

Ethics Review Board

City of New Orleans

August 17, 2016

4:00 P.M. – 6:00 P.M.

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

Minutes

Present: Dr. Michael Cowan, Chair; Mr. Allen Miller, Vice Chair; Mr. James Brown;
Rev. Dr. Donald Frampton; Mr. Howard Rodgers
Staff: Dane Ciolino, General Counsel
Guest: Toni Hackett Antrum, the Hackett Group, Ethics Education Trainers

At 4:00 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Mr. Rodgers seconded by Mr. Brown, the board unanimously approved the minutes of June 20, 2016.

Inspector General's Report

The Inspector General (IG) Ed Quatrevaux referenced the following reports issued by the Office of Inspector General (OIG) since the ERB's June meeting: an audit report on Sex Crime Reporting, an evaluation report on fuel dispensing controls, a report on fleet management and a follow-up report on sanitation fee collections.

The IG told the board that Sewerage & Water Board (S&WB) plans to implement a policy to apply payments proportionally so that the city's sanitation fee is not ignored.

The IG told the board that S&WB will also replace their outdated billing system software in October 2016. The OIG will issue another audit report after the new billing system software has been used for 1 year.

The IG told the board that the OIG provided comments on the proposed ordinances to increase overtime limits by 45% and authorize standby pay; the New Orleans City Council deferred action on the ordinances.

The IG told the board that the OIG met with Judge Morgan to discuss the work of the Public Integrity Bureau (PIB) and their investigations. The OIG will discuss its audit of Sex Crime Reporting at a hearing on August 18, 2016, at Judge Morgan's request.

The IG told the board that the OIG will release its Strategic Plan for 2017 on September 1, 2016.

In response to Dr. Cowan, the IG told the board that standby pay is when an employee is required to be available via telephone for a call to come to work. However, the employee's movement is not restricted.

In response to Dr. Cowan, the IG told the board that the proposed ordinance to increase overtime limits by 45% was proposed to apply to all city employees, including NOPD.

Independent Police Monitor's Report

The Independent Police Monitor (IPM) Susan Hutson reported the Office of the Independent Police Monitor's (OIPM) year-to-date activities for 2016: 6 case monitorings, 4 case reviews, 2 shootings (1 shooting in 2015 and 1 shooting in 2016), 35 complaints, 1 commendation, 3 contacts only, 7 criminal case liaisons, 8 disciplinary hearings (2 were missed due to the notices going to an incorrect email address), 5 critical incidents, 7 uses of force, 20 mediations, 4 use of force review boards and 1 pattern assessment of officers.

The IPM referenced the following letters issued by the OIPM:

- A letter to Judge Morgan regarding the necessity of written agreements between the New Orleans Police Department (NOPD) and other agencies that operate in Orleans Parish.
- A letter regarding complaints and the dysfunction of the Central Evidence and Property Unit.

The IPM told the board that the OIPM issued its Annual Report for the Mediation Program.

In response to Mr. Rodgers, the IPM told the board if the City is assigned to any of the duties of policing, the City is required to follow the consent decree.

In response to Mr. Miller, the IPM told the board that the pattern assessments will allow the OIPM to address any issues with officers not following the Constitution, training issues and patterns of misconduct.

In response to Dr. Cowan, the IPM told the board that all of the central evidence & property complaints are referred to PIB.

Mr. Miller suggested to the board that a mechanism is put into place so that the Ethics Review Board (ERB) would be copied on any letters or work issued by the OIPM.

Mediation Coordinator Sister Alison McCrary told the board that the OIPM's Mediation Program improves relationships between NOPD and the community. The Mediation Program is mandated by a City Ordinance and the Memorandum of Understanding (MOU) between NOPD and the OIPM.

Sister McCrary told the board that the 2015 Annual Report for the Mediation Program is the first report of the programs first full year operating.

Sister McCrary told the board that NOPD was given a copy of the Annual Report and was also provided an opportunity to respond in writing within 30 days. She told the board that NOPD did not respond in writing but the OIPM met with 15 supervisors of PIB to discuss the report and the operation of the mediation program.

Sister McCrary told the board that mediations are voluntary, confidential and a non-judgmental process that serves as an alternative to the traditional complaint investigation process.

Sister McCrary told the board that a mediation creates a safe and neutral space for civilians and officers to share their interaction, how it made them feel and reaching an agreement on how to move forward.

Sister McCrary told the board that the Mediation Program has been very successful and has become a national model. She also told the board that the OIPM has also been asked to share their Mediation Program as a model and the Department of Justice has also asked the OIPM to assist in creating mediation programs in Ferguson, MO, Saint Louis, MO, Baltimore, MD, and Greenville, NC.

Sister McCrary told the board that Harvard University's Mediation Program asked the OIPM to assist them in Boston with creating their Community & Police Mediation Program.

Sister McCrary told the board that the OIPM was also contacted by the National Geographic to complete a documentary film on the OIPM's Mediation Program success.

Sister McCrary told the board that the OIPM has implemented best practices in community mediation and the New Orleans Community- Police Mediation Program strives to:

1. Train community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income and education to serve as community-police mediators;
2. Educate community members and police officers about conflict resolution, dialogue, and mediation;
3. Provide mediation services at no cost to participants;
4. Encourage the early use of mediation to prevent violence and provide mediation at any stage of a conflict;
5. Hold mediations in neighborhoods where disputes occur or near the resident's home or work;
6. Schedule mediations at a time and place convenient to the participants;
7. Maintain high quality mediators by providing intensive, skills-based training, continuing education, and ongoing evaluation of mediators;
8. Work with community members in governing the community mediation program in a manner based on collaborative problem solving among staff, volunteers and community members;
9. Provide mediation, education, and other conflict resolution processes to community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income, education, and geographic location; and
10. Mediate community-based disputes that come from referrals from community organizations, NOPD's Public Integrity Bureau, and community members.

Sister McCrary told the board that the OIPM's Mediation Program numbers in 2015 far exceeds the numbers of other Mediation Programs around the country. She told the board that PIB referred a total of 45 cases to OIPM's Mediation Program and 22 of the 45 have been successfully mediated.

Sister McCrary told the board that year-to-date, PIB has referred more than 60 cases to the OIPM's Mediation Program.

Sister McCrary told the board that mediations have led to resolutions to help reduce violence in the city, improve race relations, productive conversations regarding police response times & what public safety looks like to officers and civilians.

Sister McCrary told the board that Officers have said that the mediation experience was the only time that they have felt listened to as a police officer.

Sister McCrary told the board that in 2015, the OIPM's Mediation Program connected via phone, email or in-person with:

- 244 civilians
- 293 officers
- 259 others in the community

Sister McCrary told the board that a survey is conducted after every mediation for the officers, civilians and mediators. In addition, a 30 day follow-up, which includes a lengthier survey is conducted for the officers and civilians.

Sister McCrary told the board that the Quantitative Survey results have shown that:

- 100% of all of the police officers and civilians that have participated felt that the mediations were unbiased and appreciated having the opportunity to speak with one another.
- 89% of civilians agreed that, "This session helped me gain a better understanding of policing."
- 92% of police officers agreed that, "Mediation is a good way of resolving disputes between civilians and police officers."
- 100% of police officers agreed that, "The mediation session helped build mutual respect between themselves and the civilian."
- 83% of civilians agreed or strongly agreed that, "The mediation session helped build mutual respect between themselves and the officer."
- 92% of police officers agreed that, "This session helped me gain a better understanding of the civilian's point of view."
- Most civilians agreed that, "If I had information about a crime or incident in my neighborhood I would share that information with the police officer who participated in the mediation."

Sister McCrary told the board that OIPM recommended that NOPD would help in educating and informing officers of the Mediation Program during roll call and staff meetings by advising the officers that there is a positive outcome with mediations and it will also close misconduct investigations timely and will improve community relationships.

Sister McCrary told the board that the NOPD Policy 1025 is subject to annual review and the OIPM will continue to work with NOPD's Compliance Bureau to make any necessary adjustments to the policy.

Sister McCrary told the board that OIPM also recommended to PIB that they increase their mediation referrals.

In response to Mr. Brown, Sister McCrary told the board that mediation relieves and de-escalates pressure because the civilian and the officer remedies their relationship by reaching an agreement and solution on how to move forward.

In response to Mr. Miller, Sister McCrary told the board that the OIPM has attempted to get the time limit extended for the mediation process but due to the Police Officers Bill of Rights in the Louisiana revised statues, there is not much flexibility for modification.

Mr. Miller told the board that he commends the OIPM for great work and much needed work in New Orleans.

General Counsel's Report

Mr. Dane Ciolino, the ERB's General Counsel advised the board that since the ERB's June meeting no new complaints have been received but there is 1 open complaint with no new developments.

Mr. Ciolino told the board that at the ERB's June meeting the board discussed the importance of the ERB separating the prosecutorial and adjudicative functions.

Mr. Ciolino told the board that since the ERB's June meeting, he and Dr. Cowan, Chair of the Ethics Review Board, met with IG Ed Quatrevaux and the OIG General Counsel, Suzanne Lacey to discuss the OIG working to transition into performing prosecutorial functions.

Mr. Ciolino suggested to the board that there should be a Memorandum of Understanding between the ERB and OIG regarding funding for the prosecutorial functions. He also suggested the draft of an ordinance to be presented to the New Orleans City Council to formalize the new separation of adjudicative and prosecutorial functions.

Mr. Ciolino told the board, if approved by voters, he is prepared to work with the ERB, the OIPM and the New Orleans City Council with the transitioning of the OIPM in operational independence and to also ensure that the ERB plays a meaningful role in oversight of the OIG.

Mr. Ciolino told the board that he will change the ERB's website from a standard protocol to a secure protocol which will provide greater security for the website.

In response to Mr. Brown, Ms. Lacey told the board that the OIG and the ERB cannot promote the charter change but information can be provided and publicized to the voters. She also told the board that the OIG plans to provide factual information regarding the charter change on the OIG's website.

In response to Dr. Cowan, Ms. Lacey told the board that members of the ERB can speak at community meetings as citizens and on their own time regarding the charter change.

In response to Dr. Cowan, Mr. Ciolino told the board that the next step prior to the OIG transitioning into performing prosecutorial functions would be funding and providing a draft ordinance to the ERB and the New Orleans City Council.

Mr. Brown moved acceptance of the ERB 2015 Annual Report with Rev. Dr. Frampton seconding. The motion passed.

In response to Dr. Cowan, Ms. Toni Hackett Antrum of the Hackett Group told the board that the ERB has one remaining bill due for ethics education training before the end of 2016 for \$14,000.00.

In response to Dr. Cowan, Mr. Ciolino told the board that the ERB has one remaining bill due for legal services on October 15, 2016 for \$10,000.00.

In response to Dr. Cowan, Ms. Hackett Antrum told the board that the contract between the ERB and the Hackett Group started in October 2015 and will end by September 30, 2016.

The IG told the board that the OIG is requesting a budget transfer of \$34,500 from the ERB due to the OIPM receiving an estimated 24% of the OIG budget and unexpected Information Technology (IT) expenses. The budget transfer would allow the OIG to purchase important items such as a spam filter and software to remotely wipe any missing OIG laptops to prevent any information from being compromised.

Mr. Brown moved acceptance of the budget transfer of \$34,500 from the ERB to the OIG with Mr. Miller seconding. The motion passed.

Ethics Education Report

Ms. Toni Hackett Antrum of the Hackett Group told the board that since the ERB's June meeting the Hackett Group met with the education committee to discuss ongoing ethics education training during the next contractual year.

Ms. Hackett Antrum told the board that the ethics education training with the Mayor's Office will be held on August 19, 2016 and ethics education training with the Finance Department will be held in September 2016.

Ms. Hackett Antrum told the board that the Hackett Group would like to implement a "liaison development training" as an additional component during the next training year. She told the board that the "liaison development training" would create a resource for departments to facilitate the cultural change with the ethics education training. The "liaison development training" will focus on compliance questions, reporting violations and familiarizing the liaisons with the tools available to them for additional information.

Ms. Hackett Antrum told the board that the "liaison development training" would be great for departments that are interested in ethics as a core value. She also told the board that this would

require an advanced curriculum that includes focusing on broader, ethical approaches in addition to the curriculum of the Louisiana Code.

Dr. Cowan told the board that he suggests the Hackett Group provide a proposal to the education committee regarding ongoing ethics education training.

In response to Dr. Cowan, Ms. Hackett Antrum told the board that the Ethics Code states that every agency (City Department) allows for an ethics liaison trainer.

In response to Mr. Rodgers, Ms. Hackett Antrum suggested to the board that the ERB requests the names of the designated ethics liaison trainers for each city department.

Mr. Rodgers moved acceptance of the ERB requesting the names of the designated ethics liaison trainers for each city department with Mr. Brown seconding. The motion passed.

In response to Mr. Miller, Ms. Hackett Antrum told the board that the Hackett Group has completed ethics education training with the following City departments: Sewerage & Water Board, Safety & Permits, the Mayor's Office (August 19, 2016), the City Council and the Finance Department (September 2016).

Mr. Rodgers withdrew his motion of the ERB requesting the names of the designated ethics liaison trainers for each city department.

In response to Dr. Cowan, Mr. Ciolino told the board that the legal services contract with the ERB ends on October 12, 2016.

Mr. Brown moved acceptance of renewing the legal services contract between Mr. Dane Ciolino and the ERB with Rev. Dr. Frampton seconding. The motion passed.

Dr. Cowan told the board that the remaining ERB meeting dates are: September 21, 2016, October 19, 2016, November 15, 2016 and December 21, 2016.

Dr. Cowan told the board that the ERB guidelines state that the officers take their seats at the first ERB meeting after the month of July. He also told the board that he asked the nominating committee which consists of Mr. Rodgers, Mr. Brown and Mr. Miller to propose candidates for the upcoming year.

Mr. Rodgers moved acceptance of nominating Mr. Allen Miller as Chair, Mr. James Brown as Vice Chair and Rev. Brandon Boutin as Secretary with Dr. Cowan seconding. The motion passed.

Rev. Dr. Frampton commended Dr. Cowan on behalf of the ERB for an excellent job of chairing the ERB for the past few years.

At 5:32 p.m., Mr. Brown moved that the meeting adjourn, a second was offered by Mr. Rodgers. The motion carried unanimously and the meeting adjourned.