

CITY OF NEW ORLEANS ETHICS REVIEW BOARD

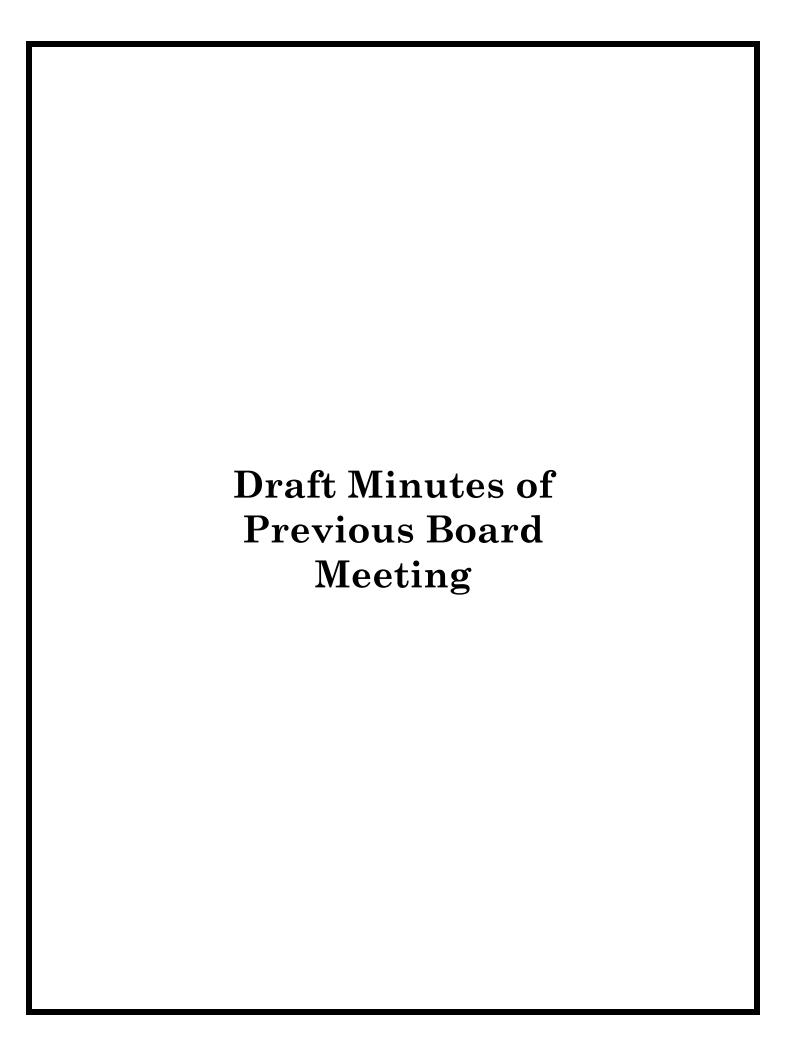
525 St. Charles Avenue New Orleans, LA 70130-3409 <u>erb@nolaerb.gov</u> <u>https://www.nolaerb.gov/</u>

BOARD MEETING

New Orleans Public Library, Robert E. Smith Branch, 6301 Canal Blvd, New Orleans, LA 70124 Monday, December 9, 2024, at 3:30 P.M.

AGENDA

- 1. Call to order.
- 2. Approval of the minutes of October 2024 board meeting.
- 3. Monthly report of the Office of Inspector General.
- 4. Monthly report of the Office of the Independent Police Monitor.
- 5. Monthly report of the Ethics Trainer.
- 6. Monthly report of the General Counsel and Executive Administrator.
- 7. Executive session pursuant to Louisiana Revised Statutes section 42:17(A)(4) to discuss investigative proceedings regarding allegations of misconduct, namely, ERB Complaints No. 2023-04 and 2024-05.
- 8. Discussion of dates and locations for 2025 meetings.
- 9. Call for agenda items for future board meetings.
- 10. Adjournment.





Ethics Review Board for the City of New Orleans

Board Meeting of November 11, 2024, at Loyola University New Orleans College of Law, 526 Pine Street, New Orleans, Louisiana

Minutes

- 1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 4:04 p.m.
 - 1.2. Attendance
 - 1.2.1. ERB members present:
 - 1.2.1.1.Dawn Broussard, Chair
 - 1.2.1.2.Holly Callia
 - 1.2.1.3.Sally Richardson
 - 1.2.1.4.Patrice Sentino
 - 1.2.2. ERB members absent:
 - 1.2.2.1.Monique G. Doucette
 - 1.2.2.2. Tyrone G. Jefferson, Jr.
 - 1.2.3. Staff member present: Dane S. Ciolino, Executive Administrator & General Counsel
 - 1.2.4. Staff member present: Jordy Stiggs, Ethics Trainer.
 - 1.3. The agenda for the meeting is attached.
- 2. *Approval of Minutes*. Upon a duly made and seconded motion, the ERB unanimously approved the minutes of the regular ERB meeting held in October 2024.

- 3. *Monthly Report of the Office of the Inspector General.*
 - 3.1. Ed Michel appeared on behalf of the Office of the Inspector General. He appeared with Mike Laughlin, general counsel for OIG.
 - 3.2. The board accepted Mr. Michel's monthly report (attached).
 - 3.3. Mr. Michel noted that his office recently attended a City Council meeting regarding the budget and the office's recent accomplishments. He noted that the Council was complementary of his office's work. He also noted that the Council was interested in further work on the use of city funds by all agencies including by the OPSO.
 - 3.4. Mr. Michel highlighted his office's report regarding the Dept. of Public Works and its maintenance of traffic signals. Many of the issues are rooted in personnel and staffing shortages, inventory management, and other issues.
 - 3.5. Mr. Michel noted that his office will soon release a report regarding OPSO details.
- 4. *Monthly Report of the Office of Independent Police Monitor.*
 - 4.1. Ms. Sziment did not appear on behalf of the Office of the Independent Police Monitor. A deputy who did not identify herself appeared.
 - 4.2. The board accepted Ms. Cziment's monthly report (attached).
 - 4.3. The office reported that it has been involved in many discussions regarding the federal consent decree during the past few months. The hope is that the city will soon move into a sustainment period under the decree.
 - 4.4. The office reported that it hosted a public forum with Chief Kirkpatrick. The office put questions to the Chief and she answered them. Then the public was allowed an opportunity to ask questions. The session was broadcast on WBLK.
 - 4.5. The office reported on the mediation training program the office conducted last month. The office celebrated 10 years of mediations.
 - 4.6. The office reported on its on-going radio show, including participation by STAR and the Innocence Project and Deputy Chief Gerston. Comments on the consent decree will be shared with Judge Morgan.
 - 4.7. The office presented to the Budget Committee this month.
 - 4.8. Ms. Callia commented that budgeting issues will be presented when the sustainment period begins. The office assured the ERB that it would inform the ERB of any developments in this regard.

- 5. *Monthly Report of the Ethics Trainer*
 - 5.1. Jordy Stiggs appeared.
 - 5.2. The board accepted Mr. Stiggs's monthly report (attached).
 - 5.3. Mr. Stiggs reminded the board about training videos that the board members need to watch before year end.
 - 5.4. Mr. Stiggs showed the board the new city-based website that was redesigned by the IT department. He highlighted the ethics training program content on the site. He will continue to work on the site to make it more user friendly and educational.
- 6. Report of the Executive Administrator and General Counsel.
 - 6.1. Mr. Ciolino presented his monthly report (attached).
 - 6.2. Mr. Ciolino reported that the ERB has received two complaints since the last board meeting.
 - 6.3. Mr. Ciolino reported that one ERB position (Dillard) must be filled. The mayor's office is working on this and has received nominations.
 - 6.4. Mr. Ciolino reported that four (4) Council and Mayoral appointments remain unfilled on QARACs for the IG and the IPM.

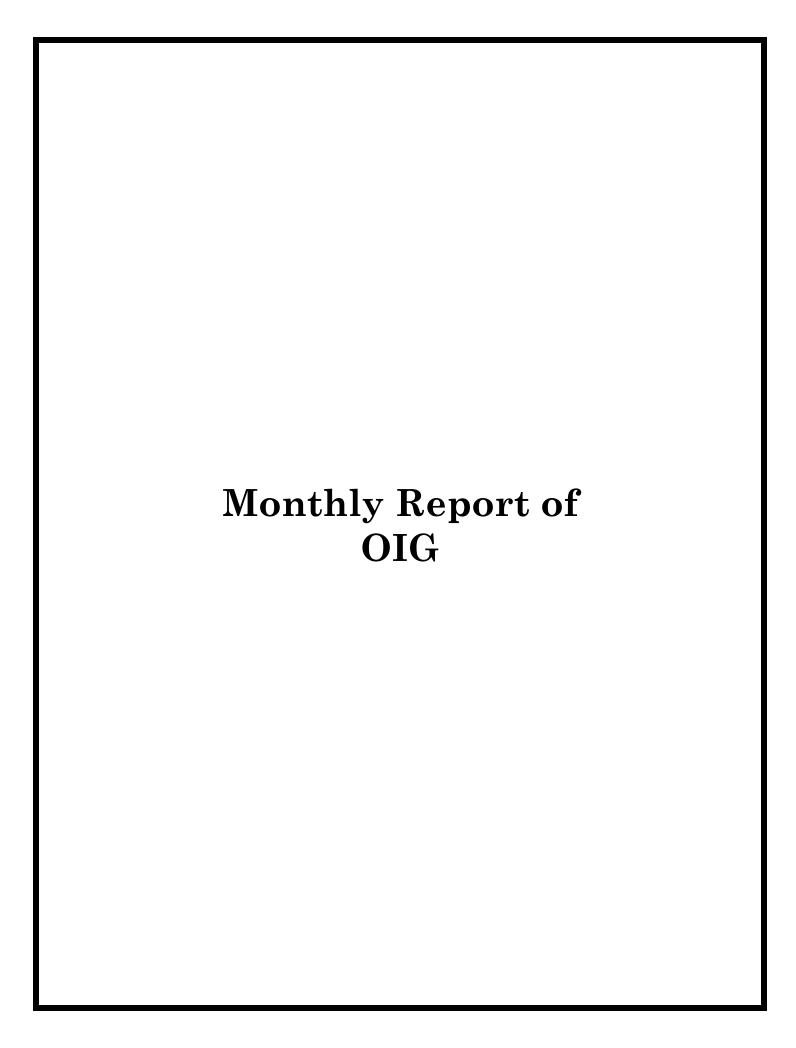
7. Executive Session

- 7.1. After a motion, duly seconded, the board voted unanimously to go into executive session at 4:24 pm. pursuant to Louisiana Revised Statutes section 42:17(A)(1) to discuss the character, professional competence, or physical or mental health of a person and pursuant to Louisiana Revised Statutes section 42:17(A)(4) to discuss investigative proceedings regarding allegations of misconduct, namely, ERB Complaint No. 2023-02.
- 7.2. After a motion, duly seconded, the board voted unanimously to return to general session at 4:38 p.m.
- 7.3. After a motion, duly seconded, the board voted unanimously to dismiss ERB Complaint 2023-02. The complaint presented issues relating to an office supervised by the ERB. Through public contract K24-233, the ERB hired a law firm, Transcendent Law Group (TLG), to conduct an investigation into the allegations. Over the course of several months, TLG interviewed numerous employees of the subject office. After those interviews were completed, TLG orally reported its findings to the ERB in executive session. After further investigation by the ERB, the ERB discussed the complaint in executive session. The board chair has discussed the board's employment-related concerns with the

individual who was the subject of the investigation. The board will issue a press release today reporting the foregoing.

- 8. Discussion of Locations of Future Meetings
 - 8.1. Mr. Ciolino will check with City Hall regarding availability of council chambers.
 - 8.2. Mr. Jefferson will look into other locations used by nonprofit organizations in Orleans Parish.
 - 8.3. This issue will be on the agenda for next board meeting.
- 9. Adjournment.
 - 9.1. A motion was made to adjourn the ERB meeting.
 - 9.2. The motion was seconded.
 - 9.3. The ERB unanimously voted to adjourn. The meeting was adjourned at 5:18 p.m.

* END *



MONTHLY REPORT

NOVEMBER 2024



NEW ORLEANS
OFFICE OF INSPECTOR GENERAL

EDWARD MICHEL, CIG INSPECTOR GENERAL

ADMINISTRATION DIVISION



2,037

Number of registered X followers

ADMINISTRATION

The Office Manager is responsible for the following:

- Human Resources
 - Coordinating the hiring process
 - Intern Program
- Finance
 - Managing and refining the OIG budget
- Procurement Process
 - Communicating with OIG vendors
 - Processing requisitions to create purchase orders
 - Overseeing the timely payment of OIG expenditures
- Operations
 - Coordinating with the OIG's landlord and various City departments on administrative matters

COMMUNICATIONS

The Public Information Officer is responsible for the following:

- Public and Media Relations
- Social Media
- Monthly and Annual Reports to the ERB
- Editing | Writing | Reviewing

INFORMATION SECURITY

The OIG Information Security Specialist is responsible for maintaining the OIG's information technology (IT) integrity through:

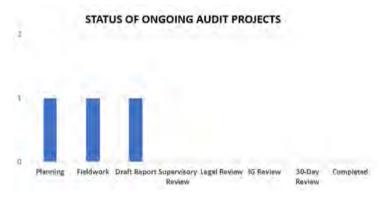
- Technical Support
- Hardware and Software Updates
- Communication and Coordination
- Consultation for IT Purchases

AUDIT & REVIEW DIVISION

PROMOTION: Alison Broyles promoted to Deputy Inspector General of Audit and Review

Alison Broyles began her new role as Deputy Inspector General of Audit and Review in November. A CPA, CFE, and CIGA, Alison has worked at the OIG for 14 years and is the highest-ranking Classified Civil Service member in our office. The OIG is proud of Alison's accomplishments and is honored to have her leading our Audit and Review staff in the fight against fraud, waste, and abuse.

The Audit and Review Division conducts financial audits, attestations, compliance, and performance audits of City programs and operations. Auditors test for appropriate internal controls and compliance with laws, regulations, and other requirements.



The Audit and Review Division has the following projects in process:

- Safety and Permits Third Party Contractors
- NOAB Contract Audit
- EMS Response Time

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions, and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation, and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

AUDIT AND REVIEW DIVISION

The following information provides a summary of the Audit Division's project phase and a summary of the audit objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
Safety and Permits Third Party Contractors	Drafting	Ongoing

Summary of Objectives: The purpose of the audit is to determine the adequacy of S&P policies and procedures related to Third Party Inspections and verify that residential inspections performed by Third Party Inspectors were in compliance with those policies and procedures.

NOAB Contract Audit Fieldwork Ongoing

Summary of Objectives: The purpose of the audit is to verify NOAB management compliance with relevant policies and procedures while procuring professional services contracts and assess the effectiveness of NOAB management controls in ensuring vendor compliance with contract terms.

EMS Response Time Planning Ongoing

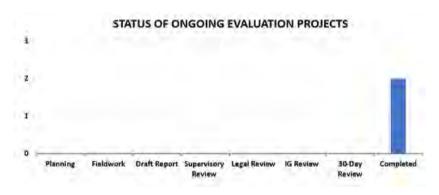
Summary of Objectives: The purpose of the audit is to determine whether the City is responding to medical emergencies timely and in accordance with their policies and national standards.

Footnotes:

- 1 Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.
- $\boldsymbol{2}$ The completion date may be re-evaluated if necessary.

INSPECTIONS & EVALUATIONS DIVISION

The Inspections and Evaluations Division works to increase the efficiency, effectiveness, transparency, and accountability of City programs, agencies, and operations. Evaluators conduct independent, objective, empirically based and methodically sound inspections, evaluations, and performance reviews.



The Inspections & Evaluations
Division has the following projects
in process:

- OPCD Hexagon Contract
- NOPD Secondary Employment

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

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IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

INSPECTIONS AND EVALUATIONS DIVISION

The following information provides a summary of the Inspections and Evaluations Division's project phase and a summary of each project's objectives.

Project Name	Project Phase 1	Anticipated ² Completion Date
OPCD Hexagon Contract	Completed	Thursday, Dec. 5, 2024

Summary of Objectives: The purpose of the evaluation is to analyze the process used to procure Hexagon On Call Records, review the use of public funds in the project, and assess whether the product was suitable to meet public needs.

NOPD Secondary Employment

Completed

Tuesday, Dec. 10, 2024

Summary of Objectives: To review NOPD and the Office of Police Secondary Employment policies and procedures to minimize the risk of payroll fraud.

Footnotes:

^{1 -} Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

^{2 -} The completion date may be re-evaluated if necessary.

INVESTIGATION DIVISION

ADMINISTRATIVE INVESTIGATIONS (NOVEMBER HIGHLIGHTS)

NEW HIRE: Jeffery Babineaux joins OIG team as Intelligence Analyst

Jeffery Babineaux began his position as an OIG Intelligence Analyst on Nov. 13. In this role, Babineaux provides skilled analytical support to the Investigation Division and assists in the planning, coordinating, and documenting of investigations, audits and evaluations. His duties include:

- Analyzing data from a variety of sources to develop trends, patterns, profiles, estimates, studies, and tactical information utilizing established intelligence techniques.
- Conducting highly complex analyses.

Allegations related to the New Orleans Police Department (NOPD)'s promotional process

The Superintendent of the New Orleans Police Department (NOPD), NOPD Consent Decree Monitor, and City Attorney, have all asked the OIG to investigate 12 Public Integrity Bureau cases related to cheating, favoritism, and bias in the NOPD's promotional exams. The cases stem from anonymous complaints alleging cheating and/or bias specifically in the Captain's and Major's promotional exams.

Former NOPD Sergeant Guilty of Fraud for Double Billing and Billing for Time Not Worked

Former NOPD Sgt. Todd F. Morrell pled guilty in November to six counts of wire fraud for a multi-year scheme to defraud the NOPD and New Orleans Fair Grounds through double billing and billing for time not worked. For each count, Morrell faces up to 20 years in prison, up to three years of supervised release, up to a \$250,000 fine, and a \$100 mandatory special assessment fee. Sentencing in federal court has been scheduled for Feb. 25, 2025. This conviction is the result of collaboration between the New Orleans OIG and FBI, led by the U.S. Attorney's Office. U.S. Attorney Duane A. Evans expressed appreciation for the support provided by the OIG in investigating this matter.

Brass and copper thefts from New Orleans Sewerage and Water Board

OIG investigators continue to work with the Louisiana State Police's Troop NOLA and the New Orleans Sewerage and Water Board's (S&WB) Security Department to investigate brass and copper thefts. The S&WB is conducting an internal audit to determine the extent of the problem and whether this indicates a larger issue. Additionally, the OIG is investigating several water meter installations.

INVESTIGATION DIVISION

ADMINISTRATIVE INVESTIGATIONS (NOVEMBER HIGHLIGHTS CONTINUED)

Other ongoing investigations:

The Investigation Division continues to assist in the criminal prosecutions of Randy A. Farrell, Sr., Leessa Augustine, and Tyrell Morris.

Farrell, a former third-party inspector, and his company, IECI & Associates, LLC ("IECI"), were charged in a 25-count indictment with conspiracy, wire fraud, and honest services fraud.

Augustine, a former New Orleans S&WB Senior Special Agent and reserve NOPD officer, was indicted in multiple fraud schemes with four counts of wire fraud, two counts of aggravated identity theft, and one count of making false statements to investigators.

Morris, former Executive Director of the Orleans Parish Communication District (OPCD), was indicted on charges of insurance fraud, malfeasance in office, impersonation of a police officer, injuring public records, and retaliatory termination of a whistleblower. The Investigation Division has provided information developed to the Orleans Parish District Attorney's Office. Court proceedings are ongoing, with a trial date set for March 18. 2025.

An indictment is merely a charge and the guilt of the defendant must be proven beyond a reasonable doubt.

Progress of Department of Safety and Permits (DSP) Initiative

The OIG is partnering with the New Orleans Department of Safety & Permits (DSP) and the Louisiana State Licensing Board for Contractors to identify ways to ensure effective operations of DSP. The initiative involves assigning OIG staff to DSP to review DSP policies, procedures, and internal controls with a focus on identifying and mitigating gaps and weaknesses to ensure effective operations at DSP. Interviews with DSP personnel continue to be productive and ongoing.

During November, the Investigation Division submitted one Request for Documents to each of the following: Chief Administrators Office, Civil Service Department, Office of Independent Police Monitor, New Orleans Police Department, and the Department of Public Works. The Investigation Division also submitted a referral to the Department of Safety & Permits regarding a report of an unlicensed hotel at 3500 St. Claude Ave., New Orleans. The OIG received 22 complaints, which were processed through the OIG's newly created intake program.

2024 MONTHLY BUDGET

Total 2024 Appropriation \$ 4,184,733

Expenditures	Spent YTD
Personnel	\$ 2,722,219
Operating	\$ 691,456
Total	\$ 3,413,675
Remaining Balance	\$ 771,053

SOCIAL MEDIA

X/Twitter: @NOLAOIG

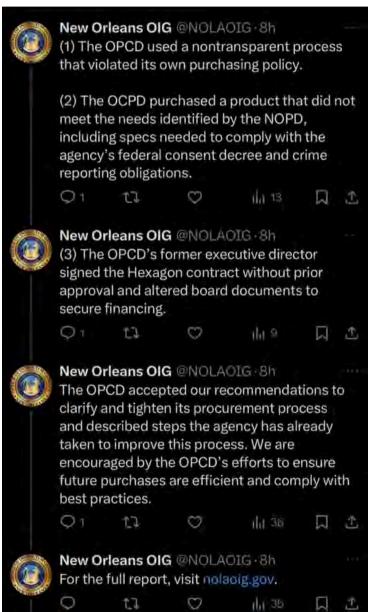


The OIG has released a report on the Orleans Parish Communication District's \$6M Hexagon contract for a police data system. After spending nearly \$3M in public funds, OPCD cancelled the contract, and the system never launched. Our evaluation generated three findings.





New Orleans OIG @NOLAOIG - 11/19/24



SOCIAL MEDIA

Instagram: @NewOrleansOIG





neworleansoig The U.S. Attorney's Office. Eastern District of Louisiana, announced that former NOPD Sergeant Todd Monhas piled quilly to six counts of twine frault of coluble billing arbilling for time not worked. This conviction is the result of coalaboration between the New Orleans Offic and Sik Jed by the U.S. Attorney's Office. For more information, visit the link in bil

Former NOPD Sergeant Guilty of Six Counts of Wire Fraud for Double Billing and Billing for Time Not Worked



SOCIAL MEDIA

Facebook: @NOLAOIG



The OIG is excited to announce that Alison Broyles has been promoted to Deputy Inspector General of Audit and Review. Alison graduated with an accounting degree and also received a Master's in Accounting from LSU. Alison has worked at the OIG for 14 years. She is a CPA, CFE, and CIGA, as well as the highest-ranking Classified Civil Service member in our office. The OIG is proud of Alison's accomplishments and honored to have her leading our Audit and Review staff in the fight against fraud, waste, and abuse.





November 6 at 3:31PM - @

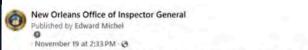
New Orleans Inspector General Ed Michel presented the OIG's 2025 goals and proposed budget to the City Council, providing an overview of how the OIG has mitigated fraud, waste, and abuse at unprecedented levels.

Last year we drafted 17 reports and identified more than \$4.5 million in potential savings or economic loss prevented, and our office is on track to surpass that by the end of 2024. The OIG has released 14 reports so far this year and, as of September, had identified more than \$20 million in potential economic losses to the City.

Our 2025 proposed budget is about \$4.2 million, a cost per resident of about one order of beignets and a large frozen café au lait.

These funds enable the OIG to continue our mission to prevent and detect corruption in City government, and to improve City programs and operations through independent and objective oversight. For more on the OIG's latest initiatives, view our budget presentation: https://www.youtube.com/watch?v=brWL3eu9CTY





The New Orleans OIG team joined our colleagues from around the world to enhance our skills at the Association of Inspectors General conference. New Orleans was host to this year's conference, which helps equip OIG offices with the latest methods and strategies for fighting fraud, waste, and abuse in government.

OIG Chief of Inspections and Evaluations Patrice Rose partnered with Julien Meyer, former Chief Procurement Officer for the City of New Orleans Bureau of Purchasing, to present a case study for collaboration between the OIG and Bureau of Purchasing. Rose and Meyer shared lessons and benefits gleaned from working together to identify and mitigate issues with the City's procurement process for third-party contractors.

Inspector General Ed Michel welcomed the Association of Inspectors General to New Orleans for this year's conference. The 2024 AIG Annual Training Conference focused on the "Art of Oversight," with more than 65 presenters addressing the unique challenges and opportunities involved in the identification and mitigation of threats. The conference drew hundreds of attendees to New Orleans.



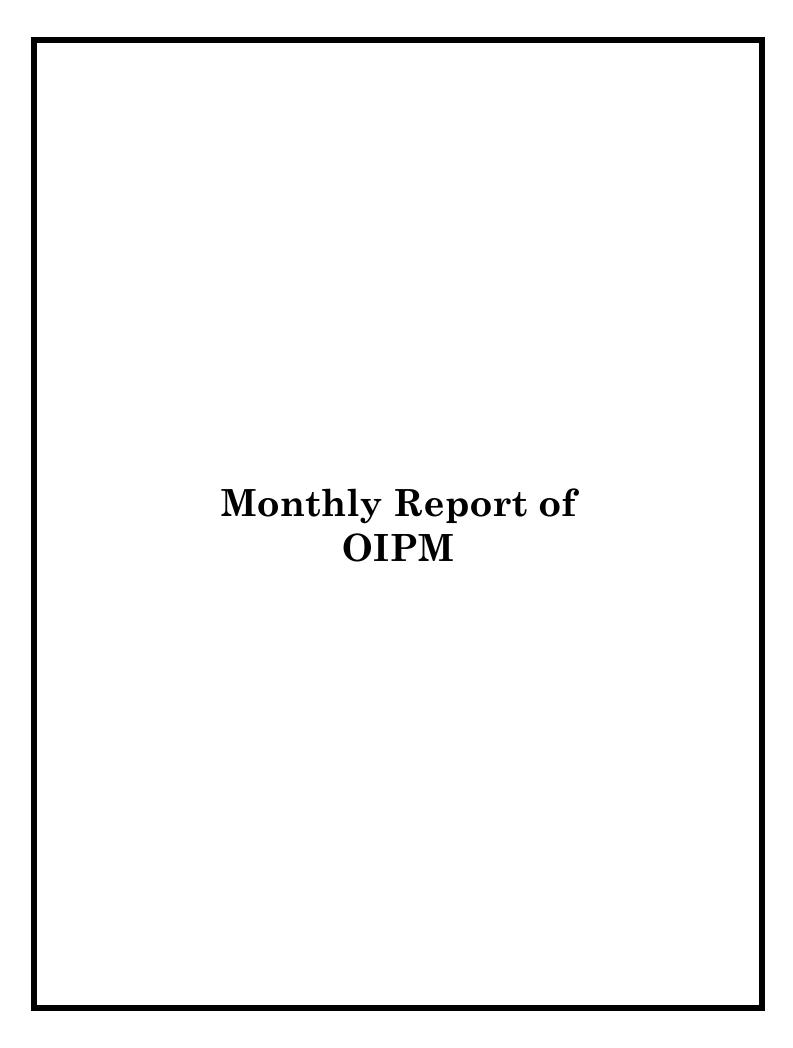


OIG TIP LINE AWARENESS CAMPAIGN

OIG launches RTA campaign to drive traffic to hotline

The OIG rolled out our hotline awareness initiative in November via New Orleans RTA buses, streetcars, and transit shelters. Our signage encourages City workers, residents, and other stakeholders to "tell corruption to take a hike" by reporting fraud, waste, and abuse to the OIG hotline. Our signage, which also states "don't let fraud take you for a ride," can be seen on and along busy City thoroughfares. The initiative began with signage on eight buses and six bus shelters, and inside four streetcars. Signs on buses and bus shelters both reach at least 75,000 adults daily.





OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY COMMUNITY REPORT

November 2024



Above, Tuwan Brown, Misconduct and Mediation Analyst discussing a use of force report with the Lt. Helou of the Force Investigation Team (FIT) before the November Use of Force Review Board meeting.

Transparency. Accountability. Respect.



LETTER TO THE COMMUNITY

Dear New Orleans Community,

During this month of November, when we gather to say our thanks, the OIPM wants to take a moment to **thank you**, the community, for all of your continued support, input, and dedication to making the city of New Orleans safer for us all. Without you all, our work would not be possible and for that, we truly appreciate you!

This month, the IPM **led a training** on the consent decree, police oversight, and what the OIPM monitors and reviews during investigations for officers responsible for conducting force investigations. There were insightful questions based on real concerns - leading to some engaging discussions. The OIPM looks forward to eventually monitoring and reviewing these officers' work.

In November, the proposed sustainment plan for the Police Community Advisory Boards (PCAB) was released and is available on the NOPD website. This plan outlines the proposed future for the Police Community Advisory Boards (PCAB) and the committee that will reimagine how to make the PCABs more effective and engaged within the NOPD. Please review the proposal and can submit comments on the plan or questions to: policyandplanning@nola.gov. Check out the plan and let the OIPM know what you think. Feel free to comment below. The plan can be found at: http://bit.ly/PCABplan

The conversations regarding the Consent Decree continued into November as the **public comment period was extended until after Thanksgiving**. The IPM led a presentation on the Consent Decree and the sustainment period to the community organization **Justice and Beyond**. During the presentation, participants asked what the future of policing may look like under the sustainment period. If you are still interested in commenting on the Consent Decree or the potential sustainment strategy, the OIPM recommends that you

- Department of Justice: community.nola@usdoj.gov
- Federal Monitors: comments@consentdecreemonitor.com
- Judge Morgan: clerk@laed.uscourts.gov

The OIPM will continue to keep the public posted on any future hearings or updates related to the Consent Decree.

Finally, if you are concerned about how the election result may affect the Consent Decree or sustainment, the OIPM prepared some notes on the following page.

Please continue to tune in to the Monitor's Mic on Fridays at noon on WBOK 1230AM to learn more about oversight, policing, and community issues.

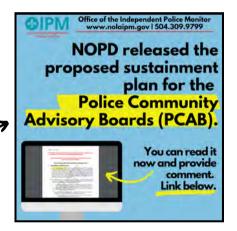
Thank you,

email:





Above IPM, Stella Cziment, led a training about oversight and how the OIPM reviews force investigations to new force investigators within the NOPD.





Does the Election Affect the Consent Decree and Police Oversight?

In the wake of the election, the OIPM has received multiple questions about if the election results can affect the Consent Decree in New Orleans and if so, how? While the OIPM does not have all the answers, we are starting to prepare for a couple different options.

Will the Consent Decree End?

First, looking to what happened during Trump's first term starting in 2017. In 2017, a federal court blocked the President's attempt to undo a consent decree finalized with Baltimore just days before Trump took office. The decree remained - signaling that efforts to undo other similar consent decrees may be unsuccessful.

However, in Trump's first term, his then-Attorney General, Jeff Sessions, issued a memo **banning the use of federal consent decree orders** for police wrongdoing. Looking now to the start of Trump's second term, the public should assume a similar stance will be taken again.

Therefore, **consent decrees in place will most likely remain in place** but investigations that are underway or consent decrees that are not finalized prior to the start of Trump's second term will probably become stagnant, discontinued, or terminated under Trump.

Trump's victory has Biden Justice Dept. racing to finalize police fixes The president-elect has promised to abandon Biden administration efforts to use federal power to help curb excessive force and discrimination. Listen to article The Justice Department under Attorney General Merrick Garland has opened civil investigations into 12 state and local law enforcement.

What Will Happen to the Department of Justice?

As for "Schedule F Appointment" and the idea that the Justice Department may operate differently, that is a possibility. Towards the end of Trump's first term, he there was a creation of the **Schedule F job classification** that applied to federal civil service employees. These are policy-related positions - many consider to be lawyers - who work for these federal agencies and have historically received civil service protections that have protected their jobs while different presidents served their terms and appointed federal agency heads that better suited their political agendas. Trump proposed the termination of those protections in order to terminate employees of federal agencies that are not serving the president's political goals. If this was to occur during Trump's second term then Department of Justice attorneys working in the Civil Rights Division on Consent Decrees may be terminated. If the attorneys within the DoJ who are working on the New Orleans Consent Decree were terminated, then the Consent Decree would still continue - but it would effectively exist through the Court's own motion since the proponent party is effectively absent.

In the alternative, the Department of Justice could change course to due to the new political position against Consent Decrees and join in the City's still pending Motion to Terminate the Consent Decree. Again, the Court could grant the motion or deny the motion. Denying the motion would trigger appeal possibilities.

Above is an article describing how the Department of Justice may be affected by the recent election results.

Below is a picture of the IPM and the Deputy IPM who both voted early at City Hall.



At this time, it is too soon to tell what may happen to the Consent Decree or the Department of Justice in 2025.

What about the Sustainment Strategy? Would that be Protected?

Even if the Department of Justice was to change course or no longer appear in court, if the Sustainment Strategy is accepted by the Court, then it will still be considered a federal ruling with all the powers that attach to it. This means the Sustainment Strategy would ensure that the Consent Decree obligations and police reforms stay in place during the sustainment period.

What does this mean for local oversight?

Local oversight is controlled by the Home Rule charter. This means that state law that differs could potentially trump the Home Rule charter. Currently, local oversight is mentioned in the Consent Decree and the current Sustainment Strategy, which gives it an increased protection from potential state legislation.

Lessons Learned From Florida and Tennessee and Why they Matter in Louisiana

It is important to enter this next phase mindfully - aware of the political realities that exist in current Louisiana politics. Currently there is a republican governor who has expressed a high level of support for the police and ran on a platform of limiting police reforms.

Governor Landry has shown support for and tried to join the City's Motion to Terminate the Consent Decree, he declared a state of emergency over a police officer shortage in February, 2024; he signed House Bill 173 restricting the public's ability to observe and record the police. In June 2024, while going back and forth with the Ethics Board, Landry signed into a law the ability for him to control more of the Ethics Board - including appointing the membership. These political decisions suggest that he would not be in support to civilian oversight over the police, and may look to other states in determining how to oppose such action. The other states that may be used as examples are Florida and Tennessee.

What Happened in Florida? Local Civilian Oversight is Gutted by State Law - Now Controlled by Police Departments

In Florida, there were 21 local civilian oversight offices and panels all over the state. In Miami-Dade, there were two different robust civilian oversight offices overseeing the county and the city law enforcement - working in tandem: the Miami's Civilian Investigative Panel over the Miami Police and the Independent Civilian Panel over the Miami-Dade Police Department. Now, due House Bill 601, signed into law by Governor DeSantis and going into effect on July 1, 2024, there is no local oversight over law enforcement.

The law states that no civilian oversight over law enforcement can exist or be created unless it is compliant with this law. No civilian oversight can conduct investigations into allegations of misconduct of law enforcement officers.

A sheriff or chief can establish their own civilian oversight panel or board to "review policies or procedures" of the department (review powers only) but the board must must be composed of "at least three and up to seven members appointed by the sheriff, one of which shall be a retired law enforcement officers." Effectively ensuring that whatever civilian oversight is created will be dominated by current or former law enforcement officers.

This law moves all civilian oversight to be overseen by the law enforcement agency it is to advise on and be predominantly compiled of law enforcement or former law enforcement officers.



56	(3) A political subdivision may not adopt or attempt to
57	enforce any ordinance relating to either of the following:
58	(a) The receipt, processing, or investigation by any
59	political subdivision of this state of complaints of misconduct
60	by law enforcement or correctional officers, except as expressly
61	provided in this section.
62	(b) Civilian oversight of law enforcement agencies'
63	investigations of complaints of misconduct by law enforcement or
64	correctional officers.

32	30.61 Establishment of civilian oversight boards
33	(1) A county sheriff may establish a civilian oversight
34	board to review the policies and procedures of his or her office
35	and its subdivisions.
36	(2) The board must be composed of at least three and up to
37	seven members appointed by the sheriff, one of which shall be a
38	retired law enforcement officer.

What Happened in Tennessee? Local Civilian Oversight is Gutted by State Law - Now Only Review Panels

In Tennessee, there were a couple civilian oversight boards and panels - such as the volunteer appointed board in Memphis, the most robust civilian oversight occurred out of the Community Oversight Board in Nashville. However, in 2023, the state legislature of Tennessee passed a series of statutes aimed at Nashville - the most liberal city of the state. One law, Senate Bill 591 / House Bill 764, required that all civilian oversight board employees be laid off, the current office and structure be dismantled, and then reconstructed under a different format with less power - specifically no investigative power, review power only, no right to independent counsel (must use the City Attorney), and no ability to monitor ongoing investigations or review any investigation prior to the enactment of the law (July 1, 2023). Further, only the local government can elect to have oversight - it's no longer something that voters can influence through referendums.

In Tennessee, there were a couple civilian oversight boards and panels - such as the volunteer appointed board in Memphis, the most robust civilian oversight occurred out of the Community Oversight Board in Nashville. However, in 2023, the state legislature of Tennessee passed a series of statutes aimed at Nashville - the most liberal city of the state. One law, Senate Bill 591 / House Bill 764, required that all civilian oversight board employees be laid off, the current office and structure be dismantled, and then reconstructed under a different format with less power specifically no investigative power, review power only, no right to independent counsel (must use the City Attorney), and no ability to monitor ongoing investigations or review any investigation prior to the enactment of the law (July 1, 2023). Further, only the local government can elect to have oversight - it's no longer something that voters can influence through referendums.

The prior Community Oversight Board in Nashville was an investigative model oversight agency with the ability to review, audit, monitor police activity, and put forth research and policy recommendations. It was created in 2018 under charter amendment passed by Nashville voters.

The Civilian Oversight Board of Nashville, though the target for this new law and the most comprehensive civilian

Tennessee Republicans' latest intervention in Memphis and Nashville affairs comes months after Tyre Nichols's killing and weeks after they expelled Jawmakers from the two cities.

Piger French | April 18, 2023

Piger French | April 18, 2023

**American of Memphis's Civilian Law Enforcement Perfect Board (CLEAN) in 2020 (Farebook) CLEAN Memphis)

**Pew hills would still allow local governments to set up what they call

"Our Voices Don't Matter": Tennessee Moves

to Gut Police Oversight

The new bills would still allow local governments to set up what they call "police advisory review committees," but local advocates and the Memphis and Nashville boards' leaders—both former law enforcement officials—denounce these replacements as impotent. They would not be able to conduct independent investigations or take quick action on misconduct, and their members would no longer be appointed by community groups.



oversight in the state, did not have a viable lawsuit against this statute since it did not just apply to Nashville, but to civilian oversight across the state (even though in application, it really only affected Nashville's Community Oversight Board).

There is a loud warning here that the OIPM takes seriously - if the Governor decides to ban civilian oversight in the state of Louisiana, the OIPM may not have legal protection even though it was passed by voters and a part of the Home Rule Charter under the same grounds as Nashville.

It is too soon to tell how local oversight will be affected in the coming years. As long as the Consent Decree or the sustainment period is in place, local oversight will receive the protection extended from the Federal Court. However, if there is federal legislation passed regarding civilian oversight or if the Consent Decree was to be terminated in its entirety, this may change. The OIPM will continue to watch these issues and keep the public informed.

The OIPM Joined in Recommendations to Address Misclassified Domestic Violence Misconduct Investigations

In November, the organization, Eye on Surveillance (EOS), released an informative report on the classification of complaints regarding domestic violence investigations. The OIPM reviewed drafts of the report. The OIPM partnered with EOS and the American Civil Liberties Union (ACLU) to put forth policy recommendations calling for the codification of reporting requirements, developing a standardization classification system, and establishing a data reconciliation process in response to the findings in the report.

The key finding that 40% of the complaints related to domestic violence allegations were misclassified or underreported is alarming. The OIPM commits to working with these partners and the community in the coming year to address these discrepancies.

In accordance with the proposed sustainment strategy, the OIPM will assume a larger role in audit compliance moving forward and will provide additional checks on complaint classifications completed by the Public Integrity Bureau. Complaints, like these, that are misclassified are effectively undercounted and will be left unaddressed in any remedial strategies for the department. It is vital that these complaints are identified for what they are, properly investigated under the appropriate allegation, and these survivors are not revictimized when they go to the police department for accountability and help. The OIPM appreciates EOS effort in shedding light on these misclassified and underreported complaints so they can receive the attention they deserve from both the police department and oversight.









New Orleans United Front Public Forum with Crime Survivors, Investigative Services Bureau and Chief Kirkpatrick

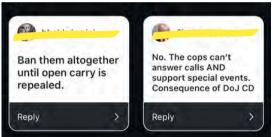
The IPM joined Chief Kirkpatrick, the leadership of the Investigative Bureau Services, and crime survivors to discuss concerns regarding how the NOPD responds to accounts of domestic, child, and sex crime investigations. The crime survivors shared their stories and experiences with the participants and the NOPD leadership.

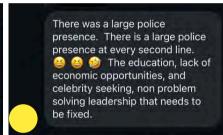
Additionally, the IPM took questions from the moderator, Dr. Wyatt, and from the community about the Consent Decree, OIPM reports, future plans for the Police Community Advisory Boards (PCAB)s, and what the Sustainment Period could possibly entail and look like for New Orleans.

The OIPM thanks the organizer of this engaging forum: the New Orleans United Front. The OIPM encourages all to check out the next forum at Cafe Istanbul.

Increased Police Presence at Second Lines? Community Feedback.

There were two separate shootings at the Nine Times Second Line which resulted in injuries and deaths. This horrible shooting hurt the community and caused so much pain to the families of the victims. It has also raised questions about how to ensure safety at these important cultural events. City Council held hearings on the shootings and safety concerns regarding second lines moving forward. One recommendation that was heard was increasing police presence at second lines. The OIPM sought community feedback on this possibility. Here is some of the input the OIPM received from community members about increasing police presence at second lines. Others called for the District Attorney to prosecute all gun crimes and Criminal District Judges to sentence those perpetuating gun violence while others called for the police to be defunded and for other solutions to be considered. This input captures the diverse opinions that exist in our community on policing tactics.











NOPD Promotional Process for Captains and Majors

The IPM monitored the NOPD promotional process and scoring completed by outside assessors – all employees and officers from other law enforcement agencies from out of state. These individuals represented police departments from Miami, Florida, Raleigh, North Carolina, San Francisco, California, Dekalb County, Georgia, and Austin, Texas. The IPM and the CAO representative were present to monitor the process as these individuals applied the NOPD and CAO policy to the scoring of the leadership candidates.

The OIPM monitored the evaluations of the major and captain candidates previously held on September 10, 2024, and reviewed subsequent news stories on the freezing of the list and the joint petition for injunction, investigation, and evidentiary hearing on the promotional process filed by the Police Association for New Orleans (PANO) and the Black Organization of Police (BOP). In October, the OIPM submitted a formal letter to Chief Kirkpatrick with recommendations regarding the process.

Currently, the OIPM is cooperating with the investigation conducted by the Office of the Inspector General on the promotional process.

The Monitor's Mic

This month on the Monitor's Mic, the OIPM interviewed guests from Eye on Surveillance (EOS), Councilmember Thomas, and Independent Police Monitor of Sonoma, California: John Alden.

Our listeners learned about about the mission of **Eye on Surveillance** and the impact of facial recognition software and predictive model technology in law enforcement on the community, the Consent Decree conflicts that Eye on Surveillance is organizing against, their concerns about the District Attorney using predictive model software, and their position on the Consent Decree reaching sustainment.

John Alden talked about his experience running the Oakland Community Review Agency of Oakland, CA (providing oversight of the Oakland Police Department while Chief Kirkpatrick was there) and the Independent Office of Law Enforcement Review and Outreach of Sonoma, CA. John Alden talked about his experiences leading these two different police oversight agencies, monitoring in Oakland when Chief Kirkpatrick leading the department, how we works with communities and police departments over conflicting interests, and why he decided to influence national police oversight efforts as a new board member for the National Association of Civilian Oversight of Law Enforcement (NACOLE). This was a chance to learn more about what oversight looks like outside of New Orleans.

Finally, the Monitor's Mic was joined by **Councilmember Oliver "OT" Thomas representing District E**. Councilmember Thomas gave his honest assessment of Chief Kirkpatrick's first year, explained why he voted against her confirmation and how he would vote today, and how he thinks the next police chief should be selected. Councilmember Thomas's discussed his policing strategies and priorities for New Orleans East, crime stats, police districts, and how to collaborate and see opportunities in your communities to sustain the results you want. It was a lively show with a lot of engaged callers.

Tune in this month on Fridays at noon on WBOK 1230AM to learn more about civilian oversight when we interview the Director of the Community-Police Mediation Program with mediators and discuss NOPD operations and impact with Rafael Goyeneche of the Metropolitan Crime Commission. If you've missed shows, you can listen to recordings of the show on the OIPM website here:

https://nolaipm.gov/the-monitors-mic/







WHO WE ARE

The OIPM is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. Its mission is to improve police service to the community, community trust in the NOPD, and officer safety and working conditions. Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and assisting in the reforms required under the Federal Consent Decree.

The OIPM is protected and required by City Charter and Ordinance. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department and has distinct responsibilities outlined by ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department to improve the way our community is policed.

Ensuring Compliance and Reform

- The OIPM reviews the NOPD's policies, practices, and investigations to ensure that every action taken is compliant with local, state, and federal law, and Consent Decree reforms.
- The OIPM advises on policy, tactics, training, and supervision to ensure that the NOPD is adopting national best practice and building a nondiscriminatory, safe, effective, and respectful police department that is responsive to the needs of the community and their employees.
- The OIPM does this through monitoring, case reviews, audits, and policy recommendations.

Amplifying the Needs of the Community

- The OIPM engages with the community to ensure that they both know about our services and understand how the police department works. Through providing information, the OIPM is equipping and empowering the community to navigate police encounters safely and demand what they need.
- Provides Complaint Intake.
- Operates the Community-Police Mediation Program.
- Partners with Families Overcoming Injustice.
- Coordinates public forums and outreach opportunities for the community to provide vital input on the way they are policed.

Making the NOPD a Safer and Nondiscriminatory Workplace

- The OIPM provides recommendations and assessments to ensure that the NOPD is a safe and nondiscriminatory work place for all employees.
- The OIPM assesses supervision and training to ensure that employees are being equipped and supported.
- The OIPM meets with police associations to hear concerns from their membership.
- The OIPM monitors disciplinary hearings to ensure that discipline is consistent and nonretaliatory.
- The OIPM receives commendations and accounts of positive policing from the community.



WHAT DO WE DO?

Mission, Vision, Work

We serve the community, ensure police transparency, compliance, and accountability, and make policing a safer and more rewarding employment experience.

WHAT WE DO



Misconduct Complaints



Disciplinary **Proceedings**



Data Analysis



Community
Outreach



Use of Force



Community-Police Mediation Program



Audits and Policy



Commendations

The OIPM is the oversight body for the New Orleans Police Department (NOPD). The OIPM provides oversight through monitoring, reviewing, and auditing police activity and data. The OIPM is responsible for conducting complaint and commendation intake, onscene monitoring of critical incidents and uses of force, overseeing the community-officer mediation program, reviewing investigations, providing assessments, identifying patterns, and making recommendations for improved practice, policy, resource allocation, and training. There are three components to the OIPM's work and mission:

The OIPM envisions a police force where the community is a valued and respected partner in public safety and law enforcement. This is achieved through:

- Assurance of transparency, accountability, and fairness within the NOPD and in all policing practices
- Community-driven policing policy that reflects the changing and dynamic needs of New Orleanians
- Continued efforts to engage the community and collaborate with community partners
- Recruitment and retention of a police force that is representative of and responsive to the community it serves
- Utilization of de-escalation techniques and methods when responding to calls of service
- Conducting only lawful and necessary arrests free of discriminatory practices
- Thorough and effective investigations resulting in appropriate arrests and prosecutions
- Clear and professional communication with victims and witnesses of crime and all that come into contact with the NOPD
- Responsible utilization of equipment and allocation of resources
- Development of highly trained supervisors and organizational leadership
- Interactions with the public and internally within the police force that are based in mutual trust and respect

The OIPM seeks to amplify the voice of the community to ensure that all within the city – visitors and residents alike – can access police services equally and have a positive experience with officers.

DATA OVERALL: YEAR TO DATE AND MONTH

	2024	2023	2022	2021	2020	2019	2018	2017	Avg 2017-2023
Civilian Complaint Count	98	107	71	59	61	85	32	37	64.57
Police Complaint Count	1	2	1	4	5	2	5	3	3.14
Civilian w/in NOPD	0	0	0	1	1	0	0	0	0.29
Anonymous Complaint	25	20	26	21	28	0	0	0	13.57
Community Liaison Count	13	28	24	20	40	17	8	7	20.57
Case Monitoring Count	5	4	7	4	12	0	10	8	6.43
Case Review Count	0	1	4	5	3	8	8	1	4.29
Contact Only Count	102	57	31	17	29	18	2	9	23.29
Disciplinary Hearing Count	45	43	6 5	66	64	54	63	33	55.43
Critical Incident Count	9	4	6	8	11	9	7	7	7.43
Firearm Discharge Count	7	4	6	7	9	8	4	4	6.00
Lvl 4 Non-Critical	15	9	18	9	10	0	0	0	6.57
Force Monitoring *	5	1	0	0	0	0	0	0	0.14
Mediation Count	30	28	23	21	37	35	22	28	27.71
Commendation Count	8	5	1	8	3	7	1	2	3.86
Grand Total	363	313	283	250	313	243	162	139	243

	Nov 2024	Nov 2023	Nov 2022	Nov 2021	Nov 2020	Nov 2019	Nov 2018	Nov 2017	2017-2023 Average
Citizen Complaint Count	2	7	11	4	5	11	5	2	6.43
Police Complaint Count	0	1	0	0	0	0	0	1	0.29
Civilian w/in NOPD	0	0	0	0	0				0.00
Anonymous Complaint	2	1	2	2	2				1.75
Community Case Liaison Count	0	1	12	0	4	0	2	1	2.86
Case Monitoring Count	0	0	0	0	2	0	1	0	0.43
Case Review Count	0	0	0	0	0	4	0	1	0.71
Contact Only Count	8	6	3	0	0	4	0	1	2.00
Disciplinary Hearing Count	0	5	6	6	3	13	7	6	6.57
Critical Incident Count	1	0	1	1	1	0	0	0	0.43
Firearm Discharge Count	1	0	1	1	0	0	0	0	0.29
Lvl 4 Non-Critical	1	2	0	1	1	1 = 1		¥ - 1 - 1	1.00
Force Monitoring *	0	0	100	10					0.00
Mediation Count	1	2	3	1	4	5	1	2	2.57
Commendation Count	1111	0	1	0	2	2	0	0	0.71
Grand Total	17	25	40	16	24	39	16	14	24.86

*indicates a new category or a category that was not always captured by OIPM

CURRENT BUDGET

OIPM Budget Description	Amount				
Personnel	\$709,781.00				
Operating	\$400,000.00				
2024 Total OIPM Budget	\$1,109,781.00				
2024 Total OIPM Budget	\$1,109,781.00				
Amounts Spent to Date:	\$957,425.00				
Unexpended funds	\$152,356.00				



MISCONDUCT WORK

Relevant Definitions

Complaint

A complaint is an allegation of misconduct filed against a NOPD officer(s) by a member of a public or civilian (external) or another officer (internal). A complaint may concern an action or lack of action taken by a NOPD officer(s), an interaction with a NOPD officer, or a witnessed interaction with a NOPD officer.

Complainant

A complainant is the individual who files a complaint against a NOPD officer(s). A complainant may be generated internally (by another officer or a supervisor) or externally (by a member of a public). The complainant does not need to be personally affected by the incident.

OIPM Complaint Codes

When the OIPM receives a complaint referral, the OIPM organizes the complaint according to the source of the complaint.

- Civilian based complaints are classified as: CC.
- Complaints from police officers are classified as: PO
- Complaints from civilians working within the NOPD are classified as: CN.
- Anonymous complaints are classified as: AC.

Misconduct

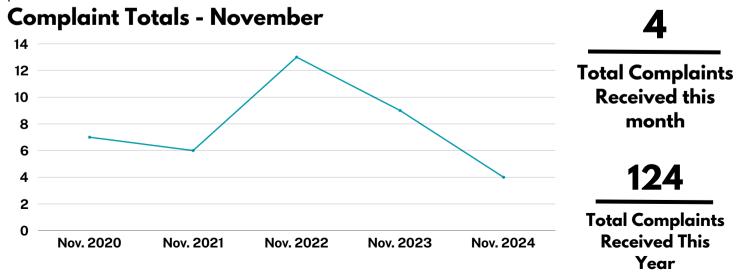
Officer action or failure to take action that violates any rule, policy, procedure, order, verbal or written instruction of the NOPD or is a violation of any city ordinance, state or federal criminal law. Misconduct includes, but is not limited to:

- · Use of Force
- Abuse of Authority such as unlawful searches and seizures, premises enter and search, no warrant, threat to notify child services, threats to damage of property, etc., refusal to take complaint, refuse to identify themselves, damages to property seized
- Failure to supervise
- · Falsification of records
- Inappropriate language or attitude
- Harassment
- Interference with Constitutional rights
- Neglect of duty
- Discrimination in the provision of police services or other discriminatory conduct on the basis of race, colors, creed, religion, ancestry, national origin, gender, sexual orientation
- Theft
- Retaliation for filing complaint with NOPD or the OIPM

Complaint Procedures

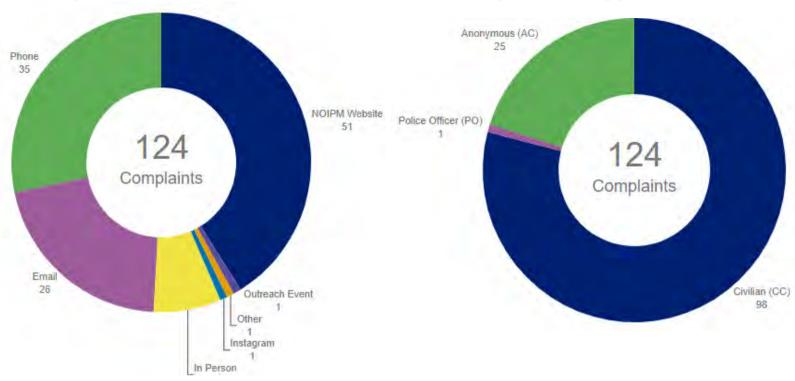
The OIPM does not verify the statements made during complaint intake or agree with the statements provided by the complainant. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. OIPM personnel may review information in NOPD systems regarding the interaction complained of, including body worn camera video, in car camera video, electronic police reports and field interview cards. The OIPM may include information obtained from NOPD information systems in the complaint referral.

The OIPM assesses whether in the information provided should be provided confidentially or if the OIPM would recommend covert operations conducted by the Special Investigation Squad (SIS). Anything shared in this report is public information.



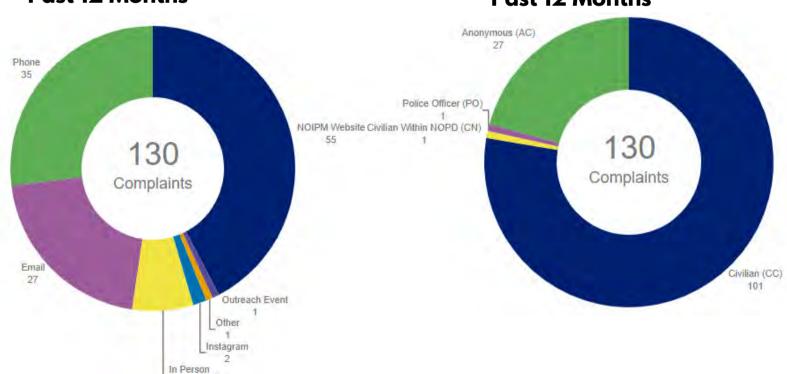
Complaint Intake Source - 2024

Complainant Type - 2024



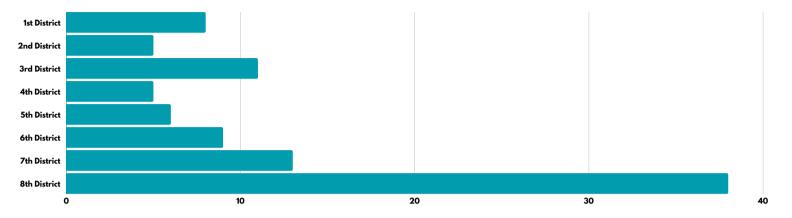
Complaint Intake Source - Past 12 Months

Complainant Type - Past 12 Months

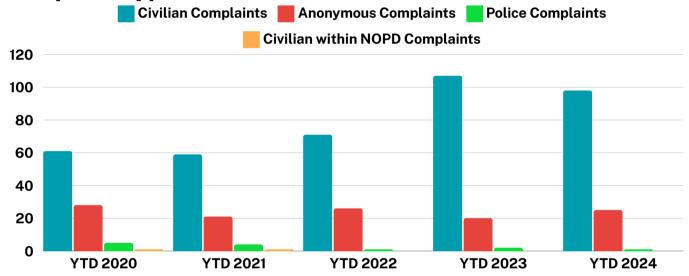


Districts - Past 12 Months

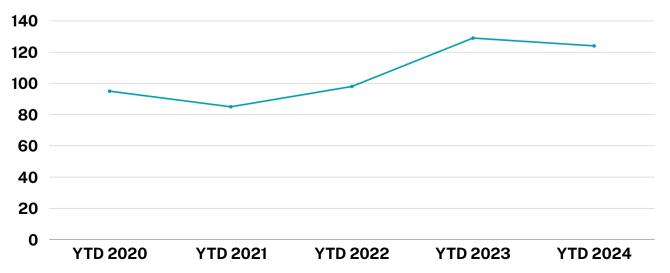
This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information through electronic police reports, body worn camera footage, and field identification cards.



Complaint Type YTD - 2020, 2021, 2022, 2023, 2024

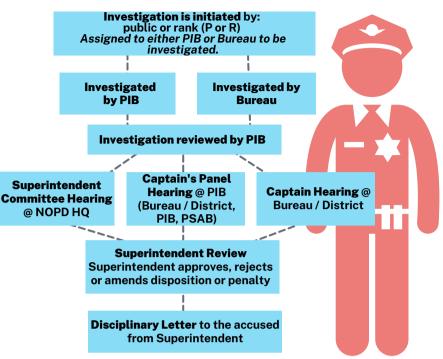


Complaint Totals YTD - 2020, 2021, 2022, 2023, 2024



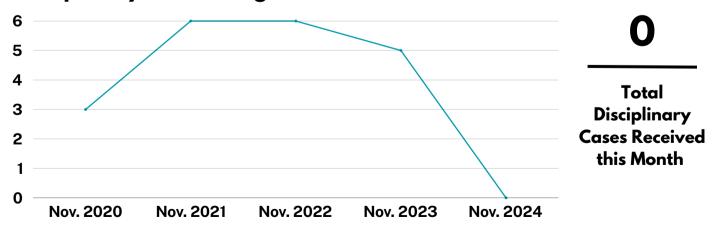
DISCIPLINARY PROCEEDINGS

After the misconduct investigatory process, if the investigating officer sustained an allegation, then that allegation must be affirmed by NOPD leadership in order for that accused officer to be disciplined. This occurs through the disciplinary proceeding process. The disciplinary proceedings are conducted by the NOPD - either by Captains or Deputy-Chiefs. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, truthful, and timely in accordance with NOPD policies and law. Adjudication of misconduct is handled internally by the PIB or the Bureau of the officer / employee.



The OIPM may monitor the process conducted by the PIB or by the Bureau; however, under the MOU, there are detailed directions regarding how the OIPM is notified of investigations by the PIB and similar protocol does not currently exist for Bureaus. For that reason, the OIPM tends to be more involved with investigations and disciplinary proceedings conducted by the PIB. During every disciplinary proceeding, the OIPM remains in the room for deliberation with the NOPD leadership to give the hearing officers feedback and input. This process is how the OIPM provides our recommendations and feedback regarding the strength of the investigation, liability and risk management concerns, and areas where the policy required clarification or was being applied inconsistently. Though OIPM may provide this feedback in memorandums to the NOPD prior to the hearing or supplementing these hearings, these discussions during the deliberation process enable the NOPD to consider and digest our points before any final decision was made on the matter. These discussions are an opportunity for the OIPM to provide and receive insight into the NOPD investigation and often these comments lead to meaningful discussion with not just the hearing officers, but the assigned investigator on the case, since it was an opportunity for that investigator to explain investigatory decisions and to answer questions.

Disciplinary Proceedings - November



OIPM tracks Disciplinary Proceedings based on the date notice is received from NOPD and not necessarily on when the disciplinary proceeding occurs. Additionally, this figure does not account for investigations in which multiple officers are accused, or for hearing notifications received in a prior year but rescheduled to the current month. These proceedings are often rescheduled for scheduling conflicts. Tracking by notification date allows for consistent and accurate data collection.

USE OF FORCE

Relevant Definitions

Critical Incident

Critical incidents are an internal definition that was agreed upon by the OIPM and the NOPD through the November 10, 2010 Memorandum of Understanding. This definition captures that the OIPM should be notified of deaths, certain levels of injuries, and officer involved shootings within an hour so the OIPM has the ability to monitor the on scene investigation by the Force Investigation Team. According to this shared definition, critical incidents are:

- All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting ("OIS");
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization;
- All head and neck strikes with an impact weapon, whether intentional or not;
- All other uses of forces by an NOPD officer resulting in death; and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD.

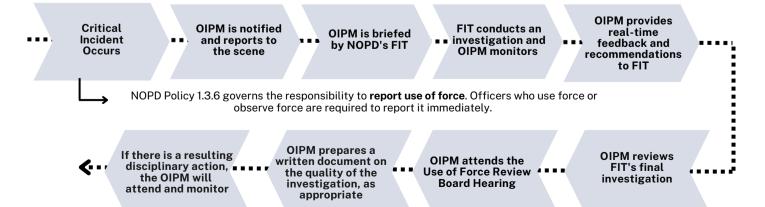
Use of Force

Use of Force is when an officer uses physical contact on an individual during a civilian-police interaction. The force can be mild to severe based on the levels of force outlined in the NOPD policy. The force may be considered justified by NOPD policy considering the facts and circumstances known to the officer at the time which would justify that appropriate physical contact based on how officers are trained to handle that interaction. Force will be assessed based on the type of contact utilized compared to the resistance encountered, resulting injuries, witness statements, officer statements, and evidence found.

Levels of Force

- Level 1: Includes pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for nonstriking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.
- Level 2: Includes use of a CEW also known as "tasers" (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.
- Level 3: Includes any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal.
- Level 4: Includes all 'serious uses of force' as listed below:
 - (a) All uses of lethal force by an NOPD officer:
 - (b) All critical firearm discharges by an NOPD officer;
 - (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
 - (d) All neck holds;
 - (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
 - (f) All canine bites;
 - (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;
 - (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
 - (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

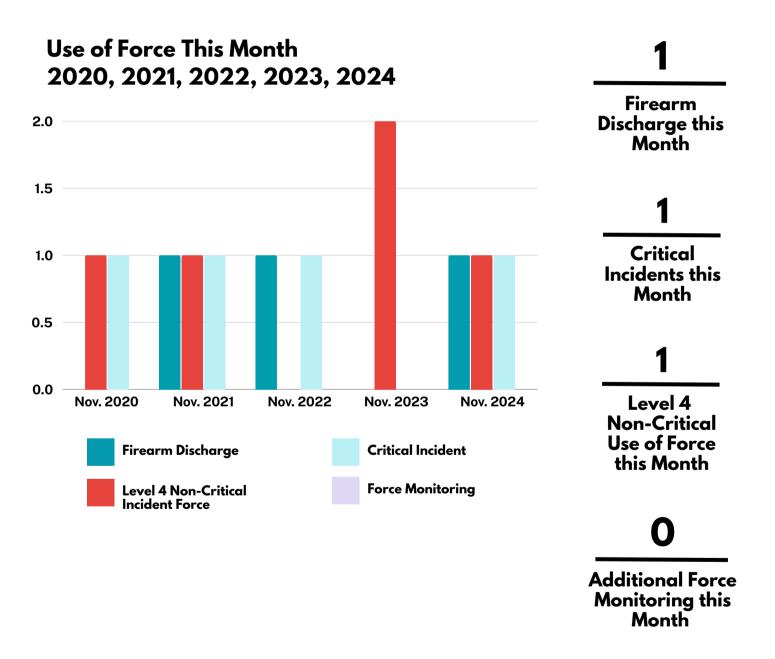
Critical Incident / Use of Force Chain of Events



Use of Force Work

Use of Force monitoring and reviews are an opportunity for the OIPM to conduct a qualitative assessment of an investigation to ensure thoroughness, timeliness, fairness, transparency, accountability, and compliance with law, policy, and the Federal Consent Decree. The OIPM monitors and reviews the use of force, in-custody death, and critical incident investigations conducted by the Force Investigation Team (FIT) within the Public Integrity Bureau (PIB) of the NOPD. The OIPM is required by City Code § 2-1121 and by the MOU to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. The OIPM will attend the investigation or the relevant activity, and will document the activity taken and not taken by the NOPD. The expectation is that the OIPM representative does not participate in the activity, but instead observes the police actions and takes notes.

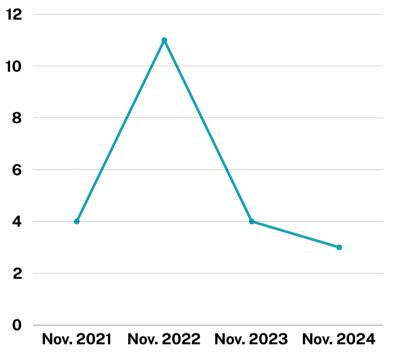
While OIPM is notified of each use of force that occurs, OIPM gives the most attention to the most serious uses of force incidents, Critical Incidents. However, OIPM will often review lower-level uses of force incidents to ensure NOPD policy is being upheld.



COMMUNITY ENGAGEMENT

The community is vital to police oversight and the center of the work conducted by the OIPM. In the Memorandum of Understanding, the OIPM committed to developing relationships with community and civil groups to receive civilian and anonymous complaints, meeting with police associations, and conduct public outreach meetings and engagement activities. In this section of the Monthly Report, the OIPM explains the community outreach and public events that the OIPM coordinated or participated in the last month.

Outreach - November 2021, 2022, 2023, 2024



Outreach Events

- IPM Led Presentation on Consent Decree hosted by Justice and Beyond Weekly Virtual Forum
- IPM Participated on Panel hosted by New Orleans United Front (NOUF) w/ crime survivors, Superintendent Anne Kirkpatrick, Deputy Chief Lubrano and Lieutenant Celious
- 3- hour mediator In-Service Training

3

Total Outreach Events this Month



Deputy Chief Lubrano discusses the NOPD's plan to address 'gone-on-arrivals' in domestic violence calls.



Superintendent Kirkpatrick addresses the audience at the NOUF Monthly Town Hall meeting.

COMMUNITY-POLICE MEDIATION

Relevant Definitions

Mediation

A mediation process helps parties develop a mutual understanding of a conflict. Mediation may help the parties identify disputed issues, facilitate communication, provide an opportunity to improve community relationships, and generate options that may help the parties reach a mutually acceptable resolution.

Consent

All parties must voluntarily agree to participate in mediation and give consent. The consent process involves communication between the participant and the Mediation Director or program staff about the mediation process, what to expect, and clarification of any questions. Consent forms are signed in advance of confirming the mediation session.

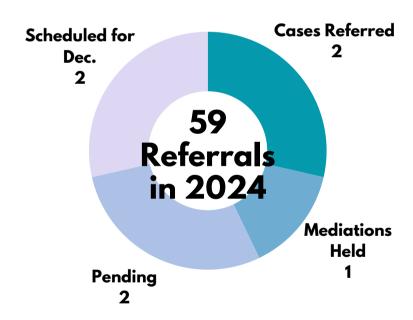
Mediator

The role of the mediator is to be a neutral and trained third party who listens, clarifies, and facilitates conversation. Mediators are non-judgmental and do not give advice, take sides, or decide who is right or wrong. Mediators do not influence or pressure participants to come to an agreement. Mediators are trained and recruited by the OIPM.

Voluntary

All participants engage in mediation at their own free will. They can end the process at any time and will not be forced to do anything or say anything they do not want to. No one is forced to agree to anything they do not want to.

Mediation Numbers - November



What is Mediation?

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation provides a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share about their interaction and how it impacted them, explain what is important to them, and come to their own agreements and solutions about moving forward.

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege lack of professionalism, neglect of duty, or discourtesy. Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB.

Non-judgmental Confidential Voluntary



Mediation is:

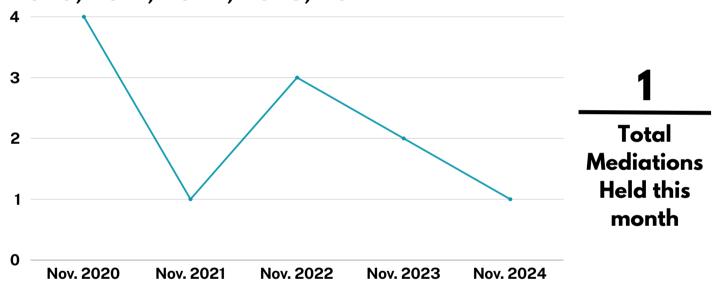
A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.

A space of discussion without the need to say who is right or wrong. No evidence is needed. The mediators are not judges. The mediators do not present their thoughts on the issue.

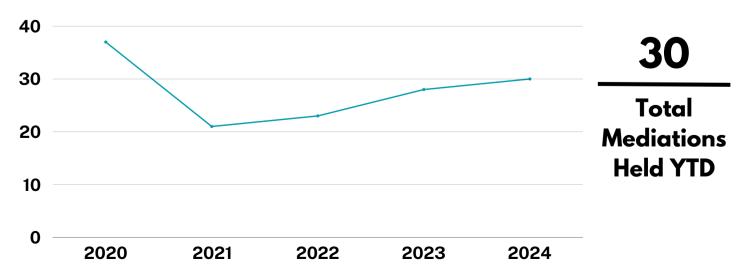
It's about dialog, not forced resolutions. People are not forced to shake hands or make-up. The role of the mediators is to be neutral 3rd party facilitators. They will not pressure either participant to come to an agreement.

An opportunity for the community member and the officer to be in charge of their own process and outcome. It will not be decided by an outside agency or person. It is outside of any punishment framework or the legal process. There is no appeal because mediation is voluntary.

Mediations Held This Month 2020, 2021, 2022, 2023, 2024



Mediations Held YTD In 2020, 2021, 2022, 2023, 2024



CONSENT DECREE & OVERSIGHT BACKGROUND

The OIPM is providing the following information in our monthly reports as a way to keep our partners and the public informed of the role of oversight, the policing history that led to the creation of the Consent Decree, and the differences between different types of oversight.

The OIPM wants to use every opportunity available to share valuable information and historical context to our work so everyone working towards the goal of accountability, transparency, and police oversight can be equipped, informed, and engaged.

Over the year, the OIPM may add to this section additional resources and information that we assess as helpful and empowering.



LEGAL JURISDICTION; OBLIGATIONS OF THE OIPM OFFICE AND STAFF

The OIPM operates under three core legal documents that guide the scope of local oversight and the jurisdiction of our work. Additionally, below are overviews of other ordinances that affect our work and create new legal obligations on the OIPM.

New Orleans Code of Ordinances Stat. § XIV: Office of the Independent Police Monitor

This statute was created by voter referendum and provides the legal responsibilities, perimeters, and budgetary support of the OIPM. This was put to a public vote in November 2016 and passed. This statute states the responsibilities of the OIPM and requires particular work streams and tasks. The statute also describes the disclosure requirements of the office.

Louisiana Revised Stat. § 33:2339: Detail or Secondary Employment; City of New Orleans

This statute was created in 2013 and gives legal abilities and subpoena power for the OIPM to investigate allegations of misconduct in the secondary employment system operated by the Office of Police Secondary Employment. The statute is silent as to the ability for the OIPM to refer these investigations to the NOPD or the District Attorney's Office for subsequent criminal or administrative accountability based on the OIPM investigation.

Memorandum of Understanding between NOPD and OIPM Executed November 10, 2010

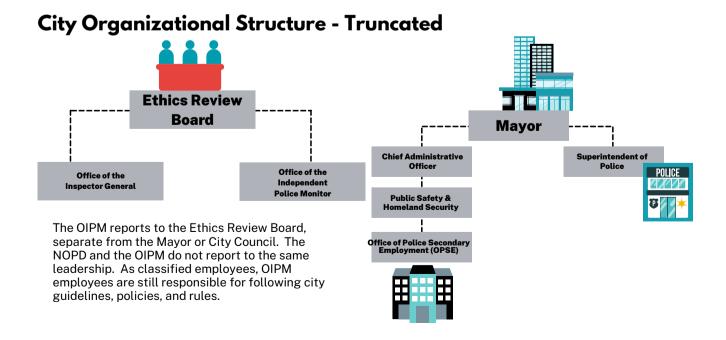
The MOU is a Memorandum of Understanding between the NOPD and OIPM which outlines the responsibilities, expectations, and authority of the OIPM when providing oversight to the NOPD. Through this MOU, there is clarity regarding the work the OIPM will complete and how the OIPM will access NOPD records, data, and reports and monitor NOPD during on scene investigations. The MOU was entered into in November 2010 and in the coming year the OIPM intends to work with NOPD leadership to review this agreement and determine if it should be updated to ensure it is still relevant and considers updates to technology.

Ordinance 29130: Sharing of Data

Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to City Council.

Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee

Ordinance 29063 requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee.



OVERSIGHT MODELS

Different Reasons Why There is Oversight / Monitors

Court Ordered

Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.

Consent Decree Monitors

Monitors that are the result of federal Consent Decrees.

Oversight Agencies

Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has both of these types of oversight

Models of Civilian Oversight

Review-Focused Model

Review-Focused models tend to utilize volunteer boards and commissions.

- Review-focused models assess the quality of finalized investigations conducted by an internal affairs division or the police department
- Conduct reviews of the agency's policies, procedures and disciplinary proceedings.
- Hold public forums, hear appeals, or make recommendations for investigations regarding allegations of misconduct

OIPM reviews the quality of finalized investigations conducted by the Public Integrity Bureau (which is the internal affairs of the NOPD)

Investigative-Focused Model

Investigative-focused models will employ professionally trained staff

- Investigative-Focused Conduct independent misconduct investigations
- Operate as an intake site for complaints.
- These models may: mediate complaints, analyze policies and practices issue recommendations to the police and public.

OIPM is a complaint intake site and OIPM has investigatory power over the secondary employment office.

Auditor / Monitor-Focused

- Auditor / Monitor-Focused model assesses systemic reform efforts.
- Review processes, evaluate policies, practices, and training. Based on those assessments, this oversight model will identify patterns and make recommendations Share findings with the public.
- These oversight agencies may participate in investigations.

OIPM assesses systemic efforts and will evaluate and review policies, practices and training then provide recommendations to NOPD.

Hybrid Civilian Oversight Model

Hybrid Civilian Oversight Hybrid civilian oversight means there is one office serving functions from different models or multiple agencies in one jurisdiction which may be different models (like an advisory civilian board and the investigatory OIG).

OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models. Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

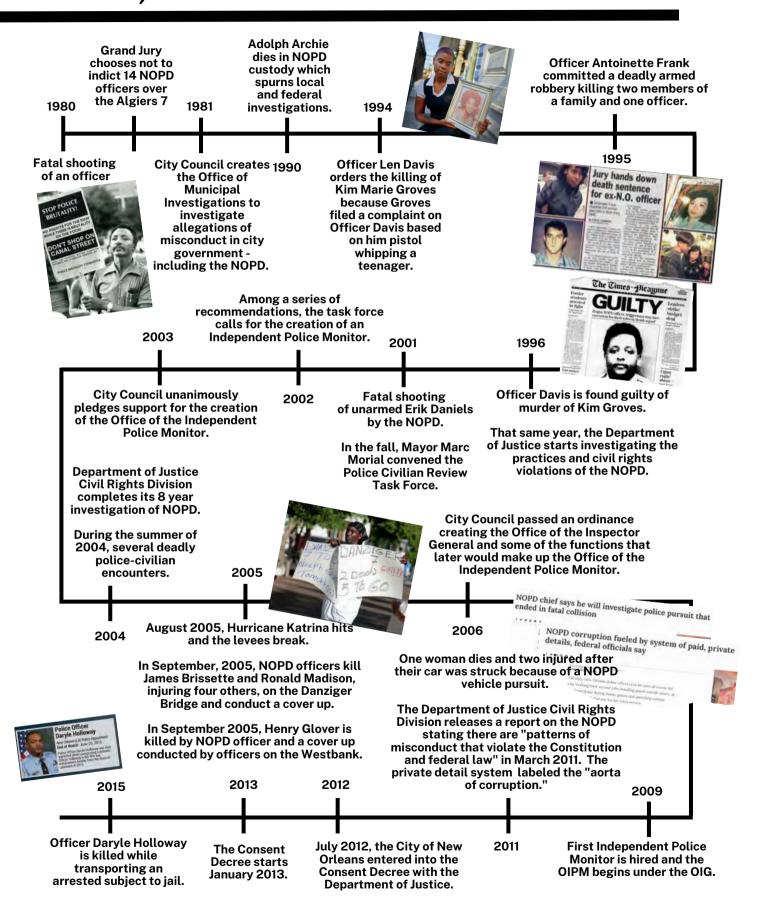
13 Principles of Effective Oversight

The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies these 13 principles as necessary for effective oversight. The OIPM adopted these principles:

- Independence
- Clearly defined and adequate jurisdiction and authority
- · Unfettered access to records and facilities
- Access to law enforcement executives and internal affairs staff
- Full cooperation
- Sustained stakeholder support
- Adequate funding and operational resources

- Public reporting and transparency
- · Policy patterns in practice analysis
- · Community outreach
- · Community involvement
- Confidentiality, anonymity, and protection from retaliation
- · Procedural justice and legitimacy

BRIEF HISTORICAL HIGHLIGHTS OF THE CONSENT DECREE; POLICING IN NEW ORLEANS



UNDERSTANDING THE CONSENT DECREE AND HISTORY

New Orleans entered a formal consent decree in January, 2013. This Consent Decree process started in the years prior with the investigation of the patterns and practices of the NOPD by the Department of Justice's Civil Rights Division. In order to understand the necessity of the Consent Decree and the reforms required within it, it's important to understand the historical context of the city and the NOPD's problematic behavior within the community.

The NOPD had a long history of misconduct, violence, discriminatory practices, and corruption stemming back decades. In the 1980s was the beginning of a community effort to organize civilian based oversight of the NOPD. This effort resulted in multiple initiatives from the Office of Municipal Investigations to the Police Civilian Review Task Force to eventually the creation of the Office of the Inspector General to the Office of the Independent Police Monitor.

While these local efforts were evolving, simultaneously, the federal government was conducting ongoing investigations of the NOPD, the must recent ending in March 2011. Ultimately, the Department of Justice found that the patterns and practices of the NOPD violated the Constitution and federal law. The report identified systemic deficiencies in multiple operational and substantive areas including policy, supervision, training, discipline, accountability - all of which "led to unconstitutional discrimination, uses of force, stops, searches, and arrests." The findings of the Department of Justice may have surprised the country, but the community of New Orleans was already well aware of the violent and unchecked behavior of the NOPD and the culture of obstructionism and discrimination that existed within the department.

This shared history of policing is briefly overviewed on the next page and the OIPM included examples of the dynamics of the NOPD and the crimes committed that directly impacted the safety of the community and public trust in the police department.

The OIPM strives to acknowledge and remember those in the community who both fought for oversight and were impacted by the pain caused by the NOPD. This is why a tenant of the work completed by civilian oversight is to amplify the voice of the community. It is in that memory that the OIPM works and stays vigilant monitoring the policing occurring today because a possible backslide from compliance, depending on the severity, could result in a return to a pattern and practices of policing that was corrupt, violent, and unconstitutional.

The goal of the Consent Decree is for the reforms to be so deeply enmeshed into the operations, policies, systems, and culture of the police department that to dismantle those reforms would be easily catchable and not only cause alarm in the community but also be virtually impossible because of the changed culture and expectations within supervision and the police department.

The position of the OIPM is that New Orleans must own our history with the police. Our history informs our fears. This is why there is a fear of history repeating itself. In New Orleans there is a real concern of "backsliding" and a return of the "old NOPD." Our neighbors, friends, coworkers, and loved ones may have experienced injustices at the hands of the NOPD. In our recent history as a city, filing a misconduct complaint about the police could have ended with retaliation or violence, walking in an unfamiliar neighborhood may have resulted in intrusive and illegal searches, arrests were conducted with force, officers could be bought, and supervisors turned a blind eye to a culture of corruption, discrimination, and violence.

For this reason, the OIPM is sensitive of allegations or noncompliance in areas that touch on these historical problems and shared fears that may exist in our community. The OIPM will not sweep these fears under a rug, but instead ensure that these allegations are immediately prioritized and addressed:

Criminal activity or associations
Corruption
Violence
Use of Force
Receiving payouts
Field strip searches
Targeting of young African
American boys
Supervisors failing to take
misconduct allegations
Unauthorized pursuits
Cover-up of wrong doing and
manipulation of misconduct
investigations
Discriminatory practices

LOCAL & FEDERAL OVERSIGHT IN NEW ORLEANS

There are two types of monitors in New Orleans. There are three reasons why a city may have oversight or monitoring:

- Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.
- Monitors that are the result of federal Consent Decrees.
- Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has monitors for two of these reasons. There are monitors that a result of a federal consent decree and civilian oversight that is responsible for auditing, review, and / or investigation. The two offices have different responsibilities, were created through different mechanisms, and have different jurisdiction - all of which is described below

Timeline of Oversight

Below is the timeline of oversight in New Orleans. While the Office of the Independent Police Monitor is rather new, the concept of oversight and accountability for officers and public employees has existed in New Orleans since 1981. The OIPM was created in 2008 and became independent in 2015, two years after the Consent Decree was entered into by the City of New Orleans.

OIPM officially created

This is when OCDM was created

1981

City Council voted to create the Office of the Municipal Investigation (OMI) to investigate allegations of misconduct by city employees including officers.

JUNE 2008

City Council voted to create the OIPM as a subdivision within the OIG.

The first IPM was appointed in 2009.

Susan Hutson was hired in 2010.

NOVEMBER 2010

The OIPM and the NOPD signed off on an agreed Memorandum of Understanding (MOU) outlining OIPM's authority, procedures, and access.

2012 - 2013

The findings of the Department of Justice Civil Rights Division investigation into the NOPD was completed in 2011. This report was the catalyst for city entering into the Federal Consent Decree in 2012. The Consent Decree was approved by the court in January 2013.

OCTOBER 2015

The OIG and the OIPM entered into a Memorandum of Understanding that permanently separated the OIPM from the OIG.

A charter amendment securing the OIPM's budget was passed by the voters in November 2016.

SUMMER 2022

The NOPD is nearly full compliance with the Federal Consent Decree, which will end active federal oversight. Now, the OIPM is working with the OCDM and the NOPD to reimagine our role and responsibilities.

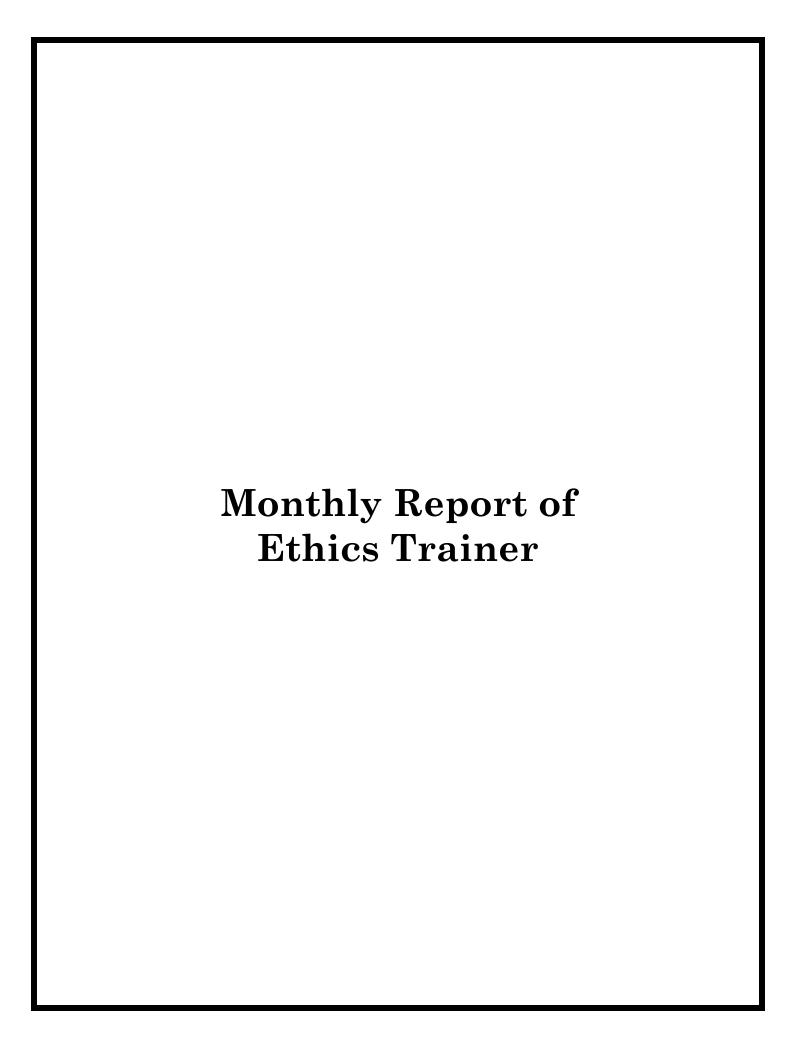
Differences Between OCDM and OIPM

Office of the Independent Police Monitor (OIPM)

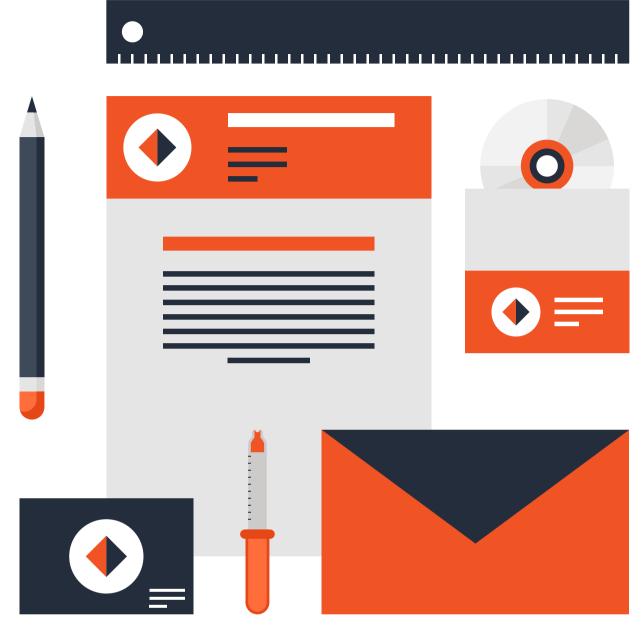
- Created by City Council and receives jurisdiction and responsibilities from Ordinance.
- Everyone in the office is a city employee.
- On the ground and community based work complaint intake site, runs the Community-Police Mediation Program,
- On scene monitoring including Use of Force and disciplinary proceedings.
- Provides recommendations and assessments based on reviews of finalized NOPD investigations and policies.
- Monitors investigations in real time and provides real time recommendations that become exhibits in NOPD investigations.
- Analyzes data and builds tools that will benefit the community and increase transparency.
- Funded through .16% of the general fund

Office of the Consent Decree Monitor (OCDM)

- Appointed created by the Consent Decree and receives jurisdiction and responsibilities from the Consent Decree.
- Law firm bid on the city contract to monitor the compliance with the Consent Decree. Predominantly monitors from out of state. No one is employed by the city.
- NOPD needs present all policy rewrites and practice changes to OCDM for approval.
- OCDM worked with the Dept. of Justice to finalize all recommendations then presents to Judge Morgan for final sign off.
- OCDM conducted audits to determine NOPD compliance with the changes.
- Only focuses on matters identified in the Consent Decree.
- Monitors are paid through a contract that was entered into with the city as a necessity of the Consent Decree (Section O: Selection and Compensation of the Monitor)







NOVEMBER 2024 MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



2024 ETHICS EDUCATION & SEXUAL HARASSMENT PREVENTION TRAINING

The annual deadline for completion of 2024 Ethics Education and Sexual Harassment Prevention for City of New Orleans employees and the members of the Ethics Review Board

is

Friday, December 13, 2024.

The programs may be completed online utilizing the links below:

2024 Louisiana State Ethics Education: https://laethics.net/EthicsTraining

2024 City of New Orleans Sexual Harassment Prevention Training: https://nola.gov/sexual-harassment-training/employee/

Please submit certificates/proof of completion to ERB Training Coordinator by Friday, December 13, 2024







NOVEMBER HIGHLIGHTS

LARGE CITY DEPARTMENT GROUP TRAININGS COMPLETED

The Training Division has completed its end-of-year Ethics training for two of the largest city departments, Sanitation and Parks and Parkways, with attendee counts of 72 and 97 respectively. Thank you to the HR Managers and Directors of each department for coordinating the training effort each year.

ASSOCIATION FOR TALENT DEVELOPMENT ANNUAL CONFERENCE 2025

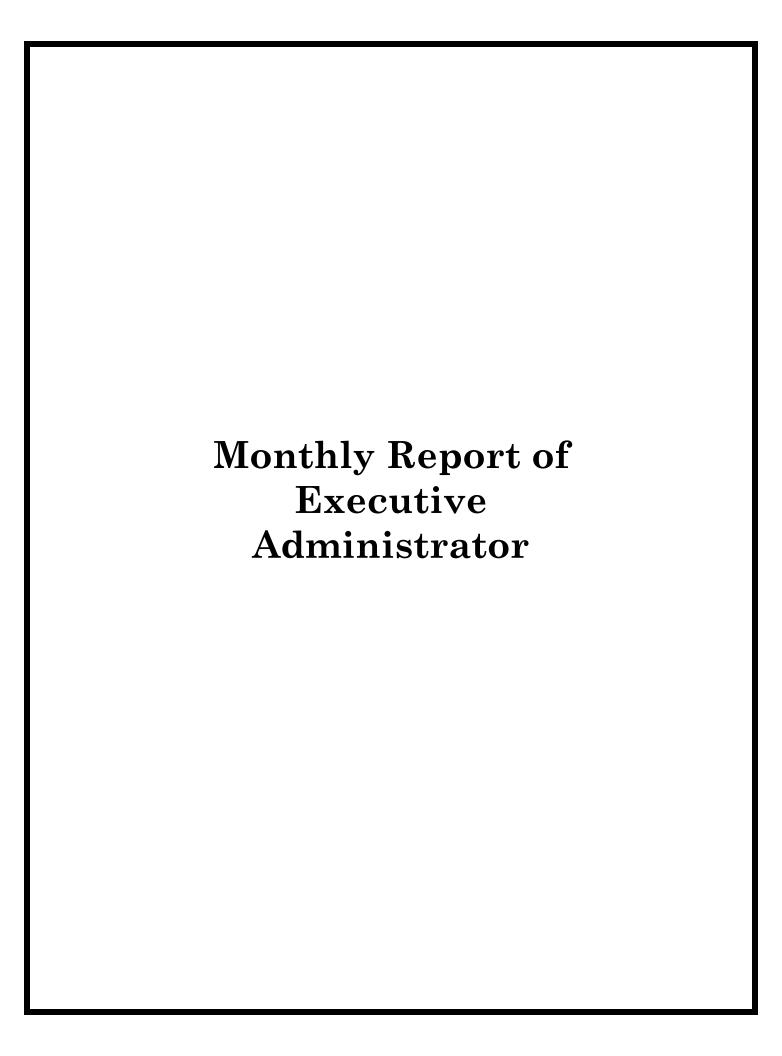
In light of being unable to complete the previously approved travel to the Association for Talent Development Core 4 Conference in September, the Ethics Trainer will be attending the organization's International Conference and Expo to be held in Washington, DC, May 18-21, 2025.

ETHICS REVIEW BOARD YOUTUBE PAGE

Earlier in the year, the Trainer set forth a goal to have 10 ethics lesson videos completed and uploaded to the ERB YouTube page. With 5 videos uploaded thus far and two currently being edited, the intended goal is on track to be met by the end of this year.

The New Orleans Ethics Review Board YouTube page may be accessed via the link below:

https://www.youtube.com/@neworleansethicsreviewboard



MEMORANDUM

To: Ethics Review Board

City of New Orleans

From: Dane S. Ciolino

Executive Administrator and General

Counsel

Date: December 6, 2024

Re: Monthly Report for October 2024



I. Complaints

The ERB received one new complaint since the last board meeting. Two complaints are pending (2024-04 and 2024-05). These are on the agenda for an executive session in December.

II. APPOINTMENTS TO ERB

The Dillard ERB position remains unfilled. Dillard has sent over nominees to the mayor's office.

III. APPOINTMENTS TO QUALITY ASSURANCE REVIEW ADVISORY COMMITTEES

No action has been taken by the mayor's office or the council to fill four vacancies on the QARACs for the OIPM and the OIG.