



Ethics Review Board for the City of New Orleans

Board Meeting of February 25, 2019 at 3:30 P.M.

**City Council Chambers, New Orleans City Hall
1300 Perdido Street, New Orleans, Louisiana 70112**

Minutes

1. *Call to order.*
 - 1.1. Board members present:
 - 1.1.1. Brandon Boutin.
 - 1.1.2. Elizabeth Livingston de Calderon.
 - 1.1.3. Joe Ricks.
 - 1.1.4. Howard Rodgers, Vice-Chair.
 - 1.2. Board members absent:
 - 1.2.1. James Brown, Chair.
 - 1.2.2. Michael Cowan.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. At 3:30 p.m., a quorum being present, the Vice-Chair, Mr. Rodgers, called the meeting to order.
 - 1.5. The agenda for the meeting is attached.
2. *Approval of minutes.* The board unanimously approved the minutes of the January 28, 2019, board meeting.

3. *Report of the Office of Inspector General.*
 - 3.1. The OIG's monthly report is attached.
 - 3.2. IG Derry Harper appeared for the OIG along with Erica Smith.
 - 3.3. Mr. Harper introduced Larry Douglas, who will lead the Audit and Review Department. He was formerly employed in Texas. He is certified in information systems.
 - 3.4. Mr. Harper asked if there were any questions regarding the monthly report. There were none.
 - 3.5. Ms. Smith described the system-wide risk assessment process. The OIG hopes to focus resources on the most critical areas. The process is all about finding out what is "auditworthy." Ms. Smith described the nine areas of risk that are considered. The office wants to prioritize resources for the next several years. The office recently sent out 36 questionnaires; 27 have been returned. On the expenditure side, the office has evaluated \$2.2 billion in expenditures. The office will turn to the "revenue side" very soon.
 - 3.6. Mr. Ricks questioned Ms. Smith about the assessment process. Ms. Smith promised to provide the board with a "whitepaper" prepared by an auditor. In short, the process is about looking at the potential impact and likelihood of fraud using a five-point scale. This is designed to be systematic and rationale. Mr. Ricks pressed for more information about the process and Ms. Smith promised to send it to the board.
 - 3.7. Mr. Rodgers asked the OIG to elaborate on "political risk" as a factor in the risk assessment process. Mr. Smith explained that with a new mayor there are new employees and processes. When new employees start work, there is a greater chance for error. Political change happens, so this is an important risk factor.
 - 3.8. Mr. Harper emphasized the importance of making resource allocation decisions with data.
 - 3.9. Ms. Calderon asked how the risk-assessment process has changed over time. Mr. Harper said it is a bit different from what was used seven years ago, but he did not elaborate.
 - 3.10. Ms. Calderon asked what the time frame was for completing the risk-assessment process. Ms. Smith responded that the process began in April 2018, in September 2018 questionnaires were created, in November 2018 the questionnaires were distributed. Now, the questionnaires are being returned. The next step is "interviews," which should take one to two months to complete.

4. *Report of the Office of Independent Police Monitor.*
 - 4.1. The OIPM's monthly report is attached.
 - 4.2. Ms. Hutson, IPM, Stella Cziment, Deputy IPM, and Tanya McClary, Chief Monitor, appeared for the OIPM.
 - 4.3. Ms. Hutson read from the monthly report. The board had no questions about the monthly report.
 - 4.4. Ms. Hutson reported that her office is working on its annual report. It is getting data from NOPD.
 - 4.5. Ms. Hutson reported that her office is now getting body camera data. She has met with NOPD regarding proper use of these cameras.
 - 4.6. Ms. Hutson reported that she recently organized a tour of the real-time camera center, which operates under the Department of Homeland Security. Ms. Calderon asked, "what prompted the tour"? Ms. Hutson responded that she simply wanted to learn more about NOPD's use of this data and what controls were in place. She also wanted to consider whether the cameras presented "constitutional issues."
 - 4.7. Mr. Ricks pointed out a typo in the summary of mediations on the monthly report. Ms. Hutson reported that she would fix the error.
 - 4.8. Ms. Hutson reported that she is getting better data access from NOPD. Stop-and-frisk reports are now online. She is trying to get access to incident recall reports, rosters, and training reports.
 - 4.9. Ms. Cziment reported that the OIPM is making headway with getting data from the NOPD. The data helps with consent decree compliance. The OIPM can more quickly verify complaints through online data, including through comparing complaints to online incident reports. Mr. Rodgers clarified that this was essentially a "double check" on the incident as described in the complaint.
 - 4.10. Ms. Calderon asked the OIPM representatives whether they needed any additional information from NOPD. Ms. Hutson responded that "access to 911 calls" would be helpful to show what information responding officers had. The office would also like training information.
 - 4.11. Ms. Hutson reported that there was a major shooting event on Canal Street on February 17, 2019. NOPD officers discharged guns. Innocent bystanders were shot. Her office "rolled out" to the scene and monitored the NOPD investigation. Ms. Cziment reported that it was important to consider the shooting from start to finish in order to track consent decree compliance. Officers involved were immediately sequestered, which is a very good development. She assured Mr. Rodgers that her office would do a final report on the incident after it is fully investigated.

- 4.12. Ms. Hutson reported that her office is working with community groups with requests directed to NOPD. For example, NOPD in response to a request does not release the name of victims, suspects or persons of interest until family is first notified.
- 4.13. In conclusion, Ms. Hutson reported that her office is “gearing up” to take over when the federal consent decree comes to an end.
5. *Report of the Ethics Trainer.*
 - 5.1. The ethics trainer’s monthly report is attached.
 - 5.2. Toni A. Hackett and R. Erich Caulfield appeared for the ethics trainer.
 - 5.3. Ms. Hackett reported on the “deep dive” study that she recently completed. She used the attached slides, which are made part of these minutes.
 - 5.4. Although the slides contain all of the relevant information, Mr. Caulfield noted that “gifts” were one area of concern. Other areas included family, outside employment, whistleblower protection, and “travel and conferences.”
 - 5.5. Ms. Hackett noted the importance of practical skill building, including “learning how to say ‘no.’”
 - 5.6. Mr. Ricks asked whether the board and the trainer should “educate the public” in addition to city employees. Ms. Hackett responded that a good focus would be city contractors.” This would be a major new initiative. Mr. Ricks suggested that social media and PSAs could be used to get information out to the public even if it was not “formal training.” Such information could plant seeds of compliance, said Mr. Ricks. Mr. Ricks also suggested that at least contractors should be required to do online training.
 - 5.7. Ms. Calderon agreed and asked whether contractors have access to online ethics training materials. Mr. Hackett responded, “yes,” but it is not mandatory.
 - 5.8. Mr. Ricks suggested that it might be a good idea to do an ordinance requiring contractors to take online training.
 - 5.9. Mr. Hackett, as she read from the slides (attached) emphasized the importance of “skill building” through role playing in addition to traditional “education” about the substantive rules.
 - 5.10. Mr. Hackett suggested that “standardized training” might be a good idea. Ms. Calderon queried whether the city should mandate ethics training during the first two weeks of employment. Mr. Ricks concurred that such mandatory training might be a good idea.

- 5.11. Mr. Ricks and Ms. Calderon both noted that perhaps board members should consider attending training sessions conducted by the Hackett Group.
6. *Quality Assurance Review Committees.*
 - 6.1. Mr. Rodgers noted that the QAR for the OIG has been formed and that the committee's work is underway.
7. *Periodic Review of ERB Rules and Procedures.*
 - 7.1. Ms. Calderon reported that she met with Mr. Ciolino to discuss reconsidering and revising the ERB rules related to ethics enforcement.
 - 7.2. Ms. Calderon noted that the rules should be revisited to consider procedures from initial review of complaints through adjudication. Among other issues, Ms. Calderon raised questions about how fact-finding should be conducted, whether the Louisiana Rules of Evidence should apply, and how involved the board should be at screening and fact-finding.
 - 7.3. Mr. Ricks raised a concern about abandoning the board's role as an initial screener of complaints, particularly on jurisdictional issues.
 - 7.4. Mr. Harper noted that he would like to be involved in the process since his office will serve as "investigator" and "prosecutor." Mr. Ricks agreed that the OIG should participate in this effort to review and revise the board's rules on ethics enforcement.
 - 7.5. Ms. Calderon agreed to serve as "project manager" for this effort.
8. *Report of the Executive Administrator and General Counsel.*
 - 8.1. Mr. Ciolino reported on the status of this transition into his new position.
 - 8.2. Mr. Ciolino reported that he has informally given information about ethics issues to city employees who call with questions, but that he refrains from providing formal legal advice to such employees to avoid creating an inadvertent attorney-client relationship.
9. *ERB Annual Report for 2018.*
 - 9.1. The board briefly discussed the 2018 ERB Annual Report prepared by Mr. Brown and previously circulated.
 - 9.2. Mr. Ricks moved that the report be accepted and published. Mr. Boutin seconded the motion. The board unanimously approved the 2018 ERB Annual Report.

10. *Ethics Award Program.*

- 10.1. Mr. Ricks noted that the board needs a working group to propose members of a committee to select awards recipients. Mr. Rodgers volunteered to work with him.
- 10.2. Mr. Ricks asked Mr. Ciolino to draft a letter to all boards and departments of the city to inform them of the awards. Mr. Ciolino agreed to do so.
- 10.3. Mr. Ricks suggested that the Hackett Group should play a role in encouraging city employees to apply for awards and to nominate possible award recipients.

11. *Adjournment.*

- 11.1. Mr. Ricks moved to adjourn the meeting. Ms. Calderon seconded the motion.
- 11.2. The board unanimously passed the motion to adjourn and the Vice-Chair declared the meeting adjourned at approximately 5:21 p.m.

* END *



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

525 St. Charles Avenue New Orleans, LA 70130-3409

<http://www.nolaerb.gov/>

BOARD MEETING

Monday, February 25, 2019

3:30 P.M. – 5:30 P.M.

City Council Chamber, New Orleans City Hall
1300 Perdido Street, New Orleans, Louisiana 70112

AGENDA

1. Approval of minutes of previous board meeting. (Chair)
2. Discussion of monthly report from the Office of Inspector General with Inspector General. (Chair)
3. Discussion of monthly report from the Office of Independent Police Monitor with Independent Police Monitor. (Chair)
4. Discussion of monthly report from the Ethics Trainer with Ethics Trainer, and discussion of December 2018 Special Projects Report with Ethics Trainer. (Chair)
5. Report on status of appointment of members to Quality Assurance Review Committees. (Chair)
6. Report of Executive Administrator and General Counsel. (Chair)
 - a. Transition status.
 - b. Status of ordinance to empower the Inspector General to serve as investigator and prosecutor for ethics-related complaints.
 - c. Report on recent advisory opinion request.
7. Reevaluation of ethics enforcement procedures. (Calderon)
8. Approval of 2018 Annual Report. (Chair)
9. Report on ethics awards program. (Ricks)
10. Adjournment (Chair).

Item 1

REVISED

12:37 pm, Feb 22, 2019

DRAFT



ERB
ETHICS REVIEW BOARD

Ethics Review Board for the City of New Orleans

Board Meeting of January 28, 2019 at 3:30 P.M.

**City Council Chambers, New Orleans City Hall
1300 Perdido Street, New Orleans, Louisiana 70112**

Minutes

1. *Call to order.*
 - 1.1. Board members present:
 - 1.1.1. Brandon Boutin.
 - 1.1.2. James Brown, Chair.
 - 1.1.3. Elizabeth Livingston de Calderon.
 - 1.1.4. Michael Cowan.
 - 1.1.5. Joe Ricks.
 - 1.1.6. Howard Rodgers, Vice-Chair.
 - 1.2. Board Members absent: None.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. At 3:30 p.m., a quorum being present, the Chair called the meeting to order.
 - 1.5. The agenda for the meeting is attached.
2. *Approval of minutes.* The board unanimously approved the minutes of the December 12, 2018, board meeting.
3. *Report of the Office of Inspector General.*
 - 3.1. The OIG's monthly report is attached.

- 3.2. IG Derry Harper appeared for the OIG.
- 3.3. Mr. Harper reported that he is still in the process of filling his staff.
- 3.4. Mr. Harper has offered a position to Larry D. Douglas to run the Audit Division. Mr. Douglas has 20-years experience in auditing. He is a certified government auditor and has an information systems certificate. He will start in March 2019. Mr. Harper noted that the other finalist for this position was Erica Smith, who will continue to work in the OIG. His office conducted a national search for this position and more than sixty individuals were considered.
- 3.5. Mr. Harper stated that he has considered more than 20 applicants for the General Counsel position. He has personally interviewed six applicants. An ideal applicant has experience in HR and contracting. He would like a well-experienced lawyer for the position. He expects to have a lawyer on board in 6-8 weeks. He said that this will not hold up reports from his office.
 - 3.5.1. Mr. Brown and Ms. Calderon had Mr. Harper clarify that the General Counsel will be a contractor for “short term” purposes.
 - 3.5.2. Mr. Harper clarified that the long-term plan is to hire an in-house lawyer as a full-time employee.
- 3.6. Mr. Ricks asked Mr. Harper about the training goals for the OIG. Mr. Harper noted that although he has a “mature staff,” he still wants them to improve their skills. For example, some members have become certified fraud examiners. Many have engaged in activities with trade associations. Mr. Ricks followed up and asked about “specific training plans.” Mr. Harper responded that there are no current “skill gaps,” but that he would continue to seek to better the skills of the members of his staff.
- 3.7. Mr. Cowan asked Mr. Harper about the plan to combine the audit function of the OIG with the investigation function.
 - 3.7.1. Mr. Harper responded that Investigations and Audits are the core of IG work.
 - 3.7.2. Mr. Douglas will head up the combined unit.
 - 3.7.3. Mr. Douglas is not a CPA. However, CPAs will remain on staff and handle the audit function.
- 3.8. Mr. Brown probed Mr. Harper about the draft audits that are awaiting review by counsel.
 - 3.8.1. Mr. Harper responded that there were such drafts, including an audit of the Audubon Institute.

- 3.8.2. Mr. Brown noted that OIG's fall workplan called for several reports to be released by now but that have not been. What is the status? Mr. Harper responded by noting that he was "reluctant" to provide a timeline for completion. This was so because he needed the work product to be reviewed by a lawyer.
- 3.9. Mr. Brown asked Mr. Harper about any audits or investigations into the S&WB. Mr. Harper responded that there was a plan to look at billing systems. An audit is also nearing completion. He also noted that there is discussion of embedding an auditor at the S&WB.
- 3.10. Mr. Brown asked Mr. Harper about the OIG's work with regard to the Department of Public Works. Mr. Harper stated that a report was "closer to legal review," and that his office would be "meeting on this soon."
- 3.11. Mr. Brown asked for Mr. Harper to update the ERB with new estimated ETAs for the work plan and reports.
- 3.12. Mr. Cowan asked about the risk-assessment process and whether it included the entire city. Mr. Harper responded in the affirmative, that the process was "system wide," and includes boards and commissions.
 - 3.12.1. Mr. Cowan requested that Mr. Harper explain more about the risk assessment process at the next ERB meeting.
 - 3.12.2. Mr. Harper noted that the process is two-way, uses a matrix of factors, and ranks projects. He also noted that it takes a lot of hours to complete.
- 3.13. Mr. Cowan noted that the S&WB is the "Achilles heel" of the City and asked about the relationship between the OIG and the S&WB.
 - 3.13.1. Mr. Harper responded that S&WB has asked the OIG for assistance with certain matters.
 - 3.13.2. Mr. Harper noted that he has consulted with the director of the S&WB.
 - 3.13.3. Mr. Harper noted that his office has a number of initiatives at the S&WB.
- 3.14. Mr. Ricks noted that since the OIG will provide an overview of the risk assessment process at the next ERB meeting, would he please provide also written guidelines for the process—a "whitepaper" or the like. Mr. Harper agreed.
- 4. *Report of the Office of Independent Police Monitor.*
 - 4.1. The OIPM's monthly report is attached.
 - 4.2. Ms. Hutson, IPM, and Tanya McClary, Chief Monitor, appeared for the OIPM.

- 4.3. Ms. Hutson read from the monthly report.
- 4.4. Ms. Hutson reported that there was a killing by NOPD on January 4, 2019, after no fatal incidents in 2018.
- 4.5. Mr. Ricks asked about “accidental discharges,” and whether there were any “overall issues” with training or something systematic.
 - 4.5.1. Ms. Hutson noted that the problem was noted a few years ago.
 - 4.5.2. Ms. McClary then stated that an accidental discharge occurred recently with a secondary weapon that was not properly registered. NOPD did a full investigation on secondary weapons and NOPD Academy practices. As a result, the NOPD has changed the process for registering secondary weapons. The OIPM was pleased with the NOPD’s efforts.
 - 4.5.3. Mr. Ricks probed further on “why” the accidental discharge occurred. Ms. Hutson distinguished between “accidental” discharges, which involve mechanical gun problems, and “negligent” discharges, which involve human errors. Ms. Hutson promised to “take a deeper dive” into these discharges.
 - 4.5.4. Ms. Calderon asked if the consequences were different for different types of discharges. Ms. Hutson responded that officers are not always disciplined for negligence in NOPD; generally, the NOPD follow up with training rather than discipline. However, Ms. Hutson noted that most problems are caused by human error rather than mechanical issues.
 - 4.5.5. Ms. Calderon asked whether there was any evidence of intentional misclassification of firearm discharges by NOPD. Ms. Hutson responded, “no.”
- 4.6. Mr. Brown asked again about the January fatal shooting. Ms. Hutson responded that the matter was still under investigation and that no use-of-force review proceeding had yet occurred. Indeed, the matter is still an active homicide investigation. Ms. McClary and Ms. Hutson said they both personally responded to the scene of the shooting and the hospital where the victim was taken.
- 4.7. Ms. McClary explained in more detail how the OIPM handles use of force investigations. They are on call 365/24/7. Someone is always available to go to the scene and they always have access to the scene.
- 4.8. Mr. Rodgers asked if the OIPM considers self-defense in shootings. Ms. McClary responded that “all factors” are considered, including defenses and constitutional issues.

- 4.9. Mr. Boutin asked about the new police chief and whether Ms. Hutson had a good working relationship with him. She responded that she has known him for a long time but has not met with him since his appointment.
- 4.10. Mr. Brown asked whether data-access issues had been resolved. Ms. Hutson noted that she is still working on an MOU with NOPD. This was delayed because of the change in the administration of NOPD, but that this will soon begin moving along again.
5. *Report of the Ethics Trainer.*
 - 5.1. The ethics trainer's monthly report is attached.
 - 5.2. No one appeared for the Ethics Trainer.
6. *Quality Assurance Review Committees.*
 - 6.1. Mr. Brown noted that both the ERB and the Mayor's office have completed their appointments to both QAR committees.
 - 6.2. Mr. Brown noted that the board is still awaiting appointments from the City Council for both QAR committees. He noted that he has personally been in contact with council staffers regarding this this issue.
7. *New Executive Administrator and General Counsel Position.*
 - 7.1. Mr. Brown reported that Dane S. Ciolino started his new position on January 1, 2019.
 - 7.2. Mr. Ciolino's new title is "Executive Administrator and General Counsel."
8. *Report of the Executive Administrator and General Counsel.*
 - 8.1. Mr. Ciolino reported on the status of this transition into his new position. He noted that obtaining a credit card has delayed the transition to some extent, but that he hopes to have the issue resolved before the next ERB meeting.
 - 8.2. Mr. Ciolino reported on the creation of a "Members Dashboard" for ERB members to the status on various matters including: Pending Complaints; Public Records Requests; Upcoming Events and Deadlines.
 - 8.3. Mr. Ciolino reported that he and Mr. Brown would soon contact the City Council to attempt to implement the ordinance to give the OIG the ability to prosecute violations of the City Ethics Code.
 - 8.4. Ms. Calderon volunteered to meet with Mr. Ciolino to review the internal ERB Rules and the ERB Bylaws.

8.5. Mr. Ricks asked Mr. Ciolino to consider having an outside reviewer review the ERB Rules for Enforcement. He also suggested that the OIG should have input into those rules and the ordinance.

9. *Adjournment.*

9.1. Mr. Ricks moved to adjourn the meeting. Ms. Calderon seconded the motion.

9.2. The board unanimously passed the motion and the Chair declared the meeting adjourned at approximately 5:01 p.m.

* END *

Item 2

Report to the Ethics Review Board
January 2019

Audit & Review

The Audit & Review division continued working on the system-wide risk assessment. A summary of findings in the Sewerage & Water Board (S&WB) Internal Audit report has been provided to the Inspector General for approval; a draft of the report was completed in December. The Audit group is in the final stages of fieldwork for the Department of Public Works Catch Basin audit, and the auditor in charge is drafting the report.

Inspection & Evaluation

The Evaluation group completed a draft of a public letter to the Sewerage & Water Board about the billing refund issue in January. Evaluators also continued their work on the S&WB Billing Dispute Resolution Process project and on the Traffic Camera project at the Department of Public Works. The I&E division is assisting Audit with the system-wide risk assessment.

Investigations

The Investigations division received seven complaints in January.¹ Most of them were matters outside of OIG's purview.

Two OIG Investigations Division cases are in prosecution:

- The case alleging misappropriation of city funds by Tonnette "Toni" Rice during her time as president of the New Orleans Multi-Cultural Tourism Marketing Network (NOTMN) is in the discovery phase in state court.
- The case alleging misappropriation of funds from the New Orleans Public Library Foundation by Irvin Mayfield and Ronald Markham is also in the discovery phase. A trial is scheduled in federal court for April 2019.

Training

Two evaluators became Certified Fraud Examiners in January after attending training and taking exams in the fall.


Staff/General OIG developments

Inspector General Derry Harper has created a new position, the Deputy IG for Audit & Evaluation, which will oversee the Audit and Evaluation groups. IG Harper offered the job to Mr. Larry Douglas, currently the Deputy Director of Internal Audit at the Texas Department of Criminal Justice, after a national search led by an outside firm. Mr. Douglas will start work at OIG in March 2019.

Also in January, IG Harper began interviewing candidates for the General Counsel position.

¹ As of Jan. 23, 2019.

MEMORANDUM

TO: All Departments, Boards, Agencies and Commissions
FROM: Derry Harper, Inspector General 
DATE: November 19, 2018
SUBJECT: Office of Inspector General System-wide Risk Assessment Instructions

The Office of Inspector General (OIG) is conducting a system-wide risk assessment. The goal of this project is to systematically assess risk within city departments, agencies, and component units.¹ The results of this system-wide risk assessment will facilitate planning, aid us in allocating our resources, and determine our audit and evaluation priorities for the coming years. The risk assessment considers the budget and number of budgeted position in city departments, agencies, and component entities. The risk assessment also considers dollars at risk, operational risk, and the risk inherent to the organization.

To gain an understanding of City departments, boards, agencies, and commissions, the OIG has conducted extensive research using publically available information. To gain a more thorough understanding, the OIG is requesting that you complete the enclosed questionnaire and return it no later than December 7, 2018.

Once we receive the questionnaire, the OIG will review the information and conduct follow-up interviews with various department heads and members of boards, agencies, and commissions. We may also request additional information and/or documentation. Once the OIG completes follow-up interviews and collects and analyzes all information, the OIG will use this information to determine each entity's risk in each category. The OIG will sum the risk score in each category to determine the entity's total risk score. We will then rank each department according to the total risk score. In the coming years the OIG will focus our efforts on high-risk entities/departments to prevent and detect fraud, waste, and abuse and promote efficiency and effectiveness in operations.

¹ Component units are legally separate organizations for which the elected officials of the primary government are financially accountable. In addition, component units can be other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading.

MEMORANDUM

To enable us to develop our 2020 audit and evaluation plans, we anticipate that this system-wide risk assessment will be completed in August 2019.

In accordance with the City Code Article VIII Section 2-1120, we are requesting that you complete the enclosed questionnaire.² Please answer each question to the best of your ability. If you are unsure of an answer or if another person may have the information, please consult or delegate accordingly.

We appreciate your prompt cooperation. Please direct all inquiries to Alison Broyles at 504-681-3218 or abroyles@nolaoig.gov. Please complete the questionnaire and return it to abroyles@nolaoig.gov no later than December 7, 2018.

² City Code Article VIII, Section 2-1120 (a) states, "The office of inspector general shall have access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, and any other material of the city council, office of the mayor, all city departments, agencies, boards, commissions, public benefit corporations or of any individual, partnership, corporation, or organization involved in any financial capacity or official capacity with city government that the inspector general deems necessary to facilitate an investigation, audit, inspection, or performance review..."

(b) The inspector general may request information, cooperation, and assistance from any city department, agency, board, commission, or public benefit corporation. Upon receipt of a request for such information, cooperation, and assistance from the inspector general, each person in charge of any city department, or the governing body of any city agency, board, commission, or public benefit corporation shall furnish the inspector general or his authorized representative with such information, cooperation, and assistance."

Executive/Legislative Entities

Name of department/organization:

Name and Contact Information of Person completing this questionnaire:

1. Please complete the following information as it relates to your department/organization:

	2016	2017
Total Adopted Budget	\$	\$
Total Actual Budget	\$	\$
# Full-Time Employees		
# Approved Positions		
# New Employees		
# Employees Terminated/Resigned		
# Hours Overtime Hours		
Total \$\$ Spent on Overtime	\$	\$
# Personnel Disciplinary Actions Completed		
# Internal Complaints Received		

2. What is your department/organization's mission?

3. What services does your department/organization provide?

4. What were your top five funding sources in 2016 and 2017? Please include amounts received.

Funding Source	Amount Received in 2016	Amount Received in 2017
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

5. Who were your top five contractors in 2016 and 2017? How much were they paid each year?

Contractor	2016	2017
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

6. Does your department have an organizational chart? Yes No

If yes, please attach most recent chart to the email when you return the completed questionnaire.

7. Please describe any changes in upper management in your organization within the last two years. To the extent possible, include the reason(s) for change.

8. Is your department/organization subject to oversight by any entity pursuant to law, regulation or consent decree? Yes No

If yes, please describe.

9. What internal policies, procedures, and operations manuals does your department follow? (No need to list citywide policies such as CAO memos, just what you follow in your department.) Please list all below.

10. Within the last five (5) years, has management reviewed the policies in Question 9 to determine their continued relevance and revised policies when necessary? Yes No

If yes, which policies were revised and when were the policies revised?

If no, please identify each policy and the last revision date.

11. Does your department/organization have an inventory/asset management system? Yes No

If yes, please describe type of inventory you have and the management system used.

- a. Are assets tagged and tracked? Yes No
- b. How often do you conduct an inventory audit?
- c. How is shrinkage documented and accounted for?
- d. Do you safeguard your assets? Yes No

If yes, please describe how you safeguard assets.

12. What type of technology systems do you use in your department/organization to carry out your purpose/mission?

13. Does your department plan to upgrade any technology systems? Yes No

If yes, which systems will be upgraded and when?

14. Has your department/organization implemented new hardware/software/systems technology in the past 24 months? Yes No

If yes, please describe any implementation challenges or successes.

If no, when were these systems last upgraded?

15. When was the last time an audit, review, or risk assessment was performed on your department/organization?

Please attach a copy of the most recent audit, review, risk assessment, etc. when you return the completed questionnaire.

16. What training do new staff members receive on the job? (Please list all types of training, including training received on information systems used in your department/organization.)

17. Do members of your staff hold professional licenses or certifications that require them to adhere to standards (e.g. Certified Public Accountant (CPA), Professional Engineer (PE), etc.)? Yes No

If yes, please list the professional certification(s) and the corresponding standards.

18. Has your department/organization developed organizational performance metrics? Yes No

If yes, please attach copies of the performance metrics to the email when you return the completed questionnaire.

19. Does the organization use contract labor? Yes No

If yes, please describe the type of the contract labor used.

20. Does your department/organization have a hotline or other anonymous means to communicate potential, fraud, waste, or abuse? Yes No

If yes, please provide the hotline number and describe how the hotline is monitored.

21. Additional Comments:

Component Units

Name of department/organization:

Name and Contact Information of Person completing this questionnaire:

1. Please complete the following information as it relates to your department/organization:

	2016	2017
Total Adopted Budget	\$	\$
Total Actual Budget	\$	\$
# Full-Time Employees		
# Approved Positions		
# New Employees		
# Employees Terminated/Resigned		
# Hours Overtime Hours		
Total \$\$ Spent on Overtime	\$	\$
# Personnel Disciplinary Actions Completed		
# Internal Complaints Received		

2. What is your department/organization's mission?

3. What services does your department/organization provide?

4. What were your top five funding sources in 2016 and 2017? Please include amounts received.

Funding Source	Amount Received in 2016	Amount Received in 2017
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

5. Who were your top five contractors in 2016 and 2017? How much were they paid each year?

Contractor	2016	2017
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

6. Does your department have an organizational chart? Yes No

If yes, please attach most recent chart to the email when you return the completed questionnaire.

7. Please describe any changes in upper management in your organization within the last two years. To the extent possible, include the reason(s) for change.

8. Is your department/organization subject to oversight by any entity pursuant to law, regulation or consent decree? Yes No

If yes, please describe.

9. Is your department subject to any laws or regulations? (e.g., HIPPA, EPA regulations, Federal Aviation Administration rules, etc.) Yes No

If yes, please list and describe.

10. Is your organization subject to:

a. Public Bid Law? Yes No

b. Other procurement regulations? Yes No

If yes, please list and describe.

11. What policies, procedures, operations manuals, and codes of conduct does your department follow?
Please list all below.

12. Within the last five (5) years, has management reviewed the policies in Question 11 to determine their continued relevance and revised policies when necessary? Yes No

If yes, which policies were revised and when were the policies revised?

If no, please identify each policy and the last revision date.

13. Does your department/organization have an inventory/asset management system? Yes No

If yes, please describe type of inventory you have and the management system used.

- a. Are assets tagged and tracked? Yes No
- b. How often do you conduct an inventory audit?
- c. How is shrinkage documented and accounted for?
- d. Do you safeguard your assets? Yes No

If yes, please describe how you safeguard assets.

14. What type of technology systems do you use in your department/organization to carry out your purpose/mission?

15. Does your department plan to upgrade any technology systems? Yes No

If yes, which systems will be upgraded and when?

16. Has your department/organization implemented new hardware/software/systems technology in the past 24 months? Yes No

If yes, please describe any implementation challenges or successes.

If no, when were these systems last upgraded?

17. When was the last time an audit, review, or risk assessment was performed on your department/organization?

Please attach a copy of the most recent audit, review, risk assessment, etc. when you return the completed questionnaire.

18. What training do new staff members receive on the job? (Please list all types of training, including training received on information systems used in your department/organization.)

19. Do members of your staff hold professional licenses or certifications that require them to adhere to standards (e.g. Certified Public Accountant (CPA), Professional Engineer (PE), etc.)? Yes No

If yes, please list the professional certification(s) and the corresponding standards.

20. Has your department/organization developed organizational performance metrics? Yes No

If yes, please attach copies of the performance metrics to the email when you return the completed questionnaire.

21. Does your organization use contract labor? Yes No

If yes, please describe the type of the contract labor used.

22. Does your department/organization have a hotline or other anonymous means to communicate potential, fraud, waste, or abuse? Yes No

If yes, please provide the hotline number and describe how the hotline is monitored.

23. Additional Comments:

Item 3

THE OFFICE OF THE INDEPENDENT POLICE MONITOR

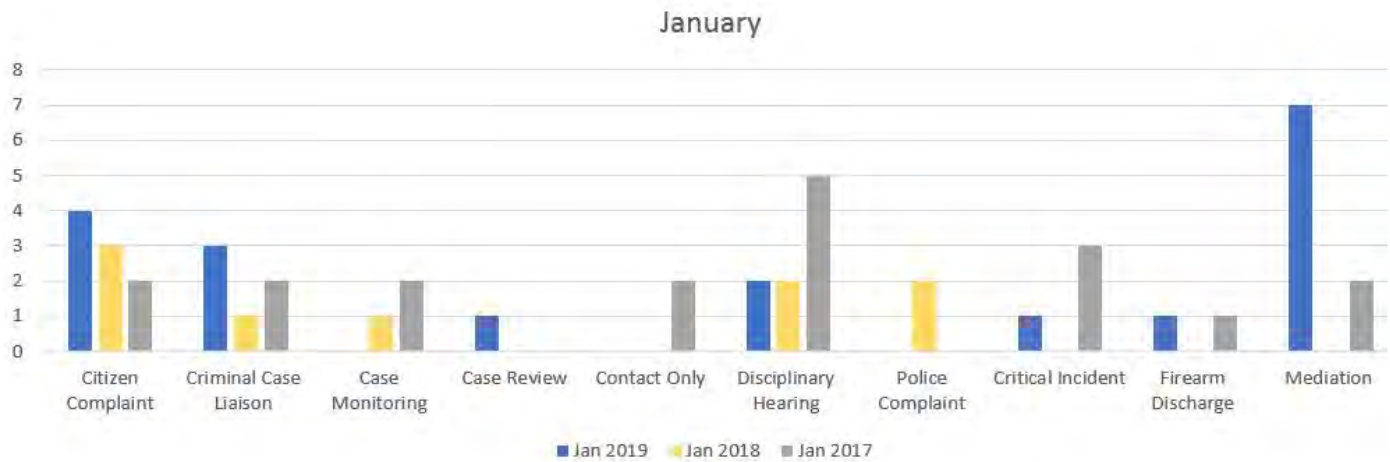


MONTHLY REPORT

JANUARY 2019

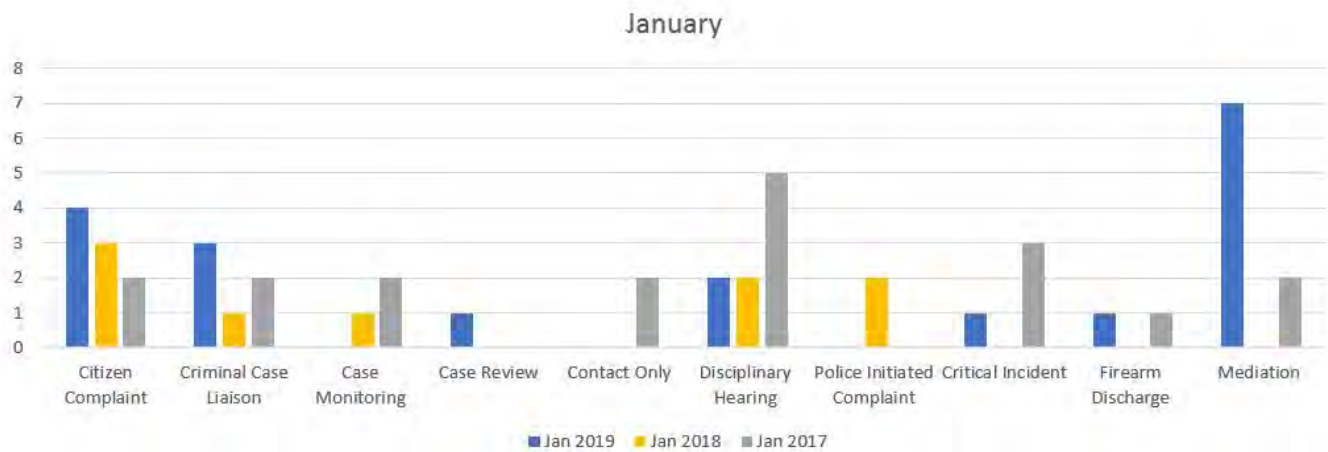
SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Year to Date Overview



	2019	2018	2017
Citizen Complaint	4	38	43
Criminal Case Liaison	3	10	13
Case Monitoring	0	10	8
Case Review	1	8	1
Contact Only	0	2	9
Disciplinary Hearing	2	66	35
Police Initiated Complaint	0	7	3
Critical Incident	1	7	7
Firearm Discharge	1	4	4
Mediation	7	23	31
Grand Total	19	175	154

January Overview



	Jan 2019	Jan 2018	Jan 2017
Citizen Complaint	4	3	2
Criminal Case Liaison	3	1	2
Case Monitoring	0	1	2
Case Review	1	0	0
Contact Only	0	0	2
Disciplinary Hearing	2	2	5
Police Initiated Complaint	0	2	0
Critical Incident	1	0	3
Firearm Discharge	1	0	1
Mediation	7	0	2
Grand Total	19	9	19

January Overview

Complaints	
CC2019-0001	Complainant believes the police completed an insufficient investigation and failed to arrest a family acquaintance who exposed himself to the complainant's daughters, stating this is a "he said, she said" situation. When the complainant asked to speak to a supervisor, the complainant waited for over two hours and the supervisor never came to the scene. The complainant has not received any follow up or assistance from NOPD.
CC2019-0002	Complainant alleges the NOPD Fifth District failed to properly preserve evidence and the commander of the station failed to properly supervise when the Fifth District moved to a new station space and left behind two binders with "suspect photos," photograph line-ups, and booking sheets in the previous office space
CC2019-0006	Complainant alleges the NOPD failed to communicate effectively with the complainant and another civilian causing there to be two different police responses to the same situation resulting in confusion and future conflict between the complainant and the other civilian.
CC2019-0007	Complainant believes the NOPD misused NOPD systems and technology when personal information about the complainant, including the complainant's domicile, vehicle information, and criminal record, appeared on the website: Nextdoor.com. The complainant believes this information, that is ordinarily not available through publicly accessible systems, was provided to a member of the public by an officer within the NOPD for this person to use / post against the complainant.
Complaints: 4	

Mediation
Mediation case are confidential.
Mediations Held: 1

January Overview

Disciplinary Hearings	
2018-0500-R	Officer is accused of driving a NOPD take-home vehicle while intoxicated and getting in a car accident. This incident occurred while the officer was off duty.
2018-0351-R	Officer is accused of using unauthorized force by striking a civilian with his baton in the legs and neck, improperly using a prohibited ankle and wrist cuffs technique ("hogtying"), and failing to activate the officer's body worn camera in violation of NOPD policy.
Disciplinary Hearings Count: 2	

Criminal Liaison	
CL2019-0001	Civilian is concerned regarding the NOPD investigation and coroner's classification of son's death. The civilian requested possible assistance with connecting with the NOPD and the District Attorney's Office with next steps.
CL2019-0002	Civilian requested assistance with receiving an accurate and signed Stay Away Order from a defendant in criminal proceedings. The OIPM assisted the civilian with receiving the Stay Away Order and will stay in touch with the complainant to ensure the Stay Away Order is now implemented by the NOPD.
CL2019-0003	Civilian requested assistance with either a complaint against the NOPD or assistance with the District Attorney's Office regarding how charges were classified in a criminal proceeding by the state trooper (the charging and investigating agency for the proceeding). The OIPM is assisting the civilian with facilitating a meeting with the District Attorney's Office.
Criminal Liaison: 3	

Critical Incidents	
Officers responded to a call for service where an individual, armed with a gun, was threatening to commit suicide. Upon arrival, the individual allegedly fired at officers, striking an officer twice in his ballistic vest. The officers returned fire, striking the individual multiple times. Both the officer and the individual, identified as Mr. Zonell Williams, were transported to University Medical Center. The officer sustained minor injuries; Mr. Williams expired from his injuries.	
Critical Incidents: 1	

Data is subject to review until Annual Report is submitted.

Complaints and Discipline

OIPM serves as an alternative site for civilians and police officers alike to file complaints of misconduct against the NOPD. These complaints and allegations are compiled into referrals by the OIPM and provided to the Public Integrity Bureau (PIB) for them to investigate. The OIPM monitors and reviews the classification and investigation conducted by PIB. If the complaint continues into a disciplinary proceeding, the OIPM will continue to monitor and review the disciplinary process. OIPM monitors and reviews disciplinary proceedings conducted by NOPD to ensure accountability and fairness. The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

4

CITIZEN COMPLAINTS

2

**DISCIPLINARY
PROCEEDINGS**

0

POLICE COMPLAINTS



Community-Police Mediation

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation is a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the civilian and officer to be fully heard and understood in a non-judgmental way.

7

**REFERRALS FOR
MEDIATION**

3

**MEDIATION OFFERS
DECLINED BY CIVILIAN**

3

**REFERRALS RETURNED
DUE TO UNREACHABLE
CIVILIANS**

1

**MEDIATION
COMPLETED**

1

MEDIATION PENDING

“It was so deep to talk about how I felt at that moment. I got to help him be better at his job. And it let me learn about their (the police officers) job too. Everybody got to know each other’s roles better. Now that we know more, we won’t be as confused.”

-Civilian participant



“It was refreshing to be able to speak my mind. We left the table happy and understanding each other. It was a positive thing.” - Officer Participant

Community Relations

OIPM participates in community events to help extend the message the of OIPM and participates in activities to impact the nature of the relationships the community has with police officers. OIPM is committed to being present in the community, but also presenting helpful information to the public.

2

KNOW YOUR RIGHTS TRAINING

- Liberty's Kitchen
- District C

2

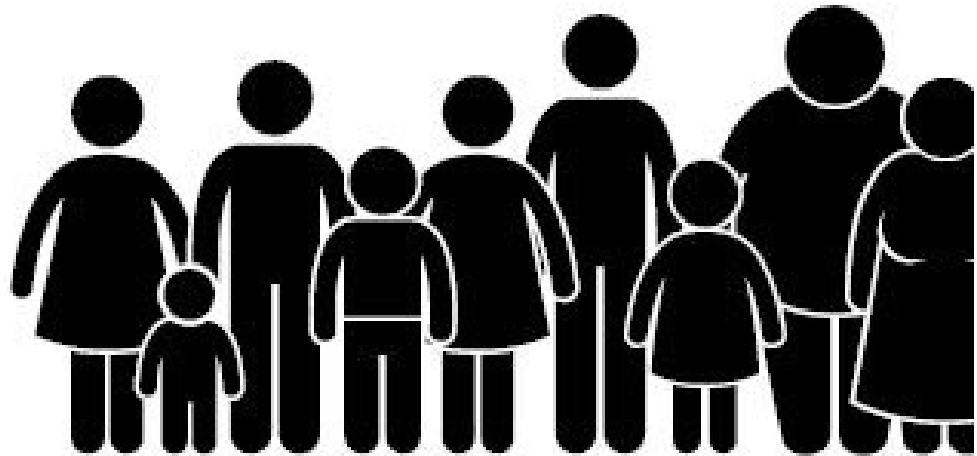
SPEAKING ENGAGEMENT

- Citizens Police Academy
- Tulane Law Public

1

SITE VISIT

- Real Time Crime Camera
Center for Community
Groups



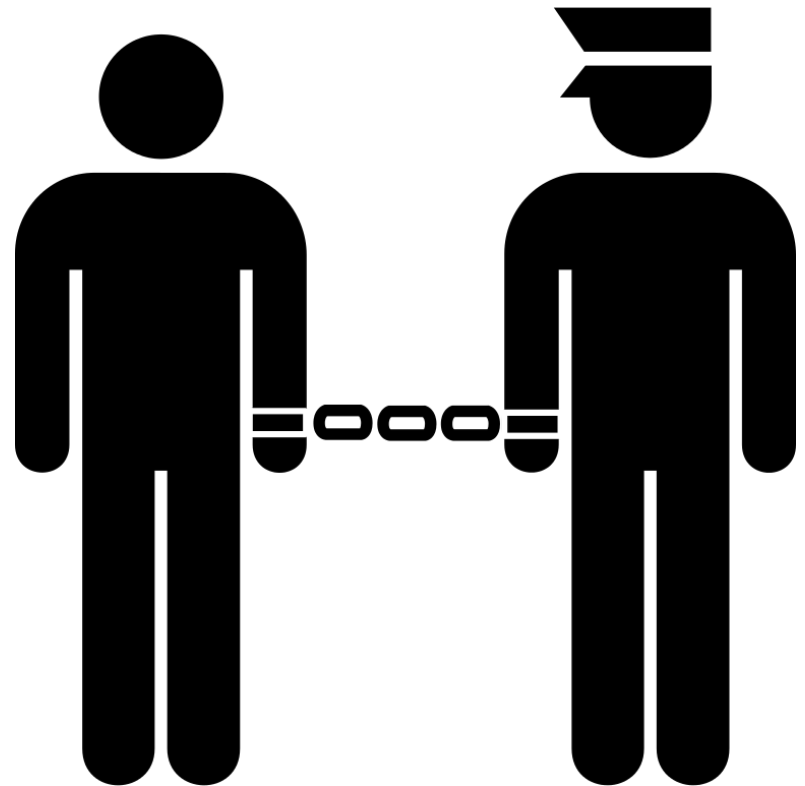
Critical Incidents

The OIPM is required by City Code 2-1121 to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. If an incident occurs, the OIPM is notified and a member of the incident and will report immediately to the scene. The OIPM will stay engaged from the occurrence of the incident, through investigation, and Use of Force Review Board hearings.

1

Critical Incident

- Officer Involved
Shooting - Civilian Death



Item 4



ERB January Period (February 2019 report)

Special project

Internal meeting to discuss changes to current curriculum integrating the strategies outlined in the report.

Regular Training

No activity



ERB
ETHICS REVIEW BOARD

Ethics

Strengthening the Ethics Culture
in the City of New Orleans
through Training

December 2018

The Hackett Group

Strengthening the Ethics Culture in City Government

New Orleans Ethics Review Board

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APPENDIX

1. List of Departments that Participated in Liaisons Focus Groups
2. Departments, Boards, and Commissions That Participated Ethics Training Evaluation Surveys
3. Questionnaire: Measuring an Organization’s Ethical Culture

ACKNOWLEDGEMENTS

With support from The Caulfield Consulting Group.

Special Thanks to New Orleans Ethics Review Board Members, Michael A. Cowan, Joe M. Ricks and Howard E Rogers III for their dedicated focus on the importance of Ethics Education in New Orleans City Government.

I Background

In 2015, the Education Working Group of the New Orleans Ethics Review Board (“ERB”) expanded their Education efforts by engaging The Hackett Group to provide Ethics Education to agencies and departments in City Government. A curriculum was developed based on the Louisiana Code of Governmental Ethics, which requires 1 hour of annual training for all Public Employee and Public Servants including Public Boards and Commission members. Training began in the 4th quarter of 2015. In 2017, further enhancing the training initiative, The Hackett Group was designated as a Certified Ethics Trainer by the State of Louisiana and as a result was able to offer training which would fulfill the State annual requirement. Since 2016, The Hackett Group, with support from The Caulfield Consulting Group and other local consultants, has provided Ethics training to hundreds of City employees, including Agency leadership and expanding more recently to include newly appointed Board and Commission members.

In 2017, the ERB continued to build momentum toward the goal of improving the Ethics culture in New Orleans by contacting City departments and Agencies, informing some and reminding others of the State requirement that each Agency designate an employee as an Ethics Liaisons to serve as a focal point for Ethics enforcement, oversight, training and awareness within their department.

The education initiative has initially focused on a rules-based training approach delivered through an interactive curriculum featuring scenarios and group participation. However, ERB members discussed how this foundational effort might be leveraged, improving the ethics culture in the City of New Orleans through education, by developing a value based – “beyond the rules” training initiative. As a result, the deeper dive study was commissioned for the purpose of informing the ERB training initiative into the future.

The Hackett Group was charged with reviewing the ethics landscape within the City agencies/departments to assess ethical issues, challenges, concerns and needs to determine the departments’ ethical awareness as well as the ethics training needed in addition to the Louisiana Code. With the benefit of the data and insights gained, the ERB Education Initiative could provide tailored and more relevant training and better engage these groups in the future.

This report describes this work and outlines actions which would enhance ethical awareness and further support the ethical culture in New Orleans city government. The report is divided into the following sections: Background, Methodology, Findings, Best Practices and Recommendations. The best practices research focused on the ways in which a culture of ethical behavior can be developed, enhanced and supported through training and education. Publications, white papers, open source web data were consulted in developing this section. A comprehensive listing of sources along with training resources is listed at the end of the report.

II. Methodology

Overview

In order to better understand the ethics training-related needs of government, board, and commission officials in New Orleans, a series of focus groups with Liaisons from thirteen departments/agencies were conducted (for a complete listing of the participating departments and agencies, please see the appendix entitled, “List of Departments that Participated in Liaisons Focus Groups”). In addition, a review of evaluation survey forms from the more than 341 participants that have been trained by the Hackett Group over a three-year period were conducted. These forms identified additional areas that participants believed would be beneficial for training in the future (for a complete listing of the entities surveyed, please see the appendix entitled, “List of Departments that Participated in Liaisons Focus Groups”). The information from the focus groups and survey forms was then compiled and analyzed to determine the training that is most needed.

Liaisons Focus Groups

Two identical 90-minute focus groups were conducted with department liaisons, during which they were asked to comment on a series of questions designed to better understand where they thought additional ethics training would be useful. An email invitation was sent to department liaisons with a request to participate in the focus groups.

The focus group participants represented a diverse set of organizations, some, which through their daily operations had frequent interactions with citizens and vendors, and others that were more focused on internal government operations. The participants themselves varied greatly in their tenure as Liaisons, with some being recently appointed to their roles and others having served for many years. In addition, some participants had served in multiple positions that were subject to the Code, while others had more limited experience. This diversity of experience and perspective provided a valuable cross-section of government agencies from which draw meaningful insights and conclusions about ethics training needs in the city.

The questions, while focused on getting a broad understanding of training needs, also attempted to identify particular opportunities available to that the various departments. In particular, they focused on ways to reinforce positive ethical culture, interaction with citizens and vendors, and other ways that employees and supervisors could be empowered in their understanding and practices around ethics.

Analysis of Ethics Training Evaluation Forms

In addition to the interactive collecting of information, analysis was performed on survey data that had been collected over a three-year period. This data was derived from 341 evaluation forms that had been completed by participants in ethics training sessions lead by the Hackett Group, with support from other local firms. The trainings focused on gaining an understanding of important aspects of the Louisiana Code of Governmental Ethics, and, among other topics, included modules on: prohibited sources, gifts, nepotism, post-employment, and conference participation.

The participants were from many departments, divisions, boards, or commissions, representing dozens of agencies across the various units (for a listing of the department invited to submit evaluations, please

see the appendix entitled, “Departments, Boards, and Commissions That Participated Ethics Training Evaluation Surveys”). The participating agencies perform a wide variety of functions, with some focusing on compliance-related duties, while others conduct community engagement activities, perform office-based functions, or an array of other public-facing and internally, government-focused activities. Collectively, they comprised a strong sampling of individuals that are subject to the State Code of Ethics.

Upon completion of the training sessions, participants were asked to complete a one-page evaluation form that assessed their satisfaction with various aspects of the session. The form also invited them to comment on which aspects of the session they thought were most useful and if there were additional ethics-related topics about which they wanted to learn more. The forms were compiled and analyzed to determine the most common areas identified by respondents.

I. Findings

Overview

In analyzing the information collected from the focus groups and training evaluation surveys, a number of themes emerged around training needs. Some of them related to the specific aspects of the Louisiana Code of Governmental Ethics (Code), but many of them related to other more general ethics-related topics. In particular, analysis revealed a desire by employees and board/commission members to have training on topics related to: receiving “things of economic value”; food and beverages; tickets and complimentary admission to events; immediate family; outside employment; retaliation/whistleblower protection; travel and conferences; and post-employment-related items. In addition, examination revealed a pronounced sense that training on practical aspects of promoting good ethical behavior would be helpful. Analysis also showed an interest in other topics, that included: new employee/staff orientation; innovative non-training-related education materials; overlap between Civil Service rules and the ethics Code; enforcement-related topic; and targeted training for leaders.

Gifts and Related Topics

New Orleans has a very welcoming culture, with a rich tradition, rooted in “Southern hospitality.” Flowing throughout this tradition is a generosity, which is often expressed in the giving of gifts of appreciation or celebrations during holidays and festivals. Research revealed that often this very positive aspect of the city’s culture comes into conflict for those subject to the Code, as the receipt of gifts within a variety of contexts represent a violation. As a result, analysis revealed a distinct need and desire for training related to receiving “things of economic value”; food and beverages; and tickets and complimentary admission to events.

Immediate Family

New Orleans contains many close-knit communities, with relationships that can span multiple generations. To address the potential issues that might arise from these relationships, the State Code applies not only to the public employee or board/commission members, but also to their immediate family members. Because this is a critical part of protecting the integrity and public perception of government, examination has shown an opportunity for increased emphasis on this topic in ethics training.

Outside Employment

New Orleans has a thriving entrepreneurial culture, which home to a variety of small business. Opportunities in this area are often available to many public employees and board/commission members. Within this context, research revealed a desire to have a strong understanding of the guidelines for pursuing employment beyond an individual’s role which is subject to the State Code.

Retaliation/Whistleblower Protection

One of the critical aspects of promoting ethical behavior within government is the ability identify and correct behavior that is not aligned with the Code. One important mechanism for identifying actual and potential issues is the ability of employees and board/commission members to report unethical activities to the appropriate authorities without fear of retaliation. Research revealed that many of those subject to the Code were unaware that there are protections in place for those who report

unethical behavior. There is thus an important opportunity to provide additional training on this topic, as a way of helping to promote a culture of ethics within various government organizations.

Travel and Conferences

One of the important hallmarks of successful organizations is support for professional development of staff members. Research revealed that attendance and conferences and other professional development-related travel is an area that would benefit from additional training, as many employees expressed a desire to better understand the requirements related to the topic.

Post-Employment

One of the benefits of serving in government and on boards and commissions is the valuable skills, relationships, and insights that are developed. Serving in these roles often creates a variety of employment options for those who are concluding their services and looking for employment. An examination of the data showed that getting a better understanding of post-employment-related topics was among the most common topics about which public employees wanted to learn more.

Additional Important Findings – Practical Topics

One of the important themes that arose during this study was the idea of how to put an understanding of ethics into practice. As referenced earlier, one of the important aspects of the city's culture is expressing appreciation, gratitude, and a sense of community through gifts or invitations to events. In cases where it may not be appropriate to receive them, knowing what the right thing to do may be easy, but the act of doing it may prove difficult. A representative example is when a resident wants to give a simple gift (e.g., a beverage, or small gift card) to city employee for helping them with a particularly difficult problem, and the employee has to decline. In scenarios like this, the resident may feel that their appreciation is being rebuked in some way, or that their "culture" itself is being negatively judged in some fashion. What emerged from this idea was a need to provide skill building with examples of how to politely and effectively respond to situations where they are being asked do something unethical. The aim would be to help public employees and board/commission members to behave ethically, while at the same time preserving relationships, which might include those with the public, their supervisor, or others.

Other Important Items Outside of State Ethics Code Training Content

Throughout the course of conducting the study, a number of ideas emerged for ways that a strong positive ethical culture could be supported. While not directly related to specific areas covered in the State Code, these suggestions would help reinforce knowledge of and compliance with it.

One such example was the idea of creating an ethics orientation for all new city government hires and board/commission appointees. The benefit being that those new to their roles would immediately have an opportunity to learn and about the Code, and thus begin with solid ethical preparation. Another idea was for creating simple easy understand ethics materials that could be shared by departments. Examples could include cards or posters that cover the five most common ethical challenges faced in a department and how to avoid them.

Another topic that arose was making public employees aware of overlaps between the State Code of Ethics and Civil Service rules. The thought was that it would better inform employees about their options

and the implications of both set of guidelines. The idea of enforcement was also raised, suggesting that increased enforcement could serve as a deterrent for those intent on violating the Code. Lastly, the idea that ethical culture stems from ethical leadership in an organization was also mentioned. Providing directly support to supervisors, managers, department heads and others were believed to be a critical element of maintaining a positive ethical culture.

Section IV – Best Practices

The following outlines the key components of a strong working ethical framework. We found that in Louisiana, key and essential components exist - a Code, disclosure requirements, penalties, governing Board - and mostly proscribed by the State. However, these rules and regulations are not adequately supported through education and training. Only a one-hour annual training is required of all public employees and public servants and it is mostly fulfilled through an on-line training video. We concluded that important key ethics training components are non-existent.

The Backdrop - Why is Ethics Important in Government?

What is “ethics.” In government and why is it important. Ethics refers to the study of **right and wrong behaviors**. Public employees are constantly faced with a variety of important, unique and sometimes difficult questions about what to do. Should a public official be able to hire his/her own company to work for the government? Should elected representatives be allowed to accept expensive (or inexpensive) gifts from lobbyist or contractors? Government ethics identifies the correct behaviors when faced with these situations and establishes rules of conduct for public servants to follow.

A primary argument for government ethics focuses on effective public administration. City government is responsible for millions of dollars in taxpayers’ money, public assets and property and responsible for providing essential services to citizens. Citizens, therefore, have a strong interest in ensuring that public money and property, as well as essential services, are managed as efficiently and effectively as possible. This requires taking precautions against activities that cause widespread government waste and inefficiency.

Also, without ethical government the public may develop a sense of apathy and disengagement. This may result in people withdrawing from democratic participation and community engagement altogether. “Why bother voting? They are all crooks anyway”

And finally, without a strong ethics framework, an unethical employee promotes corruption and may be a liability to the Department, Agency or the City.

Alternatively, If the need and importance for ethics in government can be described as a set of values, it would be summarized in the following way.

- Promote the public interest by putting "service to the public above service to oneself."
- "Strengthen social equity" by treating "all persons with fairness, justice, equality and respect" and reducing "unfairness, injustice and inequality."
- "Demonstrate personal integrity" by adhering to "the highest standards of conduct to inspire public confidence and trust in public service."¹

The research suggests that a robust government ethics program requires *both* a rules framework as well as “soft” elements like practical training, rewards and incentives and reinforcement and communication of core values.

¹*The Culture of Ethics That the Public Sector Needs*, October 2014, Phillip Joyce, University of Maryland School of Public Policy

Establishing a Code of Ethics

The most important component of affecting the ethical conduct of a public servant is establishing a set of rules and guidelines, that is ethical rules for public officials that have been enshrined in formal pieces of legislation passed by the government. Most agree that a government **Code of Ethics** should include prohibitions against severe and clear cases of unethical conduct, such as theft, fraud, bribery, self-dealing etc. However, there is often debate on what else should be included.

Some argue, for example, that ethical guidelines for public officials should be very extensive, prohibiting certain activities even when no actual unethical behavior has occurred. This would support the view that this broader ethical code of conduct is required on the grounds that permitting any sort of gift receiving, no matter how trivial or benign, encourages more serious unethical conduct. Many argue that such ethical rules are important in maintaining a positive image of government promoting the important ideal of honesty in public service. The idea here is that the mere perception by the public that government is corrupt or unethical is just as harmful to society as actual instances of corruption. For some, a Code of Ethics should demand public servants and elected officials to be “good persons,” and, as an extension, should outline rules governing how these officials conduct themselves both at and outside the workplace.

In addition to or in conjunction with the Code, we know is that accountability or compliance as well as transparency is at the core of an effective ethics policy.

Accountability and Transparency

Accountability refers to what happens when the rules of the game are broken. It involves “holding the person/s accountable” when they engage in unethical behavior.

However, accountability in local government is about more than just efficient internal operations. Ultimately, government accountability is about maintaining the trust between government officials and citizens.¹

Local government not only needs to operate lawfully and ethically, but they need to work hard to avoid even the appearance of impropriety. Accountability should be a concern for *all* local government employees, not just elected officials. City government will not be able to fulfill their roles if citizens do not trust all government employees to make decisions that serve the best interest of the community. Again, even the appearance of questionable behavior can hurt public trust.

Another important component of accountability is the structure of the agency that is responsible for overseeing government ethics. Many jurisdictions have established an ethics office or commission or Board. What should be the mandate of such a commission? Some argue that an ethics commission should have the responsibility for investigating and reviewing the actions of public officials and, as such, should be granted extensive investigative and prosecutorial powers. This would include, for example, the power to demand testimony and documents from public officials, as well as to charge whomever is believed to have violated an ethical rule. However, most important to such a mandate is ensuring that

1. *Importance of Accountability in Local Government What you need to ensure an ethical, accountable local government. Matt Gasior, March 2018*

an ethics commission has real independence from government to investigate and prosecute ethical offenses or violations, particularly when it is investigating government officials and employees.

Transparency is another essential component of an ethics framework. If ethical codes of conduct are the rules of the game, and accountability is what happens when those rules are broken, transparency is being able to know when and where abuses of the rules are taking place. If there are procedures and mechanisms which alerts the system when an ethical rule is violated, then there exists a high level of transparency.

There are many ways to encourage transparency, the creation of some **ethics oversight body** that regularly reviews actions taken by public officials. In Louisiana, The State Ethics Board is an independent body, with broad and extensive investigative and prosecutorial powers. However, we find that awareness of its role and its purview is not broadly understood. In addition, the New Orleans Ethic Review Board, is authorized by the Code of Ordinances for City of New Orleans to administer and enforce the provisions of the Code of Ethics of the City, providing an extra layer of oversight.

Disclosure requirements for public officials are another means of providing transparency. **Whistle blower** legislation is also often considered an important means of ensuring transparency. Many jurisdictions, including Louisiana have passed whistle blower legislation to protect these public employees and make it easier for them to come forward with allegations of unethical conduct. **Public awareness** and attention can also be important with respect to fostering greater transparency. The public needs to be able to find out when unethical conduct has occurred. Annual and enforced disclosure requirements address these needs. Further, the government can allow the media and the public access to government documents, for example, through **freedom of information** legislation and procedures. Public access to government documents has often proved to be an important means for bringing to light unethical conduct in the first place, as the media or concerned members of the public often engage in their own investigations of public officials.

The Louisiana Code is quintessential Ethics Legislation. The Louisiana Code of Governmental Ethics (R.S. 42:1101-1163) is adequate and well thought out legislation, with all the elements of a “code of conduct”. The code is neither based in criminal law with severe sanctions such as imprisonment, nor is it informal – simply an internal policy developed the government or departments. It adequately enshrines the rules related to accountability and transparency described earlier. The State also has passed legislation which address the other components – whistleblower protections, disclosure and penalties as well as freedom of information procedures

The code touches on or regulates all of the essential aspects of ethical behavior for public employees, legislators, lobbyists and the entities that do business with local, state, municipal government including schools, Boards and Commissions. By addressing the following topics, it provides an encompassing framework outlining different ethical offenses, mechanisms for investigating and prosecuting unethical conduct, and various penalties for violating an ethical rule.

1. Prohibited Sources
2. Thing of Economic Value
3. Food and Beverage
4. Complimentary Admission
5. Prohibition on Income
6. Prohibited Income
7. Prohibited Transactions
8. Disclosure
9. Participation
10. Influencing Action

11. Abuse of Office
12. Nepotism
13. Post-Employment Restrictions
14. Personal Financial Disclosure

15. Whistleblower Statute
16. The Board of Ethics and Its Functions
17. Penalties

In conclusion, these elements while providing the essential framework are not enough to move an organization to one which operates at a high level of ethics and conveys to citizens and other stakeholders, the value of ethical behavior in the public sector. Robust and relevant education strategies are essential.

Moving from Rules to Culture Change

Research suggest that there are specific ways to create a culture of ethical behavior at an organization

1. Clear Expectations for What is Okay and not Okay

This is an area that may be particularly challenging in New Orleans. The unique culture of hospitality coupled with a history of political corruption and a way of doing business that may run counter to the current ethics norms and guidelines sends mixed messages to employees. This historical cultural behavior may lead employees to believe that the City is where only lip service is paid to following ethical guidelines and the organization does not practice what is preached.

2. Modeling Desired Behavior (especially from organizational leaders)

Organizational leaders must be mindful that they are being watched very closely and that others will follow their lead about ethical behavior. So, if a leader finds ways to get around ethics rules or straddles the line or even engage in behavior that would constitute outright violations, subordinates will follow that lead. Ethics training, designating managers as role models is way of promoting ethical behavior. If managers themselves strictly adhere to ethical standards, employees will feel less reluctant to oppose the guidelines laid out for ethical behavior'

The research consulted for this study supports this notion. The way the chief executive exercises moral judgment is universally acknowledged to be more influential than written policy.¹

3. Reinforce the Behavior you want and do not reinforce the behavior that you do not want

Mindfulness and intentionality regarding behaviors that will be reinforced and is important. Recognition through awards and social reinforcements that are well thought out is an important piece of improved ethical behavior.

After the completion of the ethics training program, an employee can be rewarded for positive behavior, so that the employee will not only continue to adhere to the ethical practices but also be an inspiration to his colleagues.

¹ Ethics in Practice Harvard Business Review, October 1989

Catch employees “doing something right” and reward ethical behavior. For example, you might implement a system in which people can submit anonymous tips telling about employees behaving in a particularly honest way. Show gratitude when someone “blows the whistle” on a practice that could potentially hurt customers or stakeholders. Incorporate ethical standards into employee performance reviews. The principal is that encouraging ethical behavior is always easier than confronting unethical behavior.

However, disciplinary actions are an important component of a robust ethics structure. If an employee of the organization resorts to unethical behavior after ethics training, it’s better to impose sanctions or provide counseling which will help employees understand the implications of inappropriate behavior. Therefore, the leadership needs to lay down disciplinary actions that may be taken against employees found guilty of violating the rules. If the management is serious about the means as much as the ends, they should ensure it is conveyed in no uncertain terms to their employees.

4. Training Focus on Skill building and Problem Solving

A word of caution. Once training becomes mandatory, it may become dominated by a compliance approach. So, an effort must be made to ensure that the mandatory training is indeed practical – practical training to help participants develop ethical decision making skills over the course of their public careers.

Rather than just providing the “rules” an organization must help with step by step strategies for developing effective ethical decision-making skills – and strategies for resolving ethical dilemmas developing moral competencies over time. Strategies might include;

- Workshops
- Reference material
- Consultation from peers

Our research confirmed this concept, that training is especially important in those gray areas where official ethics rules contradict traditions, cultural norms or do not provide clear answers on how to behave in concrete situations.

Through training, explicitly teach employees how to behave in an ethical manner. Discuss ethically questionable situations and how to respond to them. Discuss the ramifications – in both the personal and professional arenas – of failing to behave ethically. Emphasize the benefits of ethical behavior and point out how employees expect others to treat them fairly and with honesty. Training is most effective when role play is a part of the instruction, notes Manhattan College Accounting Professor Walter Baggett.

A suggested technique for enlarging a value based – “beyond the rules” - training would be presenting a specific example or scenario and the trainer would invite participants to assess the situation, what sanctions can or should be applied for the violation of the rules. The trainer can further invite the participants to discuss the situation from the point of view of “values” which public service values are being violated, what is the damage to public service, citizens, the public or society. Further, the trainer may invite the participants to propose ethical decisions for the situation, as well as discuss the obstacles which may prevent those various parties from taking the ethical decision. This type of training technique would be especially effective with

leadership as well as that perform a lot of public facing duties like public safety, law enforcement, firefighters and code enforcement. The education or training concepts is that scenarios need to be “practiced” with role playing as an essential element.

5. Provide the tools people need to act ethically

Tools are needed to act ethically which absolutely include adequate and appropriate training, written materials, guides, expert and well-trained trainers as well as development of in-house expertise, such as an ethical ombudsman (departmental liaison)

6. Expectations – Raising the Bar/Communicating Values

Ensure that an organization states its values in the employee handbook, during orientation and that these values are talked about and implemented in everyday work by all employees in a supervisory capacity. Charles Kerns, associate professor of applied behavioral science at the Graziadio School of Business and Management at Pepperdine University, recommends that companies adopt several values that result in an ethical business climate. These values are self-control, wisdom, justice, transcendence, kindness and integrity. For example, the value of self-control can result in the behavior of doing what is right regardless of personal motivations.¹

Finally, all the strategies described should be provided in an environment where there is corrective feedback, that is immediate yet provided in a spirit of collaboration, education, openness (not punishment) and with safeguards regarding retaliation (whistleblower protections).

Evaluating Effectiveness

A final word about evaluating the effectiveness of ethics training. It is a challenging task. Direct evidence that training has led to improvement in ethical behavior can only be answered in the long term. Results of various surveys and studies affirm that organizational ethics training programs has a positive effect.² However, measuring effectiveness of your ethics program is important for a comprehensive program that will affect behavior. But what are some ways to measure this?

Ethical compliance can be measured through employee observation, internal audits, reporting systems, and investigations and comparing employee ethical performance with the organization’s ethical standards. An internal system for reporting misconduct is especially useful. Employees who conclude that they cannot discuss current or potential unethical activities with coworkers or superiors and go outside the organization for help. Therefore, understanding and utilizing the whistleblowers protections and process is critical.

A very interesting and well regarding piece of scholarly work develops an ethics virtues model, describing the characteristics of an organization which does a good job of promoting ethical behavior and discouraging such behavior. The study based its work on a Corporate Ethics Virtues Model outlining eight important organizational ethics virtues. As a result of four interlocking empirical studies based upon the initial research, a normative criterion for the ethics culture of an organization was formulated, and resulted in a 58 item self-reporting questionnaire, providing a useful that might measure or assess

¹ Value Centered Ethics, A Proactive System to Shape Ethical Behavior, Charles D. Kerns, 2005

² Research Article, Journal of Organizational Behaviors, Volume 29, Issue 7, Muel Kaptein

the ethics culture at an organization. ¹ The effectiveness of training might be measured by utilizing a comprehensive survey, creating a department's ethics culture baseline and then testing periodically post training. The appendix section includes a copy of the evaluation instrument.

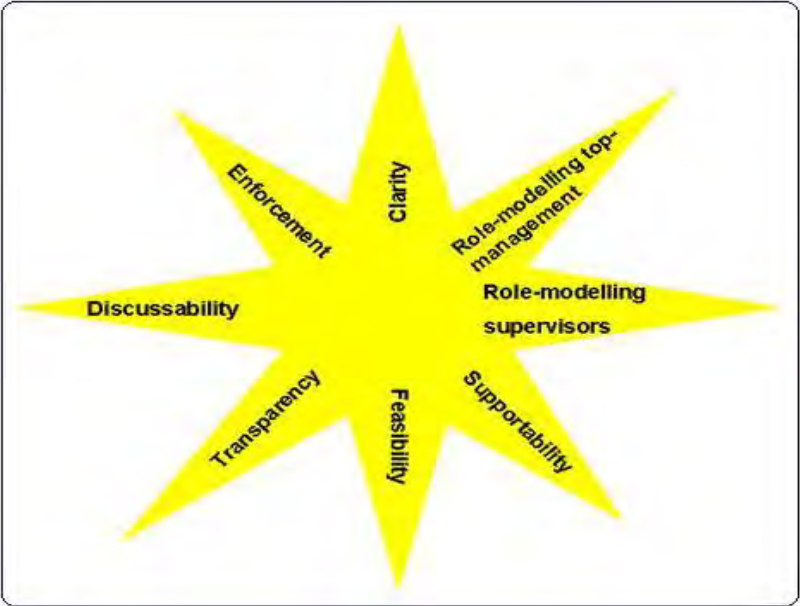


Figure 1 Corporate Ethical Virtues Model

¹Developing and Testing a Measure for the Ethical Culture of Organizations: The Corporate Ethical Virtues Model
Muel Kaptein

V. Recommendations

As noted throughout the report, the City of New Orleans ethics framework exists – a strong code, a governing body (ERB) committed to ethics education, a cadre of designated ethics liaisons. All of the following recommendations touch on establishing or strengthening parts of the ethics framework described in Section II, including education, rewards, compliance and accountability,

Recognition of Ethics Excellence

Best practice research has shown that incentives are a powerful way to encourage positive behavior. One effective incentive would be the introduction of special recognition for those individuals or agencies within government and on boards and commissions who have demonstrated a commitment to ethical behavior. Such a recognition would also have the benefit of generating friendly competition that would help promote and maintain a positive view of ethical behavior. In addition to providing support for promoting a positive culture around ethics, introduction of this recognition would also serve as an effective compliment to compliance-based training.

Targeted Training for Leadership/Management

The leadership of any organization often sets not only its direction, but also its tone and culture. Research conducted during this study showed that many employees and board/commission members take their cues on ethics from those in leadership positions. One way to effectively and efficiently maintain or improve the view and culture around ethics in an organization is to have specific training for the leaders of organizations. Through targeted training, not only the State Code but also on different strategies and techniques for promoting ethical culture, organizations can redefine and/or strengthen ethical norms within government agencies and board/commissions.

Standardized Training of New Employees – Orientation

Another effective way to change or strengthen the ethical culture in government is to ensure there is a commonly shared understanding among all employees. One way to achieve this would be through training for all new employees and board/commission members. By engaging those who are new here roles, an appreciation for the importance of ethics can be instilled before issues can arise. The added benefit of introducing this training early on would be that it could be incorporated in existing orientation programs already being conducted by some agencies.

Innovative Ethics Education Materials (Non-Training Related)

Analysis of information gathered during this study showed that many individuals may benefit from reminders or refreshers on the elements of the Code that most impact their day-to-day activities. They would not necessarily be in form for training sessions, but instead would be in form of education materials that employees could access in a convenient way that would require a great deal of time. This could include simple, but interesting cards, posters, emails, pamphlets, or materials that outline the important aspects of the Code that impact those representing a particular agency, board, or commission. By making information easy to access or located in high-visibility areas it improves the general awareness and understanding of ethics-related issues before they arise.

Increased Emphasis and Skill Building on Important Aspects of the Code

Current certified ethics training provides a broad overview of the elements of the Louisiana Code of Governmental Ethics, which provides participants with a general understanding of the Code. Analysis of data gathered for this study showed that while the training is helpful, emphasis on particular aspects of the code would be helpful in navigating the situations that appear to arise most often most participants/respondents, in particular: receiving “things of economic value”; food and beverages; tickets and complimentary admission to events; immediate family; outside employment; retaliation/whistleblower protection; travel and conferences; and post-employment. In addition, provide skill building training (e.g., role playing) would also be helpful in providing public employees and board/commission members with the knowledge they need to not know what the ethical course of action is, but also skills/tools they need to take it in the most positive and least disruptive way possible.

A continued focus on effective adult learning techniques including

- Scenarios
- Videos
- Game-based courses
- One-on-One engagement

Periodic Meetings of Liaisons

The ERB should facilitate or make possible periodic (2 x per year) meeting of the designated liaisons. These meetings would provide an opportunity for skill building, sharing of good practices, ethics issues identification, problem solving and more in-depth education and training. A robust, trained, enlightened cadre of departmental ethics leaders would be an important way to improve the overall ethics culture within a department.

Ethics Auditing

This tool in the toolbox, would be used infrequently, but would be a comprehensive method of evaluating and improving a department that has greater complaints, lower compliance, etc. Elements of an Ethics Audit would include among other things, management interviews, employee interviews and surveys, review of training records, ethics complaints and development of a corrective plan of action.

Education and Awareness Campaign Regarding Whistleblower Protections

While the state outlines the whistleblower protections, it is merely referenced in the mandatory training curriculum, and it is not well understood at the employee level. Louisiana law (FREEDOM FROM REPRISAL FOR DISCLOSURE OF IMPROPER ACTS – LSA-R.S. 42:1169) protects public employees who report information which they reasonably believe is a violation of any provision of law, or any other acts of impropriety related to the scope or duties of public employment, to their agency heads, the Louisiana Board of Ethics, or any person or entity of competent authority or jurisdiction. Therefore, adequately educating and publicizing the process for reporting suspected ethics violations/violators, combined with a clear description of the whistleblower protections, would be an important component of a strong ethics program.

Resources and References

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2. *Ethics Training for Public Officials*, White Paper, OECD Public Sector Integrity Network, March 2013
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4. *Implementing Effective Ethics Standards in Government and the Civil Service*, Howard Whitton Transparency International February 2001
5. *Ethics in Government: Concepts, Issues & Debates*, Jay Makerenko, *Maple Leaf Web*, January 2007
6. Developing and Testing a Measure for the Ethical Culture of Organizations: The Corporate Ethical Virtues Model Muel Kaptein
7. Free and Open Source Tool for Ethics Practitioners, <https://www.cityethics.org/harvard-lab#main-content>
8. The Center for Ethics in Government, organized in 1999 to address the most critical, fundamental and far-reaching problem facing state legislatures: the loss of public trust and confidence in representative democracy. The center is nonpartisan, nonprofit and funded by NCSL's Foundation for State Legislatures.
9. The Purpose of Government Ethics Carla Miller, Network Fellow, 2013-5 Edmond J. Safra Center for Ethics, Harvard Founder, City Ethics www.cityethics.org
10. <https://www.cityethics.org/> This webpage is the result of Carla Miller's 2 year affiliation (2013-5) with the Edmond J. Safra Center for Ethics at Harvard, as a Network Fellow in Larry Lessig's "Lab" on Institutional Corruption (IC). This webpage curates and summarizes the best of the Lab's products for those interested in government ethics. Additionally, she developed open source training materials that could be freely used by those who "battle government corruption at the state and local levels"
11. *Importance of Accountability in Local Government What you need to ensure an ethical, accountable local government*. Matt Gasior, March 2018
12. *Ethics Training and Businesspersons' Perceptions of Organizational Ethics*, Journal of Business Ethics July 2004, Volume 52, Issue 4, pp 391–400

Appendix: List of Departments that Participated in Liaisons Focus Groups

The departments below were represented in the focus groups that were conducted as part of the ethics study.

- Park and Parkways
- City Planning Commission
- City of New Orleans One Stop Shop
- Department of Code Enforcement
- Law Department
- New Orleans Redevelopment Authority (NORA)
- Office of the Chief Administrative Officer (CAO), Employee Relations
- New Orleans Police Department (NOPD)
- New Orleans Fire Department (NOFD)
- Police Office of Secondary Employment
- Office of the Inspector General
- Office of Community Development (OCD)
- Office of the Americans with Disabilities Act (ADA) Administrator

Appendix: Departments, Boards, and Commissions That Participated Ethics Training Evaluation Surveys

The following city departments, boards and commissions received training on the Louisiana Code of Governmental Ethics and were invited to submit session evaluations that included participants' reflections on which aspects of the session they thought were most useful and if there were additional ethics-related topics about which they wanted to learn more.

- City Attorney's Office
- Department of Finance
- Department of Safety and Permits
- Mayor's Office
- New Orleans Business Alliance
- New Orleans City Council
- Sewerage and Water Board of New Orleans (SWBNO)
- Boards and Commissions
 - New Orleans Recreation Development Commission
 - Industrial Development Board
 - Human Relations Commission
 - Workforce Development Board
 - Housing Authority of New Orleans
 - French Market Corporation
 - Mosquito, Termite and Rodent Control
 - Audubon Commission
 - Human Relations Commission
 - Library Board
 - Criminal Justice Council
 - City Park Improvement Association

Appendix: Questionnaire – Measuring an Organization’s Ethical Culture

ETHICS QUESTIONNAIRE (SELF-REPORTING) ¹

- 1.1. The organization makes it sufficiently clear to me how I should conduct myself appropriately toward others within the organization
 - 1.2. The organization makes it sufficiently clear to me how I should obtain proper authorizations
 - 1.3. The organization makes it sufficiently clear to me how I should use company equipment responsibly
 - 1.4. The organization makes it sufficiently clear to me how I should use my working hours responsibly
 - 1.5. The organization makes it sufficiently clear to me how I should handle money and other financial assets responsibly.
 - 1.6. The organization makes it sufficiently clear to me how I should deal with conflicts of interests and sideline activities responsibly
 - 1.7. The organization makes it sufficiently clear to me how I should deal with confidential information responsibly.
 - 1.8. The organization makes it sufficiently clear to me how I should deal with external persons and organizations responsibly.
 - 1.9. The organization makes it sufficiently clear to me how I should deal with environmental issues in a responsible way.
 - 1.10. In my immediate working environment, it is sufficiently clear how we are expected to conduct ourselves in a responsible way
-
- 2.1. My supervisor sets a good example in terms of ethical behavior.
 - 2.2. My supervisor communicates the importance of ethics and integrity clearly and convincingly.
 - 2.3. My supervisor would never authorize unethical or illegal conduct to meet business goals.
 - 2.4. My supervisor does as he says -.
 - 2.5. My supervisor fulfills his responsibilities
 - 2.6. My supervisor is honest and reliable
-
- 3.1. The conduct of the Board and (senior) management reflects a shared set of norms and values.
 - 3.2. The Board and (senior) management sets a good example in terms of ethical behavior.

¹ Developing and Testing a Measure for the Ethical Culture of Organizations: The Corporate Ethical Virtues Model
Muel Kaptein

3.3. The Board and (senior) management communicates the importance of ethics and integrity clearly and convincingly
3.4. The Board and (senior) management would never authorize unethical or illegal conduct to meet business goals.

4.1. In my immediate working environment, I am sometimes asked to do things that conflict with my conscience
4.2. In order to be successful in my organization, I sometimes have to sacrifice my personal norms and values
4.3. I have insufficient time at my disposal to carry out my tasks responsibly
4.4. I have insufficient information at my disposal to carry out my tasks responsibly
4.5. I have inadequate resources at my disposal to carry out me tasks responsibly
4.6. In my job, I am sometimes put under pressure to break the Rules

5.1. In my immediate working environment, everyone is totally committed to the (stipulated) norms and values of the organization
5.2. In my immediate working environment, an atmosphere of mutual trust prevails
5.3. In my immediate working environment, everyone has the best interests of the organization at heart
5.4. In my immediate working environment, a mutual relationship of trust prevails between employees and management
5.5. In my immediate working environment, everyone takes the existing norms and standards seriously.
5.6. In my immediate working environment, everyone treats one another with respect

6.1. If a colleague does something which is not permitted, me manager will find out about it
6.2. If a colleague does something which is not permitted, I or another colleague will find out about it
6.3. If my manager does something which is not permitted, someone in the organization will find out about it -.
6.4. If I criticize other people's behavior, I will receive feedback on any action taken as a result of my criticism
6.5. In my immediate working environment, there is adequate awareness of potential violations and incidents in the organization
6.6. In my immediate working environment, adequate checks are carried out to detect violations and unethical conduct.
6.7. Management is aware of the type of incidents and unethical conduct that occur in my immediate working environment

7.1. In my immediate working environment, reports of unethical conduct are handled with caution

7.2. In my immediate working environment, I have the opportunity to express my opinion

7.3. In my immediate working environment, there is adequate scope to discuss unethical conduct

7.4. In my immediate working environment, reports of unethical conduct are taken seriously

7.5. In my immediate working environment, there is adequate scope to discuss personal moral dilemmas

7.6. In my immediate working environment, there is adequate scope to report unethical conduct

7.7. In my immediate working environment, there is ample opportunity for discussing moral dilemmas

7.8. If someone is called to account for his/her conduct, it is done in a respectful manner

7.9. In my immediate working environment, there is adequate scope to correct unethical conduct.

7.10. If reported unethical conduct in my immediate working environment does not receive adequate attention, there is sufficient opportunity to raise the matter elsewhere in the organization.

8.1. In my immediate working environment, people are accountable for their actions.

8.2. In my immediate working environment, ethical conduct is valued highly.

8.3. In my immediate working environment, only people with integrity are considered for promotion

8.4. If necessary, my manager will be disciplined if s/he behaves unethically

8.5. The people that are successful in my immediate working environment stick to the norms and standards of the organization.

8.6. In my immediate working environment, ethical conduct is rewarded

8.7. In my immediate working environment, employees will be disciplined if they behave unethically -.

8.8. If I reported unethical conduct to management, I believe those involved would be disciplined fairly regardless of their position

8.9. In my immediate working environment, employees who conduct themselves with integrity stand a greater chance to receive a positive performance appraisal than employees who conduct themselves without integrity

Item 8

REVISED

12:37 pm, Feb 22, 2019

DRAFT

ETHICS REVIEW BOARD

CITY OF NEW ORLEANS

2018 ANNUAL REPORT



ETHICS REVIEW BOARD CITY OF NEW ORLEANS

Current Board Members

Mr. James A. Brown, Chair

Mr. Howard Rodgers, III, Vice Chair

Rev. Brandon Boutin, Secretary

Ms. Elizabeth Livingston de Calderon

Dr. Michael Cowan

Dr. Joe M. Ricks, Jr.

Staff Members

Mr. Dane S. Ciolino ~ Executive Administrator and General Counsel

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Message from the Chair

Dear Citizens of New Orleans:

The New Orleans Ethics Review Board (ERB) seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.

I now serve as Chair. Mr. Howard Rodgers, III is our Vice Chair, and Reverend Brandon M. Boutin is our Secretary.

In 2018, the ERB continued its work in overseeing the New Orleans Office of Inspector General ("OIG") and the New Orleans Office of Independent Police Monitor ("IPM"). We also strengthened our strategic initiative and focus upon ethics education through the work of our ethics education service provider, the Hackett Group.

On February 26, 2018, the City's new Inspector General, Mr. Derry Harper, assumed office. Since that time, he has reported to the ERB on his progress in realigning personnel and functions within in his office. On September 1, 2018, Mr. Harper delivered his office's work plan for 2019, setting forth planned audit and investigation projects along with dates and time frames for delivery of reports of audits and investigations. We look forward to receipt of those deliverables within the timeframes projected in the OIG's work plan. The OIG is also working on a comprehensive risk assessment to guide the future work of his office, and we look forward to receiving that risk assessment when completed.

The City's Independent Police Monitor ("IPM"), Ms. Susan Hutson, provided regular reports on the work of her office, including ongoing monitoring of the New Orleans Police Department ("NOPD") in key areas, receipt and review of citizen complaints, coordinating mediations of qualifying citizen complaints, and other important work. Through public meetings and other outreach, the ERB helped facilitate a more efficient sharing of NOPD data with the IPM. We are hopeful that those efforts will further improve the already constructive working relationship between the NOPD and the IPM. The work of the IPM assumes even greater importance as NOPD moves closer to full compliance with the federal Consent Decree and enters the two year sustainment period following full compliance. We expect that the IPM will play a critical role in monitoring and reporting on NOPD's progress toward and continued compliance with the federal Consent Decree benchmarks.

Also in 2018, we continued our education efforts through the Hackett Group, which included collaborating to design ethics education training that was provided to numerous City departments and offices. In December, 2018, the Hackett Group completed a special projects report focusing on specific strategies for improving the culture of governmental ethics compliance in New Orleans. We look forward to working with the Hackett Group in implementing those strategies.

In line with the strategies identified by the Hackett Group, in December 2018, the ERB approved a set of annual ethics awards designed to recognize and reward commitment to compliance with government ethics standards. The ERB's "Liaison Award" will be given annually to departmental Ethics Liaisons whose departments meet the requisite compliance qualifications. We hope that most if not all of the departmental liaisons will qualify for and receive this award. The ERB's "Torch Award for Excellence in Ethics" will be given to a single person, Department or Agency that best exemplifies commitment to high standards of

ethical compliance. A committee of citizens will evaluate applications for this award and determine its recipient. These awards will be given at an annual awards luncheon to be hosted by the ERB.

In 2018, the ERB also received and disposed of ethics complaints filed with the ERB in the manner indicated in the chart below.

In the fall of 2018, the ERB resolved and voted to realign its staff in order to enable our part-time administrator, Ms. Jessica Lang, to give her full service to the OIG. We thank Ms. Lang for her prior service to the ERB. We voted to appoint Mr. Dane Ciolino as our Executive Administrator and General Counsel. Following Civil Service and City Council approval of that new position, Mr. Ciolino assumed his new position on January 1, 2019.

It is our great privilege to serve the Citizens of New Orleans.

Respectfully submitted,

/s/James A. Brown
James A. Brown, Chair
March 1, 2019



Ethics Review Board Membership

The Ethics Review Board consists of seven volunteer Members who serve staggered seven-year terms. Six members are appointed by the Mayor from lists of three nominees submitted by the Presidents or Chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and Xavier University. The seventh member is appointed by the Mayor. Each appointment is subject to approval by a majority of the Members of the City Council.

Current Members of the Ethics Review Board

James A. Brown - Chair, is a shareholder with the New Orleans law firm of Liskow & Lewis, P.L.C., and heads the firm's Commercial Litigation Section as well as its Professional Liability Practice Group. He also serves as the firm's General Counsel and formerly served on the Board of Directors. Mr. Brown is a Fellow of the American College of Trial Lawyers and other national professional and honorary organizations. He is the immediate past Chair of the American Bar Association Presidential Standing Committee on Lawyers' Professional Liability. Mr. Brown is an adjunct professor of trial advocacy and torts at the Louisiana State University Law Center and is a member of the New Orleans, Louisiana, and American Bar Associations. He serves as Vice Chair of the Advisory Council for the LSU Honors College. Mr. Brown received his B.A. degree, *summa cum laude* and valedictorian, from Louisiana State University in 1981. He received his J.D. from the LSU Law Center in 1984. He served as Editor-in-Chief of Volume 44 of the Louisiana Law Review and as law clerk to the Honorable Alvin B. Rubin, Circuit Judge, United States Fifth Circuit Court of Appeals, 1984-1985. He and his wife of 38 years, Kelly, have three sons, two daughters-in-law, and four grandchildren. Nominated to the ERB by the University of New Orleans, Mr. Brown's term will expire June 30, 2019.

Howard L. Rodgers, III - Vice Chair, is Executive Director of the New Orleans Council on Aging/Area Agency on Aging. He holds a Masters Degree in Social Work from Southern University at New Orleans and a certificate as a Certified Aging Planner from Louisiana State University. Mr. Rodgers is a past board member of the National Council on Aging, the Southwest Society on Aging, and Family Service of Greater New Orleans. Howard currently serves on the National Association of Social Workers Geriatric Committee, National Association of Social Workers Legal Defense Fund as a trustee and Advisory Board of the Sisters of the Holy Family Lafon Nursing Home. He is a 2010 National Council on Aging Geneva Mathiasen Award Recipient and was recognized as a 2011 Role Model by the Young Leadership Council of Greater New Orleans. Rodgers is a former board member of PACE New Orleans and former president of the Louisiana Aging Network Association. Mr. Rodgers is a nominee of Southern University at New Orleans; his term will expire September 7, 2019.

Reverend Brandon Boutin - Secretary, currently serves as the First Assistant Pastor & Pastor of Ministries at Greater St. Stephen Full Gospel Baptist Church in New Orleans, LA, under the leadership of Dr. Debra B. Morton, and Bishop Paul S. Morton, Sr. Rev. Boutin is a graduate from St. Augustine High School, Xavier University of LA, and New Orleans Baptist Theological Seminary. In 1999, he became a licensed minister and in 2006 was ordained as an elder. Deeply concerned about people, on a daily basis

Rev. Boutin may be found in community meetings, on speaking engagements, speaking on college campuses, participating in youth activities, conducting a funeral, wedding, or counseling. Rev. Boutin is a nominee of Dillard University; his term will expire June 30, 2022.

Elizabeth Livingston de Calderon is a member of the faculty at Tulane Law School, where she has supervised students in federal and state courts and agencies as part of the Tulane Environmental Law Clinic since 2006. Through the Clinic, she has accumulated extensive litigation experience under the Clean Water Act, the Administrative Procedure Act, and the National Environmental Policy Act while representing non-profit and public interest organizations, as well as indigent individuals. She has also successfully engaged in federal litigation under the Clean Air Act, the Resource Conservation and Recovery Act, and the Endangered Species Act. In state proceedings, Ms. Calderon's practice centers on the Louisiana Environmental Quality Act and its supporting regulations. Before public interest and environmental law, Ms. Calderon practiced commercial bankruptcy law—first in New York City and then in Detroit. She graduated magna cum laude from Tulane Law School, was Associate Editor of the *Tulane Law Review*, and holds a Master of Arts degree in Classical Languages. Nominated to the ERB by Tulane University, Ms. Calderon's term will expire June 30, 2023.

Dr. Michael A. Cowan is a psychologist and theologian. On the faculty of Loyola University since 1990, he also served as assistant to the president. He was co-founder of the Jeremiah Group, an interracial and interfaith community organization, and Shades of Praise, the New Orleans interracial gospel choir. After Hurricane Katrina, he served as chief of staff of the Government Efficiency and Effectiveness Committee of the bring New Orleans Back Commission, and subsequently founded Common Good, a network of civil society organizations to build multiracial consensus on the rebuilding of New Orleans. He served on the Human Relations Commission of the City of New Orleans from 2001-2008, and chaired the commission from 2002-2008. He is a visiting fellow of Harris Manchester College in Oxford University. He is a nominee of Loyola University; his term will expire June 30, 2022.

Dr. Joe M. Ricks, Jr. is the Chair of the Division of Business and the J.P. Morgan Chase Professor of Sales & Marketing at Xavier University of Louisiana. Dr. Ricks earned a Ph.D. in marketing with a minor in cognitive psychology from Louisiana State University, a Master's of Business Administration from the University of New Orleans and a Bachelor's degree in Marketing from Southeastern Louisiana University. Professionally, Dr. Ricks has published in *Business and Society Review*, the *Journal of Selling and Major Account Management*, the *European Journal of Marketing*, the journal *Performance Improvement*, the journal *Industrial Market Management*, the *Journal of Consumer Marketing*, the *Journal of Business Ethics*, the *Journal of Business Research*, and the *Journal of Vocational Behavior*. He has also been an editorial contributor to *Data News Weekly*, providing commentary on current issues relevant to the African American community. Dr. Ricks has been a visiting professor at Young & Rubicam Advertising Agency in New York in addition to the Corporate Customer Contact Center, Occupational Health and Environmental Safety Division, and the Sales Center of Excellence at 3M Company in St. Paul Minnesota. He has also served as a marketing intern coordinator for McIlhenny Company (Tabasco). Currently, he serves on the board of the Louisiana Quality Foundation that awards the Louisiana Performance Excellence Award based on the Malcolm Baldrige quality criteria. Prior to his academic career, Dr. Ricks' experiences included retail management, state government, the United States Army, and the Louisiana National Guard. Dr. Ricks is

married to Mrs. Dianne Way-Ricks and has one daughter Jaelynn Ricks. Dr. Ricks is Mayor Mitch Landrieu's appointee, and his term will expire June 30, 2020.

Mission Statement

The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.

History of the Ethics Review Board

In 1996, citizens of New Orleans voted to amend the Home Rule Charter to mandate the City Council to establish, by ordinance, an Ethics Review Board. Under that ordinance, as amended, the ERB is empowered to issue advisory opinions, promulgate rules regarding interpretation and enforcement of the New Orleans Code of Ethics, retain counsel and impose fines. The ERB also appoints and oversees the New Orleans Inspector General and the New Orleans Independent Police Monitor. The initial selection of board members occurred in December 2006.

The Ethics Review Board has dedicated its energy to ensuring an effective government ethics program throughout the City of New Orleans, including ethics education, advice, and enforcement.

Functions and Authority

The Ethics Review Board is authorized to enforce the provisions of the City of New Orleans Code of Ethics. The Code of Ethics was established to remind public officials and employees that they must adhere to high ethical standards. It applies to all officials and employees of city government, as well as all members and employees of boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city. The ERB is empowered to establish additional recommendations for the code of ethics, issue advisory opinions, promulgate rules regarding the interpretation and enforcement of the city's code of ethics, refer cases for investigation on referral or complaint, retain counsel, and impose fines.

Complaints

Any person may file a complaint concerning violations of the City's Code of Ethics with the Ethics Review Board. Any public employee who reports information which the employee reasonably believes is a violation of any ordinance, statute, policy, order, rule, regulation or other ethical mandate is protected by the New Orleans Municipal Code Division 3. Code of Ethics, Subdivision 3. Generally, Section 2-772 (a) Freedom from reprisal and disclosure of improper acts, which states such employees "shall be free from discipline or reprisal for reporting such acts of alleged impropriety. An employee with authority to hire and fire, supervisor, agency head, or elected official may not subject to reprisal any public employee because of such employee's efforts to disclose such acts of alleged impropriety."

The Board may consider any matter that it has reason to believe may be a violation of any law within its jurisdiction, including but not limited to, a notice or report sent to the Board by the Inspector General. The Board may close the file, refer the matter for investigation, or take such other action as it deems appropriate.

During 2018, the Ethics Review Board received 1 complaint.

	2015	2016	2017	2018
Received	2	1	5	1
Closed ¹	0	1 (partially closed)	3	1
Deferred	0	0	1 (pending litigation)	0
Referral ²			1- Louisiana State Ethics Board	0

The ERB received 0 formal requests for advisory opinions during 2018.

	2015	2016	2017	2018
Received	0	0	0	0
Closed				
Referral				

Future Work

The Ethics Review Board continues to view education and training as integral parts to an effective government ethics program. We have increased the number of City employees that participated in ERB Ethics Education Training in 2018. We hope to accomplish the goal of all City employees undergoing Ethics Education Training in the coming years.

¹ Closed: Ethics Review Board did not have jurisdiction, or the ERB determined that even if true, it did not violate the City Code of Ethics.

² Complaints outside of the ERB’s jurisdiction are referred to the appropriate entity for review. Complaints may be referred to multiple agencies.

The Ethics Review Board will also continue to identify and explore avenues for the promotion of a healthy ethical culture throughout city government, including advancing awareness of the Board's functions as well as the ethics code.

Attachment 1



ERB
ETHICS REVIEW BOARD

Ethics: Strengthening the Ethics Culture in the City of New Orleans Through Training

February 25, 2019

Topics to be covered

- Background
- Methodology
- Findings
- Best Practice Research
- Recommendations
- Next Steps

Background

- 2015** - Ethics Training: The Hackett Group was retained to provide ethics education to agencies and departments in City Government.
- State Code: Training focused on the rules of the Louisiana Code of Ethics; hundreds trained to date
 - Certification: The Hackett Group obtained Certified Ethics Trainer certification, allowing session participants to fulfill the annual State requirement
- 2017** - Department Liaisons: ERB engaged department ethics liaisons to expand education and coordination efforts
- 2018** - Ethics Study: ERB commissioned an ethics study to review the ethics landscape and determine City agencies'/departments' ethics awareness and needs

Methodology

Department Liaison Focus Groups

- Conducted two 90-minute focus groups
- Diverse department/agency representation (e.g., tenure, resident engagement (public-facing/internally-focused))
- Questions focused on training needs and other opportunities to support ethical culture

Analysis of Ethics Training Evaluation Forms

- Analyzed survey data from 341 post-training evaluation forms, collected over a three-year period
- Input collected from 19 City departments, agencies, boards, and commissions

Findings

Based on analysis, a number of themes emerged around areas where training could help provide a clearer understanding of important topics.

- Gifts and related topics: The City's hospitable culture sometimes conflicts with the Code, as accepting a gift can be a violation in some contexts
- Immediate family: Tight-knit communities in New Orleans present potential challenges for those under the Code, as the Code also applies to immediate family members
- Outside employment: Within the City's entrepreneurial culture navigating opportunities can be a challenge
- Retaliation/whistleblower protection: Many of those subject to the Code were unaware that there are protections in place for those who report unethical behavior

Findings (cont.)

- Travel and conferences: A better understanding would help support professional development
- Post-employment: Knowing better how to navigate opportunities after leaving government service would be helpful
- Practical skill building: Knowing effective ways to interact with the public and colleagues when presented with unethical behavior was often mentioned (i.e., how to say “I can’t do that” without giving offense)

Findings (cont.)

Analysis also revealed additional ideas for promoting ethical culture:

- New employee orientation
- Easy-to-understand materials (non-training)
- Highlighting overlap between the State Code and Civil Service rules
- Enforcement of existing rules
- Importance of ethical leadership

Best Practices

Based on research conducted for the study, many best practices are already in place in New Orleans:

- Code of Ethics (State Code)
- Ethics office or commission (ERB)
- Transparency (freedom of information legislation and disclosure requirements)
- Training (annual requirement)

Best Practices (cont.)

From Rules to Culture Change

To ensure that government is acting in the most ethical way possible, it is important to not only understand the rules, but also to promote a culture of ethical behavior by:

1. Having clear expectations for what is okay and not okay
2. Modeling desired behavior (especially by organizational leaders)
3. Reinforcing the behavior you want and not reinforcing the behavior you do not want
4. Focusing training on skill building and problem solving
5. Providing the tools people need to act ethically
6. Communicating the values of the agency

Recommendations

Based on study findings, best practice research, and experience it is recommended that the ERB take the following actions:

- Recognition of ethics excellence: Introduce a special recognition for those individuals or agencies that have demonstrated a commitment to ethical behavior
- Targeted training for leadership/management: Provide training not only on the State Code but also on different strategies and techniques for promoting ethical culture
- Standardized training of new employees – orientation: Introduce new employees to the importance of ethics at the very beginning of their tenure

Recommendations (cont.)

- Innovative ethics education materials (non-training related): Provide reminders or refreshers on the elements of the Code that most impact employees' day-to-day activities (e.g., cards, posters, emails, pamphlets)
- Increased emphasis and skill building on important aspects of the Code: Increase focus during training on the areas previously outlined in the findings and provide role playing opportunities to build skills
- Periodic meetings of liaisons: Facilitate two meetings per year of the departmental ethics liaisons

Recommendations (cont.)

- Ethics auditing: Introduce a tool to evaluate and improve behavior in departments with low compliance or large numbers of complaints; to be used infrequently
- Education and awareness campaign regarding whistleblower protections: Publicize the process and protections available

Next steps

- Receive feedback from the ERB on study findings and recommendations
- Meet with interested members of the ERB to discuss potential ways of integrating the findings and recommendations into the training strategy

Questions