



Monetizing the police: Corruption vectors in agency-managed off-duty work[☆]

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Abstract

Police departments in the United States have been increasingly involved in placing their sworn officers in off-duty jobs. Individual officers, commanders or union representatives in a number of police agencies earn commissions by brokering off-duty jobs for fellow officers, a practice the US Department of Justice characterized as an “artery of corruption” in the New Orleans Police Department. In response to actual or potential corruption by entrepreneurial officers and unions acting as employment brokers, many police agencies now directly place officers in off-duty jobs. Corruption has tainted agency-managed officer placements as well, leading to corruption charges against Pittsburgh’s Police Chief and bringing into stark relief how departments generate business and account for commissions earned by placing fully uniformed officers in private employment via “police details”—as the practice is commonly called. This paper looks at “police details” in terms of the realized and potential types of corruption they engender, and the kinds of off-duty employment activities that pose integrity threats, both for the individuals involved and for their law enforcement agencies. The paper concludes by discussing public policy questions raised when police agencies and officers monetize taxpayer-funded training, symbols of office and equipment in order to command premium wages in off-duty employment.

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1. Introduction

“Aorta of corruption” was the characterization the Civil Rights Division of the United States Department of Justice applied to the management of off-duty employment in the New Orleans Police Department (DOJ, 2011, p. XVI). That conclusion rested upon a number of practices, none unique to New Orleans, which had corrosive impacts on police integrity, efficiency and effectiveness. The practices cited by the Justice Department included:

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- Off-duty pay rates that could, and did, exceed on-duty pay rates.
- Off-duty work hours that could, and at times did, exceed on-duty work hours.
- Officers who made more money off-duty than they earned from the NOPD.
- Off-duty work that was “off-the-books,” implicating officers in tax evasion.
- Off-duty jobs being brokered by officers and commanders while on-duty.
- Officer-brokers securing high paying details for superiors.
- Off-duty security jobs where officers could, and did, outrank NOPD superiors.

All of which led the Department of Justice to conclude in 2011 that: “NOPD’s detail system, as currently structured: (1) drastically undermines the quality of NOPD policing; (2) facilitates abuse and corruption by NOPD officers; (3) contributes to compromising officer fatigue; (4) contributes to inequitable policing by NOPD; and (5) acts as a financial drain on NOPD rather than fulfilling its potential as a source of revenue for the City and Department.” (DOJ, 2011, p. XVI).

This paper will consider how police off-duty employment in the U.S. has been evolving in ways that have created opportunities for official corruption, self-dealing by officers and commanders, rent seeking by police departments and a shifting of police resources from public to private use.

2. Methods for securing and managing secondary employment

Police officers have long worked second jobs, an activity popularly identified as “moonlighting.” Police officers usually refer to their off-duty employment as “side jobs,” “details” or “second jobs.”¹ Traditionally individual officers offered their labor to a variety of employers, most of whom placed a value on that labor that derived from the off-duty officer’s ability to provide premium security services. A given employment transaction was completed when an officer freely exchanged his or her off-duty labor for acceptable remuneration from a willing employer.

In recent decades, factors underlying secondary police employment have been changing. Celebrities from the world of sports, entertainment and business have become more concerned about their safety and about the quality of security personnel they employ. Many jurisdictions, responding to fiscal constraints, have cut back on taxpayer funded police coverage for special events such as parades, sporting events and concerts, while the need for high quality security at these events has, if anything, been increasing. Laws have been passed in a number of jurisdictions requiring that sworn officers perform traffic control for road construction and repair, as well as locations such as construction sites and sports stadia that generate high volumes of traffic to and from public highways. Public authorities in the U.S. responsible for running seaports, airports and federally subsidized housing developments also generate demand for police coverage by off-duty officers, as is the case with the Louis Armstrong airport serving New Orleans, which straddles the jurisdiction of two county sheriff’s offices, drawing upon off-duty officers from each agency to cover its security needs. As these service demands rise, low or slow-growing police salaries in many regions of the U.S. have made secondary employment more of an economic necessity for increasing numbers of officers.

All of these factors have fueled the growth of secondary police employment and increased off-duty wages paid officers, often beyond their regular hourly wages as public employees. When off-duty work pays a premium, usually for less demanding and at times more interesting security tasks, even more officers are induced to participate in the secondary employment market.

To handle the increased demand for off-duty officers, as well as the number of officers willing and eager to work off-duty, the ways officers are matched with employers have been evolving. Those methods now include:

Self-placement—Individual officers secure off-duty work directly from employers, the most basic method that has been popularized over the years as “moonlighting.”

Peer recruitment/placement—Particular officers broker and coordinate a number of off-duty jobs, which may include helping outside employers determine security needs, recruiting fellow officers for off-duty jobs, arranging off-duty work schedules, managing payrolls and often collecting fees for their placement services.

¹ Hereafter these terms will all refer to “secondary employment”.

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