer's eligibility, emphasizing the officer's performance and standing within the NOPD.¹¹ Additionally, the Consent Decree prohibited compensation for travel time between details and prohibited officers working more than 16 hours and 49 minutes within a 24-hour period.¹² These legal requirements were consistent with best practices recommended by the International Association of Chiefs of Police (IACP) Law Enforcement Policy Center.¹³

Upon review, OIG evaluators found that the NOPD's written policies and procedures aligned with the Consent Decree and best practices. Both the NOPD and the OPSE established application and approval processes for officers interested in working details. Officers submitted a Secondary Employment Agreement and Authorization Form, along with attendance records for the previous 12 months.¹⁴ The officer's immediate supervisor, District or Division Captain, and Bureau Deputy Superintendent reviewed the application for completeness and accuracy before approving or disapproving the authorization.¹⁵

Authorizations were then sent to the NOPD Professional Standards and Accountability Bureau, which provided copies of approved secondary employment forms to both the OPSE and the officer's Bureau Chief.¹⁶ The policy further required supervisors to conduct periodic performance reviews to assess the officer's continued suitability to work secondary employment. The suitability assessment included reviewing the officer's use of sick leave, as well as overall attendance, disciplinary, and evaluation records.¹⁷

As mentioned above, the NOPD's Consent Decree limited the number of hours an officer may work within a 24-hour period to 16 hours and 49 minutes.¹⁸ The NOPD adopted a more restrictive rule, allowing officers to work only 16 hours and 35 minutes per 24-hour period, including travel time to and from details.¹⁹ In 2022, following the discovery of multiple apparent violations of this rule, the NOPD worked with the OIPM to issue a revised policy statement clarifying how the 24-hour timeframe was calculated and highlighting the amount of off-duty time officers must have within

¹⁰ Ibid., 90.

¹¹ Ibid. at 90

¹² Ibid., 90, 92.

¹³ International Association of Chiefs of Police Law Enforcement Policy Center, *Secondary Employment* (Alexandria, VA: International Association of Chiefs of Police, 2021), <https://www.theiacp.org/sites/default/files/2021-05/Secondary%20Employment%20Formatted%2004-2021-proofed-MW.pdf>.

¹⁴ New Orleans Police Department, *Operations Manual, Chapter 22.08: Police Secondary Employment*, 8.; New Orleans Office of Police Secondary Employment (New Orleans, LA: New Orleans Office of Police Secondary Employment, 2023), 32.

¹⁵ New Orleans Police Department, *Operations Manual, Chapter 22.08: Police Secondary Employment*, 8.

¹⁶ Ibid.

¹⁷ Ibid., 9.

¹⁸ Amended and Restated Consent Decree Regarding the New Orleans Police Department, *United States v. New Orleans* (Civil Action No. 12-CV-01924), 92.

¹⁹ New Orleans Police Department, *Operations Manual Chapter 22.08: Police Secondary Employment*, 6.

every 24-hour period.²⁰ The policy also required officers to allow at least 15 minutes of travel time between NOPD work and secondary employment.²¹

The NOPD's secondary employment policies also sought to further deter officers from participating in fraudulent activities by prohibiting them from accepting "compensation, including gratuities, directly from any individual or business entity contracting police secondary employment services, in accordance with Louisiana Code of Governmental Ethics."²² The NOPD's revised policy stated that overlapping NOPD shifts and details would initially "appear as payroll fraud." Further, the policy stated any officers working unauthorized paid details that were not handled through the OPSE risked termination for a first offense.²³

The OPSE developed and implemented procedures for customers and officers to ensure detail assignments and payments were fair, and established an electronic system to assign and pay officers for details worked.²⁴ Further, the OPSE required any customer requesting a detail to make this request directly to the OPSE and complete a customer agreement packet.²⁵ However, officers were still subject to disciplinary action through the NOPD for any violations of NOPD policies while on details.²⁶

Effectiveness of NOPD and OPSE efforts to prevent overlapping shifts

Although the NOPD and the OPSE adopted policies and procedures that were consistent with the Consent Decree, a key obstacle to effective controls on secondary employment, as noted in the OIPM's 2023 report, was that the NOPD and OPSE used different payroll systems.²⁷ These systems lacked the ability to communicate with each other and automatically identify potential time and payroll violations. This issue was compounded by the fact that the NOPD and the OPSE processed payroll on alternate weeks. As a result, some violations were not easily identified within a single pay period.²⁸

To overcome this obstacle, the NOPD and the OPSE developed a process to identify violations and correct payroll errors both before and after the City's payroll was finalized for a given period. OPSE staff identified potential policy violations by manually combining and analyzing records from the two payroll systems.²⁹ After the OPSE reconciled the data, they sent a compliance report of potential

²⁰New Orleans Office of Independent Police Monitor, *Secondary Employment Report Changes & Education*, 17., 6.

²¹ New Orleans Police Department, *Operations Manual Chapter 22.08: Police Secondary Employment*, 14.

²²New Orleans Police Department, *Operations Manual, Chapter 22.08: Police Secondary Employment*, 4.; Louisiana Board of Ethics, The Louisiana Code of Governmental Ethics (Baton Rouge, LA: Louisiana Board of Ethics), <https://ethics.la.gov/Pub/Laws/ethsum.pdf>.

²³ New Orleans Police Department, *Operations Manual, Chapter 22.08: Police Secondary Employment*, Appendix A.

²⁴ New Orleans Office of Police Secondary Employment, *New Orleans Office of Police Secondary Employment Policies and Procedures for Customers and Officers*, 13, 28-29.

²⁵ Ibid., 16.

²⁶ Ibid., 23, 27; New Orleans Police Department, *Operations Manual, Chapter 22.08: Police Secondary Employment*, 11.

²⁷ New Orleans Office of Independent Police Monitor, *Secondary Employment Report Changes & Education*, 10.

²⁸ Ibid.

²⁹ New Orleans Office of Police Secondary Employment, *Policies and Procedures for Compliance Analysis On-Duty and Off-Duty Shifts* (New Orleans, LA: New Orleans Office of Police Secondary Employment, 2024).

violations to the NOPD. The NOPD performed their own analysis using OPSE’s compliance report, which included a review by the senior officer of any officer listed. The violations were reported to the District and Division Captain for written justification of the discrepancy prior to payroll finalization. The NOPD then made any needed payroll corrections. Additional documentation was required when the NOPD identified violations after payroll finalization.³⁰

In a December 2023 memorandum to NOPD Superintendent Anne Kirkpatrick, the NOPD Professional Standards and Accountability Bureau Chief discussed the effectiveness of the NOPD and the OPSE post-payroll analysis.³¹ In their review, the NOPD examined violations of overlapping shifts, the 16-hour rule, and back-to-back shifts. According to the memorandum, the NOPD found that violations of the 16:35 rule was “the main contributor to overall possible violations.”³² However, the majority of possible violations related to overlapping shifts were due to time being entered incorrectly by either the officer, the supervisor, or the OPSE.³³ Overall, the NOPD saw a downward trend in violations between May 2023 to November 2023. The post-payroll analysis helped the NOPD identify officers and shifts with possible violations. Supervisors were able to see how many details each officer worked, as well as provide enhanced training to officers.³⁴

The OIG performed data analysis on a random sample of ten officers from a population of all permanent officers who worked more than two details between July 2023 and December 2023. The OIG’s review focused exclusively on overlapping shifts between their NOPD duty and OPSE detail schedules. The purpose of the analysis was to determine whether overlapping shifts were prevalent after the NOPD’s newly implemented post-payroll analysis. In analyzing this data, OIG evaluators found only one instance of overlap between NOPD and OPSE shifts. While the OIG’s small sample could not be seen as representative of the entire population, it suggested that the joint efforts of the OPSE and the NOPD to identify all violations were not immune to error.

As detailed in the Bureau’s Chief’s memorandum, efforts to verify time sheets by both departments pre- and post- payroll required substantial work hours and created a considerable lag in identifying overlapping shifts and other possible violations.³⁵ The process was time consuming and not without human error. The NOPD has requested that the New Orleans Finance Department work with the City’s payroll vendor (ADP) to develop mechanisms that would allow the City’s payroll system to communicate with the OPSE’s Power Details payroll system in real time.³⁶ This could be accomplished by implementing an application programming interface (API) between the OPSE and NOPD databases.

Implementing an API could allow the NOPD and the OPSE to identify overlapping shifts and other violations in real time and without using significant work hours. It would also reduce the need for

³⁰ Gernon to Kirkpatrick, 1.

³¹ Ibid.

³² Ibid., 5.

³³ Ibid., 7-8.

³⁴ Ibid., 2-4.

³⁵ Ibid., 1.

³⁶ Ibid., 11.

changes to payroll after it was finalized, which required staff to complete payroll adjustment forms and resubmit individual timesheets for re-processing.³⁷ Additionally, integrating the NOPD and OPSE payroll systems would allow the NOPD to allocate its limited work hours across the department (i.e., patrols or investigations) and thereby improve police efficiency and effectiveness.³⁸

The NOPD and the OPSE continue to work towards improving law enforcement operations and establishing full compliance with the Consent Decree. Effective policies and controls on secondary employment violations help in achieving this goal. The OIG recommends the NOPD and the OPSE prioritize their efforts in integrating the NOPD and the OPSE payroll systems to identify potential violations in a timely manner, optimize work hours, and further reduce opportunities for fraud, waste, and abuse. Towards that end, the City should provide dedicated funds specifically towards purchasing the software needed to accomplish this goal.

Sincerely,

A handwritten signature in blue ink that reads "Edward Michel". The signature is written in a cursive style with a small dot above the 'i' in Michel.

Edward Michel
Inspector General

³⁷ New Orleans Police Department, *Operations Manual, Chapter 13.37: Payroll and Timekeeping* (New Orleans, LA: New Orleans Police Department, 2017), <https://nola.gov/getattachment/NOPD/Policies/Chapter-13-37-Payroll-and-Timekeeping-EFFECTIVE-12-3-17.pdf>.

³⁸ Jeremy M. Wilson and Clifford A. Grammich, "Reframing the Police Staffing Challenge: A Systems Approach to Workforce Planning and Managing Workload Demand," *Policing: A Journal of Policy and Practice* 18, (2024):1, <https://academic.oup.com/policing/article/doi/10.1093/police/paae005/7609512>.