

Ethics Review Board

City of New Orleans

October 25, 2017

3:30 P.M. – 5:30 P.M.

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

Minutes

Present: Mr. Allen Miller, Chair; Mr. James Brown, Vice Chair; Dr. Joe Ricks; Rev. Brandon Boutin; Mr. Howard Rodgers; Elizabeth Livingston de Calderon; Dr. Michael Cowan
Staff: Dane Ciolino, General Counsel
Guest: Toni Hackett Antrum, the Hackett Group, Ethics Education Trainers

At 3:37 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Dr. Cowan seconded by Dr. Ricks, the board unanimously approved the minutes of the September 13, 2017 meeting.

Mr. Rodgers recognized his students obtaining a Master's Degree in Social Work at Southern University at New Orleans. His students will write about their experience at the Ethics Review Board (ERB) meeting as their Field Class Assignment.

Mr. Miller skipped to Agenda Item #8. He introduced the Interim Inspector General Howard Schwartz who will act as the Inspector General while the ERB continues their National Search for an Inspector General.

Inspector General's Report

The Interim Inspector General (IIG), Howard Schwartz, thanked the ERB for appointing him and told the board that the Office of Inspector General (OIG) plans to focus on the mission it was created for.

The IIG told the board that the OIG employees will start to attend the ERB meetings to brief the board on OIG reports.

The IIG told the board that the OIG will do everything that it can to facilitate and provide oversight to validate the OIG's work.

The IIG told the board that Mr. Miller will be addressing the OIG employees, and he also invites the other members of the ERB to join. He also told the board that he believes it is important that the ERB and the OIG employees know each other so that it's easier for the members to provide oversight.

The IIG told the board that the OIG will cooperate, coordinate and work with The Office of Independent Police Monitor.

The IIG told the board that as Friday, October 23, 2017, the three divisions of the OIG: 1) Audit 2.) Investigations and 3.) Inspection & Evaluations are currently working as a team that are sharing resources and information. He told the board that this will allow the OIG to deliver a better product to the citizens of New Orleans.

The IIG told the board that he has already conducted two All Staff Meeting with the OIG employees. He also told the board that he will get control of the OIG budget to assure the ERB that the OIG takes spending the tax payer's dollars very seriously.

The IIG told the board that going forward all OIG Budget Meetings will now be available for any OIG employees to attend. He also told the board that open communication and transparency is the way to the mission of the OIG.

Mr. Rodgers thanked the IIG for his comments and he told the board that his words were very refreshing given the past updates of the OIG.

In response to Dr. Cowan, the IIG told the board that the OIG currently has 18 employees and at one time the OIG had 28 employees. He told the board that he would need to review staffing needs and the OIG budget before he could propose what full staffing would consist of for the OIG.

The IIG introduced Mr. Michael Centola, Chief of Investigations for the OIG. He told the board that Mr. Centola led the investigation of the theft of brass by Sewerage & Water Board (S&WB) employees.

Mr. Centola told the board that the OIG conducted an investigation through a data mining initiative. He also told the board that this was the first time that the OIG used an electronic resource to initiate an investigation and this is a new technology in law enforcement and for the City of New Orleans.

Mr. Centola told the board that this type of technique keeps the OIG current and the Investigators will be able to do a better job with the current electronic and paperless world. He also told the board that during the investigation two parallel but separate investigations were conducted. One was a Criminal Investigation that was led by Mr. Centola and the other was an Administrative Investigation that was led by Deputy of Investigations, William Bonney.

Mr. Centola told the board that during the investigation the OIG was able to obtain information to provide to the District Attorney's Office who issued 19 arrest warrants for S&WB employees. He also told the board that 11 of the employees were arrested and 8 still have outstanding warrants.

Mr. Centola told the board that 12 of the employees were dismissed, 6 employees resigned from the S&WB and 1 employee retired from the DROP Program. He also told the board that the OIG is closely monitoring the results of these charges and will report to the ERB in the future.

Mr. Centola told the board that the OIG was able to identify approximately 34,000 pounds of brass components that were stolen from the S&WB that was valued at approximately \$535,000.

The IIG told the board that when these investigations are conducted it is done to offer solutions to fix the problems. He also told the board that the OIG offered the S&WB several solutions to incorporate to insure that this would not happen again in the future.

In response to Dr. Ricks, the IIG told the board that there is a specific software that the OIG has access to that gave them the information. He also told the board that data mining information gave the OIG information to start the initiation of the investigation.

In response to Dr. Ricks, the IIG told the board that the software used is public accessed information that is delivered in a specific manner, which is why there are no constitutional issues with it.

The IIG introduced Ms. LeaRae Webb, a Forensic Auditor for the OIG. He also told the board that Ms. Webb is developing an audit plan with the City's Catch Basins.

Ms. Webb told the board that after the flooding in August 2017, the City announced that it would perform a cleaning repair of the catch basins for \$22 million. She also told the board that one of the City Councilmembers asked the OIG to make sure that this work was done properly.

Ms. Webb told the board that last month the OIG met with Ms. Dani Galloway and Stephanie Hennings with the Department of Public Works (DPW) to get an overview of what happens. She also told the board that the project will be conducted in two phases; the first phase is Inspection & Cleaning and the second phase is Repairs.

Ms. Webb told the board that Royal Engineering will examine and take pictures of the catch basins. She also told the board that this examination will determine if the catch basins need to be cleaned or not. The catch basins that need cleaning will be added to a list and Compliance & EnviroSystems will perform the cleaning of the catch basins.

Ms. Webb told the board that during the cleaning process the OIG will be present to evaluate the cleaning of the catch basins. She also told the board that Royal Engineering will write up a work order that will be sent to Hard Rock Engineering if repairs are needed to the catch basins.

Ms. Webb told the board that there are three levels of repairs and the repairs will include: elevation repairs, lid replacements, new walls and brand new catch basins. She also told the board that after the \$22 million is spent the repairs will stop and that all of the 15,000 catch basins may not have the opportunity to be repaired.

Ms. Webb told the board that all brand new catch basins needed will go through an approvals process with a Project Manager from DPW. She also told the board that Royal Engineering was selected because they use a database that can coordinate the entire process, upload all of the pictures taken and store all of the work orders used in the process.

Ms. Webb told the board that the database that is being used seems like a good quality control product that is being used.

Ms. Webb told the board that the way the 15,000 catch basins are being selected are in order of category: 1.) by the 311 calls that were made 2.) the catch basins that caused flooding during August 2017 and 3.) any other areas remaining.

In response to Mr. Miller, Ms. Webb told the board that an emergency contract was used for the City's Catch Basins.

In response to Mr. Brown, the IIG told the board that the OIG is in the planning phase of addressing the S&WB's pumping systems.

In response to Dr. Ricks, the IIG told the board that when the OIG met with the DPW, it seems as though they have built a good robust system that will look at which areas flooded and 311 calls to prioritize and assess what should be completed first. He also told the board that it's all geo mapped and that the plan is to repair and/or clean the 15,000 catch basins.

In response to Mr. Brown, the IIG told the board that following the emergency catch basin repairs and cleaning the OIG will follow up with DPW to address how and why the catch basins were allowed to get in the condition that they are in and the OIG will recommend solutions so that this is not repeated in the future.

In response to Ms. Livingston de Calderon, the IIG told the board that the OIG plans to follow up on the S&WB Lead Report. He also told the board that there are some internal procedures that were not followed to do the current report. He told the board that once the OIG gets with the City to address what's been done then the OIG will release an accurate report following its normal policies and procedures.

In response to Dr. Cowan, the IIG told the board that there are current S&WB investigations, audits and/or evaluations being done by the OIG.

In response to Mr. Rodgers, the IIG told the board that the OIG Report regarding take home vehicles pointed out numerous issues where departments violated their policies and the departments removed those policies. He told the board that the OIG will revisit and reissue a new report regarding the take home vehicle policies.

Mr. Brown told the board that the S&WB should be given a chance to be heard and respond. He also told the board that the OIG should continue its attention to the S&WB.

Independent Police Monitor's Report

The Deputy Independent Police Monitor (DIPM), Ms. Ursula Price told the board that the New Orleans Police Department (NOPD) currently has a policy regarding take home vehicles but it is not valid because it refers to the old payroll system. She will advise the board when she receives the release date of the new policy.

In response to Mr. Rodgers, Ms. Price told the board that she was advised that the NOPD has an outdated policy.

In response to Mr. Miller, Ms. Price told the board that 2 officers in different situations have been sustained for violating the NOPD's policy regarding take home vehicles and she has asked that the contradiction gets resolved and reported back to her.

Ms. Price told the board that the Office of the Independent Police Monitor (OIPM) will have all of their disciplinary hearings publicly released and posted on their website by the end of the year.

Ms. Price told the board that the Independent Police Monitor Susan Hutson is still on medical leave.

Ms. Price reported the OIPM's year-to-date activities for 2017: 37 civilian & officer complaints, 2 officer commendations, 8 investigations being monitored, 11 crime victims, 30 disciplinary hearings, 4 critical incidents, 26 mediations, and 2 additional complaints from police officers.

In response to Mr. Brown, Ms. Price told the board that the majority of the complainants are refusing the mediation, whereas, the police officers are interested in the mediation. She also told the board that the Mediation Program Coordinator can come to speak with the board regarding reasons why the complainants are refusing the mediation.

In response to Rev. Boutin, Ms. Price told the board that the OIPM has 3 different outreach teams to target 3 different populations. She told the board that the teams are targeting: 1.) the Juvenile Justice System, 2.) the Hollygrove, 7th Ward & Central City and 3.) the Youth in New Orleans East (ages 15-25).

Ms. Price told the board that the teams are doing one-on-one contact and also collecting surveys. She told the board that currently the OIPM has approximately 1,000 surveys collected and the OIPM has made contact.

Ms. Price told the board that individual outreach will not help the OIPM reach its goals of publicizing that there is an OIPM. She also told the board that the OIPM is trying to work within their operating budget to do more publicizing. Ms. Price is also researching grants to assist with this process.

In response to Rev. Boutin, Ms. Price told the board that Outreach Teams vary in size. She told the board that the Juvenile Justice Team consists of 6 youths and 2 adult mentors; the Team in the East is a contract with an entire school and the Hollygrove, 7th Ward & Central City Team consists of a small nonprofit group with 4 employees that have dedicated 2 members of their staff to this contract.

Ms. Price told the board that each employee of the OIPM is required to participate in outreach by attending Neighborhood Association meetings and Community Group meetings.

In response to Ms. Livingston de Calderon, Ms. Price told the board that the OIPM has had the following number of employees:

- 2010- 2 employees,
- 2011 to 2015- 3 employees,
- 2016 to current- 6 employees, with 1 position open and 7 contracted attorneys.

In response to Mr. Rodgers, Ms. Price told the board that the OIPM has had more visitors to come to their new location versus when the OIPM was located at the Federal Reserve Building.

In response to Dr. Cowan, Ms. Price told the board that when complaints are made to the Public Integrity Bureau (PIB) instead of the OIPM, the OIPM will sometimes be asked by civilians or police officers to monitor the complaint.

In response to Dr. Cowan, Ms. Price told the board that she will get back to them on how the OIPM breaks down the complaints received. She also told the board that the biggest categories for complaints trending for the past 3 years have been regarding professional conduct and neglect of duty.

In response to Dr. Cowan, Ms. Price told the board that the numerical trends regarding complaints have dropped rapidly for the past five years.

In response to Dr. Cowan, Ms. Price told the board that she will provide a timeline for the last 5 years of the numerical trends regarding complaints at the ERB's November meeting.

General Counsel's Report

Mr. Dane Ciolino told the board that there have been no new complaints since the last ERB meeting, there is 1 current pending complaint in Civil Litigation and no matters for Executive Session.

Mr. Miller moved that the ERB renew the ethics education training contract with the Hackett Group. Mr. Brown seconded the motion and the motion passed unanimously.

Mr. Miller moved that the ERB renew the General Counsel contract with Mr. Dane Ciolino. Mr. Brown seconded the motion and the motion passed unanimously.

Ethics Education Report

Ms. Toni Hackett Antrum of the Hackett Group told the board that this summer the ERB approved for the Hackett Group to work on an in depth survey of Governmental Ethics and the culture in New Orleans.

Mr. Erich Caulfield of the Hackett Group told the board that main goal of the Ethics Study Work Plan is to get a good sense of the ethics culture in City Government as a way of helping the board to make better informed and strategic decisions regarding resource allocation with regards to its educational mission.

Mr. Caulfield told the board that the Ethics Study Work Plan is broken into 3 different phases:

- Research and Interviews
- Data Analysis
- Report Preparation

Mr. Caulfield told the board that the Research and Interviews phase will consist of a series of 10-15 interviews with key ethics personnel and leaders that have a large public-facing component. He also told the board that these departments are being selected because of their ethical culture and the public's perception of government's role in their lives.

Mr. Caulfield told the board that the Data Analysis phase will take the information from the Research and Interviews phase to look at themes and commonalities across departments to have a sense of shared issues and make recommendations. He also told the board that an analysis will be completed on the 250 post-training feedback surveys that have been received over the last two years.

Mr. Caulfield told the board that the Report Preparation will include the Hackett Groups recommendations and observations.

In response to Mr. Caulfield, Mr. Brown told the board that he recommends the following questions:

1. Do the employees feel that someone is watching?
2. Do the employees believe if they do something wrong that they would get caught?
3. Is there a feeling that no one is watching and essentially it is a free for all?
4. Compared to 5 or 7 years ago do you think it's more likely that someone is watching now and if someone does something wrong that they will get caught and brought to justice for it?

Mr. Miller told the board the he would like to see the City employees offered training and options with questions regarding whether or not employees feel they have options available to them to report fraud, waste or abuse or are there any other positive ways that affects City Government that will give them outlets other than being investigated by the OIG or District Attorney's Office.

Ms. Livingston de Calderon told the board that she would like the Hackett Group to ask:

- How well do the employees feel educated to ask what they can or should not be doing?
- Are the employees comfortable in their knowledge so that they will?

In response to Ms. Livingston de Calderon, Ms. Hackett Antrum told the board that she is also interested in knowing what type of training the employees feel they need. She also told the board that the initial ethics education curriculum was created based on the Governmental Code of Ethics but the Ethics Study Work Plan will assist the Hackett Group in customizing the ethics education training to meet the needs of the City of New Orleans employees.

Mr. Miller told the board that the Liaison Letters from the ERB will go out to each City of New Orleans Department Head on Monday, October 30, 2017.

Dr. Cowan told the board that a strategy is needed for targeting the ethics education in a smart way.

Mr. Caulfield told the board that the Hackett Group must be very careful and mindful that they are setting the right tone as they are introducing this new study. He told the board that they don't want the employees to feel that this is an investigation. He also told the board that the Hackett Group is looking for candid and thoughtful feedback for the study from the employees.

In response to Mr. Caulfield, Dr. Ricks told the board that he would like the Hackett Group to continue to focus on speaking with the Executive Staff to determine what type of ethics education training they feel is needed to help them get to their strategic targets.

Dr. Ricks told the board that he wants the Executive Staff of the City Departments to look forward to attending the ethics education training and to see it as something that will help them do their job effectively and in an ethical manner.

Mr. Miller and the board agreed that December 1, 2017, will be the deadline for each City of New Orleans Department Head to submit the name of the liaison for their department.

Mr. Rodgers told the board that he enjoyed the ethics education training he received with the Hackett Group. He also told the board that ethics education is now mandated by the Parish Councils on Aging.

Mr. Miller opened for the discussion the Interim Inspector General's Salary. Mr. Miller told the board that he is comfortable with Mr. Schwartz continuing on as the Interim Inspector General in the salary that he had as First Assistant Inspector General of Investigations. Dr. Cowan and Mr. Brown both agree with Mr. Miller's suggestion.

Mr. Brown told the board that the National search is proceeding and the ERB has run advertisements in several national publications. He told the board that the ERB has received 22 resumes that express interest in the Inspector General position. He also told the board that the ERB will be proceeding with the process over the next few weeks.

Mr. Miller told the board that the Inspector General Search Subcommittee consists of Mr. Brown, Dr. Ricks and Ms. Livingston de Calderon.

In response to Dr. Cowan, Mr. Brown told the board that an initial session with the candidates, the subcommittee and the consultants would be scheduled with 2 to 3 weeks.

Mr. Brown told the board that the ERB may want to take the consultants recommendations on the quality of applicants to narrow down the 22 resumes received.

In response to Dr. Cowan, Mr. Brown told the board that after the consultants have narrowed down the number of resumes then a smaller group would be brought before the ERB in Executive Session for interviews.

In response to Dr. Cowan, Mr. Brown told the board that the subcommittee will aim for the Inspector General to be selected by the end of the year. He told the board if that goal cannot be met that he will report that information back to them.

At 4:39 p.m., Mr. Brown moved that the meeting adjourn, Dr. Ricks seconded. The motion carried unanimously and the meeting adjourned.