

# NOPD CONSENT DECREE MONITOR NEW ORLEANS, LOUISIANA



November 23, 2020

202.747.1904 direct

File Number: 37PA-191555

Deputy Superintendent Otha Sandifer  
Compliance Bureau, New Orleans Police Department  
714 Broad Street  
New Orleans, LA 70119

Dear Deputy Superintendent Sandifer:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on Chapter 22.08 – Police Secondary Employment. The OCDM has no objection to the policy as written.

We believe that Chapter 22.08 – Police Secondary Employment, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 8.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.  
Very truly

Very truly yours,

David L. Douglass  
For SHEPPARD MULLIN RICHTER & HAMPTON LLP\*  
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CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)  
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SMRH:4816-6540-9429.7



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.08

### TITLE: POLICE SECONDARY EMPLOYMENT

#### EFFECTIVE:

**REVISED: Replaces Policy/Procedure 1041**

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#### PURPOSE

The purpose of this Chapter is to establish departmental guidelines regarding authorization of members to engage in police secondary employment (previously referenced as "paid details").

#### POLICY STATEMENT

1. It shall be the policy of the New Orleans Police Department to afford members in good standing the ability to supplement their incomes by engaging in authorized police secondary employment as assigned through the City's Office of Police Secondary Employment ("OPSE").
2. Members providing police secondary employment services to an individual or business shall be governed by those policies and procedures established by this Chapter and OPSE as they relate to police secondary employment.
3. Permission to work police secondary employment is not an inherent right but rather a **privilege** that is granted at the discretion of the Department to those commissioned police officers and non-commissioned members who are in good standing.
4. Circumventing the requirements of this Chapter governing police secondary employment or procedures established by the OPSE shall subject member(s) to disciplinary action, up to and including dismissal.
5. Members working police secondary employment do so as representatives of the New Orleans Police Department. The image of the NOPD and the public's perception of officers' collective moral character are affected by the actions and appearance of the Department's members. Members will always uphold the highest standards of professionalism.
6. The City of New Orleans and the Department require that all police secondary employment is:
  - (a) Established through and coordinated by the OPSE,
  - (b) Reviewed for appropriateness by OPSE, and
  - (c) Authorization for Department members to qualify to work shall be approved by the Superintendent of Police or his/her authorized designee.

7. All members working an approved police secondary employment shall be subject to recall by the Superintendent of Police or his/her authorized designee to regular duties at any time for emergencies, special assignment and/or overtime duty.

## DEFINITIONS

**Availability register**—The list or database of NOPD members who have been approved through their chain of command to work secondary employment in a given year maintained by the Office of Police Secondary Employment that contains the names, phone numbers, and available times of NOPD members who volunteer for off-duty, police secondary employment.

**Back Fill / Working Down**—The action of allowing a secondary employment assignment to be worked by a member of a rank that is higher than the rank specified for the assignment. An officer who back fills a secondary employment assignment receives pay at the rate originally specified for the assignment. Back filling positions must be approved by OPSE within the limitations of this Chapter.

**Celebrity** – a person who has a public persona (actors, candidates for office) but is NOT a “dignitary” as defined herein, nor the subject of a “known threat/risk”. They generally request police security due to the causal effect they have when in public (generate crowds, paparazzi, etc.). They often have their own personal security who may or may not be licensed and armed. The level and type of threat or security need would determine the “type” of officer (dignitary protection trained, uniformed, plain clothed) and the “level” of security required. This determination shall be made by NOPD members trained in this type of risk assessment (Intelligence Section or SOD).

**Compensation**—The total amount of monetary and non-monetary pay, however slight the value, whether tangible or intangible, provided to a member of the NOPD or a third party intermediary on the NOPD member’s behalf by an employer or the employer’s proxy in return for work performed as required. (Pay scales are established by OPSE.)

**Customer**—A business, public or private entity, or individual that contracts with the Office of Police Secondary Employment to employ and pay for security or related services provided by off-duty NOPD members.

**Customer Representative**—The person duly designated by the customer to be his/her on-site representative for the purpose of communicating and, as appropriate, directing the operational employment of hired members to achieve the customer’s security objectives, consistent with the law and Departmental regulations.

**Dignitary** – a person who is a governmental official or holds a governmental position, including foreign nationals. Security is usually coordinated thru the dignitary’s security or the U.S. State Department for foreign officials and are almost universally “City Rolls” and not a PSE.

**Good Standing** —A member is in good standing when he/she has maintained all required certifications (e.g., first aid, firearms qualification, driving, TASER, etc.); is not the subject of ongoing disciplinary action that would be considered serious or egregious and contain allegations that could be subject to ‘Level E’ discipline, including dismissal; and is substantially current with all required reports (e.g., EPR, CCMS, CRASH, etc.).

**Good Standing (Reserve)**—A Reserve Division member is in good standing when he/she has maintained all required certifications (e.g., firearms qualification, driving, TASER, etc.); is not the subject of ongoing disciplinary action that would be considered serious or egregious and contain allegations that could be subject to ‘Level E’ discipline, including dismissal; and is substantially current with all required reports (e.g. EPR, CCMS, CRASH, etc.). They must also be current on

the minimum monthly volunteer hours required for his/her Level, attend the mandatory monthly Reserve Division meetings, and complete all training requirements both annual and monthly for his/her respective Level.

**Reviewing Authority**—The supervisors in the member's chain of command who are authorized and required to approve or disapprove a member's Secondary Employment Agreement and Authorization Form (**OPSE/NOPD Form Per-1**).

**Revocation**—Cancelling or withdrawing a member's previously approved Secondary Employment Agreement and Authorization.

**Secondary Employment**—The 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.

**Split Shift**—An interruption of scheduled regular duty hours with the use of annual leave, returning to regular duty status within the same scheduled shift to complete a tour of duty.

## GENERAL

8. The City of New Orleans has established an Office of Police Secondary Employment ("OPSE") to independently administer and manage police secondary employment.
9. OPSE shall be the New Orleans Police Department's sole contact source for coordinating all elements and services relating to police secondary employment assignments.
10. Any individual or business representative contacting an NOPD member directly for the purposes of establishing a police secondary employment service shall be referred by the contacted officer to OPSE for assistance.
11. Police secondary employment opportunities shall be assigned and distributed as equitably as possible through procedures established by OPSE. **NOPD commissioned members, civilian members or reserve members shall not individually or cooperatively coordinate police secondary employment opportunities.**
12. New Orleans Police Department members shall only work police secondary employment assignments coordinated through the OPSE.
13. NOPD members interested in working police secondary employment assignments must:
  - (a) Complete an **OPSE/NOPD Form Per-1 / Secondary Employment Agreement and Authorization**. All NOPD members must complete Form Per-1 in order to be considered for a secondary employment opportunity. Upon receipt of the Form Per-1 that has been approved by the Superintendent of Police or his/her authorized designee, a member shall be authorized to work secondary employment through the last day of his or her next birth month;
  - (b) Comply with procedures described in this Chapter requiring police secondary employment tracking, to include obtaining an item number, reporting location, and police secondary employment logging procedures;
  - (c) Follow OPSE procedures to accurately record the hours worked on each secondary employment shift. This will be accomplished by electronic timekeeping procedures or signing a paper timesheet, as established by OPSE. Members will ensure that the paper timesheet or the electronic time

- stamp accurately reflect their actual work hours. NOPD members may not sign a paper timesheet or record an electronic time stamp for anyone but themselves;
- (d) Agree to work the hours specified by the OPSE for that assignment. Members are expected to arrive on time and leave only when properly relieved by the OPSE coordinator or operations manager, dismissed by the customer or customer's representative, or if ordered by a police supervisor. NOPD members shall not establish their own hours; and
  - (e) Comply with payroll procedures as established and provided by the OPSE.
14. The NOPD Compliance Bureau / Professional Standards Section shall serve as the direct liaison between NOPD and the OPSE. Only those members whose annual authorization form is approved by and on file with the Professional Standards Section shall be eligible for police secondary employment assignments through OPSE.
  15. Once registered, it is the responsibility of the individual member to notify both the NOPD Professional Standards Section and Office of Police Secondary Employment regarding any changes in his/her NOPD duty assignment status and contact information.
  16. OPSE shall be responsible for coordinating the equitable selection of NOPD members used to fill police secondary employment openings. OPSE shall maintain the register containing the names, phone numbers, and available times of NOPD members who have indicated an interest in working police secondary employment as provided through the NOPD Performance Standards Section. **Department members are prohibited from contacting the OPSE directly to request specific police secondary employment assignments.**
  17. NOPD members working police secondary employment assignments shall receive compensation for their service through payroll procedures administered by or arranged through OPSE. **NOPD members are not authorized to accept compensation, including gratuities, directly from any individual or business entity contracting police secondary employment services, in accordance with Louisiana Code of Governmental Ethics.**
  18. Although all police secondary employment worked by members is coordinated through OPSE, the Superintendent of Police, or his designee, reserves the right to review all police secondary employment assignments coordinated through OPSE for suitability, conflicts of interest, and any other considerations where the presence of a department member may be deemed inappropriate.
  19. Regardless of any scheduled police secondary employment assignment coordinated through OPSE, members shall not engage in a police secondary employment assignment while any of the following statuses:
    - (a) Sick;
    - (b) Injured on Duty (I.O.D.);
    - (c) Workmen's Compensation;
    - (d) Family Leave;
    - (e) Leave Without Pay (LWOP);
    - (f) Suspended;
    - (g) Under Administrative Reassignment with a restricted police commission; or
    - (h) Decommissioned.
  20. After having been in a duty status because of which secondary employment was prohibited, members must return to full duty status and have completed at least one full tour of duty prior to working a police secondary employment opportunity.

21. Should a member working a police secondary employment assignment be required to leave a police secondary employment location before the scheduled end time for exigent circumstances, the member shall be responsible for notifying OPSE as to the reason and exact time he/she left the assignment as soon as possible.
22. Members shall be cognizant of their normal work schedule and court commitments and avoid work conflicts when accepting police secondary employment assignments through OPSE.
23. **Only a P.O.S.T. certified commissioned member who has successfully completed his/her F.T.O. training may work police related secondary employment assignments.**
24. Commissioned Reserve officers are allowed to register for and work police secondary employment assignments through the OPSE. However, the following limitations and restrictions shall apply to all NOPD Reserve members:
  - (a) Plain clothes police secondary employment coordinated through the OPSE must be approved by the Superintendent of Police or his/her designee prior to allowing any Reserve member to work a police secondary employment assignment in plain clothes.
  - (b) Reserve officers shall not work police secondary employment for their current employer.
  - (c) Reserve officers shall not work police secondary employment during the first calendar year after his/her graduation from the Reserve Police Academy.
  - (d) Reserve Officers **must** have volunteered 480 hours in the prior calendar year **to be eligible to work secondary employment. Officers who have met this requirement** may work the same number of hours as a full-time, paid commissioned member of the NOPD. This requirement is waived for resigned or retired commissioned officers in their first year in the Reserve Division.
  - (e) Reserve officers shall follow the same OPSE agreement and authorization procedure as established for active members of the Department (**OPSE/NOPD Form Per-1**). The Secondary Employment Agreement and Authorization Form shall be submitted to the Commander of the Reserve Division for approval and forwarding through the chain of command to the Superintendent of Police or his/her authorized designee for final approval.
  - (f) Reserve officers shall follow all policies and procedures of the New Orleans Police Department and the Reserve Division while working police secondary employment.
25. Members authorized to work police secondary employment may perform or engage in authorized assignments only during the hours they are off-duty. Members may accept and work a police secondary employment opportunity when not on duty or while on authorized leave.
26. Members are authorized to work police secondary employment only in Orleans Parish, with the specific exception of members working traffic escorts coordinated and assigned by OPSE.
27. While working police secondary employment, members shall be governed by all NOPD uniform policies and procedures, which include, but are not limited to:
  - (a) Members working a uniformed assignment will be attired in the full Class A or B winter/summer uniform and armed with an authorized duty handgun.
  - (b) Members are **not** authorized to work a police secondary employment assignment in the Task Force or BDU uniform.

- (c) Plain clothes police secondary employment assignments coordinated through the OPSE must be approved by the Superintendent of Police or his/her designee prior to allowing any member to work an assignment in plain clothes.
  - (d) Members working police secondary employment assignments involving traffic control or as otherwise directed by a police supervisor shall wear their traffic control vests while performing these duties.
  - (e) Civilian members working police secondary employment shall be attired in their NOPD uniform of the day or as directed by a police supervisor if they have no NOPD uniform.
28. Police Secondary employment by NOPD members is generally limited to a maximum of 24 hours per seven day work week (Sunday through Saturday).
29. Exceptions to the 24 hour limitation may be granted for special events where staffing requirements are so intensive that sufficient staffing resources may not be available for the safe operation of the event (e.g. – Jazz Fest, Mardi Gras, etc.).
30. Application for an event exception will be made in advance via interoffice correspondence (NOPD Form 105) by a member or event coordinator which will estimate the number hours a member may exceed the maximum threshold and forwarded through appropriate chain of command for review and final approval by the Superintendent of Police or his/her designee.
31. Police secondary employment assignments in excess of the 24 hour limitation cannot be worked until the exception is approved by the Superintendent.
32. No member, including Reserve officers, shall work more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. (The 24-period begins the first time the member reports for either regular duty or police secondary employment.) These hours are cumulative and include normal scheduled work hours, overtime, court time, off-duty police secondary employment, or outside employment.
33. A commissioned member working a police secondary employment assignment shall be responsible for conducting any police investigation, excluding traffic crashes, within the boundaries of the assignment area, including parking lots and exterior areas, and will be responsible for writing all related reports unless the investigation is of such magnitude as to substantially remove the member from the assignment area or would significantly curtail their assignment duties. A supervisor from the district of the police secondary employment assignment shall make this determination.
34. Field Operations Bureau – District officers shall assist in the transportation of arrested subjects for NOPD members working a police secondary employment assignment.
- (a) If the member is assigned a unique radio call number, the member will use that number as the primary car number for the police secondary employment item number.
  - (b) If the member does not have a unique radio call number, he/she will use his/her badge number as their radio call number and give the dispatcher his/her name and place of assignment for entry under the item number compliant history.
  - (c) Members will submit a written incident report (EPR) in connection with a police secondary employment assignment through his/her normal supervisory chain of command.
  - (d) All related reports, including state arrest reports, are processed through the member's regular place of assignment, including the receipt of the report to the District Attorney's Office. The approving supervisor shall forward a copy of the approved report to the Commander of the district where the incident occurred

- within 72 hours of the incident.
- (e) When a member working an authorized police secondary employment assignment is required to investigate an incident classified as a UCR crime, the member will immediately notify the on-duty supervisor in the district of occurrence by radio or by telephone to brief the supervisor regarding the circumstances surrounding the incident. The notified supervisor shall determine if the District Investigative Unit will be notified based on District policy.
  - (f) Department vehicles, when properly equipped and authorized for road construction or other traffic related assignments, shall be used to enhance safety and visibility in or around the police secondary assignment area.
  - (g) Department vehicles shall supplement and not replace the officer's dismantled traffic control responsibilities.

### **PERSONAL PROTECTION ASSIGNMENTS**

- 35. There are occasions when it is permissible for commissioned members of the Department to accept secondary employment involving the security of persons who are dignitaries, or private persons who legitimately fell under risk or are threatened.
- 36. When the request is part of a major special event being handled by the City / NOPD under a Special Event Operations Order, they shall be processed thru OPSE. The following are the recognized Special Events:
  - a. College Football Championship,
  - b. Superbowl,
  - c. National Football Conference Championship,
  - d. NBA Championship,
  - e. NBA Final Four,
  - f. NCAA Division I Football Championship,
  - g. US Olympic Trials,
  - h. Olympics.
  - i. Any Special Event with an Operations Order and authorized by the Superintendent.
- 37. When OPSE receives a request for this type of personal escort or protection assignment, they shall notify the NOPD Performance Standards Section.
- 38. The commander of the Performance Standards Section shall be responsible for reviewing the request for appropriateness within the general guidelines of this Chapter and, in coordination with the Intelligence Section of ISB, assessing the risk factors and appropriate level and type of police security required (trained protection officer, plain clothes, uniformed).
- 39. OPSE shall be notified in writing by PSS that the request can be processed as a PSE – Personal Escort / Protection assignment.

PSS shall maintain, and provide to OPSE, a list of Department members authorized to accept Personal Escort / Protection assignments. The member's eligibility for inclusion on the list will be determined by his/her specialized training (dignitary protection), personal fitness, and ability to effectively deal with dignitaries and celebrities. This evaluation process will be conducted by PSS in conjunction with the ISB Intelligence Unit.

- 40. Exceptions to these requirements may be made by OPSE for re-occurring events



involving dignitaries or celebrities where identified members have already participated and have developed a rapport and detailed knowledge of the client's routine and associates. These are treated the same as a "reoccurring" PSE.

41. These assignments are to be treated as "Confidential" by PSS, OPSE and the members assigned.

## INSTRUCTIONS

42. Any member interested in working police secondary employment must first register with the Office of Police Secondary Employment by completing a "**Secondary Employment Agreement and Authorization Form**" (OPSE/NOPD Form Per-1) in accordance with listed instructions.
43. The member shall submit a signed and dated copy of the **OPSE/NOPD Form Per-1**, along with a copy of the member's attendance record for the previous 12 consecutive months, through their chain of command for final approval by the Superintendent of Police, or his designee.
44. It is the responsibility of the member's immediate supervisor, District or Division Commander and Bureau Deputy Superintendent to ensure the **OPSE/NOPD Form Per-1** is correctly and accurately completed. Each reviewing supervisor in the requesting member's chain of command shall consider the following when reviewing the Secondary Employment Agreement and Authorization Form:
  - (a) The thoroughness and accuracy of member information entered under the Personal Information, Contact Information and Work Information sections of the form;
  - (b) The thoroughness and accuracy of entries related to Certifications (**NOTE:** If the requesting member is a "Police Officer 1", each reviewing authority shall confirm the requesting member achieved permanent "Police Officer 1" status. All members of "Police Officer 1" rank are required to complete the "Date Off FTO" section listed under Certifications);
  - (c) The member has '**initialed**' all relevant acknowledgements;
  - (d) The form has been signed and dated by the member;
  - (e) The requesting member's overall attendance record over the previous 12 months. All sick leave usage is considered; and
  - (f) **The requesting member's overall work performance, including productivity and disciplinary record.**
45. If a reviewing supervisor does not approve an **OPSE/NOPD Form Per-1**, he/she shall note the specific reason(s) for disapproval (such as poor attendance record, poor performance, disciplinary problems, etc.) on the form and continue routing the form through the chain of command for final consideration by the Superintendent of Police or his/her designee.
46. A copy of the disapproved form shall be forwarded to the requesting member and the Compliance Bureau - Performance Standards Section by the disapproving supervisor, including the reason(s) for disapproval. The member has the option of appealing the disapproved request using the procedure outlined in this Chapter.
47. The Superintendent's Office shall forward the completed Secondary Employment Agreement and Authorization Form (**OPSE/NOPD Form Per-1**) to the NOPD Compliance Bureau - Performance Standards Section. The Performance Standards Section shall file the original form and forward copies to both OPSE and the member's Bureau Chief. The member's Bureau Chief shall distribute a copy of the

form as follows:

- (a) Member's Commanding Officer for filing in the member's personnel jacket in INSIGHT; and
- (b) Requesting member.

51. Immediate supervisors and Division/District Commanders are responsible for conducting periodic performance reviews of a member under their command who has been previously approved to work police secondary employment as assigned through OPSE. The purpose of this review is to assess the member's suitability to continue to work police secondary employment assignments during the one (1) calendar year eligibility period granted under the OPSE registration process. The performance review shall include assessments of sick usage (both documented and undocumented), overall attendance record, disciplinary actions, and member evaluation records.

### **REVOCAION OF POLICE SECONDARY EMPLOYMENT PRIVILEGES**

52. A previous authorization to work police secondary employment through OPSE may be revoked or suspended at any time by the member's immediate supervisor, Division/District Commander, Deputy Chief, or the Superintendent of Police.
53. The supervisor electing to revoke or suspend a previous authorization shall immediately notify OPSE and the Performance Standards Section of their intent.
54. The Performance Standards Section shall notify OPSE that the affected member is to be removed from their police secondary employment eligibility register until further notice.
55. In the case of such revocation or suspension, the member shall:
- (a) Immediately be provided verbal notice by a supervisor that the member's police secondary employment privilege has been revoked or suspended and the reason for this action;
  - (b) Be provided written notice by a supervisor as to the reasons(s) for the revocation or suspension within seven (7) days via interoffice correspondence (NOPD Form 105).
  - (c) Sign and date the NOPD Form 105 acknowledging its contents.
  - (d) The signed form shall be forwarded to the Performance Standards Section via the member's chain of command.
  - (e) A copy of the NOPD Form 105 shall be sent to each reviewing authority listed on the Secondary Employment Agreement and Authorization Form (**OPSE/NOPD Form Per-1**).
56. The revocation becomes effective immediately upon verbal notification to the member, OPSE and the Professional Standards Section. The member has the option of appealing a revocation order using the procedure outlined in this Chapter.
57. A member may be relieved of his/her assignment during the course of the police secondary employment assignment by any ranking member if the member is performing contrary to the guidelines set forth in this Chapter or the member appears unfit to perform the required duties. Any supervisor initiating such action shall immediately notify the Performance Standards Section and OPSE.

58. To seek reconsideration of a police secondary employment disapproval, revocation, or supervisor suspension, the affected member may appeal the decision in writing directly to the Superintendent of Police.
59. In order to be considered, all appeals must be made in writing within ten (10) days of the date of notice of disapproval, revocation, or suspension.
60. The Superintendent of Police is the final arbiter of an appeal.

### **SECONDARY EMPLOYMENT TRACKING / LOGGING PROCEDURES**

61. The ranking NOPD officer or their designee working an authorized police secondary employment shall, within 30 minutes of the start of the assignment, notify Communications Services for the district in which the detail is located, via NOPD radio, of the following:
  - (a) The notifying member's Badge number or unique unit number (if assigned);
  - (b) The police secondary employment assignment location (business name or street address);
  - (c) The number of officers or NOPD members working the police secondary employment assignment;
  - (d) Radio talk group in use if other than the District in which the PSE is located; and
  - (e) The estimated end time of the police secondary employment assignment.
62. If there is no ranking supervisor working the secondary employment assignment, notifications will be made by the most senior officer. Seniority is determined by the officer's rank then by years of service.
63. The ranking NOPD officer or their designee working an authorized police secondary employment assignment shall, within thirty (30) minutes of the end of the assignment, notify Communications Services for the district in which the detail is located, via NOPD radio, of the following:
  - (a) Badge number or unique unit number of the notifying member used to open the police secondary employment assignment; and
  - (b) That the police secondary employment assignment has ended.
64. Communications Services shall be responsible for entering the police secondary assignment in the CAD system

### **POLICE SECONDARY EMPLOYMENT MINIMUM SUPERVISORY REQUIREMENTS**

65. The minimum supervisory requirements for police secondary employment assignments are governed by OPSE policy.
66. Sergeants and Lieutenants are allowed to back-fill or work down to police officer or lower ranking supervisor positions; however, those supervisors electing to fill such a vacancy would be eligible for compensation at the hourly rate approved for the police officer or lower ranking supervisor's position.
67. Members in the rank of captain or above shall only be allowed to serve on secondary employment jobs in supervisory roles.

### **COMPLAINTS / UNSATISFACTORY PERFORMANCE**

68. Observed violations on PSE shall be communicated to the Performance Standards Section and handled in accordance with established disciplinary

procedures.

69. Supervisors who receive a citizen complaint regarding a member's performance while working a police secondary employment assignment shall follow all Departmental guidelines for the handling and processing of complaints and contact the Performance Standards Section for assistance if needed or the District if the Performance Standards Section is not available.
70. The Performance Standards Section shall notify the OPSE and PIB of all reported violations and complaints relayed by district supervisors and DSA's concerning police secondary employment assignments.
71. Complaints received by OPSE from a police secondary employment assignment customer or customer representative relative to the unsatisfactory performance of a NOPD member working an assignment shall be referred by OPSE to the NOPD Performance Standards Section for preliminary investigation to determine if the member has committed a violation of departmental policy or procedure.
  - (a) If warranted, corrective/disciplinary action may be taken by the Performance Standards Section, or
  - (b) The information may be turned over to the member's District/Division Commander or Public Integrity Bureau, as appropriate, for additional investigation in accordance with established departmental procedures.
  - (c) Information related to such complaints shall be recorded and maintained by the Performance Standards Section and the Public Integrity Bureau.
  - (d) All conversations and actions between the OPSE and the police secondary employment assignment customer or customer representative registering a complaint shall be documented and forwarded to PIB.
  - (e) The NOPD Performance Standards Section shall periodically update the Director of the OPSE as to the progress or final status of all complaint investigations involving police secondary employment assignments.
72. An on-duty supervisor performing an inspection at a police secondary employment site shall take appropriate disciplinary action for any departmental violation involving a member's performance.
73. Should the supervisor believe the violation warrants the immediate removal of the member from the assignment, the supervisor shall contact the NOPD Performance Standards Section to determine the appropriate course of action.
74. Whenever it becomes necessary to relieve a police member from a secondary employment assignment, a supervisor from the Performance Standards Section shall contact OPSE to notify them of the action being taken and the exact time the member was relieved.
75. If OPSE is unable to staff a replacement for the duration of the assignment, a Performance Standards Section supervisor shall contact a supervisor from the district where the assignment is being worked to request assistance with additional patrols or coverage, as calls for service permit.
76. Should an on-scene inspection of a police secondary employment site reveal the nature of the assignment or business being conducted at the location is contrary to established guidelines, the supervisor conducting the inspection shall immediately notify the NOPD Performance Standards Section.
77. The Commander of the Performance Standards Section shall assist in making a

determination as to whether or not the assignment conforms to department standards. If it is determined that the assignment does not conform, the Performance Standards Section shall immediately notify OPSE that the police secondary employment assignment is being suspended and that no additional NOPD members shall be allowed to work the assignment pending a formal review.

### **USE OF DEPARTMENTAL VEHICLES FOR SECONDARY EMPLOYMENT**

78. The Office of Police Secondary Employment must approve any use of a departmental vehicle or other specialized equipment used in the course of a police secondary employment assignment. Department vehicles shall be provided only to perform a practical service associated with the specific assignment, not for the "comfort" of the member.
79. The individual member may request the use of a departmental vehicle for a police secondary employment assignment if it is required and authorized for use through OPSE for that assignment. The availability of a vehicle that meets the requirements of the work assignment is completely discretionary with the member's unit Commander and should be secondary to the mission of the unit. If the member cannot secure the required vehicle, he/she must notify OPSE sufficiently in advance of the assignment to allow for the shift to be reassigned.
80. Departmental vehicles will only be assigned to members if required in the course of providing assignment support services, not simply for the convenience of traveling to and from assignments.
81. Members who are assigned an authorized take-home vehicle in accordance with C.A.O. Policy Memorandum No. 5(R) shall record their vehicle information on **OPSE/NOPD Form Per-1** where indicated and may use their vehicle in support of police secondary employment services when approved by the OPSE. **Unmarked vehicles shall not be used for secondary employment traffic escort assignments or any assignment involving enforcement action unless the unmarked vehicle has front and rear blue and/or blue and red flashing lights.**
82. NOPD members shall be responsible for the proper care and maintenance of all equipment issued or assigned to them, including for police secondary employment purposes, and shall exercise all due precautions to prevent theft, loss, or damage.

### **RESTRICTIONS**

83. NOPD members shall not be permitted to select substitutes or allow another member to work an assigned police secondary employment position in place of the member scheduled by the OPSE.
84. Members of the New Orleans Police Department are prohibited from participating in the solicitation, coercion and individual coordination of police secondary employment opportunities.
85. 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 police secondary employment.

86. NOPD members shall not provide police secondary employment services for any City agency or any of the City's political subdivisions. Departments or agencies requiring police service enhancements shall be covered under regular duty ("City Rolls") assignment or approved overtime reimbursement.
87. No member working police secondary employment assignment can supervise another member of higher rank.
88. Members are not permitted to engage in police secondary employment inside a bar, lounge, alcoholic beverage outlet (ABO), or establishments where the primary source of revenue is derived from the sale of alcoholic beverages consumed on the premises.
89. Members shall not work an assignment that will interrupt or occur during the member's assigned on-duty NOPD shift. In order to avoid any disruption in regularly scheduled police services, members are prohibited from accepting police secondary employment assignments that would require a split shift.
90. Members shall not work for a company or business that provides private guard services, brokers private guard services, or for individuals who profit from the services of a police secondary employment member unless the private security company is managing the security for a major special event (See list of Special Events above.), the OPSE has authorized it and the use of commissioned members is required by the special event permit (i.e. street closure, traffic control, etc.).
91. Members are not authorized to perform the below listed activities as police secondary employment:
  - (a) Any employment where a conflict of interest with the City can reasonably be demonstrated, including, but not limited to, psychological stress evaluations, computerized voice stress analyses, and polygraph examinations;
  - (b) Private investigation;
  - (c) Acting as bartenders, cocktail waiters or waitresses;
  - (d) Acting as doormen, bouncers, barkers, or ticket takers;
  - (e) Acting as or providing security for bail bond or bonding companies, or agents for same (bounty hunters);
  - (f) Conducting debt collection for any person or entity;
  - (g) Acting as a courier for the transportation of cash, receipts, or deposits for individuals or entities;
  - (h) Providing chauffer services, except where chauffer services to public officials and dignitaries is secondary to a primary purpose of security. Notwithstanding the foregoing prohibition, motorcycle escorts for chauffer services and limousines is permitted;
  - (i) Providing security at "sexually oriented" businesses;
  - (j) Employment requiring that the member act as a civil process server; and
  - (k) Providing security at pawn shops.
92. NOPD members are prohibited from working a police secondary employment that conflicts with the member's regular NOPD duties and ethical obligations. Prohibitions include:
  - (a) Representing anyone before any court or agency of the City of New Orleans, with or without compensation, on a matter in which the City of New Orleans is a party or has a substantial interest;
  - (b) Serving as an expert witness in his or her private capacity in any civil or criminal

- proceeding in which the City of New Orleans is a party or has a substantial interest;
- (c) Working police secondary employment during court hours while the member is under a conflicting subpoena;
  - (d) Disclosing confidential information acquired in an official capacity to any police secondary employment customer; or
  - (e) Using on-duty time to conduct investigations or take other law enforcement action on behalf of a police secondary employment customer, where there would be an actual conflict of interest or appearance of a conflict of interest.
93. Members of the New Orleans Police Department are prohibited from working police secondary employment or outside employment in any facet of land-based or river boat casino-type gaming establishment without prior approval of the Superintendent of Police including but not limited to:
- (a) Parking lots and or shuttle locations owned or leased by any casino or gaming consortium; or
  - (b) Providing security for patrons attending land based or river boat gaming establishments.
94. Members of the New Orleans Police Department are prohibited from working police secondary employment or outside employment in any facet of the electronic and/or video poker industry, including maintenance or servicing video poker machines, without prior approval of the Superintendent of Police.
95. NOPD members working police secondary employment are not permitted to receive any compensation, either cash or in-kind, including bonuses or gifts, unless such compensation, bonus, or gift, is provided through and documented by the OPSE Coordinating Office and is in accordance with the Louisiana Ethics Code for public members. Nominal compensation in the form of food or beverages is permitted in accordance with the Louisiana Ethics Code for public employees.
96. Travel time to and from police secondary employment shall not be compensated, unless it involves specialized patrol services or use of specialized equipment.
97. Members are reminded that privately owned vehicles (vehicles not owned or operated by the City of New Orleans or the NOPD) used on authorized police secondary employment assignments **are not** considered “authorized emergency vehicles” under State law and not protected by, or covered under the City of New Orleans liability insurance. Any member who utilizes a privately owned vehicle on a police secondary employment assignment does so without the approval of the City or the NOPD and at their own risk.