



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

erb@nolaerb.gov

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

BOARD MEETING

Monday, September 13, 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 pursuant to [Louisiana Revised Statutes section 42:17.1](#): The board hereby certifies that the Governor of the State of Louisiana has declared a state of emergency or disaster involving the geographic area of the City of New Orleans. A live meeting would be detrimental to the health, safety, or welfare of the public and the members of the Ethics Review Board. The agenda contains matters that are critical to continuation of the business of the Ethics Review Board and are not able to be postponed to a live meeting due to a legal requirement or other deadline that cannot be postponed or delayed by the Ethics Review Board. The public can attend and participate in the videoconference meeting by joining the conference by telephone or videoconference as described above.

AGENDA

1. Regular Business

- a. Ratification of certification of necessity for videoconference/teleconference meeting (Chair).
- b. Approval of minutes of previous board meeting (Chair).
- c. Discussion of monthly report or update from the Office of Inspector General (Chair).
- d. Discussion of monthly report or update from the Office of Independent Police Monitor (Chair).
- e. Report of Executive Administrator and General Counsel (Chair).
 - i. Report on status of RFP for executive search firm for new Inspector General.
 - ii. Report on hiring of ethics trainer.
- f. Report of Ethics Trainer (Stiggs).

- g. Report of OIG search committee.
 - i. Report on ordinance change to widen pool of candidates.
 - ii. Report from Ralph Anderson & Associates.
 - h. Report of OIPM search committee.
- 2. Continuing Business: None.
- 3. New Business
 - a. Opportunity for suggestions on future agenda topics from board, staff, and public.
- 4. Adjournment (Chair).

**Draft Minutes of
Previous Board
Meeting**

(Forthcoming)

Monthly Report of OIG

Monthly Report of OIPM

THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

AUGUST 2021

Community Letter

Dear New Orleans Community,

When I started writing this letter towards the end of August, there were many topics I wanted to showcase but in the wake of Hurricane Ida, it is important to first discuss how the OIPM is keeping its staff safe and providing necessary police oversight for the community both during the storm and in the weeks to follow.

First, earlier this month, the OIPM released our Hurricane and Declared Emergency Oversight Plan to the public. This plan has two parts. The first part outlines the expectations for OIPM staff during hurricanes and evacuations and the second part provides the OIPM monitoring plan for how our office will provide oversight to the NOPD. This plan was created to ensure safety, accountability, oversight, and transparency wherever the OIPM is working. Due to the severity of the storm and in accordance with city policy, I recommended that OIPM staff take necessary precautions to prepare for the hurricane. Most of our staff elected to evacuate and are now working remotely until we can return safely.

During Hurricane Ida and now, as the city enters our recovery, the OIPM has monitored the policing tactics and policies implemented by the NOPD through various means. The OIPM monitored real time updates through the New Orleans Web Emergency Operations Command Center and followed dispatches and responses through the Orleans Parish Communication Division. OIPM leadership communicated and received briefings from the Captain of the Public Integrity Bureau. The OIPM communicated important updates and resource information to the public through our social media platforms and newsletters. Upon the completion of this declared emergency, the OIPM will review and assess the NOPD's response to determine their compliance with their hurricane plan, city mandates and policies, and local, state, and federal law. The OIPM will also seek community feedback about the interactions the public had with the police during the hurricane and the subsequent response.

While the hurricane and the response will be in the forefront of our minds and work, the OIPM does want to reflect on other work, collaborations, and events that took place in August. This month, the OIPM partnered with Bike Easy New Orleans for a cross-platform social media campaign and outreach effort to get feedback from the community about interactions cyclists were having with the NOPD. The OIPM also coordinated a tour and meeting between our office, Orleans Parish Communication Division, and the Vera Institute to learn more about calls for service for those experiencing mental health crisis and the implementation of the new pilot program in the Third District to send trained social workers in lieu of police for these responses. The OIPM looks forward to monitoring the effectiveness of this pilot program and providing this information to the community.

In August, the OIPM implemented a recommendation from the QARAC to conduct community outreach to increase commendations. Our call for accounts of positive policing was re-shared by Chief Ferguson and the NOPD. We received commendations highlighting how officers assisted members of the public get justice after surviving a sexual assault, assisted their family during Hurricane Katerina, returned lost dogs to owners, investigated package thefts and then personally returned the stolen packages to families in time for Christmas. These accounts reminded us of the important role officers can play in making New Orleans a connected community and a supportive place to live.

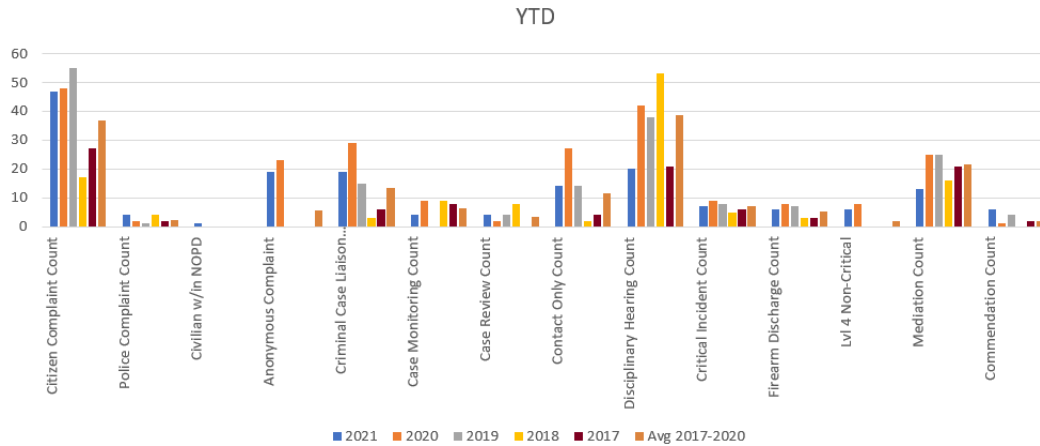
Finally, the NOPD lost a dedicated public servant this month – Detective Briscoe. Detective Briscoe was killed while off-duty in Houston, Texas. The OIPM extends our deepest sympathies to Detective Briscoe's family, friends, and coworkers. The OIPM reminds NOPD employees coping with this loss, along with the stress of Hurricane Ida and the anniversary of Hurricane Katerina, to not struggle alone and seek assistance from the NOPD Officer Assistance Program.

The New Orleans community is always celebrated for our resilience, but this idea of endurance is dependent on us serving our neighbors and being there for one another. The OIPM thanks the individuals, organizations, frontline workers, first responders, businesses, and partners who have raised to the occasion and found new ways to help and lend a hand while we repair our city and ensure accountability while we do it. We are in this together – and our office is ready to serve you.

Thank you,

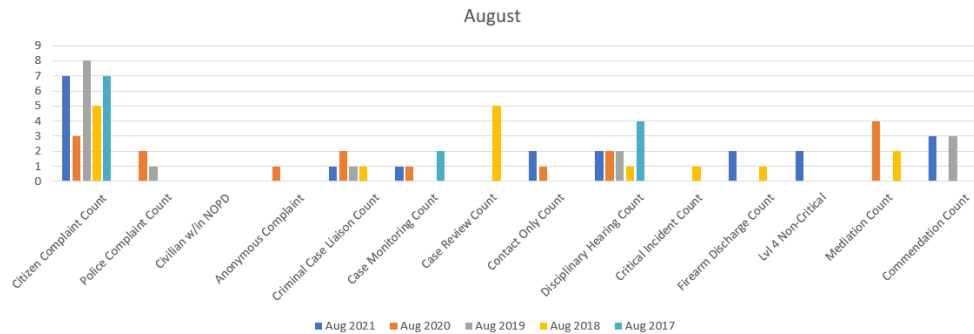


Year to Date Overview



	2021	2020	2019	2018	2017	Avg 2017-2020
Citizen Complaint Count	47	48	55	17	27	36.75
Police Complaint Count	4	2	1	4	2	2.25
Civilian w/in NOPD*	1	0	0	0	0	0
Anonymous Complaint*	19	23	0	0	0	5.75
Criminal Case Liaison Count	19	29	15	3	6	13.25
Case Monitoring Count	4	9	0	9	8	6.50
Case Review Count	4	2	4	8	0	3.50
Contact Only Count	14	27	14	2	4	11.75
Disciplinary Hearing Count	20	42	38	53	21	38.50
Critical Incident Count	7	9	8	5	6	7.00
Firearm Discharge Count	6	8	7	3	3	5.25
Lvl 4 Non-Critical*	6	8	0	0	0	2
Mediation Count	13	25	25	16	21	21.75
Commendation Count	6	1	4	0	2	1.75
Grand Total	170	233	171	120	100	156.00

August Overview



	Aug-21	Aug-20	Aug-19	Aug-18	Aug-17	Avg 2017-2020
Citizen Complaint Count	7	3	8	5	7	5.75
Police Complaint Count	0	2	1	-	-	1.50
Civilian w/in NOPD*	0	0	-	-	-	0.00
Anonymous Complaint*	0	1	-	-	-	1.00
Criminal Case Liaison Count	1	2	1	1	0	1.00
Case Monitoring Count	1	1	0	0	2	0.75
Case Review Count	0	0	0	5	0	1.25
Contact Only Count	2	1	0	0	0	0.25
Disciplinary Hearing Count	2	2	2	1	4	2.25
Critical Incident Count	0	0	0	1	0	0.25
Firearm Discharge Count	2	0	0	1	0	0.25
Lvl 4 Non-Critical*	2	0	-	-	-	0.00
Mediation Count	2	4	0	2	0	1.50
Commendation Count	3	0	3	-	-	1.50
Grand Total	22	16	15	16	13	15

August Overview

Citizen Complaints	
CC2021-0075	The complainant stated that she was sexually assaulted and the detectives assigned to the case failed to take necessary and appropriate police action.
CC2021-0076	The complainant alleges that a NOPD officer failed to conduct a thorough investigation into his call for service regarding a domestic dispute between the complainant and his ex-boyfriend which resulted in the complainant going to jail and subsequently having property damaged in his home.
CC2021-0077	The complainant alleges that NOPD officers failed to conduct a thorough on scene investigation and falsely arrested her of home invasion when she arrived at her children's father's apartment to retrieve them (per a court order) and no one was there except the underaged children.
CC2021-0078	Complainant alleges that he and several other staff were assaulted at his job by a NOPD/PIB Lieutenant's son and that the investigation may not be thorough due to the perceived conflict.
CC2021-0079	The complainant stated that she was physically and verbally assaulted by her mother, but NOPD issued a warrant for the complainant's arrest and arrested her.
CC2021-0080	Complainant alleged that the NOPD failed to take necessary action and failed to thoroughly investigate a domestic disturbance call involving him and his children's mother in which the NOPD released his children to the mother erroneously.
CC2021-0081	The complainant alleged that NOPD has failed to take necessary and appropriate action in response to her calls for service against a man in her neighborhood harassing and possibly physically assaulting her.
Citizen Complaints Count: 7	

Case Monitoring	
CM2021-0004	A lieutenant requested the OIPM monitor two open investigations that are currently being conducted regarding his previous assignment at the NOPD.
Case Monitoring Count: 1	

Contact Only	
CO2021-0013	A member of the public reached out to the OIPM for assistance with a police encounter that occurred in Witcha Falls, TX. The OIPM provided the individual with the process for filing misconduct complaints in Witcha Falls and the contact information.
CO2021-0014	A member of the public reached out to the OIPM to inform them that NOPD officers fail to stop at pedestrian crossings on the Lafitte Greenway, especially the one on Broad St. next to the City designated gas station. The OIPM communicated this concern to NOPD leadership for them to communicate it to the districts.
Contact Only Count: 2	

August Overview

Commendations	
PC2021-0004	A member of the public requested to recognize an officer that both helped her obtain justice for the sexual assault she experienced and helped her family evacuate after Hurricane Katerina.
PC2021-0005	A member of the public requested to recognize an officer in the Second District who has served the community in numerous ways including investigating package thefts, recovering the packages, and delivering the packages by Christmas and finding and returning a lost dog.
PC2021-0006	A member of the public requested to recognize an officer in the Fourth District who assisted their family after a traumatic hit and run. The person stated this officer was professional, kind, and helpful.
Commendations: 3	

Criminal Liaison	
CL2021-0017	A complainant contacted the OIPM requesting assistance making contact with the detective assigned to her case in the Sixth District.
Criminal Liaison Count: 1	

Disciplinary Hearings	
DH2021-0020	Two Senior Police Officers were accused of violating NOPD policy and behaving unprofessionally when they were indicted by a Federal Grand Jury for conspiracy to commit theft of government funds for fraudulently accepting money for military honor funerals.
DH2021-0021	An off-duty Sergeant was accused of operating his take-home vehicle while under the influence of alcohol, causing a car accident, and driving recklessly while in uniform.
Disciplinary Hearings Count: 2	

Firearm Discharge	
FD2021-0004	An officer attempted to render a firearm safe and negligently discharged one (1) round in the ground. No injuries were reported.
FD2021-0004	A confiscated firearm was accidentally discharged while the unit was attempting to clear it. No injuries were reported.
Firearm Discharge Count: 2	

Mediation	
Mediation cases are confidential.	
Mediations Held: 2	

August Overview

Level 4 Non-Critical Use of Force	
UF2021-0003	An NOPD officer was flagged down regarding a individual possibly experiencing a mental health crisis. The individual struck the officer with metal trash can lid. The officer then deployed his taser twice. The officer called for backup. The individual was then handcuffed. After the individual was handcuffed the subject bit an officer's finger. Officers then struck the individual with open hand to get the subject to release the officer's finger. The officer drive stunned the subject. The subject was arrested and transported to UMC for evaluation.
UF2021-0004	While on detail, an NOPD office attempted to apprehend an individual after a shoplifting incident. The officer deployed his taser for a total of six (6) cycles. Additional NOPD units arrived on scene and apprehended the individual.
Level 4 Non-Critical Use of Force: 2	

Use of Force Review Board Cases Heard	
ASI2021-0003	NOPD Sixth District officers responded to an alleged disturbance in the 1400 block of Felicity Street. An officer discharged his weapon and fatally injured a dog.
FTN2021-0130	NOPD Second District officers responded to an alleged domestic dispute. The alleged perpetrator was successfully handcuffed by officers, but used his hands and feet to prevent officers from placing him in the NOPD vehicle. An officer struck the arrested subject in the legs with a closed fist.
FTN2021-0110	A NOPD Third District officer deployed his Conducted Energy Weapon (CEW) on a handcuffed subject.
FTN2021-0123	A NOPD Third District officer struck a handcuffed individual in the groin area.
FTN2021-0141	A NOPD officer travelled the wrong direction during a vehicle pursuit that resulted in serious injuries.
FTN2021-0102	An NOPD officer discharged his CEW, striking an individual in the rear of his head with one probe and the back with the other. The individual fell forward, striking his face on the ground.
Use of Force Review Board Cases Heard: 6	

Complaints

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.

Once the OIPM receives a complaint, the OIPM prepares the complainant's account into a narrative. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. As part of the letter preparation process, OIPM personnel reviews information in NOPD systems regarding the interaction complained of, including body worn camera video, electronic police reports (EPR) and field interview cards (FIC). The OIPM may include information obtained from NOPD information systems in the complaint referral to PIB to ensure that PIB can fully investigate the complainant's concerns.

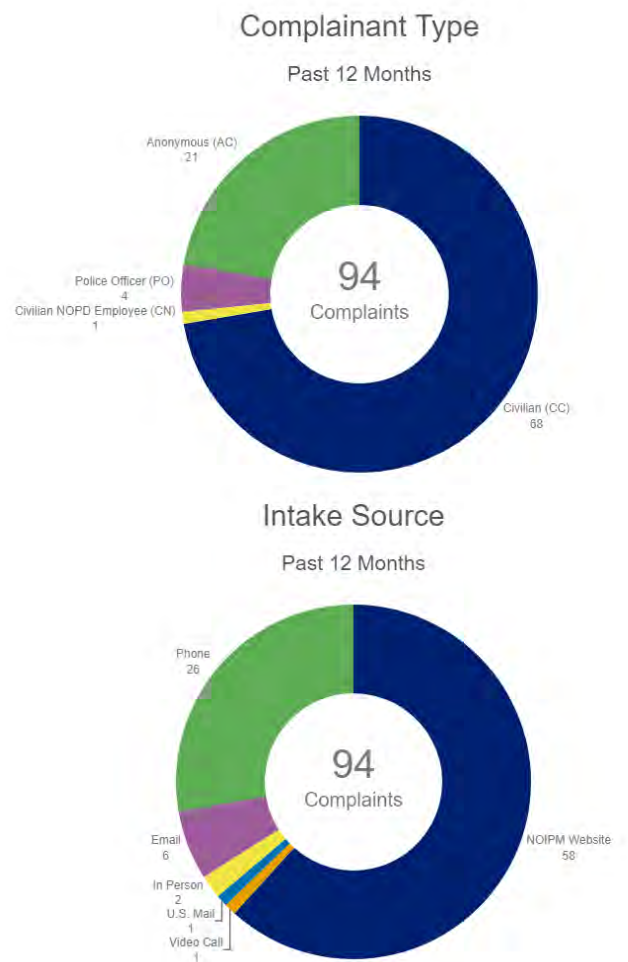
The OIPM provides a complaint process that is independent, impartial, transparent, fact-based, timely, and communicates in an understandable manner to all those involved. The OIPM maintains that misconduct investigation must be comprehensive, and the complaint process must be accessible, fair, thorough, and transparent.

8 CIVILIAN COMPLAINTS

0 ANONYMOUS COMPLAINTS

0 POLICE INITIATED COMPLAINTS

0 CIVILIANS WITHIN NOPD INITIATED COMPLAINTS



Discipline

The OIPM is responsible for monitoring whether NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM will review such proceedings to ensure the NOPD is compliant with Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

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.

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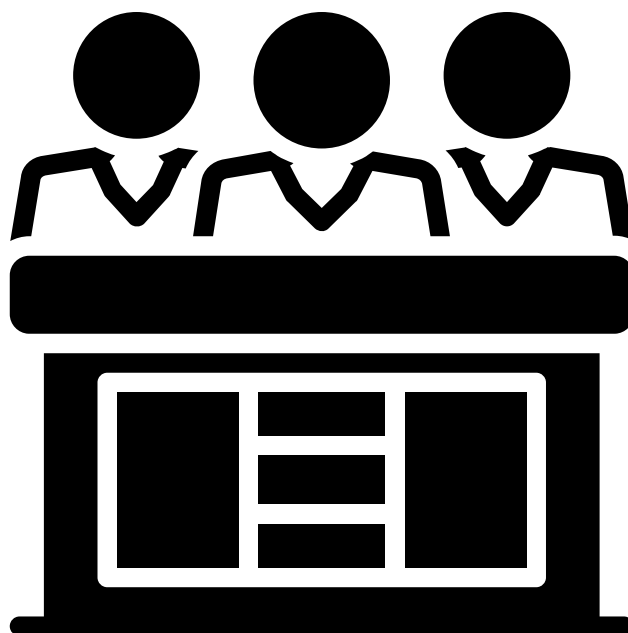
**DISCIPLINARY
PROCEEDINGS**

3

**SUPERINTENDENT
COMMITTEE
HEARINGS**

0

**CAPTAIN PANEL
PREDISPOSITION
AND PENALTY
HEARINGS**



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.

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

10 MEDIATIONS
REFERRED

2 MEDIATIONS
HELD*

*2 additional mediations were
postponed due to Hurricane Ida

6 MEDIATIONS
PENDING



“ 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

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 a critical 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 (UFRB) hearings.

The UFRB serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau. Other NOPD deputy chiefs serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor are present to observe, listen, and participate in discussion.

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**CRITICAL
INCIDENTS**

2

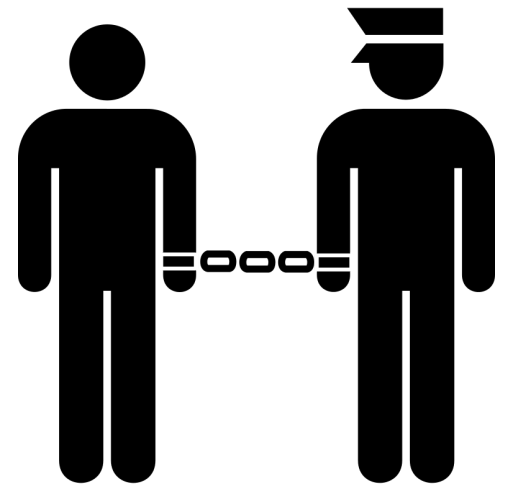
**FIREARM
DISCHARGE**

2

**LEVEL 4 NON-
CRITICAL
INCIDENT**

6

**CASES HEARD
AT USE OF
FORCE REVIEW
BOARD**

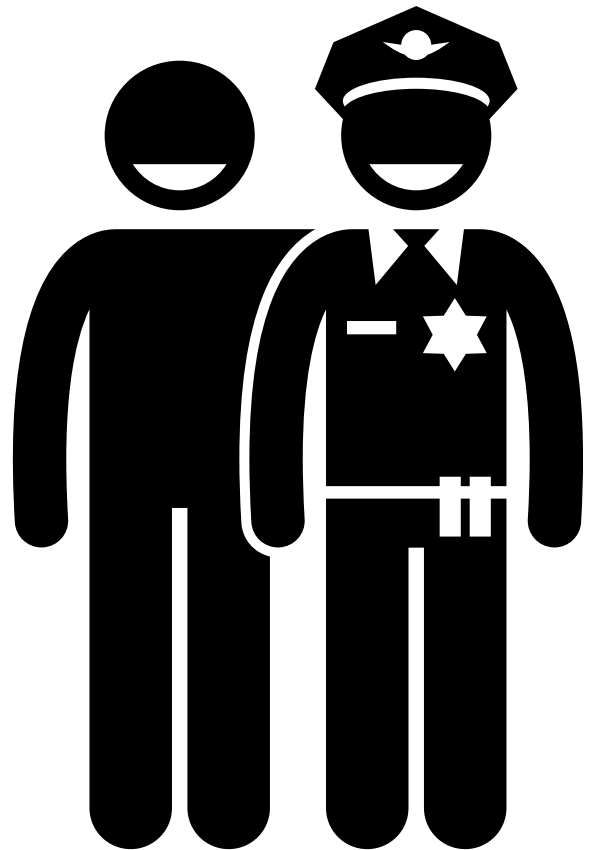


Commendations

Commendations are accounts of positive policing. The commendation may include a positive interaction that occurred during a call to service or recognition to an officer who participated in a community event or an officer that was particularly helpful or went above and beyond. The commendation request is an opportunity to recognize this positive action and the affect it had on the individual or the community. Anyone can file a commendation and a commendation can be filed an anonymously. The commendation will go into an officer's file.

We at the OIPM want to ensure such examples of positive policing are captured and marked by the community and we provide the NOPD with examples of excellent policing when it occurs.

3 COMMENDATIONS



Community Outreach

9

COMMUNITY OUTREACH EVENTS

OIPM leads and participates in community outreach to inform the public of our services, to increase public engagement with policing, raise awareness of local or relevant police practice, and monitor how the NOPD interacts with our community.

OIPM PRESENTED AT AN ONLINE CITIZEN REVIEW COMMITTEE MEETING IN PORTLAND REGARDING NOPD AND BODY WORN CAMERAS

OIPM PARTICIPATED IN COUNCILMEMBER CYNDI NGUYEN'S COMMUNITY CRIME PREVENTION WORKSHOP AND GAVE A PRESENTATION TITLED: "POLICE OVERSIGHT AND PUBLIC SAFETY"

OIPM FACILITATED MEETINGS WITH NOPD LEADERSHIP AND STREET PERFORMERS

OIPM MET WITH THE FATHERS ORDER OF THE POLICE REPRESENTATIVE

OIPM CONTRIBUTED TO A WORKING GROUP REGARDING POLICING DASHBOARDS WITH THE POLICE FORUM

OIPM FACILITATED AND ATTENDED A TOUR OF THE ORLEANS PARISH COMMUNICATION DIVISION FOR COALITION PARTNER NONPROFIT

OIPM LED A LYRIC PRESENTATION

OIPM SPOKE TO ELEMENTARY SCHOOL

**OIPM HELD A PROFESSIONAL
DEVELOPMENT MEDIATOR
TRAINING**



Budget

OIPM Budget Description	Amount
Personnel	\$688,744.00
Operating	\$324,937.00
2021 Total OIPM Budget	\$1,013,681.00
2021 Total OIPM Budget	\$1,013,681.00
Amounts Spent to Date:	Not Available
Projected Amounts to be Spent the Rest of the Year:	(\$849,333.34)
Projected Unexpended Funds	\$164,347.66

2021 Goal Progress

To ensure accountability and transparency with the ERB and the community, the OIPM will report out highlights and what progress was made each month to complete the goals listed in the Six Month Action Plan and the recommendations adopted from the QARAC.

These benchmarks and goals were achieved in August, 2021:

Publicized Opportunities for Commendations (QARAC Recommendation)

- OIPM made a successful social media post requesting commendations. Chief Ferguson and NOPD News reposted the post. OIPM received three (3) commendations from community members as a result.

The OIPM completed and released the "OIPM 2021 Hurricane and Declared Emergency Plan" and the "Required Criteria Audit Sheet" which the OIPM will utilize to assess the NOPD's compliance with their 2021 Hurricane Plan.

- This plan was utilized during Hurricane Ida and OIPM will complete the first Hurricane Report once the declared emergency is over.

Completed the OIPM Political Activities Policy and disseminated it to the OIPM staff and contractors.

Design new OIPM Website that is easier for the public to navigate (QARAC Recommendation)

- In July, the OIPM released the website bid for the second time in 2021. In August, the OIPM interviewed and selected a contractor to complete the new website and rebranding.

Completed the 2022 OIPM Budget. Submitted budget along with NOPD response to the city by deadline.

- In July, the OIPM submitted a 2022 Budget Proposal to Chief Ferguson and his leadership team. The OIPM met with NOPD regarding the request in August regarding their response.
- OIPM met with NOPD regarding funding the proposed mediation program services for officers and supervisors to build out the program (QARAC Recommendation).

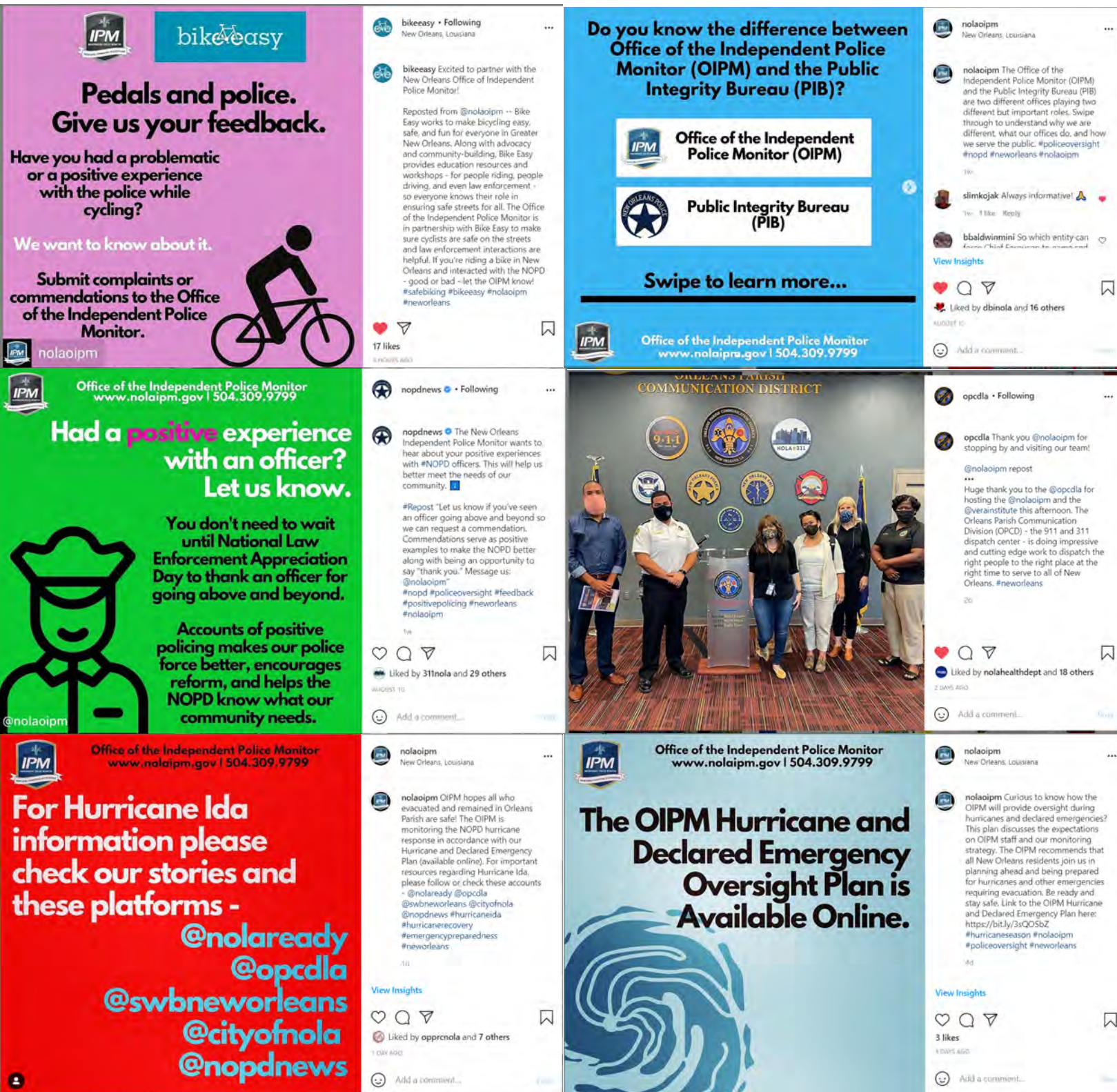
OIPM selected and onboarded a Public Allies Fellow who will be working on expanding our community outreach and capacity.

Additional Benchmarks:

- Met with contractors to start work on the second phase of the OIPM data dashboard with relevant compliant data: <https://complaints.nolaipm.gov/data>

Social Media Highlights

Below are some of the social media posts produced by OIPM over the last month. Some of these posts were re-shared by partners. The OIPM also started an ongoing "story" on Instagram with relevant Hurricane Ida information.



Item 1



2021

HURRICANE & EMERGENCY PLAN

EXPECTATIONS FOR OIPM STAFF

MONITORING AND ASSESSMENT OF NOPD PERFORMANCE

PREPARED BY

**OFFICE OF THE
INDEPENDENT POLICE
MONITOR (OIPM)**

Hurricane and Emergency Plan: Expectations for OIPM Staff

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Addendum

Required Criteria Audit of NOPD Response to Emergency Incident
City of New Orleans Policy Memorandum No. 34(R)
OIPM Remote Work Policy
OIPM Inventory Sheet

Hurricane And Emergency Plan: Expectations for OIPM Staff

The OIPM is responsible for providing oversight to the NOPD during emergency responses. The OIPM hurricane and major storm emergency plan (hereby called: Hurricane Plan) is created to be responsive to the NOPD Hurricane Season 2021 Emergency Plan and is compliant with: City Policy Memorandum NO. 34(R), Chapter 3, Section 4-302(5) of the City Charter, Memorandum of Understanding between the NOPD and the IPM executed on November 10, 2010; as well as being consistent with La. R.S. § 40:2531 Chapter 25 and Municipal Code of Ordinances, Part II, Chapter 2, Article XII Section 2-1121.

Hurricane Classifications and Expectations for OIPM Staff

OIPM staff is required to follow all OIPM policy during storms, hurricanes, and / or other emergencies or evacuation orders. This Hurricane Plan is designed to supplement those policies and set clear guidelines on the suspension of services and expectations for staff while potentially: working during a hurricane as an essential employee; working remotely as an essential employee; working remotely as a nonessential employee; evacuation as essential or reserve employees.

Classifications During Hurricanes: Essential and Nonessential Employees

In accordance with the Mayor's clarification on classifications: employees are either essential or reserve. There is no classification of "nonessential employees." OIPM adopts the city language defining the designations of essential and reserve employees:

- Essential Employees are those employees who, by virtue of their presence, specialized function, or necessary skills, are essential to conducting the business or certain operational needs of the city and are, therefore, required to report for duty.

Employees are required to abide by the City of New Orleans policy, Policy Memorandum No. 34(R), regarding expectations for essential and reserve employees including but not limited to requirements regarding work hours, remote work, tasks, and evacuation orders. OIPM abides by all expectations set forth by the City Policy Memorandum No. 34(R) and Chapter 3, Section 4-302(5) of the City Charter.

Role Of Essential and Reserve Employees

When there is a major storm, essential employees may be required to remain in Orleans parish in order to execute their role and responsibilities. Essential employees will be expected to work from the designated workstation determined appropriate by the IPM including but not limited to: the office, the employee's home, the Public Integrity Bureau or the NOPD Headquarters, other facilities in the city, or the Emergency Operations Center and Joint Information at City Hall.

Reserve employees may be asked to work prior to the storm or after the storm if necessary. Reserve employees are not expected or required to stay during a mandatory evacuation order. Reserve employees are expected to create their own personal evacuation plan and provide it to the IPM and the Deputy IPM by June 1st every year. Reserve employees may be required to report to or remain at work at the request of the Director of Homeland Security in conjunction with the appointing authority.

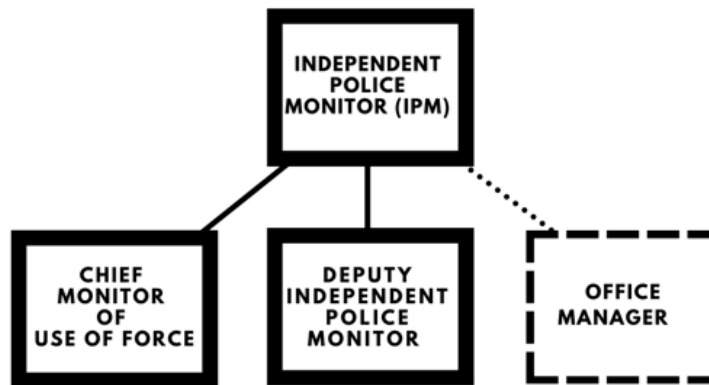
Evacuation Orders and OIPM Expectations

If there is a mandatory evacuation order by the Mayor or the Governor, OIPM employees are required to abide by that order and evacuate Orleans Parish.



ESSENTIAL AND RESERVE EMPLOYEE CHART

Essential Employees Expected to Work within Orleans Parish or at designated remote site



Reserve Employees Expected to Evacuate



Suspension of OIPM Services During Hurricane

During the declaration of emergency or while the city is under a hurricane warning, the OIPM will suspend ordinary services to focus on monitoring and reviewing the NOPD's operations and to ensure the safety of the public and staff. The physical office will close to the public though work may still be completed until the agency is closed in accordance with a city mandate.

The OIPM will:

- Answer the OIPM main line during business hours
- Receive complaints of misconduct via our website and social media platforms
- Remain on-call and monitor required Force Investigation Team investigations for critical incidents

The OIPM will not:

- Conduct any meetings with the public and will reschedule all monitoring of misconduct investigations with complainants. There will be no in-person complaint intake.
- Meet with any coalition groups or stakeholders unless it is regarding emergency or hurricane response.
- All criminal liaison, case monitoring, case review, mediation, and Public Record Requests activities will be suspended until stated otherwise by the IPM.



How To Prepare The Physical Office For Hurricane And / Or Evacuation

When there is a belief of a pending hurricane or tropical storm, the OIPM will take necessary precautions to prepare the building and OIPM equipment. The Office Manager or essential employee designated by IPM is responsible for:

- Notifying vendors that the building will be closed and rescheduling any pending deliveries
- Placing signs on the front and back door stating the office is closed to the public and explaining how to reach OIPM to file a complaint of misconduct if determined necessary
- Shutting the shutters over the conference room windows and ensuring that there is no furniture against the windows as necessary
- Securing the server room and notifying the OIPM IT provider of the pending hurricane to prepare for possible technology issues
- Securing the OIPM vehicle including possibly moving the vehicle to the parking lot at NOPD Headquarters or another secure location where OIPM is permitted to park and notifying the IPM and the Deputy IPM of the location of the vehicle.

Expectations on Office and Equipment Preparation During Hurricane and / or Evacuation Order

OIPM employees are responsible for securing their own equipment during a hurricane or evacuation. The employee is responsible for ensuring the equipment is not damaged. If the employee is concerned about equipment damage prior to a hurricane or storm evacuation, the employee may elect to store the equipment in the OIPM office. The employee is responsible for informing the Office Manager of their intent, providing an inventory of all equipment being left in the office, and ensuring all equipment is left in a secure location.

Personal Emergency Plans

All OIPM staff are required to provide the Deputy Independent Police Monitor and the Independent Police Monitor copies of their personal emergency plans by June 1st (start of the hurricane season). This personal emergency plan must include:

- the location of where the employee would evacuate if required to evacuate including address and phone number,
- emergency contact person including relationship to the employee and phone number and email address,
- inventory of equipment the employee would take while evacuating or sheltering place

If the employee requires furlough or leave to evacuate immediate family members, then the employee may request such leave from the Deputy or IPM and indicate the time frame needed to evacuate immediate family members.

Expectations For Staff Who Are Evacuating

If a reserve or essential employee is evacuating, the OIPM expects the employee to follow his / her personal emergency plan and keep the OIPM informed of any changes in the plan or the evacuation location of the employee.

Expectations For Essential Employees Who Are Remaining

Essential employees must document their working status during the declared emergency. The employee is responsible for reporting to their assigned post. Assigned posts may include: the Emergency Operations Command Center, the Public Integrity Bureau, the Superdome, a secure remote site within Orleans Parish or a secure remote site outside of Orleans Parish. This site will be determined by the Deputy and IPM and communicated to the employee prior to the declared emergency.

The employee is responsible for tracking, documenting, and maintaining an accurate accounting of the employee's work hours. Supervisors are responsible for documenting required employees who fail to report to work as required.



In the case of a power failure or computer system failure and the employee is unable to document time as required in ADP, the employee will be required to keep a written record of work hours and present it to his / her supervisor upon the completion of the declared emergency.

Returning to the City Expectations

Once Orleans parish is deemed safe by the Mayor of New Orleans, the appointing authorities and / or the Director of Homeland Security, all OIPM employees are expected to return to the parish unless otherwise authorized to delay their return by the IPM. Employees seeking a delay in their return, must seek approval for remote work by the IPM and abide by the OIPM Remote Work Policy or request leave from their supervisor.

The OIPM is not going to place a time requirement for the return to the parish, but the expectation is that the employee will return as quickly as is safe and feasible. The employee is required to provide his / her anticipated return date to the IPM.

OIPM Media Plan During Hurricanes and / or Evacuation Orders and / or Emergencies

Only the Deputy or the IPM or their designee may make public statements to the media during emergency incidents. The OIPM adopts the same expectations as the NOPD regarding public statements during emergency incidents: all information released to the public and / or media is considered a public statement.

The IPM is responsible for communicating to the public any gaps in services and closures during the emergency incident.

The IPM may elect to give statements to the media regarding the NOPD's performance or adherence to policy prior to the end of the declared emergency or upon the completion of the declared emergency. The IPM will not release the NOPD's Hurricane Season Emergency Plan to the media or the public due to tactical and safety concerns; but may comment on the NOPD's performance and / or adherence to the plan.



Monitoring and Assessment of NOPD Performance

The OIPM is responsible for providing oversight to the NOPD during emergency responses. The OIPM hurricane and major storm emergency plan (hereby called: Hurricane Plan) is created to be responsive to the NOPD Hurricane Season 2021 Emergency Plan and is compliant with: City Policy Memorandum NO. 34(R), Chapter 3, Section 4-302(5) of the City Charter, Memorandum of Understanding between the NOPD and the IPM executed on November 10, 2010; as well as being consistent with La. R.S. § 40:2531 Chapter 25 and Municipal Code of Ordinances, Part II, Chapter 2, Article XII Section 2-1121.

OIPM will determine compliance through monitoring:

- NOPD radio channels
- NOPD Reports
- NOPD Briefings at the Emergency Operations Command Center
- On-scene monitoring as required

Adoption of NOPD Alert Levels for OIPM Work

For clarity and consistency, the OIPM adopted the language and alert levels designated under the NOPD Hurricane 2021 Emergency Plan:

- **Alert Level One:** A tropical storm or hurricane formed in or is entering the Gulf of Mexico approximately one hundred (100) to eighty-four (84) hours prior to tropical storm winds reaching the metro area.
- **Alert Level Two:** A category one or great hurricane is in the Gulf of Mexico with or without a projected path of impact in the metro New Orleans area, eighty-four (84) hours prior to tropical storm winds reaching the metro area. *The NOPD will continue normal operations and will direct efforts to prepare the city for a natural disaster.*
- **Alert Level Three:** There is a significant probability the approaching hurricane will make landfall in the metro New Orleans area. *For the NOPD, this means all available police personnel and assets are fully deployed. Police Department members are relieved by their commander from many of their normal duties to prepare for citywide evacuation.*
- **Alert Level Four:** The imminent landfall of a major hurricane posing an extreme danger to life and property in the metro New Orleans area. *This alert level is designed for the rapid deployment of police personnel for the protection of life and property.*

Use of Force Monitoring

The Force Investigation Team is still required to execute their responsibilities and investigations regarding Officer Involved Shootings (OIS) and in-custody deaths. In the case of an OIS and in-custody deaths, the OIPM will provide monitoring if the IPM deems it is safe to do. If it is safe to monitor, the OIPM will coordinate with PIB leadership to determine the feasibility of and coordinate on-scene monitoring.

If the IPM deems it is not safe for staff to attend the scene for the on-scene investigation, the OIPM will monitor the proceeding statements and will request a walk through of the scene once the declared emergency is complete.

Conducted Energy Weapon (CEW) Usage

In accordance with the NOPD policy, Conducted Energy Weapons (CEW) shall not be used in flood waters. All NOPD employees who are assigned CEWs are required to store the CEWs in secure, dry locations. Supervisors are not to issue orders to deploy CEW if working in flood, standing waters, and / or heavy rain.

Misconduct Complaints and the Public Integrity Bureau (PIB)

According to the NOPD's policy regarding the NOPD's operations during a declared emergency and hurricane season, the Public Integrity Bureau (PIB) is responsible for making sure all police personnel comply with the policies and procedures of the NOPD.

The employees of the PIB are responsible for whatever their assignment is during the declared emergency. Commissioned officers may be assigned wherever is deemed necessary by the Superintendent and / or his / her



designee. Ordinary operations regarding the intake and investigation of misconduct allegations and violations of NOPD policy may be suspended during a declaration of emergency.

Special Orders Including: Covid19 Protocol; Shelter Protocol; City Assisted Evacuation Plan (CAEP)

OIPM will monitor and review NOPD activity to ensure that it is compliant with the NOPD Hurricane Plan.

Monitoring and review will assess the NOPD's tasks regarding:

- Evacuation responsibilities
- Juvenile detention supervision and evacuation
- Sex Crime Unit evacuation responsibilities
- Shelter security

Necessary Policing Activities: Crime

Arrests and Summons

Officers are encouraged to issue summons for misdemeanors except for domestic violence allegations. Officers investigating a violent crime (aggravated battery, sexual assault, etc.) necessitating a physical arrest must do so according to policy. OIPM will audit arrests conducted during the declared emergency to determine if physical arrests and summons were utilized in accordance with NOPD policy.

Anti-Looting Policing Activity Monitoring

According to the NOPD's policy regarding anti-looting, the NOPD will identify the areas with the greatest potential for looting and add additional personnel to those areas. Additional support may be utilized from the Louisiana National Guard to major intersections along I-10 and I-610 to prevent carjacking and maintain normal flow of traffic. Only the Superintendent is authorized to terminate anti-looting operations. The OIPM will assess the NOPD's compliance with the anti-looting policy.

Emergency Arrest and Detention Monitoring and Protocol

If there is a catastrophic failure in the correctional system, the NOPD is responsible for opening an emergency detention center. Upon notification of the Unified Command of the need for an emergency detention facility, the NOPD will contact the EOC and request an emergency booking and prison facility.

Curfew Enforcement Monitoring

During the Stop, Search and Arrest audit and the audits regarding the physical arrests and summons at the end of the declared emergency, the OIPM will audit the NOPD Field Identification Cards to ensure that any issued curfew and the enforcement of the curfew was done in accordance with policy.

Acquisition of Property

According to NOPD policy, the NOPD may acquire property including buildings, businesses, vehicles, or property when:

- (1) a State of Emergency is declared by the Mayor's Office and
- (2) the Superintendent or his / her designee has approved the acquisition and
- (3) a District Commander (Captain) has deemed the acquisition necessary.

In the case of acquisition during a declared emergency, the OIPM will request the Report to Follow (RTF) to determine if all necessary criteria were present and protocol followed.

OIPM's Assessment of NOPD's Compliance with Media Releases / Public Statements During Declared Emergencies

The OIPM will monitor the media for public statements made by the NOPD regarding their operations during the declared emergency. The OIPM will assess:

- If the appropriate NOPD employee is providing the public statement (e.g., Superintendent, Deputy Chiefs, Public Information Office)
- Whether it is learned if NOPD employees are complying with the NOPD's Media Policy by: (1) not publicly criticizing or ridiculing the department, its policies, releasing information that will influence the



NOPD's operations or ability to execute their responsibilities to ensure public safety, or (2) acting as representatives of the NOPD when not authorized to do so.

Demobilization and After-Action Reports

The OIPM will assess the Demobilization Plan and efforts to ensure that the NOPD returns personnel and assets to normal operations. The OIPM will only determine if the plan was created and executed once Orleans was no longer determined to be in a state of emergency. The OIPM may review the Inventory of Department Assets report to determine:

- What NOPD property was destroyed
- What NOPD facilities were destroyed
- Were there shortages of essential police assets
- Were there shortages of nonessential assets
- Were all assets accurately tracked and documented

Upon one month after the close of the declared emergency or hurricane, the OIPM will ensure each NOPD commander completed and submitted the after the incident after action report via form 105 with their evaluations.

Deliverable Upon Completion of Declared Emergency

Upon completion of the OIPM assessment, the OIPM will provide their audit sheet and one page assessment to the NOPD for comment. This audit sheet and assessment will then be available on the OIPM's website for public review.





HURRICANE & EMERGENCY PLAN

**ADDENDUM &
ATTACHMENTS**



OFFICE OF INDEPENDENT POLICE MONITOR
CITY OF NEW ORLEANS



STELLA CZIMENT
ACTING INDEPENDENT POLICE MONITOR

REQUIRED CRITERIA AUDIT OF NOPD RESPONSE TO EMERGENCY INCIDENT

DECLARED EMERGENCY: _____
DATE OF EVENT: _____
DID THE OIPM EVACUATE: _____
NAME OF STAFF WHO WORKED ON THIS AUDIT: _____

Required Criteria: Requirements re NOPD Employment	Yes	No	N/A	Comment
What a state of emergency declared by the Mayor?				
Did the NOPD formally initiate the NOPD Hurricane and Declared Emergency Plan?				
Were NOPD employees provided an opportunity to assist family with evaluation in accordance with NOPD policy?				
Was the OIPM informed of any NOPD employment concerns during the course of the declared emergency?				

Additional Notes:



Required Criteria: Acquisition of Property	Yes	No	N/A	Comment
Did the NOPD acquire property during the event?				
Mandatory: Was a state of emergency declared by the Mayor?				
Mandatory: Did the Superintendent or Designee approve the acquisition?				
Mandatory: Did a District Commander / Captain deem the acquisition necessary?				
Did the District Commander immediately advise the Logistics Section Chief of the acquired property?				
Notice: Did the District Commander provide the Logistic Second Chief: (1) Description and location of acquired property?				
Notice: Did the District Commander provide the Logistic Second Chief: (2) reason for acquisition?				
Did the NOPD complete a RTF (Report to follow)?				
Was the NOPD professional and courteous during the acquisition?				

Additional Notes:

Required Criteria: Media	Yes	No	N/A	Comment
Did the NOPD provide a public statement during the event?				
Did the Superintendent or designee issue the public statement?				
Did any NOPD employees act as representatives for the NOPD without authority?				
If so, was a SFL or discipline initiated?				
Did any employees publicly criticize or ridicule the department, policies, in a manner that would influence operations or public safety?				
If yes, was SFL or discipline initiated?				

Additional Notes:



Required Criteria: Anti-Looting	Yes	No	N/A	Comment
Was anti-looting tactics / strategy required during this event?				
Did the NOPD identify the areas with the greatest potential for looting?				
Did the NOPD assign additional personnel to those areas?				
Did the Special Operations Branch Director coordinate the District Group Supervisors?				
Did the District Group Supervisors report the progress for the mission of the Operations Section Chief?				
Did the District Group Supervisors deploy required personnel from his / her unit?				
Did the SOB coordinate with the District Group Supervisors?				
Did the SOB deploy personnel and assist with the FQ and Canal Street Anti-looting coverage?				
Did the Superintendent terminate the anti-looting efforts?				

Additional Notes:

Required Criteria: CEW	Yes	No	N/A	Comment
Was there any account of an officer deploying a CEW in flood water or heavy rain?				
Was there any account of a supervisory ordering the deploy of a CEW in flood water or heavy rain?				

Additional Notes:



Required Criteria: OIS / In-Custody Death	Yes	No	N/A	Comment
Was there an in-custody death?				
Was there an OIS?				
Did the Force Investigation Team respond to the critical incident?				
Did the Crime Lab respond?				
Was OIPM notified of the critical incident?				
Did OIPM determine it was safe to provide on-scene monitoring of the investigation?				
Did PIB leadership work with the OIPM to determine feasibility of and coordinate on-scene monitoring?				
Did OIPM monitor the on-scene investigation?*				
If unable to monitor the on-scene investigation, was OIPM provided the opportunity to receive a debriefing by a FIT representative and / or the PIB Captain?				

**If there was on-scene monitoring of an OIS, please see the Critical Incident Response Form for additional information.*

Additional Notes:



Required Criteria: Evacuation	Yes	No	N/A	Comment
Critical Medical Patient Evacuation				
Did the Seventh District Group supervisor deploy personnel to the Lake front Airport at H-60 for the evacuation of critical medical patients from various hospitals and nursing homes in the metro area?				
Personnel assigned will be responsible for making sure emergency and evacuation vehicles have uninhibited access to and from the Lakefront Airport.				
The Seventh District Group Supervisors will be responsible for coordinating with the District group Supervisor a traffic control plan for the mission.				
Juvenile Section	Yes	No	N/A	Comment
Assigning a minimum of two juvenile officers per 12 hour shifts to the designated detention facility				
Providing a minimum of one police vehicle at the facility for emergency transportation				
Providing adequate supervision at the detention facility				
Briefing the operations section chief of operations at Juvenile branch				
Sex Crime Unit	Yes	No	N/A	Comment
The commander of the Sex Crimes Unit is authorized to and responsible for: Providing CAEP with a copy of the Known Registered Sex Offenders				
The commander of the Sex Crimes Unit is authorized to and responsible for: Providing personnel to assist with eh evacuation processing of registered sex offenders				
Shelter	Yes	No	N/A	Comment
The Office of Homeland Security and Emergency Preparedness is the lead agency for coordinating all shelter operations though the NOPD is responsible for providing support services. The Public Integrity Bureau is responsible for overseeing shelter security.				

Additional Notes:



Required Criteria: Curfew	Yes	No	N/A	Comment
Was a curfew issued?				
When was the curfew issued?				
Was the curfew consistent with policy?				
Was the curfew issued with summons?				
Were there physical arrests due to curfew violations?				
Where did the majority of the curfew summons occur? What district?				

Additional Notes:

Required Criteria: Officers Investigating Violent Crime	Yes	No	N/A	Comment
Did officers complete all forms and reports?				
Contact a supervisor?				
Contact the dispatcher for the nearest prison facility or emergency detention center?				

Additional Notes:



Required Criteria: NOPD Detention Center	Yes	No	N/A	Comment
Did the Unified Command notify the NOPD regarding an inability for the OPSO operate detainment?				
Did the NOPD contact the EOC and request an emergency booking and prison facility?				
In the emergency detention center: were the men and women held at different facilities?				
In the emergency detention center: were people detained provided food?				
In the emergency detention center: were people detained provided water?				
In the emergency detention center: were the people detained provided restroom facilities?				
In the emergency detention center: were the people detained provided bedding				
In the emergency detention center: were the people detained provided: medical treatment?				
In the emergency detention center: were the people detained in accordance with their constitutional rights?				
All arresting officers to complete all required forms and reports?				
Did the NOPD notify the Operations Section Chief of the number of detained individuals and their condition every eight (8) hours?				
Did the NOPD maintain a logbook?				
Did the NOPD immediately transport all detained individuals held at any emergency detention facility to a permanent correction facility once available?				

Additional Notes:



**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 34(R)

April 28, 2021

TO: All Departments, Boards, Agencies, and Commissions

FROM: Gilbert A. Montaña, Chief Administrative Officer 

SUBJECT: PERSONNEL ASSIGNED AS ESSENTIAL EMPLOYEES DURING EMERGENCIES

I. POLICY

The purpose of this revised memorandum is to establish the procedures for the assignment of personnel when emergencies affect any operations of City government.

II. GOVERNING AUTHORITY

Chapter 3, Section 4-302(5) of the City Charter authorizes the Chief Administrative Officer to "prescribe accepted standards of administrative practice to be followed by all offices, departments, and boards."

III. BACKGROUND

- A.** Departments, Boards, Agencies and Commissions who perform functions related to the handling of emergencies and disasters need to possess readily available data citing City departmental/agency personnel who are able to respond immediately to an impending or an ongoing emergency situation.
- B.** Appointing authorities must notify personnel under their supervision of the employees' duties and responsibilities that are outlined in the responses being returned to this office.

IV. ESSENTIAL PERSONNEL ROSTER

- A.** All Departments, Boards, Agencies, and Commissions must designate each employee as essential or reserve. Essential employees are those employees who, by virtue of their presence, specialized function, or necessary skills, are essential to conducting the business or certain operational needs of the City and are, therefore, required to report

for duty. Whenever possible, the appointing authority will notify employees of essential designation and report for duty requirements in advance. Attachment "A" provides guidance for designating employees in advance.

Each essential employee is further assigned to a duty station as identified in Attachment "B." Reserve employees are not initially required to report for duty during an emergency declaration but are required to report to or remain at work when requested by the Director of Homeland Security in consultation with the appointing authority. These employees become essential employees until their status is discontinued when they are released by the Director of Homeland Security in consultation with the appointing authority. Each category of employee is further defined in Policy Memorandum 112 (R).

- B.** All Departments, Boards, Agencies and Commissions who are requested to provide liaisons within the City's Emergency Operations Center (CEOC) must assign two (2) employees (one for each 12 hour CEOC shift).
- C.** The departmental roster must be submitted annually. This roster should include the name, title, emergency designation, address, and telephone and email contact information for each employee, and duty station, if applicable.
- D.** Updates to this roster should be provided periodically to the Office of Homeland Security & Emergency Preparedness to account for departmental staffing changes throughout the year.

V. Inquiries

Any inquiries about this memorandum should be addressed to the Office of Homeland Security & Emergency Preparedness at (504) 658-8700.

GAM/cah

Attachments

- A: Guidance Regarding Essential Personnel Roster
- B: Department Personnel Designation Roster

CHIEF ADMINISTRATIVE OFFICE
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

GILBERT A. MONTAÑO
CHIEF ADMINISTRATIVE OFFICER

POLICY MEMORANDUM 34(R)
GUIDANCE REGARDING ESSENTIAL PERSONNEL ROSTER
ATTACHMENT A

The Office of Homeland Security & Emergency Preparedness (NOHSEP) develops a comprehensive city employee roster prior to each hurricane season. This personnel list includes all city departments and agencies with the exception of public safety entities, which assemble their own rosters in coordination with NOHSEP. The personnel roster is utilized during large-scale crises to ensure accountability and compliance as we prepare for, respond to, and recover from the incident or event.

Methodology & Instructions

City departments and agencies should use the spreadsheet template provided in Policy Memorandum 34(R) Attachment B to identify the assigned emergency designation and duty station (if applicable) for each employee. All employees should be identified as either essential or reserve in the designation column. The essential designation is for employees who remain on-duty during emergencies and disasters, or remain in the City during mandatory evacuation. Each essential employee should further be classified by primary duty station. The reserve designation is for employees who are not initially required to report for duty during an emergency declaration, but who are required to report to or remain at work when requested by the Director of Homeland Security in consultation with the appointing authority. These employees become essential employees until their status is discontinued when they are released by the Director of Homeland Security in consultation with the appointing authority.

Designation	Duty Station
Essential	1. City Hall (including City Emergency Operations Center and Joint Information). 2. Task Force Site (1 of 5 task force locations for first responders). 3. Other facilities within the City. 4. Continuity of Operations (COOP) facility in Carville, LA.
Reserve	Assigned as needed by the Director of Homeland Security and Appointing Authority.

Contact Information

Comments and questions regarding this process can be addressed to the Chief, Planning & Preparedness for NOHSEP at plnsec@nola.gov.

DEPARTMENT:

[illegible]

REMOTE WORK POLICY

Section 19: REMOTE WORK POLICY	Effective Date: February 3, 2020
Subject: Remote Work Policy	Revised Date: N/A
Approval: 	Next Review Date: February 3, 2021

PURPOSE

This memorandum establishes the policy and procedures for fulltime OIPM employees working remotely to ensure projects and work are complete in a thorough and efficient manner and in compliance with all expectations of the employee's employment.

This policy will reference the expectations set forth under New Orleans City policies for employees and Louisiana state law.

DEFINITIONS

- 19.1 **Remote Work** – remote work is the completion of OIPM work and participation in OIPM activities from a site other than an official designated worksite for a period of more than three (3) hours.
- 19.2 **Office (Non-Remote) Work** – Non-remote work includes working from the following locations: OIPM office, the Public Integrity Bureau, NOPD Headquarters, community partners workplace, conferences and / or trainings. Working occasionally from another site for under three (3) hours does not constitute remote work as classified under this policy.

RESPONSIBLE PARTIES

- 19.3 **Employee** – fulltime employees within the OIPM are responsible for providing notice of the intent to work remotely, receiving approval, documenting the hours to be worked remotely on their calendar and within the ADP system, and for conducting all required work tasks as outlined below.
- 19.4 **Direct Supervisor** – the direct supervisor of the fulltime employee is responsible for approving or denying the employee's request to work remotely, ensuring the employee complies with all required tasks as outlined below, and executing necessary accountability next steps when there is a misuse or abuse of the policy.
- 19.5 **Police Monitor** – the Police Monitor is responsible for granting or denying permission for employees to work remotely more than the outlined cap designated below and determining appropriate accountability for policy misuse or abuse.

- 19.6 **Office Manager** – the office manager is responsible for assisting the employee with checking out all relevant equipment necessary for remote work and tracking equipment that is out on loan.

POLICY

- 19.7 The city of New Orleans, the NOPD, and the OIPM requires that there be some flexibility but accountability in the work expectations of the fulltime employees of the OIPM. The policy described below does not apply to part time or contract employees.
- 19.8 This policy ensures there is a balance between the need for employees to occasionally work remotely while ensuring that necessary office functions still occur, and the office remains open and prepared to serve the public.
- 19.9 This remote work policy ensures that employees can still complete necessary work and receive compensation in accordance with City of New Orleans employment procedures while working remotely.
- 19.10 Remote work requires the same level of confidentiality and professionalism that the employee is expected to demonstrate when conducting work within the OIPM office.

PROCEDURES

- 19.11 This policy ensures that employees can still participate in work remotely. Examples of when this policy could apply may include:
- there is a temporary physical or transportation reason that the employee is unable to report to the office;
 - the employee needs to provide necessary and temporary childcare, family care, or presence at home that will not distract from the employee's ability to complete required work;
 - there is an external danger, such as weather or flooding, making the employee's commute unsafe or untenable;
 - when there is a condition in the office rendering the office an unproductive work environment, such as Internet or technology failures or when the AC is out;
 - when the employee believes he/she will be more productive and efficient at a remote work site; and/or
 - other reasons as determined appropriate by the employee and direct supervisor;
 - other reasons as determined appropriate by the Police Monitor.
- 19.12 Work remote includes working from any location that is not the employee's designated place of work or location where the employee is expected to execute the employee's required work tasks. Working remotely means the employee is working from home or from another location conducive to work including but not limited to a library, coffee shop, and / or hotel room. Working remotely may include a location in a different time zone, though it is expected the employee be available during the required work hours in Central Standard time. Work can be completed during times deemed appropriate by

direct supervisor and employee, understanding the employee's required availability during ordinary business hours.

- 19.13 An employee can only work remotely two (2) full workdays within one pay period. Any work from home requests extending beyond two (2) times within one pay period must be approved by the IPM and must provide reasoning.
- 19.14 An employee working remotely must follow department procedures for checking out equipment necessary to the completion of his or her work.
- 19.15 In order to qualify for compensation, the employee that seeks to work remotely must provide written notice and receive approval from the employee's direct supervisor. Unless there is an unpredictable condition requiring the remote work, such as office conditions, external factors, or an immediate at-home need, the employee must request the permission to work from home at least twenty-four (24) hours in advance.
- 19.16 The employee who is working remotely is expected to update their work calendar with their intent to work remotely so others in the office can schedule meetings and work requiring in-person interaction accordingly. Failing to keep the employee's calendar accurate will be treated as a misuse of the remote work policy.
- 19.17 The employee's supervisor is required to track the remote work hours to ensure the employee is complying with the requirements of this policy and his / her employment expectations.
- 19.18 The expectation of remote work is that the employee is: (1) available for ordinary calls and emails received throughout the course of the day; (2) completes necessary assignments and projects; (3) employee can still participate in required meetings through electronic or technological devices. If the employee is "unreachable" the employee cannot be considered working remotely.
- 19.19 If there is some function of the employee's work that is unable to transfer to a remote location, the employee is expected to either reschedule that activity in a way that does not interfere with the efficiency of the office or have a prepared substitute stand in for the employee on that activity. The employee working remotely is expected to equip that substitute and to provide that substitute with all necessary work product and information in order to adequately stand in for that employee. This includes but is not limited to: providing a work from home plan, directions on how to schedule appointments, preparing others to stand-in for necessary interactions with members of the public.
- 19.20 All work product must remain confidential. The employee is responsible for ensuring confidentiality and technology security while working remotely and may not connect to any WIFI network or work in any environment that would compromise the security and confidentiality of the OIPM. OIPM employees may only connect to OIPM resources utilizing the hotspot on OIPM issued phones and OIPM issued MiFi devices.

19.21 If the employee's direct supervisor believes the employee abusing or misusing the work remote policy, then the direct supervisor is responsible for approaching the employee regarding their use of the work remote policy and informing the Police Monitor. Abusing or misusing the work remote policy would include: failing to participate in meetings and / or activities while working remotely, failing to meet agreed upon deadlines while working remotely, failing to respond in a timely manner to phone calls or emails (or however the employee stated he / she would be available) during work hours while working remotely, if it is believed the employee was not completing work but actually participating in other activities that would require some other leave request, such as social, leisure, or medical activities.

19.22 At the discretion of the IPM in compliance with relevant city policy, consequences to misuses or abuses of the work remote policy include but are not limited to:

- the employee being written up;
- the employee being required to reclassify the day in question to be considered some type of leave;
- the employee losing remote work privileges temporarily or permanently; or
- termination.

The employee will be notified in writing of any action taken against him / her for a determined misuse or abuse of the remote work policy.

SCOPE

19.23 This policy and procedure shall apply to all organizational elements of the New Orleans Office of the Independent Police Monitor.

19.24 Failure to comply with the policy and procedure numerated above will result in discipline up to and including termination.



Office of the Independent Police Monitor – Department of Human Resources

Employee Equipment Agreement

I. USER INFORMATION

Last Name:	First Name:	MI:	Employee ID:
Email:	O-Phone:	C-Phone:	

II. USER TYPE:

☐

Employee

☐

Contractor

☐

Temporary

III. COMPUTER AND PERIPHERAL EQUIPMENT

In this section, please list equipment that you are using to perform your duties.

IV. EQUIPMENT ISSUED BY

Name: _____ Department: _____

V. ACKNOWLEDGEMENT AGREEMENT

By signing, I acknowledge receipt that I have read and understand the policies and procedures for the use of this equipment. I understand that I am to use the equipment assigned specifically to me, solely for the purpose of conducting the official duties of my position. I agree to use the device for which I have been authorized.

Recipient Signature: _____ Date: _____

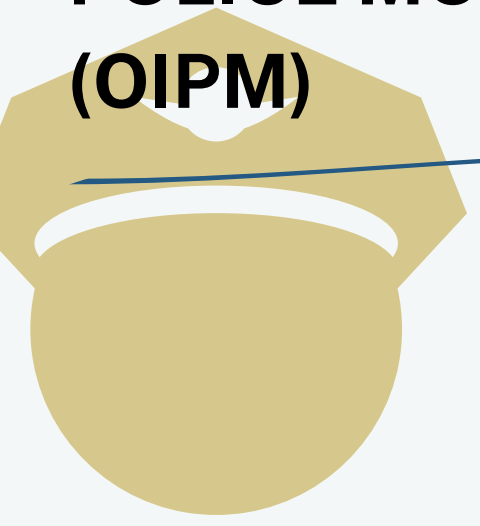
VI. RETURNED ITEMS

Date Returned: _____

Recipient Signature: _____

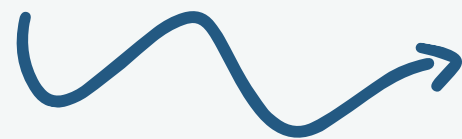
Item 2

OFFICE OF THE INDEPENDENT
POLICE MONITOR
(OIPM)



OIPM, OC DM, NOPD

OVERSIGHT IN NEW ORLEANS



An opportunity to break down oversight models, the role of OIPM as local oversight, and the future of oversight beyond the Consent Decree.

Points to Discuss



A complete overview of the OIPM, what civilian oversight is, the difference of local and federal oversight, and what the future of OIPM will be **post-Consent Decree.**

1 What is civilian oversight

2 Who is the OIPM, our role, our history.

3 Consent Decree and Federal Oversight

4 Future of OIPM and local oversight



4 NOPD officers fired, 2 more suspended after investigation into Unity-1 Salon crash

An investigation into the crash was launched to find out if officers broke department policy by pursuing the car that eventually crashed into the salon.

What is civilian oversight

→ OIPM is a hybrid model

Oversight Monitors

There are different types or reasons
for oversight and monitoring:

1. Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.

2. Monitors that are the result of federal Consent Decrees.

3. Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has both of these types of oversight

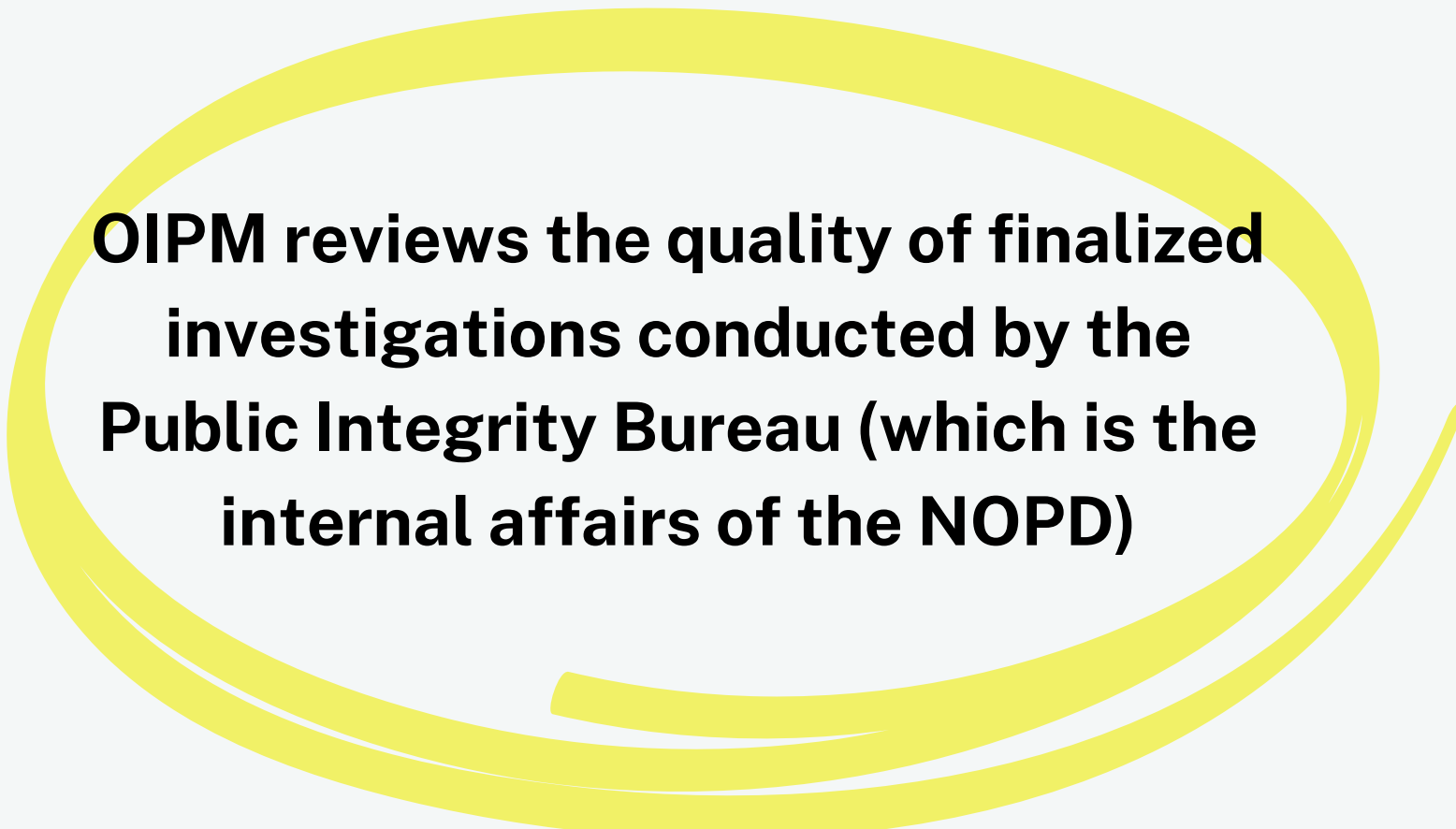
Civilian Oversight Models

Review-Focused

- Review-focused models assess the quality of finalized investigations conducted by an internal affairs division or the police department
- Conduct reviews of the agency's policies, procedures and disciplinary proceedings.
- Hold public forums, hear appeals, or make recommendations for investigations regarding allegations of misconduct



Review-Focused models tend to utilize volunteer boards and commissions.



OIPM reviews the quality of finalized investigations conducted by the Public Integrity Bureau (which is the internal affairs of the NOPD)

Civilian Oversight Models



Auditor / Monitor-Focused

- Assess systemic reform efforts.
- Review processes, evaluate policies, practices, and training.
- Based on those assessments, this oversight model will identify patterns and make recommendations
- Share findings with the public.
- These oversight agencies may participate in investigations.



OIPM assesses systemic efforts and will evaluate and review policies, practices and training then provide recommendations to NOPD.

Civilian Oversight Models

Investigative-Focused

- Conduct independent misconduct investigations
- Operate as an intake site for complaints.
- These models may:
 - mediate complaints,
 - analyze policies and practices
 - issue recommendations to the police and public.



Investigative-focused
models will employ
professionally trained
staff

**OIPM is a
complaint
intake site.**



Civilian Oversight Models



Hybrid Civilian Oversight

- Hybrid civilian oversight means there is one office serving functions from different models or
- Multiple agencies in one jurisdiction which may be different models (like an advisory civilian board and the investigatory OIG)

OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models.



Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

13 Principles for Effective Civilian Oversight of Law Enforcement



The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies these 13 principles as necessary for effective oversight. The OIPM adopted these principles:

- **Independence**
 - **Clearly defined and adequate jurisdiction and authority**
 - **Unfettered access to records and facilities**
 - **Access to law enforcement executives and internal affairs staff**
 - **Full cooperation**
 - **Sustained stakeholder support**
 - **Adequate funding and operational resources**
 - **Public reporting and transparency**
 - **Policy patterns in practice analysis**
 - **Community outreach**
 - **Community involvement**
 - **Confidentiality, anonymity, and protection from retaliation**
 - **Procedural justice and legitimacy**
- 

Who is the OIPM, our role, our history.



→ OIPM is older than the
Federal Consent Decree



OIPM Timeline

OIPM officially created

This is when OC DM was created

We are here!

1981

City Council voted to create the Office of the Municipal Investigation (OMI) to investigate allegations of misconduct by city employees including officers.

JUNE 2008

City Council voted to create the OIPM as a subdivision within the OIG.

The first IPM was appointed in 2009.

Susan Hutson was hired in 2010.

NOVEMBER 2010

The OIPM and the NOPD signed off on an agreed Memorandum of Understanding (MOU) outlining OIPM's authority, procedures, and access.

2012 - 2013

The findings of the Department of Justice Civil Rights Division investigation into the NOPD was completed in 2011. This report was the catalyst for city entering into the Federal Consent Decree in 2012. The Consent Decree was approved by the court in January 2013.

OCTOBER 2015

The OIG and the OIPM entered into a Memorandum of Understanding that permanently separated the OIPM from the OIG.

A charter amendment securing the OIPM's budget was passed by the voters in November 2016.

SUMMER 2021

The NOPD is nearly full compliance with the Federal Consent Decree, which will end active federal oversight. Now, the OIPM is working with the OC DM and the NOPD to reimagine our role and responsibilities.

Office of the Independent Police Monitor



Who we are,
what we do,
why it matters

WHO IS THE OIPM

The OIPM is an independent, civilian police oversight agency created in August of 2009. Its mission is to improve police service to the community, community trust in the NOPD, and officer safety and working conditions.

We review the policies and practices of the police to ensure it is legal, safe, and responsive to the needs of the community.

WHAT WE DO

The OIPM is a complaint intake site where the public and NOPD can file complaints of misconduct. We run the Community-Police Mediation Program. We are on call twenty-four hours a day all year long for critical incidents. We conduct outreach in the community.



100



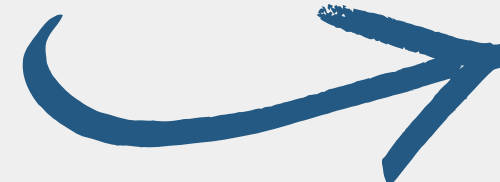
Complaints of
misconduct
received a year

60+



Disciplinary
proceedings reviewed
and monitored

96



Mediation referrals
screened and
coordinated

Consent Decree



What is the Consent Decree, federal and local oversight

Consent Decree Life Span

NOPD is nearing full and effective compliance. The OIPM and OC DM are looking ahead to how to prepare for the sustainment period

PREPARE AND WRITE THE CONSENT DECREE

The Department of Justice, NOPD, city government, and other stakeholders wrote the provisions of the Consent Decree.

ENTER INTO THE CONSENT DECREE

The Consent Decree was approved by the court in January 2013.

REFORM EFFORTS

For the last 8 years, the NOPD has worked with the OIPM and the OC DM to make the necessary reforms to reach compliance with the Consent Decree

REACH FULL AND EFFECTIVE COMPLIANCE

Once all policies are written, applied, and disseminated then the NOPD is done with the active portion of the Consent Decree.

SUSTAINMENT PERIOD

NOPD must maintain all progress for a two year sustainment period before being considered done with the Consent Decree.

EXIT THE CONSENT DECREE

Once NOPD has completed the sustainment period successfully, the NOPD and city will be released from the Consent Decree.

The Federal Consent Decree



The New Orleans Consent Decree focuses on 13 core areas of policing practice, employment concerns, and training.

- Policies and Training
- Use of Force
- Crisis Intervention Training (CIT)
- Stop, Search, and Arrests
- Custodial Interrogations
- Photo Lineups
- Bias Free Policing
- Policing Free of Gender Bias
- Community Engagement
- Recruitment
- Academy
- Officer Assistance and Support
- Performance Evaluations
- Supervision
- Secondary Employment
- Misconduct



The New Orleans Federal Consent Decree was the most expansive and comprehensive consent decree in the US

Progress Steps

Full &
Effective
Compliance

Nearing Full
& Effective
Compliance

Significant
Progress

Inadequate
Progress

No Meaningful
Progress

The NOPD is here.
The majority of the Consent Decree
sections are in Nearing Full & Effective
Compliance
or
Full & Effective Compliance.

Where NOPD is Now

NOPD either:
(a) is nearing "Full & Effective Compliance"
or
(b) may have achieved such compliance but the Department of Justice and the OIG have not yet verified.

Full &
Effective
Compliance

Nearing Full
& Effective
Compliance

NOPD has:
(a) incorporated the requirement into policy;
(b) trained all relevant personnel to fulfill their responsibilities pursuant to the requirement;
(c) ensured that the requirement is being applied in practice;
and
(d) disciplined noncompliance

Done!

(kind of)

Local & Federal Oversight

Office of the Independent Police Monitor (OIPM)

- Created by City Council and receives jurisdiction and responsibilities from Ordinance.
- Funding is secured by voter supported amendment.
- Complaint intake site, runs the Community-Police Mediation Program, monitors Use of Force and disciplinary proceedings.
- Provides recommendations based primarily on reviews of finalized NOPD investigations and policies.

Office of the Consent Decree Monitor (OCDM)

- Appointed created by the Consent Decree and receives jurisdiction and responsibilities from the Consent Decree.
- Law firm bid on the city contract to monitor the compliance with the Consent Decree
- NOPD needed present all policy rewrites and practice changes to OCDM for approval.
- OCDM worked with the Dept. of Justice to finalize then presented to Judge Morgan
- OCDM conducted audits to determine NOPD compliance with the changes.

The overlap between OIPM and OCDM is in policy recommendations, monitoring audits, and creating public reports.

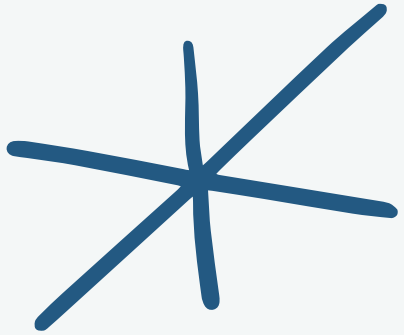


Future of OIPM and local oversight



Why we need to grow to serve
the NOPD and community

How is our work going to change during the Sustainment Period?



- **Monitor audits and complete meta-audits, review drafts of audit reports, review corrective action plans, contribute to final determinations and recommendations.**
- **Contribute in status conferences with Judge Morgan and related working groups like the US Attorney Consent Decree Meeting.**
- **Play a larger role in the creation of new policy and practices (ex: grievances).**
- **More public forums and reports on continued progress - produce more data.**

How will the OIPM utilize the remainder of our 2021 budget?



Ensure we are prepared for more work

Financial Priorities for the Remainder of 2021

- Design a new website and create more community-focused informational tools (ex: video explaining police oversight)
- Hire a Data Coordinator and move data analysis and data sharing work in house.
 - This will require us receiving a charter in order to move money from operations to personnel.
- For security reasons, OIPM is trying to move to a different building. We are earmarking a portion of our operational funds to cover moving expenses.
- Training
 - IAPro Training - shared case management system with the NOPD which also enables OIPM to run reports.
 - National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference.
- Buy new equipment - many of our computers are antiquated to the point of not working. OIPM will replace the necessary equipment.

Financial Priorities for 2022



- Hire a forensic auditor to: coordinate and oversee all meta audits of NOPD audits, conduct necessary OIPM audits, facilitate any additional audit support from agency partners.
- Hire a Law Enforcement Consultant to review OIPM recommendations to the NOPD to ensure recommendations are grounded in practical, impactful, and realistic national best practices regarding policing.
- Build out the mediation program to provide:
 - Internal conflict resolution / mediation services to NOPD departments
 - Mediation services as part of the NOPD grievance process
 - Conflict resolution and active listening training to new supervisors within NOPD.
 - Receive mediation training certification for our Director
- Hire a Director of Misconduct to build out individual case review capacity and participate in Use of Force reviews.
- Hire a part-time Community Outreach Director to build out our webinar and community trainings, our LYRIC program, and expand our public impact.

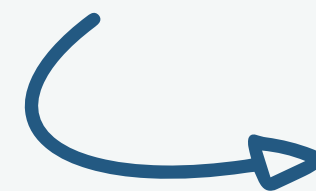
What comes next?



Options for growth in the future.

- Provide oversight to jails.
- Provide oversight to other law enforcement agencies that have contracts with NOPD.
- Build out Remote Intake Sites all over the city.
- Offer more trainings and community outreach.
- Provide more recommendations and assessments to the District Attorney's Office as it builds out the prosecution of criminal acts by officers.
- Participate in state commission operations to ensure officers that are terminated by the NOPD are not rehired by other agencies or jurisdictions.
- Develop mediation pilot programs that serve the community and NOPD.

THANK YOU!



*We're open to questions,
comments, and clarifications.*

