



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

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

BOARD MEETING

Monday, April 29, 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 content of monthly reports. (Chair)
3. Discussion of monthly report from the Office of Inspector General with Inspector General. (Chair)
4. Discussion of monthly report from the Office of Independent Police Monitor with Independent Police Monitor. (Chair)
5. Discussion of federal consent decree issues with Office of Independent Police Monitor. (Chair)
6. Discussion of monthly report from the Ethics Trainer with Ethics Trainer (Chair)
7. Report of Executive Administrator and General Counsel. (Chair)
8. Report on ethics awards program. (Ricks)
9. Adjournment (Chair).

Monthly Report of OIG

Report to the Ethics Review Board
March 2019

System-wide Risk Assessment

The new Deputy Inspector General for Audit & Evaluation worked with the Audit and Evaluation groups to refine the risk assessment framework and scoring. With the assistance of the I & E Division, the Audit & Review division continued to compile information from the questionnaires previously distributed to city departments and component entities.

Investigations

The Investigations division received 13 complaints in March.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 Multicultural Tourism Network (NOMTN) 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 set in federal court for September 2019.

Training

An investigator attended the spring Association of Inspectors General Training Institute in Jacksonville, Florida and successfully completed the Certified Inspector General Investigator course. The Deputy IG for Audit taught three classes at the AIG Institute in Jacksonville.

Staff/General OIG developments

IG Harper made an offer to one of the applicants for the position of General Counsel. Contingent upon the standard background review and the individual's availability, it is anticipated the OIG's new attorney will start work in late April or early May.

2018 Annual Report

Pursuant to the ordinance that established the OIG, the 2018 Annual Report was released on March 29, 2019 to the Ethics Review Board.

¹ As of March 26, 2019.

Monthly Report of OIPM

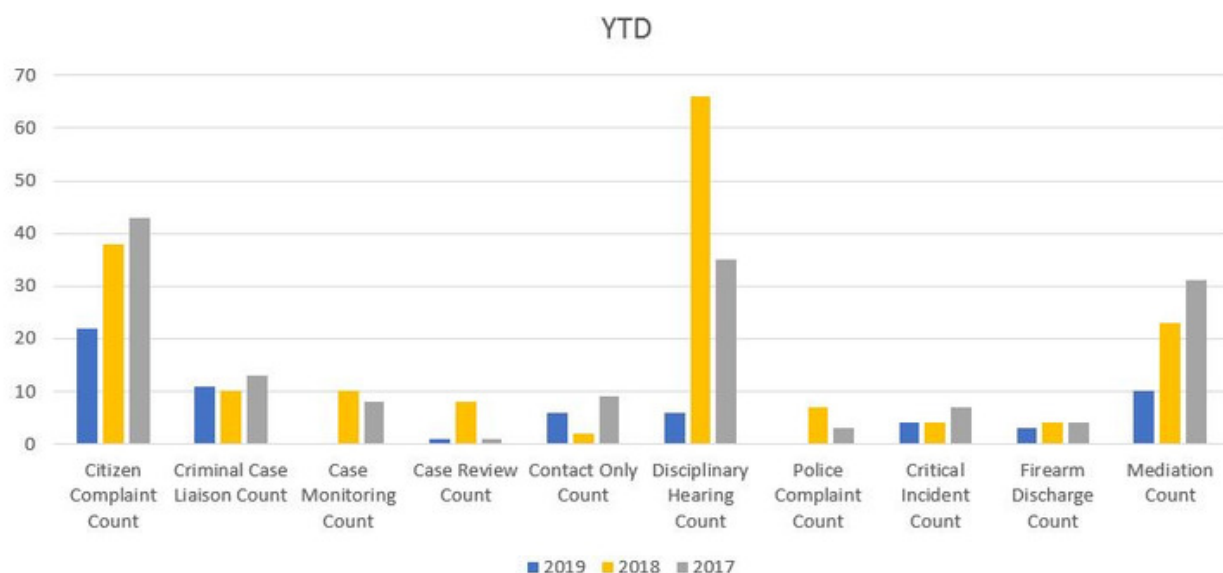
THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

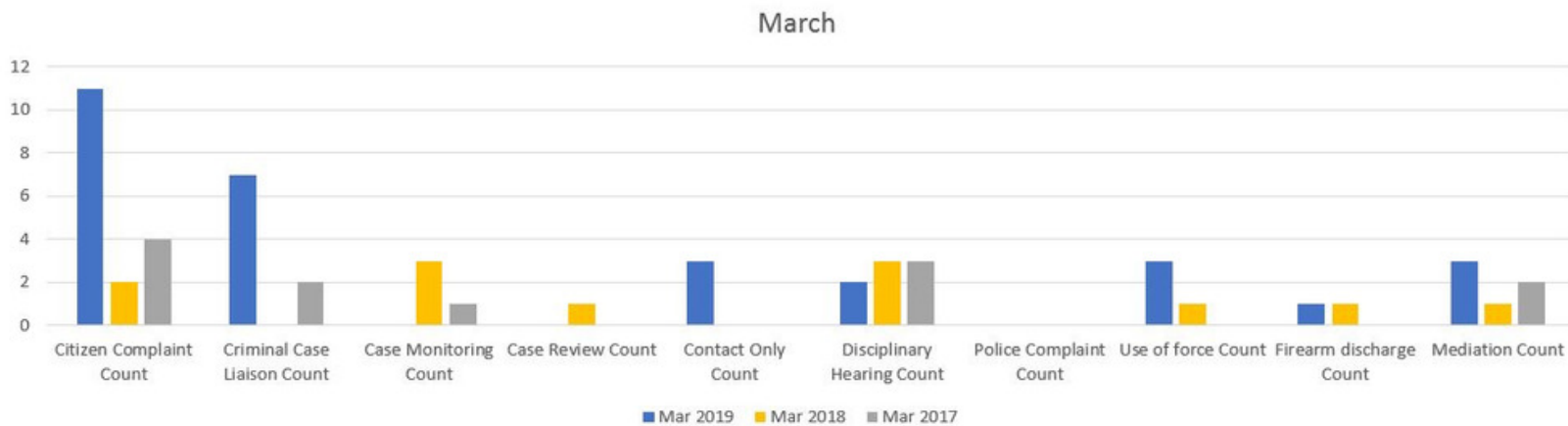
MARCH 2019

Year to Date Overview



	2019	2018	2017
Citizen Complaint Count	22	38	43
Criminal Case Liaison Count	11	10	13
Case Monitoring Count	0	10	8
Case Review Count	1	8	1
Contact Only Count	6	2	9
Disciplinary Hearing Count	6	66	35
Police Complaint Count	0	7	3
Critical Incident Count	4	4	7
Firearm Discharge Count	3	4	4
Mediation Count	10	23	31
Grand Total	63	172	154

March Overview



	Mar 2019	Mar 2018	Mar 2017
Citizen Complaint Count	11	2	4
Criminal Case Liaison Count	7	0	2
Case Monitoring Count	0	3	1
Case Review Count	0	1	0
Contact Only Count	3	0	0
Disciplinary Hearing Count	2	3	3
Police Complaint Count	0	0	0
Critical Incident Count	3	1	0
Firearm Discharge Count	1	1	0
Mediation Count	3	1	2
Grand Total	30	12	12

March Overview

Complaints	
CC2019-0016	Complainant believes the NOPD has failed to investigate ongoing threats and physical attacks on her and her children from someone in the community. The complainant states she calls for assistance and the police do not speak to her witnesses, review her video footage or evidence, do not provide adequate medical attention at the scene, and have wrongfully arrested the complainant instead of the perpetrator.
CC2019-0017	Complainant believes he was wrongfully arrested under false pretenses when he confronted an insurance company regarding fraudulent billing. Complainant believes the police failed to get his account or appear in court.
CC2019-0019	The complainant alleges that the NOPD officer was rude, unprofessional, and hung up on her when she called.
CC2019-0020	Complainant believes he was racially profiled by the officer when the officer stopped the complainant and asked him was his car stolen and made him do certain gestures that led the complainant to feel like he was being treated as a criminal.
CC2019-0021	Complainant alleges that a sergeant was rude, aggressive, and unprofessional towards her when she arrived to ask for assistance with obtaining her minor child from another family member.
CC2019-0023	Complainant believes the NOPD improperly entered her home without permission and aggressively arrested her without cause, causing bruising to her arms, refused to let her put on shoes, and then took her to a mental health facility.
CC2019-0025	According to the complainant, the NOPD failed to respond to two calls for assistance when an unknown man was knocking on doors in the neighborhood late at night. As of the time of the complaint, the NOPD has not followed up on the call for assistance.
CC2019-0026	Complainant alleges that NOPD took 2 hours to respond to her call for service when her dad was assaulted by another individual. The complainant also alleges that NOPD failed to thoroughly and properly investigate the incident.

March Overview

CC2019-0027	Complainant alleges the NOPD failed to adequately protect him from threats and harassment during a peaceful protest in front of a local business and then provided inaccurate legal information regarding his right to arm himself and stand his ground. As a result of those NOPD actions, the complainant alleges he was wrongfully arrested for protecting himself and believes the NOPD was trying to discredit and silence him since he is a community activist.
CC2019-0028	According to complainant, the NOPD failed to conduct a thorough and timely investigation into her family member's death, resulting in evidence being lost or tampered with, witnesses disappearing, and the wrongful categorization of her family member's cause of death.
CC2019-0029	Complainant alleges that 3 of her co-workers within the NOPD Crime lab have continuously harassed her, made false statements about her, and created a hostile and unsafe environment.
Complaints: 11	

Disciplinary Hearings	
DH2019-0005	Officer is accused of failing to inform a civilian of her Miranda rights, activate his body worn camera, or to thoroughly investigate and collect evidence related to a domestic violence incident.
DH2019-0006	OCDM and the DOJ raised concerns regarding a strip search of a civilian and the search of the civilian's child. The officer is accused of violating NOPD policy regarding necessary probable cause to conduct searches of the body and minors.
Disciplinary Hearings Count: 2	

Mediation
Mediation cases are confidential.
Mediations Held: 3

Data is subject to review until Annual Report is submitted.

March Overview

Critical Incidents	
CI2019-0003	March 5, 2019 at 12:57p.m. Third district officers responded to a call for service of a domestic dispute involving an armed suspected person. An officer relocated to the rear of the residence to cover the rear door. The suspected person allegedly fired twice through the rear door at which time the officer returned fire once and retreated to wait for SWAT's arrival. During the suspected person's surrender to SWAT, two other officers pointed their patrol rifles at the suspected person. He was taken into custody without further incident. There were no injuries.
CI2019-0004	March 20, 2019 at 8:30pm. Two NOPD 6th District Task Force officers spotted a car they believed was stolen. They tried to conduct a traffic stop on the vehicle. The initial NOPD patrol car was joined by another NOPD Task force unit that contained two additional officers. The two NOPD patrol cars began following the alleged stolen car and attempted to pull it over. According to the NOPD officers, instead of pulling over, the driver accelerated and began to flee from them. The two patrol units followed behind the vehicle. During the incident the two 6th district task force units were joined by another NOPD unit with two officers. At some point the alleged stolen car lost control and crashed into a beauty salon. The car exploded and caused a three alarm fire at the beauty salon. The occupants of the car were killed and so was an patron of the beauty of salon. Six others were injured including a woman and her two children, two NOPD officers and a firefighter.
Critical Incidents: 2	

Data is subject to review until Annual Report is submitted.

March Overview

Community Liaison	
CL2019-0006	Citizen needed assistance in following up with a police officer about her stalking case.
CL2019-0007	Citizens concerned about an arrest and possible bias during an investigation.
CL2019-0008	Citizen had a negative encounter with the Parking Authority and needed assistance contacting the proper departments.
CL2019-0009	Citizen needed assistance communicating with the District Attorney's Office and NOPD about the investion of her son's murder.
CL2019-0010	Citizen needed assistance in determining if any actions would be taken after she filed a police report on her employer.
CL2019-0011	Citizen requested follow-up information concerning a 2015 complaint.
CL2019-0012	Citizen has not heard from PIB investigator and would like to give a statement.
Community Liaison: 7	

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.

11

CITIZEN COMPLAINTS

2

**DISCIPLINARY
PROCEEDINGS**

0

**POLICE INITIATED
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

PENDING CONSENT

3

MEDIATIONS HELD
OR SCHEDULED

1

MEDIATION OFFER
DECLINED

“This was a good opportunity to express my concerns of how things were handled with the officer. I learned not to categorize the entire department because of one officer’s mistake. The officer learned to take time to listen before acting. This program should continue. Please don’t stop!”

-Civilian Participant



“I liked the chance to talk and that the mediators were good listeners. The process turned out good.” - Officer Participant

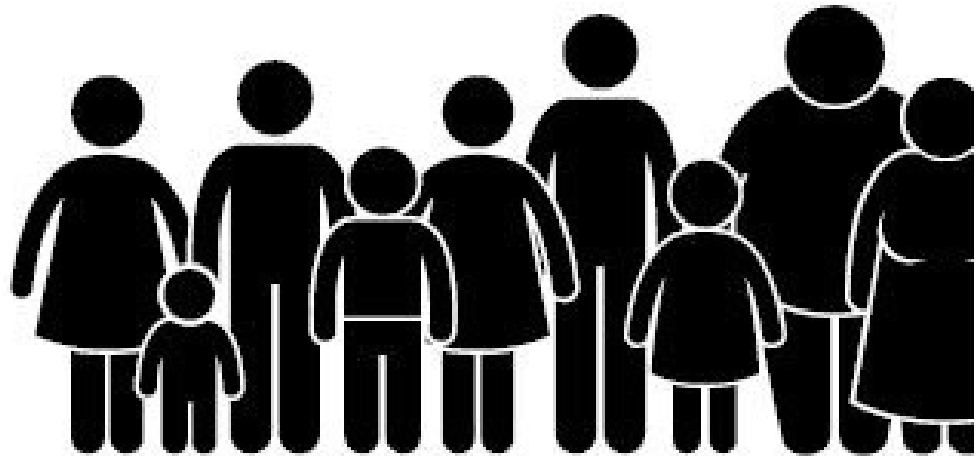
Community Relations

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
- Day Reporting Center



2

COMMUNITY MEETINGS

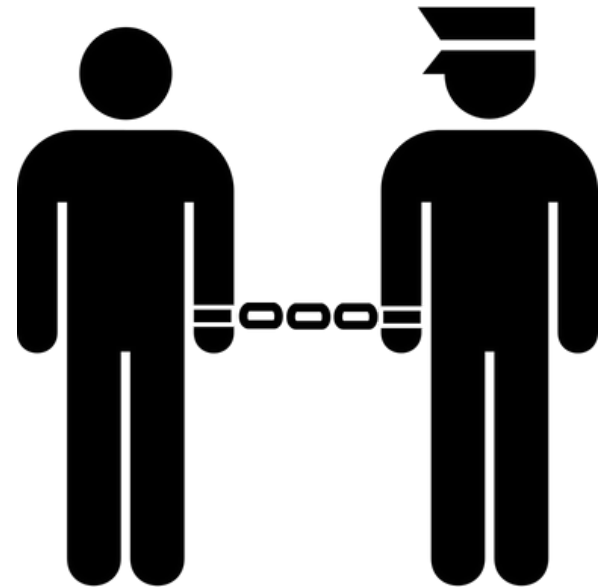
- Informational forums on the Real Time Crime Center

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.

2

Critical Incidents



Monthly Report of Ethics Trainer

No report received.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of March 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. 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 member absent:
 - 1.2.1. Brandon Boutin.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. At 3:30 p.m., a quorum being present, Mr. Brown 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 February 25, 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 with Larry Douglas and Bob Wilson, Airport Construction Fraud investigator.
 - 3.3. Mr. Harper shared with the Board a PowerPoint slide show that he recently used with the local business counsel. The slideshow addressed the issues of the following:
 - 3.3.1. "What is an inspector general?"
 - 3.3.2. OIG results for 2016-2018, including its S&WB handicapped parking investigation, its Jazz Fest ticket investigation. Ms. Calderon probed further about the bleacher contract storage contract that was the subject matter of the investigation. Mr. Harper responded that no tickets will be distributed to city employees for free this year.
 - 3.3.3. Current projects.
 - 3.3.4. Organizational structure of the office. Most importantly, one deputy inspector general is now responsible for both audit and investigation (Larry Douglas).
 - 3.3.5. Where city government would be without and OIG.
 - 3.3.6. System-wide risk assessment. This will be addressed in detail in the upcoming annual report.
 - 3.4. Mr. Harper reported that his office's annual report would be released later in the month.
 - 3.5. Mr. Wilson discussed the work of the Construction Fraud division at the new airport terminal. Mr. Wilson used PowerPoint slides to address the work.
 - 3.5.1. The mission of the OIG is to deter fraud, waste, and abuse at the new MSY airport. The emphasis is on deterrence. The embedding of the investigator is a key aspect of this.
 - 3.5.2. The history of this position dates back to 2013. It was created by a resolution agreement between the OIG and NOAB. His position is funded by the NOAB.
 - 3.5.3. His division acts as a central hub for reporting of fraud by the public, airport employees, contractors, and vendors.

- 3.5.4. His division conducted 103 training sessions in 2018 for 2,000 employees. These were conducted during a two-hour orientation session that are a prerequisite to “getting a badge.”
- 3.5.5. His division also reviews for fraud data, invoices, and other materials related to consultants and contractors. His office has reviewed more than \$803,00,000 in invoices and \$221,104,928 in change orders for fraud. This review process is “extremely robust.”
- 3.5.6. His division distributed ethical guidelines to all subs and vendors on the project. The guidelines are built into all contracts and subcontracts. It includes a penalty clause for violations of the ethics code. Mr. Ricks asked what code was distributed. Mr. Wilson said that it included provisions from both the state and city codes of ethics. The code was developed in the OIG office in conjunction with the NOAB. Ms. Calderon followed up as to where that code was derived from. Mr. Wilson clarified that the code is derived from both state and city ethics codes.
- 3.5.7. The airport director, Kevin C. Dolliole, has stated that the OIG embedding has “provided significant value.” Mr. Wilson noted that he gets lots of questions just because he is present.
- 3.5.8. Mr. Wilson also showed the ERB pictures of the status of the airport. He also discussed how the transition from current terminal to new terminal will take place.
- 3.5.9. Mr. Brown asked when the next report will be issued by the airport fraud department. Mr. Wilson reported that **a report would be issued by April 30, 2019.**
- 3.5.10. Ms. Calderon asked whether the costs and effects of change orders were in line with what was to be expected. Mr. Wilson reported that change orders were only 5.5% of the costs. This, he reported, was quite good.
- 3.5.11. Mr. Ricks asked about the framework for the future.
- 3.6. Mr. Brown asked about when the OIG risk assessment status report will be delivered. Larry Douglas responded that the risk assessment framework is currently ready for Mr. Harper’s approval.
 - 3.6.1. The framework will be delivered in the next couple of weeks according to Mr. Harper. He is leaning toward posting it on the website in the next month or so.
 - 3.6.2. As to the system-wide risk assessment project itself is on-going. Mr. Douglas reported that the project is in its infancy stage. Mr. Brown pressed as to when a report would be delivered. Mr. Harper said that he hopes to have **a report done and published by the 3Q of 2019.**

- 3.7. Mr. Brown asked about when the general counsel position would be filled. Mr. Harper expected to have the general counsel on board in 30-45 days.\
- 3.8. Mr. Brown asked about the position for deputy IG for inspections and evaluations, he expects to start a search in the next 30-45 days. This position has been vacant since the summer of 2018. Mr. Brown asked “bluntly” why this was taking so long. Mr. Harper said that everything takes longer than you expect. He thinks this is not taking that long in the scheme of things.
- 3.8.1. Mr. Brown asked about all reports from the IG in 2018 though the present. Mr. Harper reported that there have been no reports because of the lack of a general counsel. He reported that he has “three projects” ready to release after a “careful legal analysis.” Mr. Brown pressed again on deliverables projected for 2018, particularly, reports relating to the Audubon Institute, an audit of payroll, and an audit of disbursements. These are still not released.
- 3.8.2. Mr. Harper said that S&WB report would be released within a month. He said that there are two other reports relating to the S&WB that are due to be released once the lawyer is retained and comes on board.
- 3.9. Mr. Harper said that it is arbitrary to criticize his office for not releasing reports on investigations because investigations take a long time and are difficult to forecast as to completion dates.
- 3.10. Mr. Harper said that the hiring of Mr. Douglas and a new general counsel, the rate of report publication will increase.
- 3.11. Mr. Ricks asked more about the risk assessment process. He had reviewed the “whitepaper” on the topic. Mr. Harper said an upcoming report would give more details soon.
- 3.12. Mr. Cowan asked about 2019 projects, first: S&WB audit of billing and collections, when will that be complete? Mr. Harper reported that the “appeals” process of the billing system report is near done and will soon be released. “Nearing completion.” Mr. Harper could not give the board a specific date for release but **estimated 30-45 days**.
- 3.13. As to audit of internal audit function at S&WB. Mr. Harper said, “same answer, but we are further along.” He said that the OIG was drafting the report now. The agency will have an opportunity to respond. He **estimated 30-60 days**.
- 3.14. As to audit of inventory and payroll at S&WB, Mr. Harper noted that his office did not proceed on this project. That is in the preplanning stage. The billing system review took priority. This schedule changed. Mr. Harper **could not give a date**.

- 3.15. As to the “billing dispute resolution process” audit in S&WB, was changed to a narrower scope audit.
- 3.16. Mr. Harper noted that both FEMA and the Louisiana Legislative Auditor were investigating or auditing the S&WB. Because of that he was concerned about “blasting” the S&WB for additional information.
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, Tanya McClary, Chief Monitor, and Bonycle Sokunbi, Executive Director for Community Relations, appeared for the OIPM.
 - 4.3. Ms. Sokunbi read “the numbers” from the monthly report. The IPM received 11 complaints for the last month. There were 4 disciplinary proceedings last month. The critical incident number went up to 2 for 2019 (from zero last year), and these included 2 firearm discharges for 2019. Ms. Calderone clarified that this was a total of 2 critical incidents.
 - 4.4. Ms. Sokunbi reported that there have been 8 mediations this year. The trend is for more mediations.
 - 4.5. Ms. Cziment reported on complaints and consent decree reviews. The OIPM will begin tracking compliance with consent decree in all work product. Mr. Brown complimented the OIPM on making efforts to monitor compliance with the federal consent decree.
 - 4.6. Mr. Rodgers asked “how close are we” from getting the consent decree lifted. Ms. Hutson noted that her office is focusing on the issues that are “green” in the report, that are “close” to compliance, but not yet there. Her office has met with the current monitors about handing off the work.
 - 4.7. Mr. Cowan asked about what she envisions for her office after the federal consent decree is lifted. Ms. Hutson said that she envisions a robust monitoring role. This is now under discussion. She does not have the size staff as the federal monitors. Her office will do a risk assessment.
 - 4.8. Mr. Cowan asked whether this will be a reworking of her office and its strategic plan. Ms. Hutson responded “yes.” Mr. Cowan expressed strong support for an increased role for the OIPM in federal consent decree monitoring.
 - 4.9. Mr. Ricks followed up on the complaint numbers. He asked whether there has been a trend analysis of these complaints. Ms. Cziment responded, “yes,” we are identifying categories and trends. This will be highlighted in the annual report.

- 4.10. Ms. Hutson noted that a new database is being built to gather, analyze, and report data in a more useable format. Consultants from Chicago were in attendance at the meeting.
- 4.11. Ms. McClary reported on “use of force.” Most recent event was last week when several fatalities occurred during a high-speed chase. Three people died in the incident. The OIPM was on the scene. The NOPD officers may have violated policy in the pursuit of this vehicle. The investigation continues. This is a matter addressed by the consent decree. To pursue properly, there must be approvals up the chain of command.
- 4.12. Mr. Rodgers pressed further on how car thefts might be reduced because thieves know they won’t be chased. Ms. Hutson noted that this is really a question for the NOPD.
- 4.13. Ms. Sokunbi reported on new training offering engaging police officers with young people in the community.
- 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 discussed upcoming trainings planned with boards and commissions during the first week of April. She has received very good participation.
 - 5.4. Ms. Hackett reported a planned training session with the Office of Community Engagement, the Business Alliance, the Mayor’s Office, and the City Attorney’s Office.
 - 5.5. These trainings “accelerate after Mardi Gras” and in the summer and fall before year end.
 - 5.6. Ms. Hackett reported that she was recertified as an ethics trainer by the state.
 - 5.7. Mr. Brown stated that he hopes that the items noted in the December 2018 report will be implemented. Ms. Hackett said that she anticipates that implementation will go forward.
 - 5.8. Mr. Caulfield noted that some of the “best practices” from that report would be implemented as early as next week.
 - 5.9. Mr. Brown suggested that the ethics trainer should deliver evaluations to the Board so that the Board can evaluate the efficacy of training.
 - 5.10. Mr. Ricks asked for the trainers to share the dates of future trainings so that Board members could possibly attend. They agreed to do so.

6. *Report of the Executive Administrator and General Counsel.*

- 6.1. Mr. Ciolino reported on all upcoming events and deadlines on the master ERB calendar.
- 6.2. Mr. Ciolino reported on the ethics inquiries received during the last month, as well as on the current status of all pending matters, including complaints and public records requests.
- 6.3. Mr. Ciolino reported on the transition into his new position. Mr. Ciolino received a new credit card so that he can move accounts over to ERB from OIG.
- 6.4. Mr. Ciolino reported that he will appear later in the week before the Council to speak on the ordinance to empower the OIG to prosecute ethics complaint. The ordinance made it out of committee.
- 6.5. Mr. Ciolino reported that he and Ms. Calderon will review the policies and procedures for disciplinary enforcement in May and June.

7. *Status of QAR Committee Work*

- 7.1. Mr. Brown reported that both Quality Assurance Review committees are now fully constituted and their work is underway.

8. *Ethics Award Program.*

- 8.1. Mr. Ricks noted that Mr. Ciolino prepared a draft letter will be sent to all boards and departments of the city to inform them of the awards in April 2019. Mr. Ciolino will facilitate the sending of this letter.

9. *Adjournment.*

- 9.1. Mr. Ricks moved to adjourn the meeting. Mr. Rodgers seconded the motion.
- 9.2. The board unanimously passed the motion to adjourn and the Vice-Chair declared the meeting adjourned at approximately 5:15 p.m.

* END *