

Ethics Review Board

City of New Orleans

November 10, 2015

3:30 P.M. – 6:00 P.M.

East New Orleans Regional Library | 5641 Read Boulevard | New Orleans, Louisiana 70127

Minutes

Present: Dr. Michael Cowan, Chair; Mr. James Brown; Mr. Howard Rodgers;
Rev. Dr. Donald Frampton; Rev. Brandon Boutin
Staff: Dane Ciolino, General Counsel
Guest: Toni Hackett, The Hackett Group, ethics education trainers

At 3:32 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Dr. Cowan seconded by Mr. Brown, the board unanimously approved the minutes of October 23, 2015.

Inspector General's Report

The Inspector General told the board that the OIG has not issued any reports since the ERB's September meeting.

The IG told the board that he is assisting the Independent Police Monitor with moving cost of \$92,500. The IG will provide computers, docking stations, monitors and administrative and IT support through the end of January 2016.

In response to Mr. Brown, the IG told the board that the IPM is moving to a location of her choice.

The IG told the board that he agrees to honor the .16% of the budget for 2016 for the IPM; that must be ratified in a charter amendment.

In response to Dr. Cowan, the IG told the board that the OIG's and OIPM's staff and IT servers will be completely separate.

Ethics Education

Mr. Dorian Nunez told the board that the Hackett Group has met with the six entities within the City of New Orleans. There will be three training sessions in December; the other sessions will be during the first quarter of 2016 and the training sessions should be completed by Easter or Jazz Fest of 2016.

Mr. Nunez told the board that the Hackett Group has coordinating with Dr. Ricks to set a meeting with the Education Committee in the next few days to review their materials and evaluation form. He also told the board that consultants have completed three out of four hours of the certified ethics training by the Louisiana Board of Ethics; the last hour will be completed within one week.

He told the board by the start of the training sessions with the six entities, the employees will earn one hour toward the annual state ethics education requirement. He also told the board that the Hackett Group has received positive feedback from employees within the six entities.

He told the board that a legal review is a part of the process; the State requirements will be compared to the city requirements to make sure that all ethics training is addressed.

In response to Mr. Brown, Mr. Nunez told the board that the ethics education training sessions in December will start with the Mayor's Office and Safety & Permits. The City Council and Sewerage & Water Board's ethics education training sessions will start in early January; the Finance Department's ethics education training sessions will start in the first quarter; the Public Works Department's ethics education training sessions has a target completion date of Easter 2016.

In response to Mr. Brown, Mr. Nunez told the board that the ethics education training sessions will be between ninety minutes to two hours per session. He also told the board that each session will be tailored to specific issues that the employees face internally in each department.

In response to Dr. Ricks, Mr. Nunez told the board that one hour will be needed to meet with the working groups.

In response to Dr. Cowan, Mr. Nunez told the board that two members of the Hackett Group are currently participating in the certified ethics training by the Louisiana Board of Ethics and he will participate as early as the first quarter of 2016.

Mr. Rodgers told the board that there is a one hour live training on November 13, 2015, given by the Louisiana Redevelopment Authority at Oretha Castle Haley.

Mr. Dane Ciolino told the board since the ERB's October meeting the City Council adopted an ordinance requiring ERB members to submit tier 2.1 disclosures to the Louisiana Board of Ethics. He also told the board that all ERB members have filed the tier 2.1 disclosures with the Louisiana Board of Ethics.

He also told the board that he has updated the Louisiana Board of Ethics on the ERB internal rule and the new city ordinance.

Mr. Ciolino told the board that he is currently working on reconsidering the ERB's enforcement authority. He also told the board at the next ERB meeting her will provide a presentation that

will show the current enforcement authority and recommended changes to the ERB rules and ordinances that relate to enforcement. In addition, Mr. Ciolino told the board that he will provide a report on an ongoing investigation in Executive Session.

Dr. Cowan told the board that the ERB's intention for ethics education training is to have a proactive and encouraging training to promote employees making ethical decisions.

Independent Police Monitor's Report

The Independent Police Monitor told the board that the OIPM's primary role is safeguarding the public's investment in sustainable police reform.

The IPM told the board that the OIPM has published one of their most robust annual reports this year. The report includes more detail about their work supporting crime victims; monitoring PIB investigations; and concerns about officer support issues. The mediation program has had 19 mediations in 2015. She also told the board that the OIPM held a community meeting to discuss their report with stakeholders.

The IPM told the board that the OIPM's mediation program is a nationally recognized program. She also told the board that the Mediation Coordinator has been invited to travel all over the country to present on the mediation program.

The IPM told the board that the OIPM's mediation program is growing. The OIPM has gone from four mediations to 19 mediations this year. She also told the board that the Mediation Coordinator helped NOPD by mediating a large scale, critical, internal dispute in one division and resolving a dispute between a group of residents and its local police district.

The IPM told the board that the OIPM completed their first review of a complete shooting investigation. She told the board that the Wendell Allen report was the first of its kind in the city of New Orleans and highlighted some major issues with NOPD that are still relevant today and in need of intervention.

The IPM told the board at the request of NOPD; the OIPM monitored the scene surrounding Officer Daryl Holloway's death. The IPM told the board that the OIPM saw their concerns about officer tactics come to life in this tragic event and recommended a debrief so that NOPD can strengthen its training to keep officers safe.

The IPM told the board that in the OIPM's disciplinary hearing monitoring, they were particularly concerned about the case of Terence Saulny. She told the board that the OIPM learned that the officer using damaging force on a 15 year old girl was not trained to work with children or to de-escalate conflict without force. The OIPM recommended corrective action-training for officers working with children.

The IPM told the board that the OIPM reached out to the Seattle Police Department; they are recognized as one of the best police departments in the country and train other police departments. The IPM told the board that the Seattle Police Department is ready, willing and able to assist with the NOPD going forward.

In response to Dr. Ricks, Ms. Ursula Price, Acting Deputy Police Monitor, told the board that OIPM would like to implement a risk instrument that looks at complaints overall and identifies key issues and will also be used to guide their audits.

The IPM told the board that the OIPM has engaged the national and international oversight community through attending, speaking and teaching at conferences such as the Black Lives Matter Legal Conference, the National Association for Civilian Oversight of Law Enforcement (NACOLE), the International Law Enforcement Auditors Association (ILEAA), the Association for Conflict Resolution, and the Northwestern Law School's Policing Policy Panel. The IPM also announced that she was elected president of ILEAA and will be expanding the availability of its training recommendations and resources.

Ms. Price reported OIPM's year to date activities: 99 complaints received, 24 disciplinary hearings, 13 critical incidents, 1 use of force review, 7 misconduct investigation reviews and 19 complaints successfully mediated.

In response to Mr. Brown, Ms. Price told the board that a mediation is a success when everyone is present and participates. Ms. Price also told the board that the OIPM does not track or encourage an agreement during a mediation; the goal is to rebuild relationships by talking and listening to each other.

Mr. Price told the board that the Mediation Coordinator has received qualitative feedback from the officers and civilians.

Ms. Price told the board that the OIPM has issued public letters on the following subject's year to date: Requesting Information on NOPD lawsuits and damage claims, recommending de-escalation training and recommendation of body cameras in the Youth Study Center.

The IPM told the board that she and the IG have reached an agreement under which the OIPM will operate independently. The IG allocated \$92,500 for moving costs and .16% of the budget for 2016.

The IPM told the board that the OIPM will receive a final grant of \$98,824 from Baptist Community Ministries (BCM) to fund the Mediation Program in 2016. The IPM will need to fully fund the program thereafter.

In response to Mr. Brown, the IPM told the board that the OIPM has a written budget and will present it to the City Council in budget hearings.

The IPM told the board that her vision going forward for 2016 is to help NOPD by issuing more reports and providing written recommendations and conducting timely reviews. In addition, the OIPM will have sufficient qualified staff to conduct real-time and on the ground monitoring; to process data; employing technological tools to effectively communicate and increase efficiency.

Ms. Price told the board that the OIPM's new personnel for 2016 will include an Auditor that will conduct audits of NOPD data; a Staff Writer that will issue reports, public information and fact sheets; an Office Manager that will manage accounting, resources and office logistics; a second Deputy Police Monitor that will oversee use of forces and disciplinary hearings.

In response to Rev. Dr. Frampton, Ms. Price told the board that the OIPM will be meeting with BCM to discuss future grant funding but would like for the mediation program to be publically funded.

In response to Dr. Cowan, the IPM told the board that she does not have authority to conduct normal misconduct investigations.

In response to Dr. Cowan, the IPM told the board that PIB investigated and IPM monitored the investigation of Officer Daryl Holloway's death.

In response to Dr. Cowan, the IPM told the board that the risk instrument the OIPM intends to use should be a robust part of the early warning system. She also told the board that the OIPM has access to IAPRO, the system used by PIB to house complaints and uses of force. The IAPRO system sends alerts when an officer has too many complaints or too many uses of force. The OIPM then runs the history of the officer to look for issues, patterns of misconduct or complaints and recommends an intervention for the officer.

In response to Dr. Cowan, Ms. Price told the board that the risk instrument is a tool to look at the aggregate data about complaints, uses of force and detecting the risks being presented. This instrument is used during the preparation of annual reports to determine the audits or analysis that need to be conducted in the coming year.

In response to Dr. Cowan, Ms. Price told the board that \$12,000 will be allocated for 2016 operating expenses for the mediation program.

In reviewing the ERB 2016 budget, Mr. Brown suggested to the board that the Professional Development and Board Travel categories on the 2016 budget should be reclassified as part of ethics training.

Mr. Ricks told the board that the board training category was earmarked for customized for ERB training.

In response to Mr. Rodgers, the board agreed that the OIG can continue to staff the ERB for now.

On a motion by Dr. Ricks seconded by Mr. Rodgers, the board unanimously approved to adopt the 2016 budget with the modification of moving board travel to Professional Development.

The IG told the board that the Quality Assurance Review Advisory Committee (QARAC) is designed to read all of the OIG reports and to deliver a report in a public hearing once a year that describes their evaluation of the OIG reports.

Dr. Cowan suggested to the board that the QARAC also deliver a report that describes their evaluation of the OIG reports at an ERB meeting.

On a motion by Dr. Ricks and a second by Mr. Rodgers, the board unanimously approved the recommendation of Mr. Wayne Woods as the Mayor's representative on the Quality Assurance Review Advisory Committee.

The IG told the board that appreciated reports received from the QARAC. He received reports in 2011 and 2012. The report was not completed for 2013 and the 2014 report was not completed in May.

Mr. Brown told the board that he recommends a 3 year term for the appointees of the QARAC.

Mr. Rodgers told the board that he recommends that the three year term should be an option.

Dr. Cowan told the board that the 2014 QAR Report should be completed by the end of the year.

There was no new business.

On a motion by Dr. Cowan and a second by Dr. Ricks, the board adjourned into executive session pursuant to La. Rev. Stat. sec. 42:17(A)(4) to discuss an investigative proceeding regarding allegations of misconduct, at 4:55 p.m.

Dr. Ricks moved and a second by Rev. Dr. Frampton to re-open the public meeting. All members voted in the affirmative.

Mr. Rodgers moved that the meeting adjourn, a second was offered by Mr. Brown. The motion carried unanimously and the meeting adjourned.