

**REPORT OF THE POLICE REFORM SUB-COMMITTEE  
OF THE  
HUMAN RELATIONS COMMITTEE  
METROPOLITAN AREA COMMITTEE**

September 6, 1995

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### REPORT OF THE POLICE REFORM SUB-COMMITTEE

The Human Relations Committee of the Metropolitan Area Committee was charged with the task of better understanding the police reform effort initiated by the present administration. The Human Relations Committee was given the assignment because of race relations turmoil which surfaced during the police residency requirements debates which became intertwined with discussions surrounding the overall reform measures.

The Human Relations Committee decided to appoint an ad hoc subcommittee on police reform. The subcommittee consisted of Ronald Mason, Jr., Senior Vice President and General Counsel at Tulane University, as Chair; Dennis Kelly, Attorney; and Brooke Duncan, III, an Attorney with the Law Firm of Adams and Reese and a former policeman with the New Orleans Police Department.

The Mission of the subcommittee was:

“To examine and better understand the reform of the New Orleans Police Department initiated by the Morial Administration and related issues for the purpose of advising the MAC Board, and possibly the larger New Orleans community, of the substance, intent and effect of said reforms”.

The process the subcommittee used was to interview persons who because of their positions had an interest in the construction,

implementation or consequences of the reform effort. Interviewees included:

- Marlin Gusman, Chief Administrative Officer
- Avis Russell, City Attorney
- Joseph Giarrusso, Mayor's Criminal Justice Coordinator
- Richard Pennington, Police Superintendent
- A District Commander and Lieutenant Commander, who wish to remain anonymous
- Robert Tucker of Tucker and Associates
- Anthony Mumphrey of the Mumphrey Group
- Michael Doyle, Director of the Civil Service Commission
- Carl Haydel, Black Organization of Police
- Ron Cannatella, Police Association of New Orleans
- Ray Goyeneche, Metropolitan Crime Commission
- David Hunt, Crime Committee Chair, The Business Council of New Orleans

Most interviews were attended by more than one subcommittee member, except that Mr. Mason interviewed Marlin Gusman alone, and Mr. Duncan interviewed Mike Doyle alone. It should be noted that all of the information in this report was provided by way of personal interviews, no independent verification was performed. In most cases, however, the information was corroborated by more than one interviewee.

The report is divided into four parts: The pre-Pennington Police Department; the Pennington Plan and Related Reform Initiatives; The Effectiveness of and Reaction To Reform and Related Efforts; Future Considerations.

I. Pre-Pennington Police Department

Police corruption is not unique to New Orleans. Witness what recently occurred in New York and Washington, D.C., with the indictment of scores of policemen for involvement in illegal or corrupt activity. Police corruption is also not new to New Orleans. Chief Giarrusso commented to us that the reason he was promoted from Lieutenant to Chief of Police in 1955 was because many of his rank superiors had been indicted for corruption, and he was one of the few officers next in line.

Notwithstanding the commonality of the problem, the depths to which the New Orleans Police Department had sunk was beyond the perception of the public, and in some cases alarming to the members of the subcommittee.

By way of example, some of the problems that needed to be addressed, according to the interviewees, were:

- Detail work became the “primary” job for approximately 20% of the officers, requiring them to catch up with sleep while on duty.
- The rank hierarchy had become significantly compromised because senior rank officers worked details controlled by lower rank officers.
- Detail “brokers” were managing details while on duty, and used NOPD equipment for private jobs, raising liability concerns.
- There were sometimes “wars” between detail brokers.
- District Commanders, the Department’s front line of management, had no authority over, or even information about, details working in their district. This meant, for example, that a district commander

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could not meaningfully monitor, much less manage, actions of officers wearing NOPD uniforms and working in their district.

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• Perceived race-based job complaints were continually raised in conversations among officers.

- The ingrained racial inequities within the department. The rank distribution by race is:

|            |                        |
|------------|------------------------|
| Patrolmen  | 512 black<br>499 white |
| Sergeant   | 179 white<br>54 black  |
| Lieutenant | 62 white<br>20 black   |
| Captain    | 23 white<br>2 black    |
| Major      | 5 white<br>1 black     |

- Entry level pay is very low compared to cities which recruit New Orleans officers, such as Gulfport and Dallas.
- Some officers came to view confiscated drug money as “supplemental pay” to which they were entitled.
- Automobile use and distribution was totally out of control. NOPD has almost as many cars as officers, in contrast to Washington, D.C. which has 5000 officers and only 800 cars.
- Cars, mostly unmarked, were passed out to friends as perks. Deterrent effect was also decreased because many such cars went to homes outside the city after work hours.
- Most of the fleet is almost 10-years old.
- There were 342 accidents involving police vehicles last year.

- NOPD technology is totally outdated needing PC's, modems, voice mail, computers in police cars, and access to FBI data bases.
- Superiors were ordering the hiring of applicants whom applicant investigators had recommended for rejection.
- There were no supervisory training programs for sergeant and above. Training was generally non-existent or haphazard.
- The District Attorney refused an average of 50% of police reports submitted by NOPD for prosecution, indicating training needed in filling out reports and handling arrests.
- There was virtually no on-the-job supervision of policemen on the beat. Cops had become "radio" cops.
- Between 33% and 50% of recruit applicants to NOPD were accepted. The normal applicant acceptance rate should be 10% or less.
- Vice and narcotics were combined into one division, an explosive combination.
- Federal and State law enforcement officials ceased joint investigations with NOPD because many such joint operations became compromised.

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In summary, the pre-Pennington Police Department was underpaid, underdisciplined, underqualified, undermanaged, undermotivated and undertrained. Straightening out such a problem was described by Chief Giarrusso as a "damn near insurmountable task".

## II. The Reform Effort

Clearly, something needed to be done. The Mayor determined that the place to start was to hire the right superintendent. After an extensive

search, Richard Pennington, a tough, reform-minded cop from the D.C. Police Department was hired. He immediately started the process of positive change.

Pennington's reform effort is contained in part in a document called the "Pennington Plan". It has the following elements:

The Police Early Warning System, to identify and provide intervention on behalf of officers who exhibit a pattern of violence, corruption or brutality.

An Automatic Disqualifier system, which is a set of rigid standards which if unmet will automatically disqualify a candidate from joining NOPD.

ASOP Number 85.0 regarding Paid Detail / Outside Employment, which overhauled the system by prohibiting work at ABO's, limited the amount of outside details to 20 hours per week, and bringing the management and supervision of the details within NOPD.

Modified the Take Home Vehicle Policy requiring assignment by the Superintendent and review by the CAO, with CAO approval required for residences outside of Orleans Parish.

In addition to the "Pennington Plan" per se, the reform process also included:

- The hiring of an "outsider" as superintendent, so that he would not be influenced by existing internal relationships.
- The purchase of new cars, the sale of unneeded old cars and the end of distributing cars as perks.
- The enforcement of the "residency requirement" so that emergency response time is lowered and the deterrent effect of live-in policemen is maximized.

*Dr. Ward?*  
*Downside - w/ call handling*

Collier  
Guller

The establishment of a police auto accident review board.

- The assignment of four (4) deputy superintendents who appear to be competent and well respected by the rank and file.
- All district commanders were for the first time interviewed as part of the reform review process, and fully involved in the budget preparation.
- District Commanders were given flexibility to manage their districts with the resources available to them. For example, the Vieux Carre district went to 12-hour shifts, an innovation which has met with the approval of over 80% of the district officers and reduced sick and furlough usage by over 220%.
- The institution of a Community Policing Program in some of the Housing Developments.
- The establishment of a Criminal Justice Coordination Council which encourages cooperation among the various area law enforcement agencies.
- Internal Affairs was moved from Police Headquarters to a separate location so as to avoid discouraging complainants who had been reluctant to go to Headquarters.
- A Police Compensation Committee has been established to determine ways to enhance police income.

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### III. Effectiveness and Reaction

Community reaction, including the business sector, has been extremely positive with respect to all aspects of the reform effort, including the hiring of Pennington and the accomplishments he and NOPD have achieved since his arrival.

Concern was expressed regarding the perception that NOPD is undermanned and losing officers, however, law enforcement professionals,



including Pennington, said that quality is more important than quantity, and that the present number of officers does not present a life and safety risk for the New Orleans community. Pennington believes that the Mayor has fully kept his promise not to involve politics in the operation of the NOPD, and that the number of officers has recently decreased due to the following factors:

- approximately 30 officers were terminated for malfeasance of some sort or another, including 20 arrested;
- some took early retirement rather than give up a "desk job"; the early retirement option became available in June;
- some are being hired away by cities such as Dallas and Gulfport;
- more stringent entrance requirements.

Interviewees, to a person (with the exception of PANO), understood that NOPD's problems will take significant time to cure, and would prefer that reform occur correctly rather than hurriedly.

Civil Service was often described as a cumbersome, inefficient system which is problematic in the following areas:

- test criteria are too low
- NOPD stated that Civil Service rules require everyone to start at the entry level, no matter what the qualifications or experience of the applicant. However, according to Civil Service, the NOPD has the option of requiring "original entrance exams" for each rank, which would allow outsiders to come

in at higher than entry level. Doyle recollects that this has never been done for any position other than superintendent.

- Civil Service, in effect, discourages out-of-town recruiting.
- Civil Service often reinstates officers who have been suspended or terminated by NOPD. Len Davis, with defense assistance from PANO, is a prime example. Although it should be noted that in the past, lack of preparation by NOPD or city prosecutors may have contributed to this result.
- The Civil Service pay scale is problematic because pay level is determined in part by the position from which you are promoted. Thus, for example, a sergeant promoted from a PO4 level could make more than a lieutenant who was originally promoted to Sergeant from a PO1 level. It should be noted that there is apparently no upper limit on the amount each rank may be paid.

One observes that much Civil Service activity, as it relates to NOPD, is governed by the Consent Decree. Changes in test criteria, for example, must be reviewed by a special Master and approved by a Judge.

Interviewees had the following additional reactions:

- Experienced observers seemed of the mind that NOPD can never be truly free of corruption; the best that can be expected is to manage and minimize it. However, higher ranked officers commented that the Civil Service system contributes to corruption by making it almost impossible to meaningfully and timely discipline officers and maintain control over maligning and other job abuses.
- Some officers are trying to circumvent the ABO detail restriction by forming business co-ops among ABO's and their neighbors, telling the neighbors they will get free security, and then working with the ABO in much the same way they did before the restriction.

- Other officers attempt to achieve the same by requesting permission to work next door to an ABO. Such requests are not approved.
- The curfew ordinance has apparently encouraged parental involvement because parents have to take off work in order to retrieve their curfew violating children.
- Crime seems significantly down, especially if drug and home violence is excepted.
- The solve rate for homicides is up 30-50%.
- One interviewee suggested that reforming the details enhanced morale because the extra work became available to more officers.
- Corruption is being uncovered more often because police and laypeople are apparently more comfortable with making complaints and providing information.
- Interviewees, to a person (with the exception of PANO), believed that Pennington is sincere, and those who understand the profound risks involved in, for example, detail reform, fully respect the courage that such a reform required.
- The residency requirement, an issue separate but related to reform, is accepted as a good idea. Pennington and other interviewees saw it as sound law enforcement policy. However, there was disagreement about the extent and timing of enforcement of the residency ordinance. Some suggested it was unfair to force officers to move back to town to get a promotion, since their outside residencies were allowed by prior administrations. Others felt that all policemen knew that the residency law existed, and that the courts might decide to enforce it, so if they bought homes outside New Orleans, they did so at their risk.
- Still others felt that the residency requirement, in combination with detail reform and reassignments, is helping the reform process by weeding out officers who were paid more than their work hours justified.
- Some officers argued that not enforcing the residency ordinance, would be unfair because some officers (8-10 in a single district) sold

homes and moved back into New Orleans in order to comply with the law.

- After detail reform, calls for service in the Vieux Carre, the area most affected, went up 7-10%, which was much less than expected.

- ✓ • Supervisors are thankful that they are finally receiving training.

The only consistently negative response to the reform effort came from PANO. PANO's representative gave answers and comments that were extremely opposed to the other information received by the subcommittee. However, PANO's representative acknowledged that Chief Pennington's reform efforts are the right approach, but questioned whether the efforts in place are proceeding in a timely manner.

In summary, police reform, both as conceived and as implemented, is progressing as well as or better than expected. Some initiatives, like community policing, are not necessarily new; the Urban Squad was its predecessor. However other efforts, such as revamping the details, took courage and determination even though it was a reasonable and necessary step.

Finally, the job is far from complete. There are would be saboteurs of reform, even within the department, who engage in negativism, obstructionism, and appeals to the fears of those who wish to resist change. Unfortunately, even though it claims extensive membership both in the ranks of black & white officers, PANO can arguably be considered among those who are not allies in the reform effort.

Pay grades and salary inequities within similar functions and across functions.

The quality of the appeal process, i.e., whether people being paid to carry out the Civil Service appeals process are doing well the job they are paid to do.

There seemed to be a lack of clarity on the part of some interviewees with respect to whether Civil Service Rules, NOPD practice, the consent Decree or state or local law served as roadblocks to reform. This should be straightened out, particularly as it relates to the issue of lateral transfers at the higher ranks. Perhaps NOPD should decide which course of action is necessary for efficient police operations and present areas which are questionable under the Consent Decree to NOPD for approval.

Finally, the business community should establish a NOPD support group, or work through the Business Council Crime Committee, to identify resources for one time equipment purchases that can help bring NOPD technologically into the 20th Century, or to otherwise lend assistance, such as in buying uniforms or inviting supervisory officers to attend businesses' management training seminars.

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