

Ethics Review Board

City of New Orleans

April 25, 2016

3:30 P.M. – 5:30 P.M.

City Council Chambers | 1330 Perdido Street | Orleans, Louisiana 70112

Minutes

Present: Dr. Michael Cowan, Chair; Mr. James Brown; Mr. Howard Rodgers; Dr. Joe Ricks;
Rev. Dr. Frampton; Rev. Brandon Boutin
Staff: Dane Ciolino, General Counsel

At 3:36 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Mr. Rodgers seconded by Rev. Dr. Frampton, the board unanimously approved the minutes of March 29, 2016.

Inspector General's Report

The Inspector General referenced the following report issued by the Office of Inspector General (OIG) since the ERB's April meeting: The OIG 2015 Annual Report required by ordinance.

The IG told the board that he attended the Quality Assurance Review Advisory Committee's (QAR) public hearing on April 18, 2016 and the OIG received a report which consisted of a full review of the OIG's work product for 2014.

The IG told the board that he agrees with the QAR report conclusions and expressed gratification that the OIG's work was found to be objective and fully supported.

Independent Police Monitor's Report

The Independent Police Monitor (IPM) Susan Hutson reported the Office of the Independent Police Monitor's (OIPM) year-to-do activities for 2016: 18 complaints, 5 case monitorings, 1 law suit monitoring, 3 criminal liaisons, 2 contacts only, 4 disciplinary hearings, 2 critical incidents, and 8 mediations completed with 7 being scheduled.

The IPM told the board that the OIPM's Mediation Coordinator, Sister Alison McCrary is working with the Public Integrity Bureau (PIB) to have more mediations and that the OIPM is on pace to have more mediations than 2015.

The IPM told the board that the OIPM's 2015 Annual Report Part I would be presented at the April 2016 Ethics Review Board (ERB) Meeting.

The IPM told the board that she had filed a response disagreeing with the QAR Committee's Report.

In response to Dr. Cowan, the IPM told the board that the OIPM and PIB still interact and discuss issues surrounding NOPD accountability.

In response to Rev. Dr. Frampton, the IPM told the board that a successful mediation could be an officer giving a complainant his/her phone number to call if the complainant has any issues that an officer can help with, or a supervisor working with the complainant to make a policy recommendation, or an officer apologizing.

In response to Dr. Ricks, the IPM told the board that the OIPM will not hire a data analyst as an employee, instead the OIPM will contract with data experts to provide innovation and community input into the OIPM's data analyses.

In response to Rev. Boutin, the IPM told the board that she will report the outreach plans and activities to the board and looks forward to getting the outreach team together.

Mr. Dane Ciolino, the ERB's General Counsel advised the board that the ERB's website is now fully functional and is on a Word Press format.

Mr. Ciolino told the board that the ERB's website is entirely informational and consists of information on the ERB Members, the ERB Staff, and ethical standards that the ERB administers. The website also includes how to submit a complaint, fill-able complaint forms, 2007 to present meeting minutes and information from the Hackett Group on training events.

Mr. Ciolino told the board that he has also set up an ERB Twitter account and a mailing list that will also consists of any new information posted to the ERB website.

Mr. Ciolino told the board that at the ERB's February Meeting, the board authorized a periodic review of the ERB's substantive provisions, its codes of enforcement and its rules & procedures.

Mr. Ciolino told the board that he contacted the City of New Orleans' Mayor's Office and City Council Offices by mail to advise them that the ERB's periodic review is currently in progress and invites any suggestions for proposed rule changes to be submitted by April 29, 2016.

Professor David Marcello suggested the following to the board in order to improve operations going forward:

- The ERB should expand its role in recommending ethics reforms during 2016.
- The ERB could improve transparency and protect the public's interest in observing ERB deliberations with the recent rule change to require financial disclosure forms to be filed and comply with the Local Government Budget Act going forward.

- The ERB and OIG should express their shared understandings in various written instruments so that it could be reviewed and easily understood by the public.
- The ERB should report to the public the number of employees trained in each ethics education training session, the duration and nature of the trainings and the materials used in each training session.
- All three local ethics bodies should undergo periodic independent third-party reviews to assure the quality of their operations.
- The ERB should be more diverse as they are lacking representation in all communities.

Agenda Item # 6, Ethics training report was skipped.

Dr. Cowan told the board that Mr. Ciolino is arranging a format so that the Self Evaluations can be completed online.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statutes section 42:16 to discuss two investigative proceedings regarding allegations of misconduct. Dr. Ricks moved and a second was offered by Mr. Rodgers, at 4:03 p.m.

The board, by an affirmative vote of all members present, held an executive session.

At the conclusion of the executive session, the board reconvened its public meeting. Dr. Cowan moved to clarify the minutes from the ERB's March meeting to reflect that the board dismissed Complaint No. 2015-01 on the merits. The motion carried by a second offered by Dr. Ricks.

At 4:24 p.m., Dr. Ricks moved that the meeting adjourn, a second was offered by Rev. Boutin. The motion carried unanimously and the meeting adjourned.