



## **Ethics Review Board for the City of New Orleans**

**Board Meeting of March 8, 2020 at 3:30 P.M.**

**Conducted via Zoom Teleconference Due to COVID-19 Emergency**

### **Minutes**

1. *Call to Order.*
  - 1.1. Board members present:
    - 1.1.1. Wanda A. Brooks.
    - 1.1.2. Elizabeth Livingston de Calderon.
    - 1.1.3. Michael A. Cowan (Chair).
    - 1.1.4. Holly Callia.
    - 1.1.5. Monique G. Doucette.
    - 1.1.6. Tyrone G. Jefferson, Jr.
    - 1.1.7. Torin T. Sanders.
  - 1.2. Board members absent: None.
  - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.4. A 3:34 p.m., the Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
  - 1.5. The agenda for the meeting is attached.
2. *Ratification of Prior Written Certification of Emergency Need for Video Conference Meeting.* Pursuant to [State of Louisiana Executive Department Proclamation No. JBE 2020-30 Section 4 \(March 16, 2020\)](#) and subsequent orders and legislation addressing the

COVID-19 state of emergency, the ERB unanimously agreed to conduct this meeting by video conference and audio conference after certifying that the ERB would not otherwise have been able to operate due to quorum requirements due to the ongoing COVID-19 emergency.

3. *Approval of the Minutes.* The Board unanimously approved the minutes of the February 8, 2020, Board meeting.
4. *Report on Peer Review of the OIPM*
  - 4.1. A motion was made and seconded to add this item to the agenda and to take it out of order. The Board unanimously approved the motion.
  - 4.2. Susan Hutson, Russell Bloom and Kim Neal of NACOLE appeared before the Board.
  - 4.3. They expect to have a report by June 14, 2021.
  - 4.4. Their methodology will include a sampling of work product of the OIPM, and interviews with key personnel in the office and within city government.
  - 4.5. Ms. Callia asked whether the report would include recommendations. Ms. Neal responded that it would. Ms. Neal also noted that NACOLE has laid out guidelines and principles of oversight which would be considered in the peer review.
  - 4.6. Mr. Cowan asked whether this was NACOLE's first peer review. Ms. Hutson responded that it was. NACOLE has done assessments, but not peer reviews.
  - 4.7. Mr. Cowan asked for an overview of NACOLE and its history. Mr. Bloom responded.
  - 4.8. Mr. Cowan noted that he was "uneasy" about NACOLE performing the peer review when Ms. Hutson was its current president. Mr. Bloom responded with a detailed explanation as to how NACOLE selected him and Ms. Neal to serve as peer reviewers and that they will be independent and objective.
5. *Overview of Monthly Reports.* Mr. Ciolino provided the board with an overview of the history and purposes of the monthly reports from the OIG and OIPM.
6. *Report of the Office of Inspector General.*
  - 6.1. The Office of the Inspector General was represented by Interim IG Ed Michel. Other OIG staff members were also in attendance, including Larry Douglass.
  - 6.2. Mr. Michel discussed the monthly report. *See Attached Monthly Report.*

- 6.3. Mr. Michel discussed his office's investigation into abuses with homestead exemptions to property taxes.
  - 6.4. Mr. Michel reported that he recently met with the City Council regarding the risk assessment process.
  - 6.5. Mr. Michel reported that oral argument would soon take place regarding whether his office has jurisdiction over investigations into the New Orleans Communications District.
  - 6.6. Mr. Michel reported on his office's traffic camera investigation and news reports about overcharges and overpayments.
7. *Report of the Office of the Independent Police Monitor.*
- 7.1. IPM Susan Hutson appeared for the OIPM.
  - 7.2. Ms. Hutson discussed her monthly report. *See Attached Monthly Report.*
  - 7.3. Ms. Hutson reported that "things have slowed down a bit" in her office.
  - 7.4. Ms. Hutson noted that there is a new database to track complaints. Her office is trying to put more and more data on the public-facing dashboard.
  - 7.5. Ms. Hutson reported on her attendance at a recent officer-involved shooting. She noted that much has changed since her office first started attending such events. She noted that PIB is doing a very good job with controlling the scene, etc.
8. *Discussion of Annual Evaluations of OIG and OIPM*
- 8.1. Mr. Cowan noted that the Board needs to have in place oversight procedures to identify potential problems more quickly in the OIG and OIPM. He reported better procedures would have "caught the problems" related to the attendance and engagement of the former inspector general.
  - 8.2. Ms. Calderon cautioned that the Board should not overstep its authority and micromanage the offices.
  - 8.3. Mr. Cowan clarified that the Board needs some sort of "early warning" system—not to interfere with day-to-day operations. This would involve employee surveys and feedback—not a full-blown audit or evaluation.
  - 8.4. The OIG and OIPM responded that they support the idea in principle, but cautioned against a procedure that would be too formal and time consuming.
  - 8.5. Mr. Cowan said the Board EA/GC would prepare a draft employee survey for consideration at a future meeting. Mr. Jefferson noted that this survey should address basic performance and attendance issues.

- 8.6. Ms. Calderon noted the need for balance and to avoid burrowing into these offices.
- 8.7. Mr Cowan noted that an additional possibility would be to expand the scope of triennial peer reviews.
9. *Ethics Awards.*
  - 9.1. Ms. Callia and Mr. Jefferson briefly discussed ethics awards. Both noted that the award ceremony should be “in person.”
  - 9.2. The Board should consider scheduling a ceremony in early 2022. This will also give the new trainer an opportunity to acclimate to job.
10. *Report of Executive Administrator and General Counsel.*
  - 10.1. Mr. Ciolino reported that no new complaints had been received.
  - 10.2. Mr. Ciolino discussed the Board’s upcoming deadlines and events.
  - 10.3. Mr. Ciolino reported on the hiring process for replacing the Inspector General. The matter is in the contracting stage.
  - 10.4. Mr. Ciolino reported on the process to hire a full-time ethics trainer. The Civil Service Department has approved a classified position and the city personnel department is now accepting applications and screening, and qualifying applicants. Mr. Ciolino should be ready to hire someone in the next 4-6 weeks.
11. *Executive Session.*
  - 11.1. The board went into executive session after a motion to do so was made, seconded, and approved by a unanimous vote of the board. The purpose of the executive session was to discuss investigative proceedings regarding allegations of misconduct pursuant to La. Rev. Stat. § 42:17(A)(4).
  - 11.2. After meeting in executive session, the board went back into general session and publicly voted to request additional information from the respondent in ERB No. 2021-01.
12. *Adjournment.*
  - 12.1. A motion was made to adjourn the board meeting. The motion was seconded.
  - 12.2. The Board unanimously voted to adjourn.
  - 12.3. The meeting was adjourned at 5:34 p.m.

\* END \*



## CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

[erb@nolaerb.gov](mailto:erb@nolaerb.gov)

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

### BOARD MEETING

Monday, March 8, 2021

3:30 P.M.

The board will conduct this meeting via Zoom Video Conference and Telephone Conference

Video Conference Link: <https://loyno.zoom.us/j/5049753263>

Telephone Conference Dial-In Number: 312-626-6799; ID No. 504 975 3263

Certification of Necessity: The board hereby certifies that it is unable to satisfy live-meeting quorum requirements due to the COVID-19 declaration of emergency. See [State of Louisiana, Executive Department Proclamation No. JBE 2020-30 § 4](#) (Mar. 16, 2020) (permitting video conference meetings due to gubernatorial declaration of state of emergency); [State of Louisiana, Executive Department Proclamation No. 111 JBE 2020 § 1](#) (August 26, 2020) (providing that “statewide public health emergency is declared to continue to exist”).

### AGENDA

1. Ratification of certification of necessity for videoconference/teleconference meeting (Chair).
2. Approval of minutes of previous board meeting (Chair).
3. Discussion of pipeline report process (Ciolino).
4. Discussion of monthly report from the Office of Inspector General (Chair).
5. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
6. Discussion of annual evaluations of IG and IPM (Doucette, Sanders, Brooks), and responses of OIG and OIPM.
7. Discussion of expanding triennial evaluations of IG and IPM (Chair), and responses of OIG and OIPM.
8. Ethics awards (Callia, Jefferson).
9. Discussion and vote on Marcello/BGR recommendations (Chair, Ciolino).
10. Discussion of board officer selection process (Chair).
11. Report of Executive Administrator and General Counsel (Chair).
  - a. Report on status of RFP for executive search firm for new Inspector General.

- b. Report on status of creation of ethics trainer classified position.
- 12. Executive Session. Discussion of investigative proceedings regarding allegations of misconduct pursuant to La. Rev. Stat. § 42:17(A)(4).
- 13. Adjournment (Chair).

**Monthly Report of  
OIG**

**Report to the Ethics Review Board**  
**February 2021**

**Administration**

The OIG recently released the Citywide Risk Assessment Report dated February 10, 2021, which is the blueprint to allocate our limited resources efficiently and effectively, identify potential project, and determine audit and evaluation priorities for both the current year and subsequent years.

**Audit & Review**

The Audit & Review division has the following audits underway: BRASS Purchasing, Orleans Parish Communications District, and the Department of Public Works and Sewerage & Water Board coordination. We also initiated a follow-up project for the Sewerage & Water Board's Internal Audit Performance Audit report originally issued August 2019.

Please see the attached project status spreadsheet for details.

**Inspections & Evaluations**

The I&E group also has the following two evaluations underway in the fieldwork phase: Firefighter's Pension Fund and the Job Ordering Contracts.

Please see the attached project status spreadsheet for details.

**Investigations**

The Investigations Division received seven (7) complaints in February 2021. Five (5) concerned matters outside of the OIG's purview.

OIG Investigations Division activities and cases:

- Criminal Investigations:

Three former Sewerage and Water Board Employees are awaiting trial for theft of brass and three arrest warrants remain outstanding.



- Administrative Investigations:

The OIG recently published a Report of Investigation concerning an allegation that three residential properties benefited from homestead exemptions and special assessment level tax exemptions despite the listed homeowners reportedly being deceased. As a result of this investigation, the Assessor's Office removed the homestead exemptions and age freezes for the three properties, retroactive to 2017. According to the Bureau of the Treasury, the City of New Orleans is due \$48,452.48 in additional property tax revenue.

Further, the OIG sent a letter dated February 8, 2021 to the Assessor's Office concerning a residential property owner that was the beneficiary of two homestead exemptions, one in Orleans Parish, and the other in Jefferson Parish. The Assessor's Office subsequently issued a letter to the property owner stating that they were rescinding the homestead exemption for the residence located in Orleans Parish.

OIG Information Security Division activities for February 2021:

Recurring Monthly tasks

Daily backup monitored, and all backups are working effectively.

Software updates

Windows Server and various application security updates are completed.

Technical Support provided, hardware related

Installed, configured new network switches, and distributed new computer equipment to staff

Technical Support provided, non-hardware related

45 service desk tickets resolved  
New software conversion completed for Audit Division  
Assisted with public records requests  
General e-mail assistance

Communications

Created support requests via the COX communications to resolve internet access issues  
Communicated with software and hardware vendors to schedule upgrades and implement new services  
Working with vendors to acquire new Staff Credentials

Purchasing

Assisted the Deputy IG of Audit with the purchase renewals for support and licensing expirations

Training

Coordinating with staff to complete the required City of New Orleans Cyber Security Training

Training

Completed level one training for hardware security.

Working on completing CEUs for Comptia Security+ certification.

## Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Friday, February 26, 2021

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**		
		Audit/Review	Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	30-45 Days	60 Days
AD-19-0002	DPW/SWB Coordination		X							
AD-20-0001	BRASS Purchasing		X							
AD-20-0002	Orleans Parish Comm District (OPCD)+	X								
AD-21-0001	SWB Internal Audit Follow Up	X								

+ The Current OPCD audit confirming jurisdictional authority was heard and adjudicated by the Civil District Court on September 29th. However, the OPCD has filed an appeal with the 4th Circuit Court, and we are filing our response to their appeal by March 4, 2021.

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**		
		Inspections/Evaluations	Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	30-45 Days	60 Days
IE-19-0001	Firefighter's Pension Governance		X							
IE-20-0001	Job Ordering Contracts		X							

Legend	Description
<b>Planning</b>	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
<b>Fieldwork</b>	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Obsevatons and/or Physical Inspections
<b>Draft Report</b>	Data/Statistical Reviews, Documentaries of Fieldwork Results, Initial Report Writing, Revisions and Internal QAR prior to supervisory review
<b>Supervisory Review</b>	Review by both Division Director and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork procedures, proper conclusions, content, presentation and readability
<b>Legal Review</b>	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpretations
<b>IG Review</b>	Report Review by Inspector General, based on corrections and recommended changes resulting from the Legal Review

\* Project phase determination is based on the objective(s), scope, and methodolgy for each audit/evaluation project, and is not determined by a standard set of hours and/or phase deadline. This phase will be decided based on the nature of work to be performed, and at the discretion of OIG management.

\*\* Expected Release timeline for the report may be determined based on the start of the legal review process, and may be later reevaluated based on both the legal and timing of the IG reviews, and the 30-day timeline of the proposed final report to the client and the subsequent receipt of management responses.

# 2020 OIG Expenditures as of 2/5/2021

PAID Operating Expenditures	Amount
Auto Expenses	\$6,000
Drug Tests – New Hires	\$105
IT – Audit Software	\$12,467
IT - Communications	\$65,558
IT – Data Security	\$56,141
IT - Equipment	\$13,615
IT – Forensic Related	\$17,900
IT – Research Software	\$21,272
IT – Investigative Software	\$11,514
IT – Software	\$6,898
IT - Staffing	\$8,000
Legal Services	\$5,292
Miscellaneous	\$8,939
Office Supplies	\$645
Rent	\$414,278
Recruiting Services	\$14,000
Travel-Related	\$512
<b>Total Paid Operating Expenditures</b>	<b>\$663,136</b>

ENCUMBERED Operating Expenditures	Amount
IT - Equipment	\$42,112
IT - Infrastructure	\$7,490
IT – Research Software	\$1,701
<b>Total Encumbered Operating Expenditures</b>	<b>\$51,303</b>

OIG should be able to provide final 2020 actual expenditures at March meeting



## 2020 OIG Fund Balance as of 3/3/2021

<b>Funding:</b>	<b>\$3,992,339</b>
Expenditures:	
Personnel Expenditures	(\$2,391,301)
Total Actual Operating Expenditures	(\$443,456)
Total Encumbered Operating Expenditures	(\$70,089)
<b>Fund Balance</b>	<b>\$1,087,493</b>



# 2020 OIG Expenditures as of 3/3/2021

Operating Expenditures	PAID Amount	Actual Expenditure
Auto Expenses	\$6,000	\$6,000
Drug Tests – New Hires	\$105	\$0
IT – Audit Software	\$12,467	\$12,467
IT - Communications	\$65,558	\$50,099
IT – Data Security	\$56,141	\$28,498
IT - Equipment	\$13,615	\$11,716
IT – Forensic Related	\$17,900	\$17,900
IT – Research Software	\$21,272	\$12,735
IT – Investigative Software	\$11,514	\$8,381
IT – Software	\$6,898	\$1,989
IT - Staffing	\$8,000	\$0
Legal Services	\$5,292	\$5,292
Miscellaneous	\$8,939	\$2,100
Office Supplies	\$645	0
Rent	\$414,278	\$256,790
Recruiting Services	\$14,000	\$0
Travel-Related	\$512	\$1,511
<b>Total Paid Operating Expenditures</b>	<b>\$663,136</b>	<b>\$443,456</b>

ENCUMBERED Operating Expenditures	Amount
IT - Equipment	\$42,112
Credit Card Expenditures	\$27,977
<b>Total Encumbered Operating Expenditures</b>	<b>\$70,089</b>



**Monthly Report of  
OIPM**

# THE OFFICE OF THE INDEPENDENT POLICE MONITOR



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## **MONTHLY REPORT**

**FEBRUARY 2021**

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**SUSAN HUTSON**  
**INDEPENDENT POLICE MONITOR**



# Community Letter

Dear New Orleans Community,

The Office of the Independent Police Monitor is continuing to push ahead with our goals for the 2021 year to provide data transparency and amplify the voices of our community.

The OIPM announced the release of its internal data to the public through the launch of our data dashboard regarding our complaint intake work. The data dashboard can be found online at: **[complaints.nolaipm.gov/data](https://complaints.nolaipm.gov/data)**. This dashboard contains data visualizations regarding our complaint process and the complaints the Office of the Independent Police Monitor received. The charts and graphs capture different aspects of our internal process regarding complaint intake or information about the complaints or the complainant themselves. The data only captures the accounts of officer misconduct submitted directly to the Office of the Independent Police Monitor.

While OIPM is excited about the release of our data dashboard, it does not replace the public facing database City Council voted on in resolution R-20-175. This month, OIPM, along with The Innocence Project New Orleans and Orleans Public Defenders, hosted an online community forum focusing on the future public facing database and police transparency. We were able to hear from the community about needs and wants as it relates to accessing information related to law enforcement.

During the month of February, the Office of the Independent police monitor continued to provide vital monitoring and facilitating services. On February 3, 2021, the OIPM monitored the investigation of an Officer Involved Shooting in the monitored an officer involved shooting in the 400 block of Tricou Street. Our staff reported to the scene to monitor the investigation and ensure the NOPD followed all necessary protocols. Also, this month we monitored misconduct investigations and witness statements made at the Public Integrity Bureau at the request of NOPD leadership. OIPM appreciates the trust and respect NOPD has shown towards our office during these investigations.

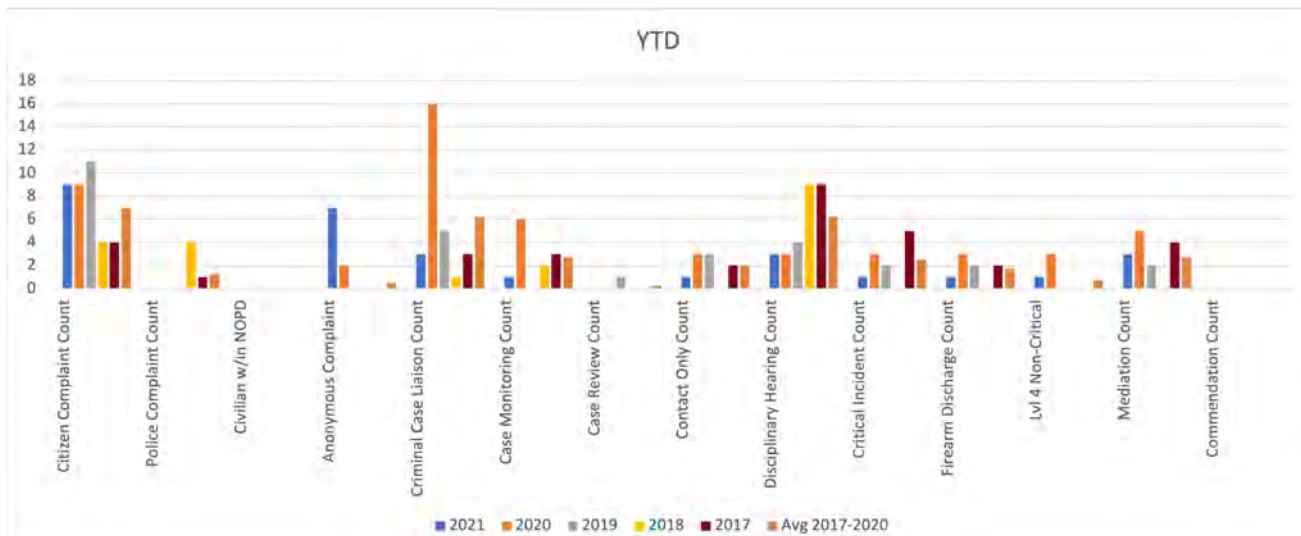
The OIPM is also continuing to monitor all facets of the investigation involving former New Orleans Police Officer Rodney Vicknair. Last September, the OIPM received an anonymous complaint regarding the possibility of sexual misconduct and worked with all involved parties to ensure there was a swift and sensitive response the allegations. We recognize the importance of this case and will continue to monitor it through the criminal justice system as we do for every investigation involving criminal or civil proceedings.

Lastly, the OIPM The OIPM extends its deepest condolences to the family, friends, and colleagues of Martinus Mitchum, a Tulane University police officer and Reserve Deputy Constable who tragically lost his life in the line of duty.

Thank you,

Susan Hutson

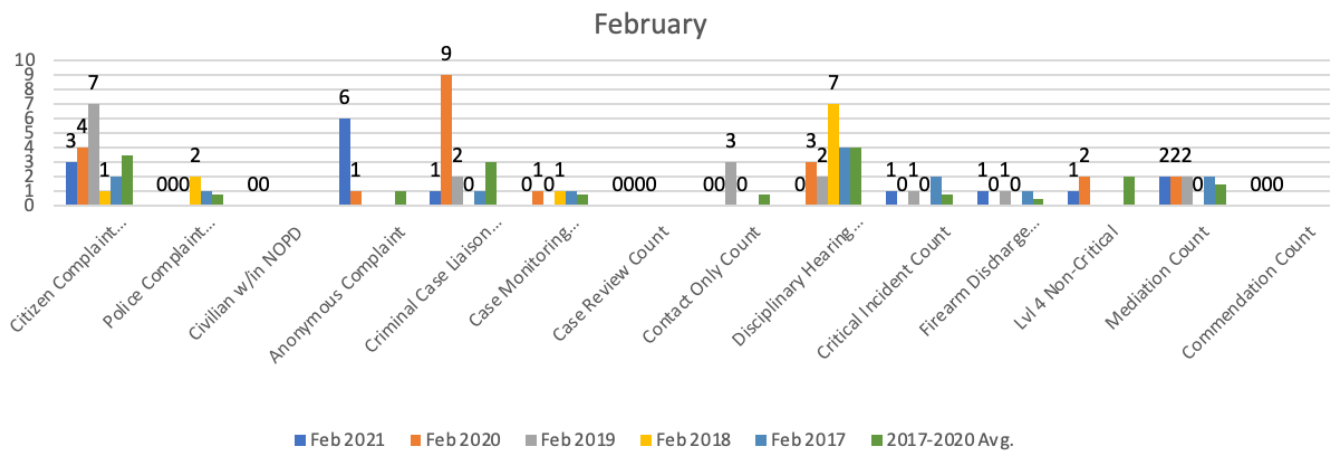
# Year to Date Overview



	2021	2020	2019	2018	2017	Avg 2017-2020
Citizen Complaint Count	9	9	11	4	4	7.00
Police Complaint Count	0	0	0	4	1	1.25
Civilian w/in NOPD*	0	0	0	0	0	0
Anonymous Complaint*	7	2	0	0	0	0.5
Criminal Case Liaison Count	3	16	5	1	3	6.25
Case Monitoring Count	1	6	0	2	3	2.75
Case Review Count	0	0	1	0	0	0.25
Contact Only Count	1	3	3	0	2	2.00
Disciplinary Hearing Count	3	3	4	9	9	6.25
Critical Incident Count	1	3	2	0	5	2.50
Firearm Discharge Count	1	3	2	0	2	1.75
Lvl 4 Non-Critical*	1	3	0	0	0	0.75
Mediation Count	3	5	2	0	4	2.75
Commendation Count	0	0	1	0	0	0.00
<b>Grand Total</b>	<b>30</b>	<b>53</b>	<b>30</b>	<b>20</b>	<b>33</b>	<b>34.00</b>

\*indicates a new category

# February Overview



	Feb 2021	Feb 2020	Feb 2019	Feb 2018	Feb 2017	2017-2020 Avg.
Citizen Complaint Count	3	4	7	1	2	3.50
Police Complaint Count	0	0	0	2	1	0.75
Civilian w/in NOPD*	0	0	-	-	-	0.00
Anonymous Complaint*	6	1	-	-	-	1.00
Criminal Case Liaison Count	1	9	2	0	1	3.00
Case Monitoring Count	0	1	0	1	1	0.75
Case Review Count	0	0	0	0	0	0.00
Contact Only Count	0	0	3	0	0	0.75
Disciplinary Hearing Count	0	3	2	7	4	4.00
Critical Incident Count	1	0	1	0	2	0.75
Firearm Discharge Count	1	0	1	0	1	0.50
Lvl 4 Non-Critical*	1	2	-	-	-	2.00
Mediation Count	2	2	2	0	2	1.50
Commendation Count	0	0	0	-	-	0.00
<b>Grand Total</b>	<b>15</b>	<b>22</b>	<b>18</b>	<b>11</b>	<b>14</b>	<b>16.25</b>

\*indicates a new category

# February Overview

Anonymous Complaint	
AC2021-0010	The complainant stated that her and her husband were involved in a domestic incident. The complainant stated that the officer tried to flirt with her and when turned down the officer retaliated by arresting her husband.
AC2021-0013	The complainant alleges that an NOPD Officer was observed potentially not devoting his entire time to duty when the complainant was pursuing a hit and run suspect, tried to get the officer's attention, and was ignored.
AC2021-0015	The complainant alleges that an NOPD Sergeant illegally entered a home and conducted a search and tried to cover it up after by retroactively obtaining a search warrant.
AC2021-0017	Complainant alleges an NOPD officer has been harassing and making false claims of "suspicious activity" to the complainant's mother's rental office manager.
AC2021-0018	The complainant alleges that an NOPD officer has committed domestic violence crimes against several black women.
AC2021-0020	The complainant alleges that the NOPD failed to take necessary action and conduct a thorough investigation into the death of her friend.
<b>Anonymous Complaint Count: 6</b>	

Criminal Liaison	
CL2021-0003	A citizen contacted the OIPM about an open criminal investigation. The citizen wanted to ensure NOPD was investigating a OPSO employee for allegedly carrying an unauthorized weapon.
<b>Criminal Liaison Count: 1</b>	

Citizen Complaints	
CC2021-0002	The complainant alleges that two NOPD officers inappropriately pulled her over for a traffic stop to check her sobriety due to her alleged 1-2 second delay in proceeding into the intersection after the traffic light turned green.
CC2021-0003	The complainant alleges that an NOPD officer was aggressive with him during a traffic stop in the French Quarter.
CC2021-0004	The complainant stated that her car was broken into and the police never responded when contacted/requested after being told that an officer was on the way.
<b>Citizen Complaints Count: 3</b>	

Firearm Discharge	
FD2021-0001	Same as CI2021-0001
<b>Firearm Discharge Count: 1</b>	

# February Overview

<b>Critical Incident</b>	
CI2021-0001	Officers arrived on the scene to investigate an aggravated assault. After verifying the location of the alleged suspect, officers observed him run inside the residence and arm himself with an AR-15 rifle at which time he began shooting in the direction of the officers. The officers returned fire with no injuries. The alleged suspect then barricaded himself inside the residence. SOD was called out to the location and declared a Swat Roll. The negotiator was on scene and talked the individual out of the residence.
<b>Critical Incident Count: 1</b>	

<b>Level 4 Non-Critical Use of Force</b>	
UF2021-0001	Officers were investigating a hit-and-run when they located the suspected vehicle. As officers approached the vehicle, the individual pushed the officers and attempted to flee. The officers then disengaged before they deployed tasers & subsequently apprehended the individual. The individual experienced a fractured arm and facial lacerations.
<b>Level 4 Non-Critical Use of Force: 1</b>	

<b>Mediation</b>	
Mediation cases are confidential.	
<b>Mediations Held: 2</b>	

# Complaints and Discipline

The 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.

**3**

**CITIZEN  
COMPLAINTS**

**0**

**DISCIPLINARY  
PROCEEDINGS**

**0**

**POLICE INITIATED  
COMPLAINTS**

**6**

**ANONYMOUS  
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.

# 11

**MEDIATIONS  
REFERRED**

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



# 2

**MEDIATIONS  
HELD**

“ 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

# 6

**MEDIATIONS  
PENDING**

# Use of Force

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

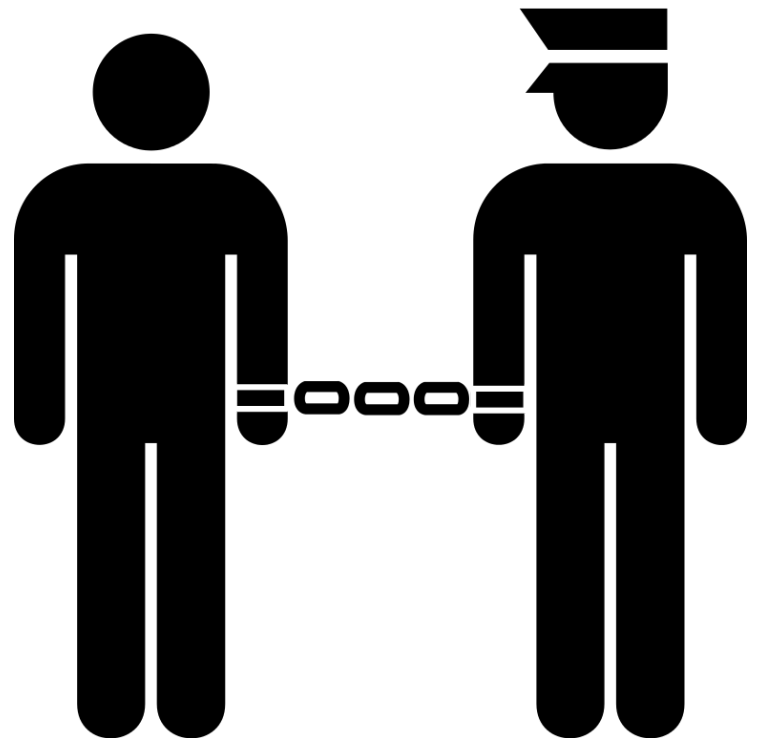
**CRITICAL  
INCIDENT**

1

**FIREARM  
DISCHARGE**

1

**LEVEL 4  
NON-CRITICAL  
INCIDENT**



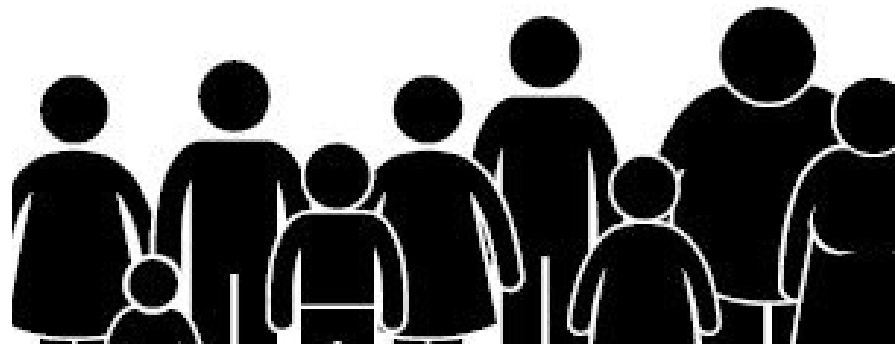


# Community Relations

OIPM participates in community events to help extend the message of the 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.

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**February 8, 2021** - Justice and Beyond Meeting  
**February 24, 2021**- Data Transparency Community Forum



# Budget

<b>2021 Total OIPM Budget</b>	<b>\$1,013,681.00</b>
Amounts Spent to Date:	(\$246,561.00)
Projected Amounts to be Spent the Rest of the Year:	(\$849,333.34)
<b>Projected Unexpended Funds</b>	<b>\$164,347.66</b>

<b>OIPM Budget Description</b>	<b>Amount</b>
Personnel	\$688,744.00
Operating	\$324,937.00
<b>2021 Total OIPM Budget</b>	<b>\$1,013,681.00</b>

**Item 1**

## ERB Ordinance and Administrative Reforms 2021

**ERB Member Nominations, Appointment, and Confirmation:** ERB procedures for making appointments and filling a vacancy should be revised to conform written policies with how the process works in practice. Each one of the six university-nominated seats has come to be associated with a particular institution. To fill those seats, the practice has been to solicit only one list of three names from the particular institution—not six lists of three names each from every university.

**Management of Complaints:** An anonymous complaint-numbering system should be used in public reports that account for the length of time and ultimate disposition of all complaints received. ERB Rule 502 currently requires "Dating and Docketing" each complaint as it is received, so a numbering system should already exist; what's missing is monthly reporting and transparency, so that the public can track how long it takes the ERB to process complaints.

The ERB should be specific in identifying who is investigating complaints and how they are advancing through the process—and it can do so without breaching important confidentiality restrictions, simply by using an anonymous numbering system.

**Disposition of Complaints:** When the ERB finally disposes of a complaint, it must do so in a way that enables the complainant to understand why the complaint was dismissed. A complaint that is "Dismissed" with no further explanation affords the complainant no realistic means of judicial review.

ERB Rule 809 deals with "Summary Disposition of Charges." Subparagraph A gives six specific reasons why the board might summarily dismiss a matter. The ERB needs to adhere to its rules and be specific in its disposition of complaints.

**Minutes:** In order to facilitate public review, a draft of minutes from the prior meeting should be posted on the ERB website within 7-10 days after a meeting.

**IG and IPM Succession Plans:** The ERB should secure from the IG and IPM written succession plans that will account for an unanticipated vacancy in either position.

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## **ERB DAM Recommendations to Establish Enforcement Capability**

The City Code provisions on ethics are riddled with anachronisms. For example, the Office of Municipal Investigations no longer exists. OMI was extinguished years ago.

Ordinances passed over several decades have left behind a residue of language that is sometimes outdated and confusing. Section 2-717 of the City Code, for example, refers to “Criminal Penalties.” Criminal penalties are not the ERB’s bailiwick. But that’s not the end of the story.

The ERB occupies legal terrain that is rich with enforcement opportunities. The following observations plow that rich terrain by identifying enforcement authority in existing City Code and Home Rule Charter provisions and also identifying the need for new ordinances that will contribute to ERB enforcement authority. For ease of reference, I’ve numbered discrete recommendations below.

**(1) ERB Schedule of Fines:** Section 9-402 of the Home Rule Charter specifically directs that the City Council "shall authorize [the ERB] to enforce the provisions of the Code of Ethics," including authority for the ERB "to impose fines." The ERB should ask the Council to comply with this Charter mandate by establishing via ordinance a schedule of fines (*civil* penalties) that the board can levy whenever it finds a violation.

Moving beyond civil fines, Section 2-716 of the City Code provides a further basis for ERB enforcement authority. Here’s what it says about “Civil Penalties” (emphasis added):

*Sec. 2-716. - Civil penalties.*

*(a) **Classified employees** shall be subject to disciplinary action by their appointing authority for violation of this division.*

*(b) **Unclassified employees and appointed officials** shall be subject to suspension or dismissal in accordance with section 3-125 of the Charter for violation of this division.*

*(c) Members of boards, commissions, and agencies shall be removed and/or shall forfeit their appointment in accordance with section 9-104 of the Charter for violation of this division.*

*(d) Elected officials shall be subject to censure by city council resolution for violation of this division.*

And here's how those provisions in Section 2-716 can be turned into enforcement opportunities for the ERB.

**(2) ERB Findings as a Basis for Action by Other Municipal Actors:** The Council should provide by ordinance that ERB findings are a basis for action by other city entities, pursuant to their existing authority under the Home Rule Charter and the City Code. An ERB finding forwarded to the appropriate entity could support the following enforcement actions:

**(A) Disciplinary action** by a classified employee's appointing authority.

**(B) Suspension or dismissal** of unclassified employees and appointed officials as per Section 3-125 of the Charter.

**(C) Removal** of agency, board, and commission members pursuant to Section 9-104 of the Charter.

**(3) ERB Referrals for Criminal Prosecution:** The ERB cannot impose the criminal penalties referenced under Section 2-717, but the ERB can and should refer matters to the US Attorney, Attorney General, District Attorney, or City Attorney whenever it becomes aware of potential criminal violations.

**(4) ERB Exclusive Enforcement Authority for the City Ethics Code:** The ERB has exclusive enforcement authority for the City Ethics Code. Literally, if they don't do it, nobody else will. *Do not overlook* the powerful provisions contained in our City Ethics Code:

**(A)** The Ethics Code addresses **nonpartisanship and nondiscrimination**, including **discrimination based on "sexual orientation"** (2-770). This is a rare and extraordinary protection among municipal codes of ethics in the United States and it's even more astounding when we consider that the Ethics Code was adopted in 1956.

**(B)** The Ethics Code protects **freedom from reprisal for disclosure of improper acts** (2-772). ERB members have expressed concerns at prior meetings about better protections for “whistleblowers”? The ERB has explicit authority to do something about it.

**(C)** The Ethics Code contains **public information protections** (2-773).

**(D)** The Ethics Code deals with **prohibited financial interests** (2-777).

**(E)** The Ethics Code imposes **restrictions on leases and concessions** (2-778).

**(F)** The Ethics Code prohibits **borrowing from or an interest in contractors** (2-779).

**(G)** The Ethics Code prohibits certain **political activities** (2-781).

**(H)** And the Ethics Code provision on **recusal of board members** (2-782) explicitly goes beyond the State Ethics Code’s provisions on recusal.

Particularly with regard to "sexual orientation" discrimination, public information protections, and recusal of board and commission members, the ERB enjoys enforcement powers that go beyond matters addressed in the State Ethics Code; those matters will remain unplowed ground unless the ERB exercises its unique authority over each of these subjects.

**(5) ERB Dual Jurisdiction under the State Ethics Code:** The State Ethics Administration does not accept every alleged violation of the State Ethics Code sent its way, nor are those allegations substantively resolved in every instance. The ERB has shared jurisdiction with the State Ethics Board to enforce the State Ethics Code and retains authority to act on matters where the State Board has decided to take a "pass." The ERB is not restricted exclusively to enforcing the City Ethics Code; that's why one of Dane's first moves as ERB counsel was to propose an amendment to the City Code, explicitly articulating the ERB's power and responsibility to enforce provisions of the State Ethics Code by incorporating them into the City Code. When the State Ethics Board declines to take definitive action on potential violations of the State Ethics Code, the ERB retains authority to act on the matter and should consider doing so.