

Ethics Review Board

City of New Orleans

July 26, 2017

3:30 P.M. – 5:30 P.M.

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

Minutes

Present: Mr. Allen Miller, Chair; Mr. James Brown, Vice Chair; Dr. Joe Ricks; Dr. Michael Cowan; Rev. Brandon Boutin; Mr. Howard Rodgers

Staff: Dane Ciolino, General Counsel

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

At 3:44 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 the June 14, 2017 meeting.

Inspector General's Report

The Inspector General (IG), Ed Quatrevaux, told the board that the Office of Inspector General (OIG) issued a report on Elevated Lead in Water since the ERB's last meeting.

The IG told the board that the City and Sewerage & Water Board (S&WB) have indicated that they will implement the recommendations of the OIG.

The IG told the board that the inspection was to review the S&WB water quality testing process. He also told the board that it is the OIG's job to make sure that the S&WB is providing safe drinking water to the citizens in New Orleans effectively and efficiently.

The IG told the board that during the inspection the OIG unearthed an imminent public health risk, and the OIG's Green Book Standards recognize the importance of public health and public safety.

The IG told the board that the OIG is pleased with the City and S&WB's decision to implement the OIG's recommendations.

In response to Mr. Miller, the IG told the board that the OIG did not conduct any testing of the City's water, but the OIG is reporting on the existing scientific consensus. The IG told the board that he does not want to test water and does not want to see the results of it.

In response to Mr. Miller, the IG told the board that science says when streets are torn, the particulate inside of the pipes shake loose, and the lead can get into the indoor systems. The IG told the board that the imminent health risk is a probability, and lead is likely in the service lines

which will be released in the household due to the 400 miles of construction taken place on the City Streets.

In response to Mr. Miller, the IG told the board that S&WB conducts testing of the water, but the OIG did not need that information because the scientific evidence used by the OIG says that when pipes containing lead are disturbed the coating will flake.

In response to Mr. Miller, the IG told the board the OIG report does not identify instances where S&WB has reported that lead has been exposed to the City's water.

In response to Mr. Brown, the IG told the board that many scientist believe that a 1 liter sample of water is problematic when testing for lead.

In response to Mr. Miller, the IG told the board that he would provide information on the following day to support the first objective listed on the OIG Report which determined the increased risk of exposure for the citizens of New Orleans.

In response to Dr. Cowan, the IG told the board that the OIG's next report will inspect the S&WB's sampling process.

Mr. Brown told the board that testing for lead in the City's water should be conducted before construction begins and after construction begins in order to make a comparison.

The IG told the board that he believes the S&WB will perform their next testing for lead in 2019.

In response to Dr. Ricks, the IG told the board that his definition of scientific consensus is that there are a hierarchy of practices that start with model practices, which are what people believe are the best way to do things, and it eventually gets to best practices where all of the experts agree. The IG also told the board that the S&WB agrees with this science, and there is not any controversy.

In response to Mr. Miller, the IG told the board that the OIG does not have the funding to get the City's water tested, and he does not lack confidence in the OIG Report. The IG also told the board that he believes that there is a scientific consensus reported and agreed upon that this is the best way to determine if lead has been exposed.

Mr. Brown told the board that he hopes the S&WB would provide a follow-up response to the OIG's report addressing their views of the lead issue and proposed plans based on what they believe.

Independent Police Monitor's Report

The Independent Police Monitor (IPM), Susan Hutson introduced the Office of the Independent Police Monitor's (OIPM) newest employee Tonya McClary, Chief Police Monitor.

The IPM told the board that Ms. McClary is an experienced lawyer in Social Justice and Civil Rights. The IPM also told the board that Ms. McClary was a supervisor at the Public Defender's Office in New Orleans, and she has 3 law licenses in 3 separate states.

The IPM reported the OIPM's year-to-date activities for 2017: 22 citizen complaints, 3 uses of force, 8 criminal case liaisons, 5 disciplinary investigations, 5 contacts only, 20 disciplinary hearings, 3 firearm discharges, 18 mediations and 2 commendations.

In response to Dr. Ricks, the IPM told the board that the OIPM has seen an increase in requests from officers more than the community for information regarding the mediation program. The IPM also told the board that the OIPM has been trying to get more cases in and dialoging with the Public Integrity Bureau (PIB).

In response to Dr. Cowan, the IPM told the board that she believes the OIPM had 50 complaints in 2016 and the complaints in 2017 are less. She also told the board that the OIPM has more outreach in 2017 that's been effective.

In response to Dr. Cowan, the IPM told the board that if effective outreach is being conducted she believes that more complaints would be received.

In response to Mr. Miller, the IPM told the board that the OIPM consists of 6 full time employees with the Outreach Position remaining open. She also told the board that this position remains open because the OIPM has not been able to get quality candidates off of the Civil Service register list.

In response to Mr. Miller the OIPM positions are:

1. Independent Police Monitor- Susan Hutson
2. Deputy Chief Police Monitor- Ursula Price
3. Chief Police Monitor- Tonya McClary
4. Mediation Coordinator- Sister Alison McCrary
5. IPM Auditor- Eileen Andrus
6. Office Manager- Renee Livious

The IPM told the board that Sister McCrary has accepted a position with the Police Accountability Project and her last day with the OIPM will be the first week in September of 2017.

In response to Dr. Cowan, the IPM told the board that the OIPM has received the access that was requested from the New Orleans Police Department (NOPD) for the IAPRO Database that consists of complaints and uses of force. She also told the board that the OIPM will start to utilize the system to begin the process of next year's OIPM Annual Report.

In response to Dr. Cowan, the IPM told the board that there are 12 additional systems that the OIPM needs access to; these are currently being negotiated.

General Counsel's Report

Mr. Dane Ciolino told the board that there are no new complaints, but there is 1 pending complaint.

Mr. Ciolino told the board that the Slavin Management Consultants' proposal is publicly available on the ERB's website and the cost is below \$15,000.

Mr. Brown moved that the ERB retain the search consulting firm. Mr. Rodgers seconded the motion and the motion passed unanimously.

Ethics Education Report

Ms. Toni Hackett Antrum of the Hackett Group told the board that the Hackett Group has met with the ERB Ethics Education Committee since the ERB's June meeting to discuss the ethics education trainings, yearly progression and moving forward with gathering more data.

Ms. Hackett Antrum told the board that there is 1 ethics education training remaining for this term on August 4, 2017, with the New Orleans City Council.

Ms. Hackett Antrum told the board that the Hackett Group invites the ERB to attend this ethics education training session.

Ms. Hackett Antrum told the board that the Hackett Group will submit evaluations for all of the ethics education trainings that have been completed.

In response to Dr. Ricks, Ms. Hackett Antrum told the board that the ethics education training will be held on August 4, 2017 at 10 AM with a possible change in location.

Dr. Ricks told the board that the ERB Ethics Education Committee will have a strategic planning session looking specifically at the ethics education program.

Mr. Miller told the board that he has received the communication from the ERB Ethics Education Committee that the ERB will send to all of the City's Unit Heads requiring them to identify an ethics liaison.

Dr. Cowan told the board that the ethics education program is available to help employees identify the right things to do and how to implement them. He also told the board that the ethics education should be tailored to the types of work circumstances that the employees are in.

Mr. Miller and Dr. Cowan told the Hackett Group that their hard work is much appreciated.

Dr. Ricks told the board that the ethics education project will entail a research survey that will gather information regarding issues to help the Hackett Group or trainers in the future to be able to better tailor the ethics education training and further develop the curriculum. Dr. Ricks also told the board that the ethics education project will take place in November 2017.

Mr. Rodgers moved that the ERB send a communication to all of the City's Unit Heads requiring them to identify an ethics liaison. Mr. Brown seconded the motion and the motion passed unanimously.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statute sections 42:17(A) (1) to discuss the character and professional competence of a person. Mr. Brown moved and a second was offered by Mr. Rodgers at 4:29 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. Mr. Rodgers moved to reconvene and resume the open session and a second was offered by Dr. Ricks.

Dr. Ricks moved that the ERB accept the ethics education project proposed by the Hackett Group for under \$15,000. Mr. Brown seconded the motion and the motion passed unanimously.

Mr. Miller told the board that Agenda Item #8 requires no action by the ERB.

At 5:46 P.M., Dr. Cowan moved that the meeting adjourn, Mr. Brown seconded. The motion carried unanimously and the meeting adjourned.