

**Ethics Review Board**

**City of New Orleans**

**April 18, 2017**

**4:00 P.M. – 6:00 P.M.**

**Norman Mayer Library | 3001 Gentilly Boulevard | Orleans, Louisiana 70122**

**Minutes**

Present: Mr. Allen Miller, Chair; Mr. James Brown, Vice Chair; Dr. Joe Ricks; Rev. Boutin

Absent: Dr. Michael Cowan; Mr. Howard Rodgers

Staff: Dane Ciolino, General Counsel

Guest: Toni Hackett Antrum, the Hackett Group, Ethics Education Trainers

At 4:15 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Dr. Ricks seconded by Mr. Brown, the board unanimously approved the minutes of the March 21, 2017 meeting.

Inspector General's Report

The Inspector General (IG), Ed Quatrevaux, told the board that the Office of Inspector General (OIG) issued its 2016 Annual Report on March 31, 2017. He told the board that this was the 10<sup>th</sup> Annual Report issued in NOLA OIG's history.

The IG told the board that the Annual Report highlights the following:

- The OIG Cost \$3.4 million - identified \$29 million in potential savings and generated \$1.2 million in new revenue based on recommendations for the City of New Orleans.
- Issued 15 reports & public letters (the most significant):
  - An audit of NOPD documentation of Sex Crimes- showed that the New Orleans Police Department (NOPD) had documentation in 100% of their case files and had classified 99% of service calls correctly.
  - An audit of Sewerage & Water Board (S&WB) fee collection- found that 47% of S&WB's \$22 million accounts receivable were more than 90 days delinquent.
  - A follow-up audit of S&WB's Sanitation Fee Collection- a 2013 audit found that S&WB failed to collect \$8.5 million in sanitation fees and a follow-up audit determined that \$7 million went uncollected in sanitation fees in 2014.

- An investigations of theft of brass parts from S&WB- S&WB employees stole and scrapped 34,000 lbs. of new brass that cost the City more than \$500,000. There were 10 arrest warrants issued, 10 employees terminated and other employees were suspended.
- A public letter opposed ordinances to approve standby pay and increase the annual overtime from 415 hours to 750 hours at the S&WB- high risk of payroll fraud.
- A public letter reported problems with the Firefighters Pension & Relief Fund- the City was billed \$8.8 million annually through fraudulent disability retirements and during 1999-2015, it cost the City \$150 million.
- Reviews of City's Fleet Management & Fuel Dispensing Functions- found that the City had no reliable information on the quantity of vehicles owned or the vehicle repairs. The City also could not identify who dispensed fuel and to which vehicles.
- A report on funding inspections of the Law Department and Municipal Court.
- A public letter on the Law Department procurement of outside counsel.
- A public letter on erroneous parking tickets.
- A report on pedestrian signals.

#### Independent Police Monitor's Report

The Independent Police Monitor (IPM), Susan Hutson introduced the Office of the Independent Police Monitor's (OIPM) newest members of the Data Analysis Team- Marvin Arnold and Jakob Rosenzweig.

The IPM reported the Office of the Independent Police Monitor's (OIPM) year-to-date activities for 2017: 4 case monitoring's, 14 complaints, 3 contacts only, 4 liaisons, 12 disciplinary hearings, 2 critical incidents, 8 mediations out of 24 referrals and 4 uses of force.

The IPM told the board that the OIPM issued its 2016 Annual Report. The Annual Report highlights the following:

#### Year in Review

- OIPM gains Charter Independence.

- In June 2016, July 2016, and August of 2016, the NOPD planned the memorial services of 3 fallen officers.
- The Greater New Orleans Civil Rights Task Force investigated all officer-involved shootings in Orleans Parish.
- NOPD began the first phase of restructuring its effort to increase the police presence in city neighborhoods.
- NOPD Superintendent Michael Harrison announced a new process that outlines when and how the department will release its audio and video recordings to the public.
- OIPM participated in 99 outreach events in 2016.

In response to Dr. Ricks, the IPM told the board that the rate of acceptance has not varied only the mediation referrals from NOPD.

In response to Dr. Ricks, the IPM told the board that she was told by NOPD that their systems are built so that it's not accessible outside of NOPD.

In response to Dr. Ricks, the IPM told the board that IAPro is the only tool that OIPM has access to.

### **OIPM's Approach to Data is Unique**

- Upholding the U.S. Constitution
- Democratic Engagement
- Harm Reduction
- Officer Safety

### **2016 In Review**

- Improving Data Processes
- Automating all the things
- Attempting Customization of NOPD Systems
- Standardizing Metrics
- Compiling National Best Practices
- Understanding NOPD's System Architecture

### **OIPM Requests Access**

- INSIGHT (EWS)

- Body Worn Camera (BWC)
- IAPro (from OIPM Office)
- IADData
- Arrests
- Electronic Police Report (EPR)
- Stop and Search (FIC)
- Dispatch (NOPD CAD)
- MAX (Private Views)
- ADP (MSB)
- NOPD Intranet
- NOPD Training System

Mr. Brown and Dr. Ricks asked the OIPM on a scale from 1 (very uncooperative) to 5 (cooperative) to describe NOPD. The following was expressed:

- Mr. Rosenzweig- NOPD is between a 3-4
- Mr. Arnold- NOPD is a 1
- Susan Hutson, IPM- It's a willingness issue; she has been trying for 3 years.
- Ms. Ursula Price, Deputy Police Monitor- how capable is NOPD in being transparent.

Mr. Rosenzweig told the board that there were 1,563 uses of force in 2016 and there were 589 force tracking numbers in 2016.

### **Arrests**

- NOPD does not have a reliable way to report arrests.
- NOPD should establish a practice that does not involve Orleans Parish Sherriff's Office (OPSO).
- OIPM should be given access once this data begins to be collected.

### **Stop and Search (Field Interviews)**

- OIPM needs access to NOPD's Field Interview Cards (FIC) Database.
- OIPM will analyze FIC Data for methods and accuracy.
- Based on analysis, OIPM may give NOPD recommendations on how to categorize this data.

### **Body Worn Camera Data (BWC)**

- In the past, NOPD has stressed the need to understand context.
- BWC Data offers the best way for OIPM to get context about individual cases.
- Access to all BWC should be available to the OIPM.

### **INSIGHT (Early Warning System)**

- The 2010 ordinance says that the OIPM is meant to have access to INSIGHT, as a matter of law.
- OIPM is tasked with monitoring NOPD's risk exposure.
- Without an independent third party monitoring this system, how is the public going to grow confidence?
- Full access to INSIGHT is needed.

### **Critical Incident Monitoring**

- Accidental discharges, 2 black male officers
- Intentional shootings at animals, 2 black males
- Intentional shootings at humans, 3 white males and 1 black males

In response to Mr. Brown, the IPM told the board that there were 8 critical incidents in 2016.

Mr. Brown told the board that the numbers reported for critical incidents in 2016 are very low.

### **Critical Incident Monitoring**

Year	Total CI's	OIS's	Hospitalizations	ICD	Head Trauma	Other	Deaths
2011	19	19	0	0	0	0	2
2012	22	20	1	1	0	0	3
2013	17	12	1	2	0	2	2
2014	17	11	3	2	2	2	4
2015	14	12	1	1	0	0	5
2016	8	7	1	1	0	0	1
Totals	97	81	7	7	2	4	17

## **New Orleans Community-Police Mediation Program**

- 2016 was the second full year of operating the New Orleans Community Police Mediation Program.
- The program exceeded its initial goal of 40 mediations in 2016 between civilian complainants of officer misconduct and NOPD officers nearly doubling the number of mediations from 2015.
- The program also observed an unprecedented indicator of the community and officer's trust in the program with 92% of officers and 78% of civilians agreeing to mediate their complaints when contacted by program staff. Nearly half of the 104 cases that the Public Integrity Bureau (PIB) referred to mediation were successfully mediated.
- The program also created and published a professional educational video to provide a model mediation, explain the mediation process and share survey results from those who participated in mediations.
- Survey feedback from officer and civilian mediation program participants continues to be extraordinarily positive and mediations continue to transform how officers and community see their role in public and build transformative relationships with each other.

## **The Complaint Process**

- The OIPM has multiple types of Contacts with Civilians and Officers:
  - Contact Only
  - Commendation
  - Case Monitoring
  - Civilian Complaints
  - Police Complaints
  - Criminal Case Liaison
- 2016 Types of Contact:
  - Contacts Only- 5
  - Commendations- 5
  - Cases Monitored- 18
  - Civilian Complaints- 60
  - Criminal Case Liaisons- 10

## **Commendations**

- Reason for Commendation or Award by NOPD in 2016
  - 1- For exemplary performance during the course of duty that saved the life of a citizen.
  - 2- For rescuing lives without regard for their own safety.
  - 2- For their relentless pursuit of a suspect wanted for killing a NOPD officer.
  - 3- For courage and devotion to duty without regard for their own safety.
  - 6- For carrying out a brave act beyond the call of duty.
  - 9- For his quick actions and dedication to duty.
  - 12- For their bravery and dedication to duty.
  - 19- For their devotion and dedication to duty.

- 20- For attempting to save a life without regards for their own safety.
- 25- For their dedication to duty and apprehension of dangerous criminals.
- 39- For their devotion to duty and outstanding work performance.
- 48- For exemplary performance and dedication to duty.
- Possible Analyses of Commendations
  - Analysis of Reasons for Awards
  - Analysis of Types of Officer Assignments resulting in awards.
  - Analysis of Promotion Trends based on awards.

## **Complaints**

- OIPM shifted its analysis from a demographic focus to a data quality focus.
  - Data is the basis of policy and practice decisions as well as external critique. It is imperative that information be accurate.
  - OIPM made recommendations to NOPD about how to avoid blank data fields and check for data entry error.
- Civilian vs. Rank Complaints
  - OIPM calculated that 10% of civilian complaints and 5% of rank complaints are not sustained in 2016.
  - This is an unusual pattern. Usually, more than half of rank complaints are sustained. NOPD dismissed 4 officers in three separate cases.
    - Recommendations: We've recommended that NOPD do an analysis about why so many rank complaints are not supported by evidence.
  - OIPM also recommended NOPD analysis why there is a rise in sustained civilian complaints. The data seems to indicate that these complaints aren't be sustained based on civilian allegations, but some additional allegation added by the investigator.
    - NOPD agrees and says it is working toward a solution and invites OIPM to assist.
- High Risk Allegations: OIPM has recommended NOPD change the way it catalogues allegations so that we can have a clearer picture. NOPD accepted this recommendation. NOPD accepted this recommendation.
- OIPM and NOPD have agreed to discuss the practice of using Neglect of Duty as the Allegation assigned to policy violations. OIPM and PIB have agreed that OIPM will provide instruction on how to use category flags to ensure that high risk allegations are easily found.

## Discipline

- OIPM could not conduct all relevant analysis because of uncertainty about data quality.
- OIPM has recommended that PIB keep all disciplinary records and NOPD agreed.

Discipline	Number of Officers Receiving Disciplinary Penalty
Resigned Under Investigation- Sustained and Awaiting Hearing	1
Demotion	1
Letter of Counseling	2
Hearing has not yet occurred	3
Letter of Reprimand	7
Dismissal	8
Unknown	8
Suspension	26
Grand Total	56

- Other Recommendations Regarding Disciplinary Process:
  - In 2016, OIPM received incomplete information prior to disciplinary proceedings 36% of the time.
  - OIPM requires unfettered access to Body Worn Camera footage
- OIPM could not confirm that NOPD received and acted upon its Policy, Training and Tactics (Officer Support) recommendations.
  - NOPD has agreed that these recommendations will be stored in the IAPRO database.



## Data Quality

- OIPM found that 54% of citizen initiated complaint records were incomplete in some way.
  - Problematic because it effects the quality of demographic analysis.
  - NOPD has agreed to perform regular quality assurance checks.

In response to Mr. Miller, Ms. Price told the board that recommendations made to NOPD from the OIPM are done through verbal meetings but are agreed upon in writing.

In response to Mr. Miller, Ms. Price told the board that there are 9 recommendations that can be followed up.

## General Counsel's Report

Mr. Ciolino presented to the board a 5 point list of standards regarding the "Protocol for Search for New Orleans Inspector General".

Dr. Ricks moved to adopt the Protocol for Search for New Orleans Inspector General with Mr. Brown seconding. The motion passed.

Mr. Ciolino advised the board that there are items to discuss for Executive Session.

## Ethics Education Report

Ms. Toni Hackett Antrum of the Hackett Group told the board that the New Orleans City Council for ethics education training will occur on June 15, 2017 and August 4, 2017.

Ms. Hackett Antrum told the board that the Hackett Group plans to provide ethics education training to 45 employees of the Sewerage & Water Board and they are currently working on dates for 2- 3 sessions.

Ms. Hackett Antrum told the board that the Hackett Group will conduct ethics education training on April 24, 2017 with the New Orleans Business Alliance.

Ms. Hackett Antrum told the board that the Hackett Group continues to research ways to improve the model of training used for the ethics education.

Mr. Erich Caulfield of the Hackett Group told the board that the Hackett Group is considering to have several sessions available for any city employee for general ethics education training. The ethics education training will be structured based on the attendees.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statute sections 42:17(A) (4) to discuss investigative proceedings regarding allegations of misconduct. Mr. Brown moved and a second was offered by Dr. Ricks at 5:39 P.M. and the motion passed.

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. Mr. Brown moved to reconvene and resume the open session and a second was offered by Dr. Ricks and the motion passed.

Mr. Brown moved to dismiss ERB Matter No. 2017-04 and ERB Matter No. 2017-03 for failure to allege facts constituting a prima facie violation of the City of New Orleans Ethics Code. Rev. Boutin seconded the motion and the motion passed unanimously.

At 5:57 P.M., Mr. Brown moved that the meeting adjourn, Dr. Ricks seconded. The motion carried unanimously and the meeting adjourned.