



Ethics Review Board for the City of New Orleans

Board Meeting of November 15, 2021, at 3:30 P.M.

Conducted via Zoom Teleconference Due to COVID-19 Emergency

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 3:33 p.m.
 - 1.2. Board members present:
 - 1.2.1. Elizabeth Livingston de Calderon, Chair.
 - 1.2.2. Holly Callia.
 - 1.2.3. Michael A. Cowan
 - 1.2.4. Monique G. Doucette.
 - 1.2.5. Tyrone G. Jefferson, Jr.
 - 1.2.6. Torin T. Sanders.
 - 1.3. Board member absent:
 - 1.3.1. Wanda A. Brooks
 - 1.4. Staff members present:
 - 1.4.1. Dane S. Ciolino, Executive Administrator and General Counsel
 - 1.4.2. Jordy Stiggs, Ethics Trainer
 - 1.5. The Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.

- 1.6. 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.*
 - 3.1. After a motion and second, the board unanimously approved the minutes of its last meeting.
4. *Report of the Office of Inspector General.*
 - 4.1. The Office of the Inspector General was represented by Interim IG Ed Michel. Other OIG staff members also were in attendance, including Ana Reyna and Larry Douglass.
 - 4.2. The Board accepted Mr. Michel's monthly report of the OIG. *See Attached OIG Monthly Report.* No further discussion occurred.
5. *Report of the Office of the Independent Police Monitor.*
 - 5.1. Interim IPM Stella Cziment appeared for the OIPM. Ms. Sokunbi was also in attendance.
 - 5.2. The Board accepted Ms. Cziment's monthly report of the OIPM. *See Attached OIPM Monthly Report.* No further discussion occurred.
6. *Report of Executive Administrator and General Counsel*
 - 6.1. Mr. Ciolino reported that the board had received no new complaints.
 - 6.2. Mr. Ciolino discussed the board's upcoming deadlines and events.
7. *Report of the Ethics Trainer*
 - 7.1. Mr. Stiggs presented his monthly report to the board. *See Attached Ethics Trainer Monthly Report.*
 - 7.2. The board accepted Mr. Stiggs's report without further discussion.
 - 7.3. Mr. Stiggs reported that he will offer ethics training to the board on December 15, 2021 at 3:30 p.m.

8. *Report of OIG Search Committee*
 - 8.1. The OIG Search Committee reported that it had received 11 applications after extensive outreach efforts. See attachment re outreach efforts.
 - 8.2. Today, the board will select from these applications semi-finalists to interview via Zoom.
9. *Executive Session to Discuss Candidates for OIG Position*
 - 9.1. A motion was made and seconded for the ERB to go into executive session to discuss candidates for OIG position. The motion was voted on and unanimously approved. The board went into executive session with OIG search consultant Robert Burg.
 - 9.2. The executive session ended and the board reconvened at 5:10 p.m.
 - 9.3. Once in public session, and after motion and second, the board voted unanimously to interview on November 29, 2021, via Zoom, the following six individuals recommended by the OIG search firm:
 - 9.3.1. Gary Hendell
 - 9.3.2. Andrew McFarlane
 - 9.3.3. Ed Michel
 - 9.3.4. Peter Schleck
 - 9.3.5. Olaniyi Sofoluke
 - 9.3.6. Jeffrey T. Walsh
10. *Executive Session to Discuss Complaint 2021-03*
 - 10.1. A motion was made and seconded for the ERB to go into executive session to discuss this complaint. The motion was voted on and unanimously approved. The board went into executive session.
 - 10.2. The executive session ended and the board reconvened at 5:10 p.m.
 - 10.3. Once in public session, and after motion and second, the board voted unanimously to open an inquiry into the report and asked the respondent to respond to the complaint by the end of the week.
11. *Suggested Topics for Next Board Meeting Agenda:* None received from public or board members.

12. *Adjournment.*

12.1. A motion was made to adjourn the board meeting.

12.2. The motion was seconded.

12.3. The board unanimously voted to adjourn. The meeting was adjourned at 5:33 p.m.

* END *

City of New Orleans Inspector General Outreach Summary

The outreach efforts for the New Orleans Inspector general was a national search. We focused on the following positions if they existed within the organization:

- Inspector General
- Deputy/Assistant Inspector General
- Other positions as appropriate

This resulted in the following:

- Resumes Received to Date: 11

Over 175 individuals contacted:

- Members of the Association of Inspectors General
- Chapters of the Association of Inspectors General (FL, DC, IL)
- Council of Inspectors General
- Inspectors General from Large Cities and Counties in the US

Places Position was Advertised:

- Ralph Andersen & Associates
- Institute of Internal Auditors
- International City/County Management Association
- Government Finance Officers Association
- Accounting & Financial Women's Alliance
- National Association for Civilian Oversight of Law Enforcement
- Hispanic National Bar Association
- Association of Inspectors General
- National Asian Pacific American Bar Association
- National Conference of Women's Bar Associations – listing sent out through List Serv
- National Association of Women Lawyers
- National Forum for Black Public Administrators
- Legal Career Network
- Louisiana State Bar Association



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, November 15, 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. The governor's most recent extension of this state of emergency is available here: [204 JBE 2021 State of Emergency.pdf](#).

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. In addition, public comment prior to the meeting can be provided via email address erb@nolaerb.gov.

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. Acceptance but no discussion of monthly report or update from the Office of Inspector General (Chair).
 - d. Acceptance but no discussion of monthly report or update from the Office of Independent Police Monitor (Chair).
 - e. Acceptance but no discussion of monthly report of ERB Ethics Trainer (Stiggs).
 - f. Report of Executive Administrator and General Counsel (Chair).

- i. Report on receipt of 2021 report from Peer Review Committee of Ethics Review Board.
 - ii. Report on proposed ordinance to broaden pool of IG candidates.
2. Continuing Business
 - a. Report of OIG search committee and Ralph Anderson & Associates.
 - b. Executive session pursuant to Louisiana Revised Statutes section 42:17(1) to discuss the character, professional competence, or physical or mental health of persons recommended by OIG search firm for appointment to OIG position.
 - c. Executive session pursuant to Louisiana Revised Statutes section 42:17(4) to discuss investigative proceedings regarding allegations of misconduct related to ERB Complaint No. 2021-03.
 - d. Vote in regular session to choose finalists for appointment to position of Inspector General.
 - e. Vote in regular session regarding disposition of ERB Complaint No. 2021-03.
3. New Business
 - a. Opportunity for suggestions on future agenda topics from board, staff, and public.
4. Adjournment (Chair).

**Monthly Report of
OIG**

MONTHLY REPORT

OCTOBER 2021



OIG

NEW ORLEANS
OFFICE OF INSPECTOR GENERAL

EDWARD MICHEL, CIG
INTERIM INSPECTOR GENERAL

ADMINISTRATION DIVISION



1,803

Number of registered Twitter followers

ADMINISTRATION

The Office Manager is responsible for the following ongoing tasks:

- Reviewing applications for the Criminal Investigator, and Evaluator vacancies
- Organizing and securing OIG personnel files and creating a comprehensive filing system
- Coordinating and maintaining the OIG vehicle service records and travel logs
- Coordinating the OIG records management activities
- Coordinated and facilitated the AIG Peer Review activities, resulting in full compliance with AIG standards
- Finalizing the OIG's 2022 Budget and 2021 Year-end purchases

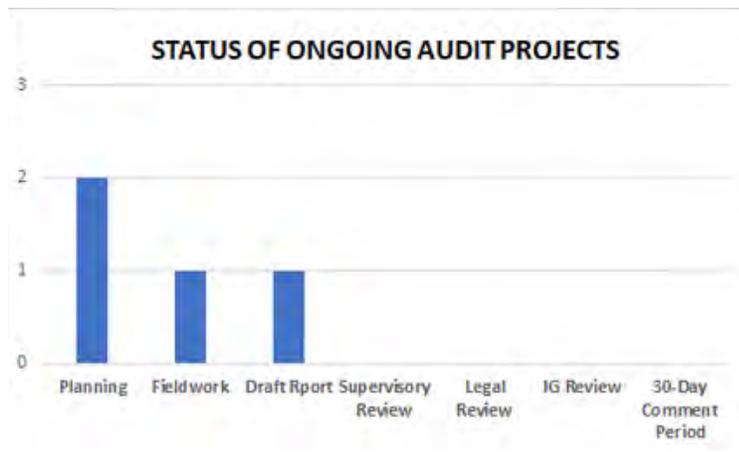
INFORMATION SECURITY

The OIG Information Security Manager is responsible for the following tasks to maintain the OIG's information technology (IT) integrity

- Technical Support
- Hardware and Software Updates
- Communication and Coordination
- Consultation for IT Purchases

AUDIT & REVIEW DIVISION

The Audit and Review Division conducts financial audits, attestations, compliance, and performance audits of City programs and operations. Auditors test for appropriate internal controls and compliance with laws, regulations and other requirements.



The Audit and Review Division has the following projects in process:

- BRASS Procurement System
- Orleans Parish Communications District (OPCD) Expenditures
- Department of Public Works (DPW)/SW&B Coordination
- Safety and Permits City Employee Inspections

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

AUDIT AND REVIEW DIVISION

The following information provides a summary of the Audit Division's project phase and a summary of the audit objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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DPW/S&WB Coordination	Fieldwork	12/31/2021
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Summary of Objectives: To determine if the City of New Orleans and S&WB have sufficient policies and procedures relevant to coordinating the \$2 billion Capital Improvement Program and that the internal controls are operating effectively.

BRASS Procurement System	Draft Report	12/31/2021
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Summary of Objectives: To determine if management's BRASS Procurement System's internal controls are designed properly and implemented and operating effectively.

Orleans Parish Communications District	Planning	Ongoing
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Summary of Objectives: To determine if management's internal controls are designed properly and implemented and operating effectively to ensure expenses and disbursements were business-related and allowed by law.

Safety & Permits City Employee Inspections	Planning	Ongoing
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Summary of Objectives: To determine if City employees performed on-site inspections at various locations.

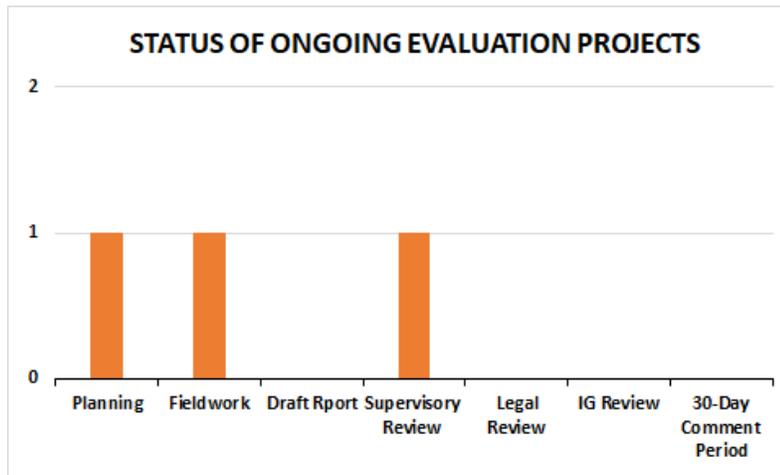
Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INSPECTIONS & EVALUATIONS DIVISION

The Inspections and Evaluations Division works to increase the efficiency, effectiveness, transparency, and accountability of City programs, agencies, and operations. Evaluators conduct independent, objective, empirically based and methodically sound inspections, evaluations, and performance reviews.



The Inspections & Evaluations Division has the following four projects in process:

- Firefighters' Pension Fund Governance
- Competitive Bidding & Selection Processes
- NOLA 311 Potholes

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

INSPECTIONS AND EVALUATIONS DIVISION

The following information provides a summary of the Inspections and Evaluations Division's project phase and a summary of the each project's objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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Firefighters' Pension Fund Governance	Fieldwork	12/31/2021
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Summary of Objectives: To determine if the Firefighters' Pension Fund investment policies and practices are consistent with authoritative sources and best practices, and adequately consider risks.

Competitive Bidding and Selection Process	Supervisory Review	11/30/2021
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Summary of Objectives: To determine if the City's procurement practices encourage sufficient competition among potential contractors.

NOLA 311 Potholes	Planning	12/31/2021
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Summary of Objectives: To determine if the City properly and timely triages and resolves complaints received for the reporting of potholes on streets throughout the community.

Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INVESTIGATIONS DIVISION

ADMINISTRATIVE INVESTIGATIONS (OCTOBER HIGHLIGHTS)

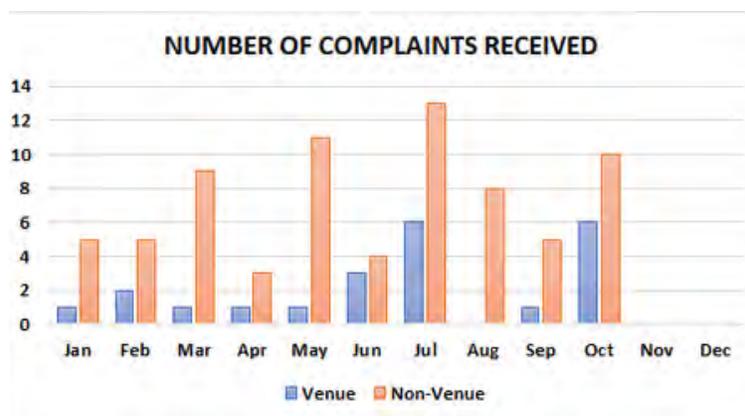
Issued a Request for Documents to the Orleans Parish Communications District regarding identification cards

Issued a Report of Investigation (ROI) concerning Louis Armstrong New Orleans International Airport employees using the airport's account number at NAPA auto parts stores to obtain a discount towards the purchase of auto parts for their personal use

Received documents from Sewerage and Water Board in response to Request for Documents concerning parking garage contract

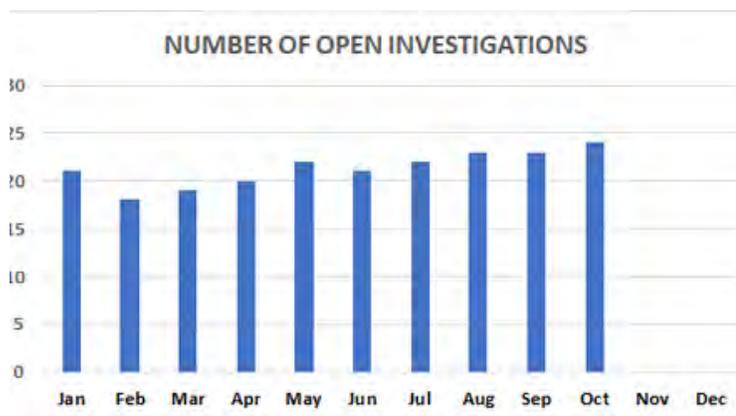
CRIMINAL INVESTIGATIONS (OCTOBER HIGHLIGHTS)

None reported.



Venue: Matters that the OIG has the jurisdiction to investigate

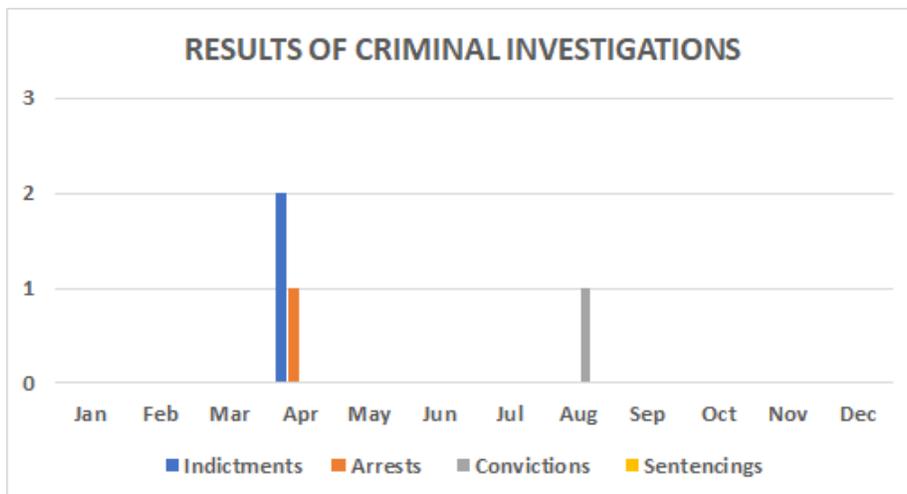
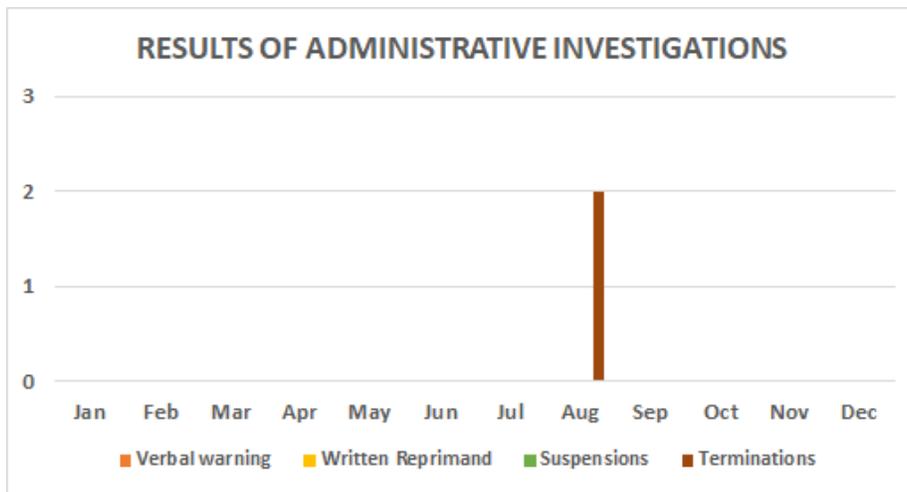
Non-Venue: Matters outside of the OIG's jurisdiction



MEASURING PROGRESS

INVESTIGATIONS DIVISION

The Investigations Division conducts criminal and administrative investigations involving City of New Orleans employees, contractors, and vendors that receive City funds. Investigators also work with local, state, and federal partners to conduct joint investigations. The Investigations Division is also available to provide fraud awareness training to City employees and to engage in other outreach programs with businesses and citizens.



In August 2021, one Safety and Permits employee, Brian Medus was convicted.

2021 BUDGET

Funding:	\$3,484,529
Expenditures:	Amount
Personnel	\$2,002,923
Operating	\$964,726
Total Expenditures	\$2,967,649
Fund Balance	\$516,880

OIG PEER REVIEW



**Association of Inspectors General
524 West 59th Street, 3532N
New York, New York 10018**

October 13, 2021

Edward Michel
Interim Inspector General
New Orleans Office of Inspector General
525 St. Charles Ave
New Orleans, LA 70130

Dear Inspector General Michel,

The Association of Inspectors General (AIG) performed a Peer Review of the New Orleans Office of Inspector General (NOLA OIG) Audit Division (AD), Investigations Division (ID), and Inspections and Evaluations Division (I&E) at your request. The Peer Review Team (Team) evaluated the work of these three Divisions covering the last three years (January 1, 2018 through December 31, 2020). The Team performed the review during the week of October 11, 2021 through October 13, 2021, which took place at your offices at 525 St. Charles Ave, New Orleans, LA 70130. The Peer Review assessed the work of the AD, ID, and I&E Divisions for compliance with the AIG Principles and Standards for Offices of Inspector General (Green Book) and/or the Government Auditing Standards (Yellow Book) issued by the U. S. Government Accountability Office (GAO). These standards are consistent with the qualitative standards under which your office's AD, ID, and I&E Divisions have operated throughout the review period.

OIG PEER REVIEW

As noted above, it is the unanimous conclusion of the Peer Review Team that the AD, ID, and I&E Divisions met all current and relevant AIG and/or GAO standards for the review period.

On behalf of the AIG, I want to thank you for the confidence placed in the Association by requesting that we conduct this review. On behalf of the Peer Review Team, we would like to acknowledge and thank Interim Inspector General Edward Michel, as well as his designees, Deputy Inspector General for Audit Erica Smith and Office Manager Ana Reyna, for all of their efforts in the coordination and planning of this event and for ensuring that we were provided with the necessary records and tools for a thorough and smooth review. Lastly, on behalf of the Team, we would like to recognize that in all of our interactions with your staff, we were shown the respect and cooperation that is the hallmark of a professional staff truly interested in a full and open review of their work. At the same time, this has been a learning experience for each member of the Peer Review Team, for which we wish to convey our sincerest thanks.

Team,

I want to thank each and every one of you for your dedication to the OIG mission. Our Peer Review determined there were no reportable instances of failure to meet the standards by the Audit, Investigation and Inspection and Evaluation Divisions.

While there were minor improvements suggested by the peer review team which will be reviewed and implemented in the near future, there were more observations regarding your stellar work product. Our re-establishment and successful engagement with our stakeholders was noticed by the review team as was our collaboration within the OIG. In general, the review team was impressed that we were able to accomplish so much in such a short time after the departure of the outgoing IG.

I sincerely appreciate all of your efforts to ensure our success!

Respectfully,

Ed Michel

OIG ON SOCIAL MEDIA



New Orleans OIG @NOLAIG · Oct 5

It was an honor to present 'Homestead Exemption Fraud' to the New Orleans City Council today.

Report fraud, waste and abuse at nolaig.gov.



3 6 12



New Orleans OIG @NOLAIG · Oct 6

Report Homestead Exemption Fraud to the New Orleans Office of Inspector General at nolaig.gov.



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OIG ON SOCIAL MEDIA



New Orleans OIG @NOLAOIG · Oct 7

New Orleans OIG releases the Job Ordering Contracting: Policies and Procedures Report. The full report can be located here :

	<p>nolaoig.gov Job Order Contracting Policies and Procedures The Office of Inspector General for the City of New Orleans (OIG) conducted an evaluation of the ...</p>
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You Retweeted



New Orleans OIG @NOLAOIG · Sep 9

Protect yourself against construction fraud after a natural disaster.

Verify whether a contractor is licensed in Louisiana before you make a down payment or sign a contract.

Download the free "La Contractor" mobile app by visiting the LSLBC website at lacontractor.org.

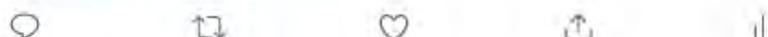
	<p>lsbc.louisiana.gov Louisiana State Licensing Board for Contractors</p>
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New Orleans OIG @NOLAOIG · Oct 22

New Orleans OIG releases September Monthly Report which can be located here:

nolaoig.gov/records/monthly...



**Monthly Report of
OIPM**

THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

OCTOBER 2021



Community Letter

Dear New Orleans Community,

What makes you feel safe? What makes you feel like you're in a community? What makes a good police officer? When does there need to be accountability? How do we move on together? What does police oversight look like? These are just some of the questions that October inspired the Office of the Independent Monitor to ask of ourselves, our partners, and the public we seek to serve.

We started the month with hosting a virtual Night Out Against Crime. This virtual event was a chance to engage the community on issues around crime prevention and safety. We reminded the community of the role our office can play in ensuring public safety and engaging with the police around crime.



On October 22, our office co-hosted a community event for the National Day Against Police Brutality. This was a day of reflection when we came together with families of those loved ones who have been lost due to police brutality and a day of action as we committed to accountability within our law enforcement. District Attorney Jason Williams addressed the attendees about the new initiatives his office is taking to prosecute officers that use brutality. We were joined by family members from Families Overcoming Injustice who talked about their loss and community partners from the Vera Institute of Justice, Louisiana Survivors for Reform, and the Orleans Parish Prison Reform Coalition. It was a beautiful thoughtful event that enabled us to hold up the memory of those who have been lost and join in action to ensure this never happens again.

In October, the OIPM partook in accountability measures against over 50 officers as the office monitored and reviewed 40 disciplinary proceedings held at NOPD headquarters and the Public Integrity Bureau. These hearings ranged from supervisory neglect to use of force to body worn camera violations to professionalism. During the hearings the OIPM sought to review the policing policy, training, and the role of supervision to ensure that any systemic issues were identified and addressed.



Finally, Chief Ferguson asked the OIPM to participate and monitor the recent 38 captain promotional interviews conducted by the Deputy-Chiefs of the NOPD. These interviews and the subsequent scoring process were the final steps in picking the new 15 captains to run district stations and bureaus within the NOPD. The OIPM appreciated this responsibility and opportunity to represent oversight in the room, provide feedback on the candidates and process, and ensure a consistent and thorough review. The OIPM is in the process of releasing a community facing report about this promotional process so the community understands how this new leadership was selected and what will happen next.

The OIPM thanks the community for engaging with us online and in person over the last month – whether it be on crime prevention, police brutality, misconduct, or any other encounter that the public may have with the police – we are hear and ready to serve you. Together we are police oversight looks like.

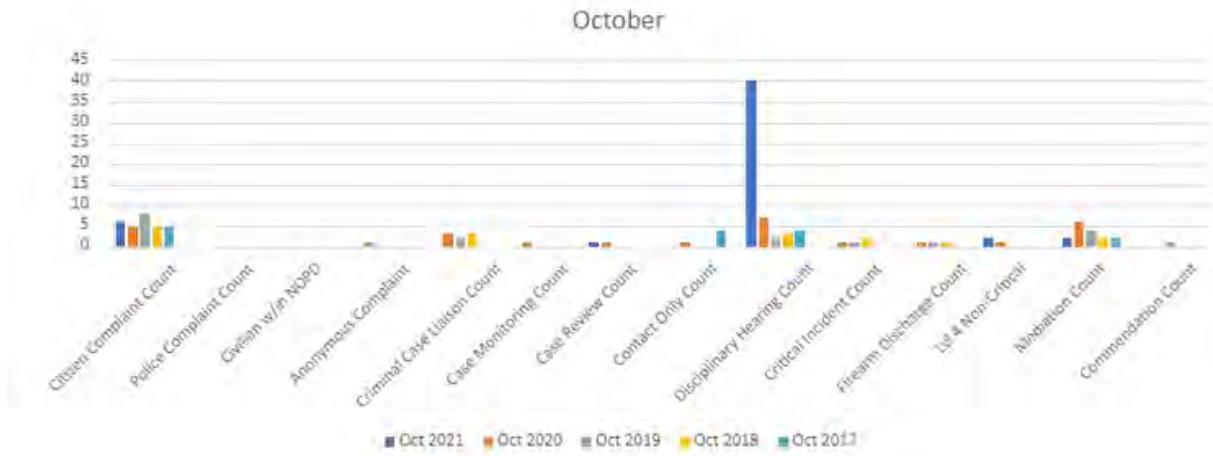
Thank you,

Year to Date Overview



	2021	2020	2019	2018	2017	Avg 2017-2020
Citizen Complaint Count	55	56	74	27	35	48.00
Police Complaint Count	4	5	2	5	2	3.50
Civilian w/in NOPD*	1	1	0	0	0	0.25
Anonymous Complaint*	19	26	0	0	0	6.5
Criminal Case Liaison Count	20	36	17	6	6	16.25
Case Monitoring Count	4	10	0	9	8	6.75
Case Review Count	5	3	4	8	0	3.75
Contact Only Count	17	29	14	2	8	13.25
Disciplinary Hearing Count	60	61	41	56	27	46.25
Critical Incident Count	7	10	9	7	7	8.25
Firearm Discharge Count	6	9	8	4	4	6.25
Lvl 4 Non-Critical*	8	9	0	0	0	2.25
Mediation Count	18	33	30	21	26	27.50
Commendation Count	8	1	5	1	2	2.25
Grand Total	232	289	204	146	125	158.33

October Overview



	Oct-21	Oct-20	Oct-19	Oct-18	Oct-17	Avg 2017-2020
Citizen Complaint Count	6	5	8	5	5	5.75
Police Complaint Count	0	0	0	0	0	0.00
Civilian w/in NOPD*	0	0	-	-	-	0.00
Anonymous Complaint*	0	1	-	-	-	1.00
Criminal Case Liaison Count	0	3	2	3	0	2.00
Case Monitoring Count	0	1	0	0	0	0.25
Case Review Count	1	1	0	0	0	0.25
Contact Only Count	0	1	0	0	4	1.25
Disciplinary Hearing Count	40	7	2	3	4	4.00
Critical Incident Count	0	1	1	2	0	1.00
Firearm Discharge Count	0	1	1	1	0	0.75
Lvl 4 Non-Critical*	2	1	-	-	-	1.00
Mediation Count	2	6	4	2	2	3.50
Commendation Count	0	0	1	0	0	0.25
Grand Total	51	28	19	16	15	19.5

October Overview

Use of Force Review Board Cases Heard	
FTN2021-0163	Officers responded to a Signal 34 (Aggravated Battery) in the 2000 block of Mirabeau Avenue. Before the second officer could exit his vehicle, an individual fired his weapon in the direction of the NOPD unit. The individual chased his sister from the residence and continued firing. Both officers returned fire. The individual fled and was later apprehended several hours later.
FTN2021-0157	While attempting to conduct an investigation on a car parked the wrong direction, an individual attempted to flee from the officer. The officer struck the individual in the head with the his firearm. The officer's weapon discharged, striking the individual in the right leg.
FTN2021-0268	While on detail at the Walmart Supecenter on Behrman Highway, an officer attempted to apprehend an individual suspected of shoplifting items from the store. During the interaction, the officer deployed his CEW 6 cycles.
Use of Force Review Board Cases Heard: 3	

Level 4 Non-Critical Use of Force	
UF2021-0006	An NOPD officer was attempting to escort an individual out of the location when the subject attacked the officer and put her in a headlock; consequently, a witness intervened, and, during the struggle, the officer tasered the subject three times before she could subdue, apprehend, and handcuff the subject. The subject was transported to the hospital for a mental health evaluation.
UF2021-0007	NOPD Officers were transporting an individual to the hospital to be evaluated for mental health concerns. As the officers attempted to get the male from the vehicle he began spitting at, kicking, and head butting the officers. The officers struck the individual.
Level 4 Non-Critical Use of Force: 2	

Mediation	
Mediation cases are confidential.	
Mediations Held: 2	

Case Review	
CR2021-0005	OIPM received a request to conduct a case review on the PIB investigation of CC2021-0012, in which an individual filed a complaint concerning the thoroughness of his investigation.
Case Review Count: 1	

October Overview

Disciplinary Hearings	
DH2021-0022	An Officer is accused of using unnecessary force when the officer deployed his Conducted Electrical Weapon (CEW) on a person exhibiting passive resistance.
DH2021-0023	An Officer is accused of failing to introduce himself and explain the basis for the stop and then not properly conducting an inventory search of a vehicle, which resulted in a warrantless search. The officer's supervising Sergeant is accused of failing to supervise the search in accordance with NOPD policy.
DH2021-0024	A Senior Police Officer is accused of pursuing a vehicle without specifically asking for a permission from his supervisor.
DH2021-0025	An Officer is accused of deactivating his Body Worn Camera (BWC) prior to concluding a call for service during a domestic violence investigation and is also accused of making an unprofessional statement to the alleged victim.
DH2021-0026	An Officer is accused of using profanity towards a fleeing individual and threatening to shoot the individual.
DH2021-0027	A Sergeant is accused of issuing a seatbelt violation to the driver of a vehicle instead of the adult passengers that were not wearing their seatbelts. The Sergeant is accused of not being truthful in his observations of who was wearing and not wearing their seatbelt in the car.
DH2021-0028	An Officer is accused of participating in a pursuit that exceeded speeds of 120 mph which continued despite experiencing equipment failure resulting in the loss of the Officer's siren. The supervising Sergeant is accused of failing to properly supervise the situation in violation of NOPD policy.
DH2021-0029	An Officer and a Senior Police Officer are accused of using force during an arrest and failing to author a police report or complete required documentation, Field Identification Card, regarding the incident.
Disciplinary Hearings: 1-8	

October Overview

Disciplinary Hearings	
DH2021-0030	A Lieutenant is accused of engaging in unauthorized pursuit outside of Orleans Parish while off-duty.
DH2021-0031	A Sergeant is accused of failing to interview a complainant during a misconduct investigation though being ordered to do so by his supervising Lieutenant. The Sergeant is accused of submitting a report with errors that were not corrected despite being ordered to correct the report via email.
DH2021-0032	A Sergeant is accused of failing to interview a complainant in a misconduct investigation and failing to correct aspects of his report though ordered to make the corrections.
DH2021-0033	An Officer is accused of using unauthorized excessive force and then verbally intimidating the individual once the individual stated they wanted to speak to a supervisor about the force.
DH2021-0034	An Officer is accused of witnessing her child physically attack someone and failing to take appropriate police action. The Officer is also accused of using profanity during the incident. The Officer was on duty during the time and was not in her assigned area at the time of the incident.
DH2021-0035	An Officer is accused of continuing to operate her city vehicle despite her driver's license being suspended in violation of NOPD and City policy.
DH2021-0036	A Sergeant is accused of committing a simple battery on an arrested person when the Sergeant slapped the individual. The Sergeant is also accused of verbally intimidating the individual and being unprofessional by arguing with the arrested individual instead of deescalating the situation.
DH2021-0037	A Lieutenant is accused of wrongfully assigning a take-home vehicle to a Sergeant and signing on the signature line for the Appointing Authority, where only the Police Superintendent should sign.
Disciplinary Hearings: 9-16	

October Overview

Disciplinary Hearings	
DH2021-0038	A Lieutenant is accused of failing to supervise and mishandling a wellness check on a NOPD employee, including taking custody of the individual and taking the individual to a drug test, against NOPD policy and possibly law.
DH2021-0039	A Senior Police Officer is accused of being dishonest and untruthful in his account of a crash that the officer was involved in and provided information that contradicted the events captured on the BWC footage.
DH2021-0040	An Officer is accused of failing to activate her BWC during a physical confrontation with a member of the public.
DH2021-0041	An Officer is accused of failing to notify his supervisor after he sideswiped two parked cars while trying to render assistance to another officer.
DH2021-0042	A Senior Police Officer is accused of masturbating at the officer's desk and in the officer's take-home vehicle and going home to have sex during the officer's assigned shifts.
DH2021-0043	A Sergeant is accused of making a comment on Facebook regarding political issues and using profanity in violation of NOPD social media policy.
DH2021-0044	An Officer is accused of getting into a car accident in his NOPD vehicle and driving with a suspended driver's license. The driver's license was suspended due to a failure to pay income taxes.
DH2021-0045	Two Officers are accused of failing to activate their BWC, failing to intercede into a witnessed unauthorized force, and behaving unprofessionally by making fun of the force used to entertain other officers at the scene.
Disciplinary Hearings: 17-24	

October Overview

Disciplinary Hearings	
DH2021-0046	A Senior Police Officer is accused of using a racial slur while in conversation with another NOPD employee in violation of NOPD's workplace discrimination policies.
DH2021-0047	Two civilian employees of the NOPD are accused of broadcasting on a podcast on YouTube regarding sexual content and "obscene" language.
DH2021-0048	An Officer is accused of offering a legal opinion during a call of service by determining that a crime did not occur, but that it was a civil matter, and intervening between the two parties to transport one to an ATM to get money so the other person would not press charges.
DH2021-0049	A Sergeant in the Force Investigation Team and the Lieutenant of the Force Investigation Team are accused of failing to document the photographic line-up results in the investigative report.
DH2021-0050	An Officer is accused of failing to report use of force, going through the arrested subject's purse to gain their identity, and failing to advise the individual of their Miranda Rights. A Sergeant is accused of failing to properly supervise the actions of the Officer and to report the use of force.
DH2021-0051	A Sergeant is accused of failing to properly investigate a Level 2 Use of Force incident involving members of his unit and failing to report or properly accept the allegation of misconduct alleged against his unit by the member of the public.
DH2021-0052	A two Sergeants are accused of failing to properly supervise when they neglected to document a search that was conducted without a search warrant and other departmental policy violations. Three Senior Police Officers are accused of failing to activate their BWC during the search. Another Senior Police Officer is accused of conducting a search in a manner that compromises officer safety and behaving unprofessionally. One Senior Police Officer is accused of failing to abide by Special Order 8 and attire himself in TDU to prevent the spread of Covid19.
DH2021-0053	An Officer is accused of misusing his CEW and deploying it at the same time as another officer. The supervising Sergeant is accused of failing to elevate the use of force and contacting the Force Investigation Team.
Disciplinary Hearings : 25-32	

October Overview

Disciplinary Hearings	
DH2021-0054	Four Senior Police Officers, one Officer and two Sergeants are accused of failing to obtain approval from district rank to pursue a vehicle. The two Sergeants are accused of failing to supervise the pursuit and ensure their teams were following departmental policy.
DH2021-0055	An Officer is accused of failing to take necessary and appropriate police action when he was called out to respond to an accusation that an individual was waving a gun around with a toddler present.
DH2021-0056	An Officer is accused of using force and failing to report it along with failing to wear his face mask in accordance with Special Order 12-2020 and failing to wear his complete uniform. The Officer's Sergeant is accused of failing to properly supervise the officer.
DH2021-0057	Two Officers are accused of failing to properly transport and guard an arrested individual and leaving the arrested individual unattended, resulting in the arrested individual escaping, and it was not reported.
DH2021-0058	A Senior Police Officer is accused of failing to thoroughly search for evidence in regards of a death of an infant.
DH2021-0059	A Senior Police Officer is accused of committing insurance fraud in violation of NOPD policy and state law.
DH2021-0060	An Officer is accused of cyberstalking a former romantic partner, stealing from the partner and misusing social media sites to harass the partner.
DH2021-0061	An Officer is accused of operating a motor vehicle while intoxicated and getting into a car accident.
Disciplinary Hearings: 33-40	

October Overview

Citizen Complaints	
CC2021-0087	The complainant stated that he was involved in an accident on the I-10 high rise. The complainant waited for 8 hours and NOPD did not respond to the scene.
CC2021-0088	The complaint alleges that NOPD failed to conduct a thorough investigation of her son's death. The complainant further alleges that the NOPD released her son's name and picture on the news and social media as a person of interest in a shooting which may have contributed to his subsequent death. The complainant alleges NOPD had an address for her son and did not attempt to make contact with him prior to releasing his identity on the news.
CC2021-0089	The NOPD is accused of following, harassing, and assisting another individual sexually exploit the complainant via publication of private sexual activity on the internet.
CC2021-0090	The complainant alleges that the NOPD failed to take necessary action in response to his call about a man on Bourbon St. with 2 python snakes. In addition, the complainant alleges that the NOPD acted unprofessionally when they told the man the complainant reported him.
CC2021-0091	The complainant stated he was falsely arrested for trespassing, had his vehicle improperly towed, and had his vehicle searched which resulted in \$1200 missing.
CC2021-0092	The complainant alleges he was falsely arrested by NOPD, his car was not towed, and it was left in New Orleans East where it was stolen and stripped for parts.
Citizen Complaints Count: 6	

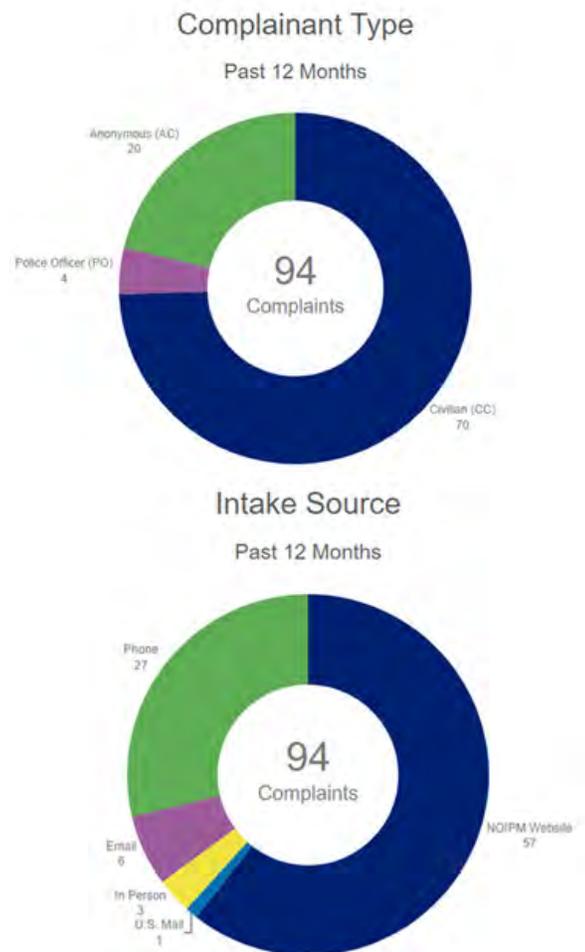
Complaints

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.

- 6 CIVILIAN COMPLAINTS**
- 0 ANONYMOUS COMPLAINTS**
- 0 POLICE INITIATED COMPLAINTS**
- 0 CIVILIANS WITHIN NOPD INITIATED COMPLAINTS**



Community-Police Mediation

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

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

- 3** MEDIATIONS REFERRED
- 2** MEDIATIONS HELD
- 2** 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

Discipline

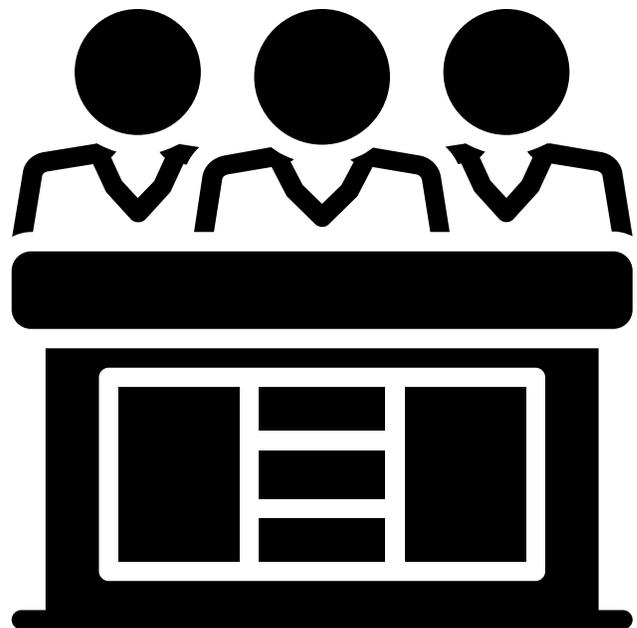
The OIPM is responsible for monitoring whether NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM will review such proceedings 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.

40 DISCIPLINARY PROCEEDINGS

5 SUPERINTENDENT COMMITTEE HEARINGS

35 CAPTAIN PANEL PREDISPOSITION AND PENALTY HEARINGS



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.

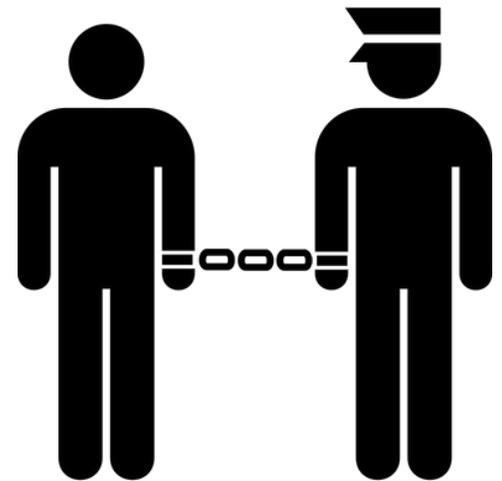
The UFRB serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. The voting 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.

0 CRITICAL INCIDENTS

0 FIREARM DISCHARGE

2 LEVEL 4 NON-CRITICAL INCIDENT

3 CASES HEARD AT USE OF FORCE REVIEW BOARD



Community Outreach

4

COMMUNITY OUTREACH EVENTS

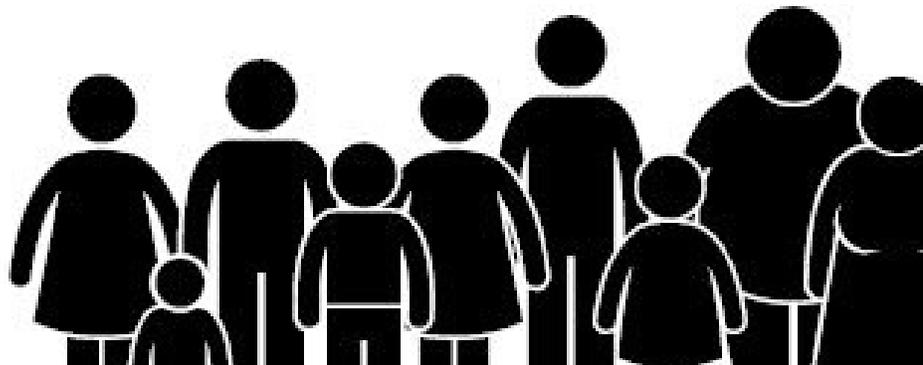
OIPM leads and participates in community outreach to inform the public of our services, to increase public engagement with policing, raise awareness of local or relevant police practice, and monitor how the NOPD interacts with our community.

NIGHT OUT AGAINST CRIME VIRTUAL EVENT

NATIONAL DAY AGAINST POLICE BRUTALITY ON THE STEPS OF CITY HALL WITH VERA INSTITUTE, DISTRICT ATTORNEY'S OFFICE, AND FAMILIES OVERCOMING INJUSTICE

WANDS OF BRAVERY: DOMESTIC VIOLENCE SURVIVOR RECOGNITION CEREMONY WITH NOPD AND THE FAMILY AND JUSTICE CENTER

PANEL GUEST ABOUT THE COMMUNITY-POLICE MEDIATION PROGRAM AT CHICAGO CIVILIAN OFFICE OF POLICE ACCOUNTABILITY



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:	(\$813,951.00)
Projected Amounts to be Spent the Rest of the Year:	(\$849,333.34)
Projected Unexpended Funds	\$35,382.34

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 October, 2021:

In the final approval process to post a new job opening with the team. Pivoting from the "Community Police Specialist" position to instead hire a fulltime Data Coordinator. The position will be posted on the Civil Service Commission website and be available for candidates in the next week.

Currently in comment period for NOPD to provide final feedback and comment on the OIPM's Hurricane Ida Performance Assessment.

- Once the comment period is complete, the OIPM will release and post the report

Retention Schedule was approved and finalized by the State Archives and Records Department of the Louisiana Secretary of State. This is the first retention schedule completed by OIPM.

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

- OIPM submitted a sitemap to the website contractor to begin the website design.
- OIPM approved a new logo.

Peer Review is in process after a status meeting in October with OIPM and ERB Chair.

Met with contractors for: (1) Children and Police Project and (2) Police and Mental Health Project in October. Made plans for the final product with both contractors.

In the process of building out a "heat map" to capture the location and density of misconduct allegations in the community. This function would have overlay options of police districts, schools, and parks. It will be available on the Complaints Dashboard on the OIPM website.

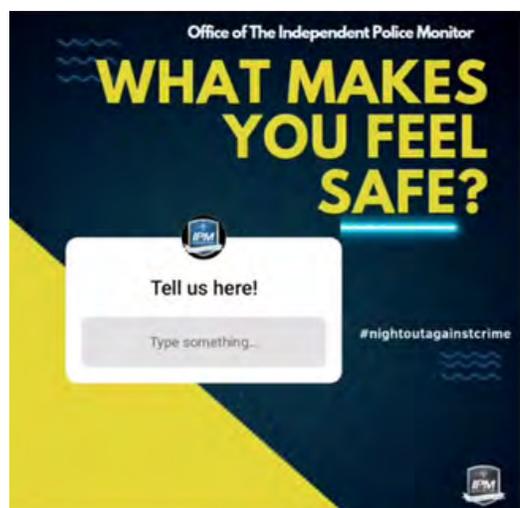
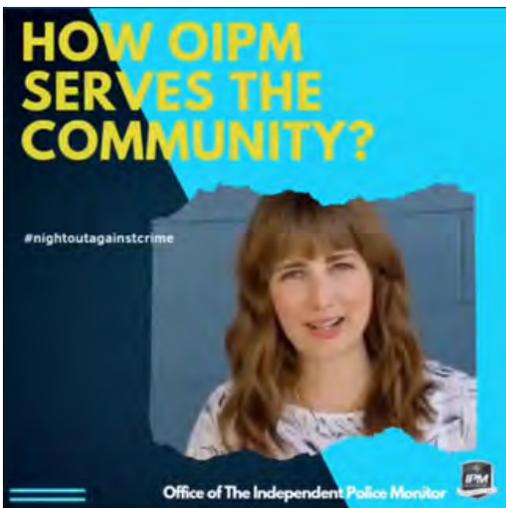
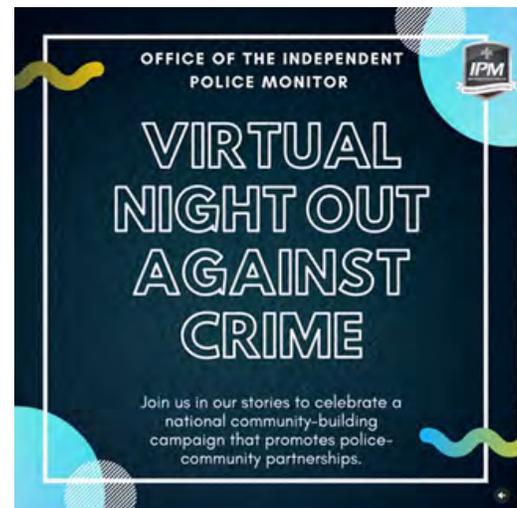
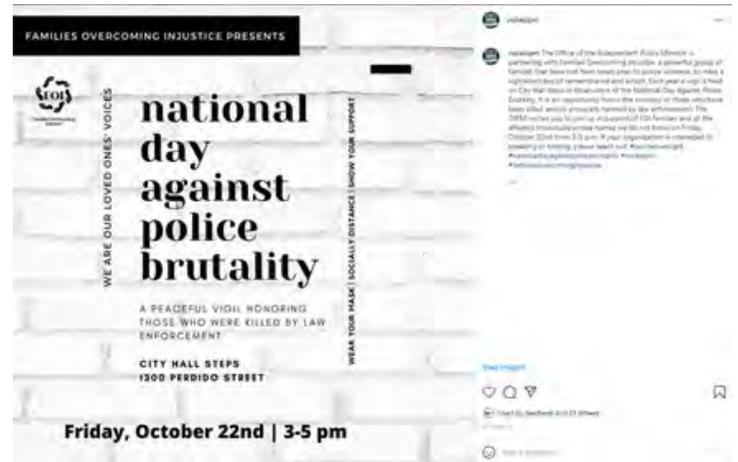
Participated in the first auditor and monitor audit training with OCDM and PSAB to prepare for the upcoming Use of Force audit.

Additional Benchmarks:

- **Monitored the 38 Captain Promotional Interviews conducted by the Deputy-Chiefs and provided input during the scoring of candidates.** Wrote a report about the Captain Promotions, assessing the process, and providing recommendations. The report is currently in NOPD comment period before releasing the report to the public.
- **Hosted an impactful community event: National Day Against Police Brutality.**
- **Hosted a virtual Night Out Against Crime event.**

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 created a "story" to capture videos the office made to celebrate Night Out Against Crime.



Police Captain Promotions

Understanding the Process, Candidates, Selection, and Impact



WHAT ARE CAPTAIN PROMOTIONS?

The captain promotions are an opportunity for the New Orleans Police Department (NOPD) to promote lieutenants or secure provisional captains (formally known as “commanders”) into leadership positions within the department. This process was initiated because of a series of lawsuits and Consent Decree reforms to change how leadership promotions were determined in the past.

WHY DOES IT MATTER?

This process can also alter the current leadership structure the NOPD and the community has come to rely on and know. Because of the elimination of commanders as well as the re-implementation of classified captains, provisional captains who have successfully led districts and bureaus may lose their leadership position at the end of this process. There will be changes and potentially massive adjustments for both the NOPD and the community it seeks to serve. Additionally, the leadership positions will now be Civil Service protected, which may make it more difficult for ineffective leaders to be removed quickly or successfully.

This process matters. It will affect the community and the NOPD.

- First, the captain position is extraordinarily important within the leadership framework of the NOPD. Captains influence policing strategy which can impact public safety, accountability within the department, the commitment to police reforms, and the creation of positive and safe working environments for NOPD employees. These positions must be filled with the best candidates available.
 - Second, this captain promotional process is another step in ensuring the NOPD is compliant with state law and putting reforms required under the Consent Decree into practice. The Consent Decree Section XIV: Performance Evaluations and Promotions requires that the NOPD work with Civil Service to create clear guidelines and promotional criteria “to prioritize effective, constitutional, and community-ordinated policing” and ensure that the promotion of officers is both “ethical and effective.”
 - Third, this process will ensure that all eligible officers are able to fairly access and compete for the desired leadership positions in a transparent and consistent manner.
-

THE ROLE OF POLICE OVERSIGHT

The Office of the Independent Police (OIPM) monitored the captain interviews and the subsequent deliberation of scoring that were conducted by the Deputy Chiefs of the NOPD. The Acting Independent Police Monitor monitored the interviews, assessing both the format and process, and providing input and assessments on the strength, content, and thoroughness of the candidate’s responses. The Acting Independent Police Monitor contributed to the interpretation and analysis of the candidate’s job history, performance evaluations, and disciplinary history during the scoring deliberations.

Police Captain Promotions

COMMANDERS, PROVISIONAL CAPTAINS, AND THE CREATION OF THE CAPTAIN PROMOTION PROCESS

Before 2011, eligible lieutenants would take the captains test administered by Civil Service to receive a promotion to the coveted leadership position. Under Chief Serpas and continued under Chief Harrison, the NOPD created and maintained a “commander” position. The commander position was unclassified – meaning it was not regulated by the Civil Service. This enabled the Chief of Police to make discretionary leadership changes as the Chief required – promoting and removing leadership as determined appropriate based on performance and ability to serve in the role. Commanders were selected from both those qualified and eligible to be captains under Civil Service Rules and lieutenants who had never previously sat for or passed the captains exam. Commanders led districts and specialized units within the NOPD until 2019, when a legal challenge was mounted by current NOPD captains.



Above: Provisional Captain Richardson who currently leads the Public Integrity Bureau.

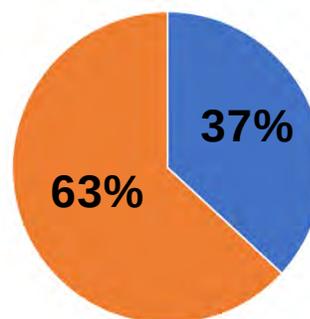
The lawsuit challenged the commander role for numerous reasons, arguing those unclassified commanders were performing the same duties as classified captains and this was a violation of the state constitution since the commander position avoided civil service regulations and oversight. The Fourth Circuit Court of Appeal ordered the NOPD to dismantle the unclassified commander position and return to the classified captain position. For this reason, current lieutenants and former unclassified commanders (now referred to as “provisional captains”) were required to sit for the captains exam and formally apply for this leadership position. It has taken two years for a test to be administered by Civil Service.

WHAT IS THE PANO LAWSUIT REGARDING CAPTAINS?

The Police Association of New Orleans (PANO) is a local police association that acts like a union and represents the concerns of their membership. PANO filed for a legal injunction to stop the promotion of sergeants over the summer and raised similar concerns during the captain promotions. The position of PANO is that basing promotion decisions on factors aside from Civil Service test scores opens the candidates and the process to the subjective criteria and possible favoritism. PANO stated that only test scores will ensure the process remains “merit-based, apolitical promotions mandated by the Louisiana Constitution.”

In response to these concerns, the NOPD created a scoring rubric for each of the four (4) categories being assessed to eliminate the perception of subjectivity or favoritism. This material is public record. Upon the completion of the selection process, the NOPD shared the scoring rubrics as well as justifications for each candidate's score upon request.

HOW MANY OF THE CANDIDATES WERE PROVISIONAL CAPTAINS



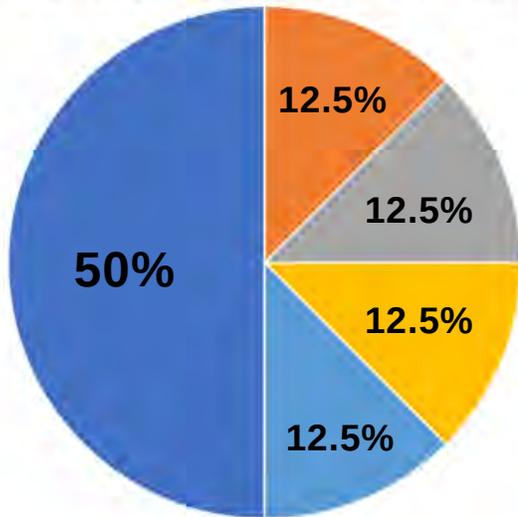
Of the 38 eligible candidates, here are the current ranks of the candidates:

- 37% (14) Provisional Captains
- 63% (24) Lieutenants

Police Captain Promotions

SELECTION CRITERIA

The selection process was created to ensure fairness in the promotion decisions. The selection process was created by the NOPD and Civil Service with review and feedback from police monitors. Each decision is based on the following criteria:



- 50%** ■ **Civil Service Exam**
(candidates are ranked based on test performance and score)
- 12.5%** ■ **Interview with the Deputy Chiefs of the NOPD**
- 12.5%** ■ **Prior Performance Evaluations**
- 12.5%** ■ **Disciplinary History**
- 12.5%** ■ **Job History**
(upward trajectory in the candidate's employment at NOPD)

To comply with CAO Policy Memorandum 143(R) "Promotions Procedure for Classified, Non-Civilian (Commissioned) Positions," the Promotions Committee convened to review materials and held in-person interviews with all candidates on the current Captains promotional list. Each candidate was evaluated by the committee and scored as HIGH, MEDIUM or LOW in three areas: 1) performance evaluations, 2) disciplinary history, and 3) job history. These three scores were also combined with a personal interview score, formulated with the oversight of the federal Consent Decree monitoring team and Department of Justice, to derive a measurement of each candidate's potential to perform at a high level as an NOPD Captain.

HOW WAS THE INTERVIEW CONDUCTED?

The interview was limited to seven (7) questions and the answers were graded on a "low," "medium," and "high" scale based on a rubric that defined what a low, medium, or high answer would include. Each candidate had the same amount of time to answer the questions. The interviews were conducted by the five (5) deputy-chiefs. The questions topics included:

1. Why the candidate wants to be a captain and is the most qualified for this position.
2. What, if any, discipline has been taken against the candidate and lessons learned.
3. Identifying the candidate's leadership style and providing an example.
4. How the candidate navigated a corrective action towards a subordinate(s) and the result.
5. How the candidate has participated in the reform efforts made by the NOPD and how the candidate will continue sustain reforms.
6. Defining implicit bias and describing how the candidate may have experienced or handled implicit bias.
7. Identifying a challenge currently facing the NOPD today and explaining how as a captain, the candidate would address that challenge.

The panel conducting the interviews were limited to only three possible follow up questions including requesting the candidate to provide examples or more information or describe the answer.

Each answer had to be scored separately and answers from one question could not be extended to the score of another answer. The interview represented 12.5% of the candidate's final score.

Police Captain Promotions

OIPM ASSESSMENTS AND RECOMMENDATIONS: INTERVIEWS

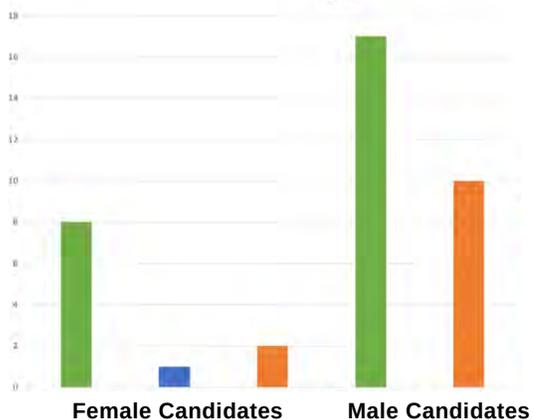
The OIPM appreciates the efforts put into place to ensure consistency and fairness in this internal promotion. The OIPM confirmed and watched to verify the same questions, format, rubric, and scoring were utilized for all interviews and final candidate scoring. The OIPM concludes this was a fair and consistent process to select the captain candidates, conducted in compliance with both the CAO Policy Memorandum 143(R) and NOPD policy.

The OIPM puts forth the following assessments and recommendations regarding the interview process:

- The interview format was confining. In order to ensure fairness, there was no opportunity for individuality or for the information presented to be vetted. The panel weighed the question based on the information provided - and did not consider if the candidate exaggerated his or her known role in an accomplishment or minimized known problematic behavior. Effectively, each candidate was treated like a stranger and the panel acted as though they did not have the institutional knowledge that they had and, in OIPM's assessment, should be considered.
- The OIPM encourages the panel to utilize the agreed upon follow up questions to gain additional clarity, remind candidates to provide examples, and enable the candidates to explain their thinking. Follow up questions were underutilized during the interview process. Similarly, the OIPM recommends building into the follow up questions an ability to respond to or challenge a candidate's response where necessary and appropriate.
- The OIPM recommends when scoring a question the panel consider answers, content, or examples from previous answers provided within the same interview. If the candidate provided a powerful example in answering one question that could also extend to another answer, the panel should have the ability to consider content across different answers and score accordingly.
- The OIPM recommends the panel anticipate how to address "closing statements" or additional information that is provided at the end of the interview to clarify or build on previous answers. There was no formal process that enabled the panel to consider such additional information.

WHO ARE THE CANDIDATES

RACE AND GENDER

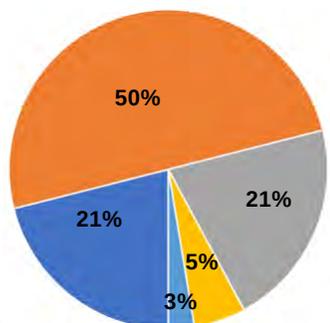


- Black / African American
- White / Caucasian
- Hispanic / Latino

Of the 38 eligible candidates, the majority identified as Black / African American males (17 candidates). The second largest category identified as White / Caucasian males (10 candidates).

The smallest categories identified as Hispanic / Latino women with 1 candidate and White / Caucasian women with 2 candidates.

YEARS OF POLICING SERVICE AT THE NOPD



- 5 - 10 Years of Service (1 Candidate)
- 16 - 20 Years of Service (8 Candidates)
- 21 - 25 Years of Service (19 Candidates)
- 26 - 30 Years of Service (8 Candidates)
- 31 - 35 Years of Service (2 Candidates)

Of the 38 eligible candidates, here is how many **years of service** the candidates had with the NOPD.

The majority of the candidates had between 21 - 25 years of service.

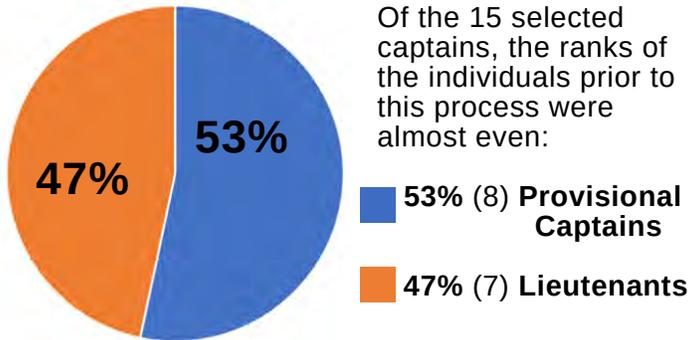
One candidate appeared to have 6 years experience with the NOPD, however, technically that candidate had previously worked for NOPD prior to 2014 for multiple years and came back in 2015 to NOPD.

Police Captain Promotions

THE NEW CAPTAINS: BREAK DOWN OF DEMOGRAPHICS

Through the scoring process, 30 out of the 38 candidates moved up or down 5 places or less. 5 of the 30 candidates did not move in rank at all. And 3 candidates moved 10 places.

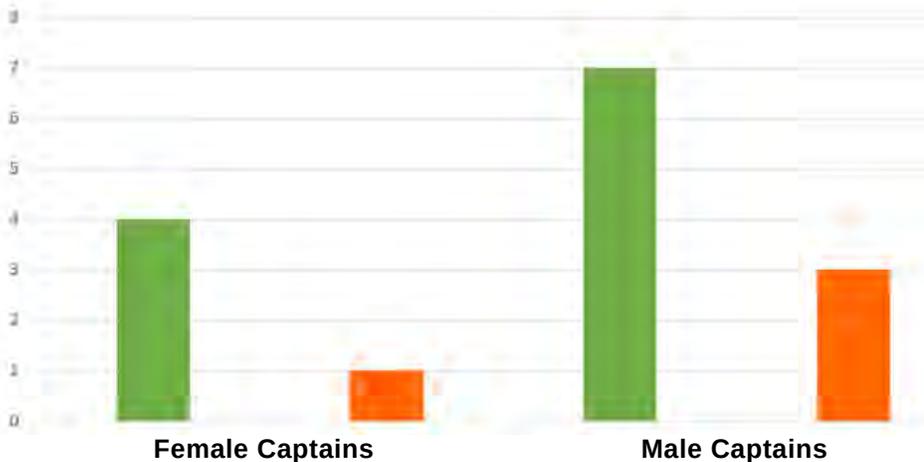
HOW MANY OF THE NEW CAPTAINS WERE PROVISIONAL CAPTAINS OR LIEUTENANTS



Above: Provisional Captain Walls walks the beat with his district.

This means there were 7 former provisional captains who will no longer be captains and will return to their previous rank of lieutenant. As the NOPD considers the leadership assignments and where the new promoted captains will be assigned, the NOPD will also assign the lieutenants to the departments where their leadership skills will be best utilized.

RACE AND GENDER: SELECTED CAPTAINS



Black / African American
White / Caucasian

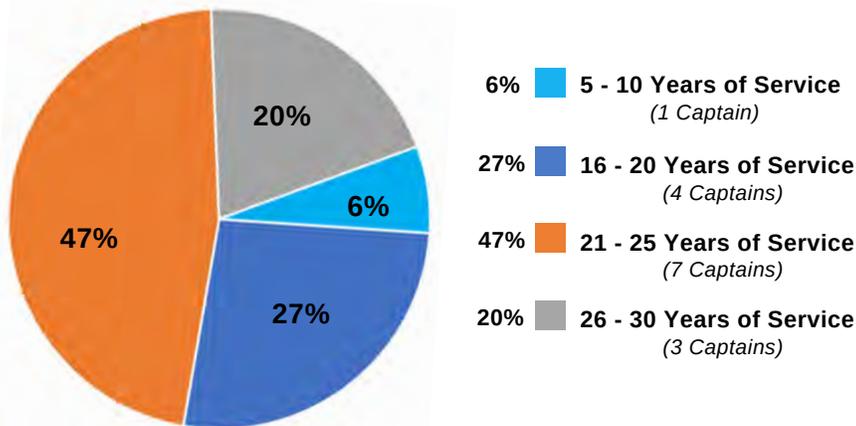
The majority of new captains are Black / African American men with 7 captains. Black / African American women are behind with 4 captains.

Overall, there will be 10 men captains and 5 female captains joining NOPD leadership.

Police Captain Promotions

THE NEW CAPTAINS: BREAK DOWN OF DEMOGRAPHICS

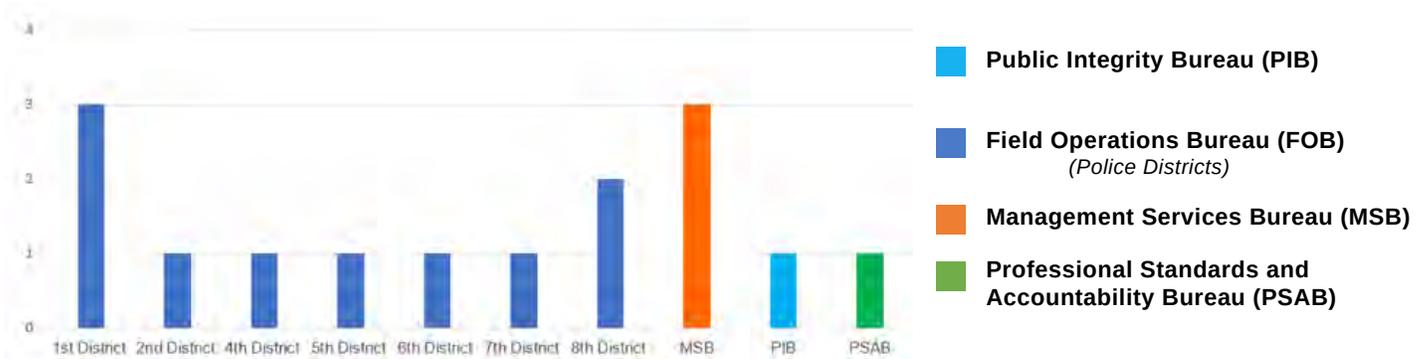
YEARS OF POLICING SERVICE AT THE NOPD



Almost all the newly selected captains have **over 15 years of NOPD experience**. Only one captain has less than 10 years of policing experience with the NOPD.

The majority of the newly selected captains have between 21 - 25 years of experience policing at the NOPD.

WHERE WERE THE SELECTED CANDIDATES ASSIGNED (PRIOR)



The majority of the newly selected captains come from the Field Operations Bureau (FOB). 10 of the captains selected were from FOB (which is 67% of the new captains). These captains worked in the police districts serving the community as either lieutenants or provisional captains.

NEXT STEPS: THE INTRODUCTION OF NEW LEADERSHIP

Of the 38 candidates, 15 of those officers are promoted to captain. Upon their promotions, those officers will be assigned to new positions within the districts and bureaus as needed. Former provisional captains who are not promoted to captain will return to the rank of lieutenant and will be assigned as determined appropriate by NOPD leadership. All captains will be required to complete a yearlong probationary period.

The Office of the Independent Police Monitor will monitor these captains in their new capacity to ensure that these individuals comply with the requirements expected of them, are effective in their leadership, supportive of those they supervise, instill necessary accountability measures, and are engaged and responsive to the communities they seek to serve.

Police Captain Promotions

OIPM ASSESSMENTS AND RECOMMENDATIONS: SCORING

The OIPM concludes this was a fair and consistent process to select the captain candidates, conducted in compliance with both the CAO Policy Memorandum 143(R) and NOPD policy. Though the process was a dramatic improvement from the past, and it was consistent and fair, the process could be significantly better to ensure that these leadership positions (that effectively have lifetime terms) are filled with the best candidates for the job. Now, the OIPM puts forth the following recommendations to NOPD leadership to continue to improve the promotional process.

In the scoring structure:

- The scoring process would have benefited from scoring guides assigning values to job experiences, trainings, and awards. The OIPM recommends a “key” or a scoring guide for NOPD assignments to create a consistent standard by which to compare positions to other positions so to determine if moves between districts or assignments are lateral or progressive within the department and if additional responsibility was gained (for example specialized units may be scored differently). Similarly, trainings and education should have value assessments based on the depth of the training, the length of the training, and specialization. Awards, similarly, should be valued differently based on the type of the award, whether it was awarded to the individual or a group, and possibly when it was received.
- The OIPM recommends requiring the candidates present prior job experience within the NOPD in chronological order. The OIPM also recommends that the NOPD utilize the Human Resources Department to construct a chronological order of the candidates’ previous experience so the selection committee could have a clear and shared understanding of “advanced progression” and regressions in a candidate’s career and verify the information provided by the candidate.
- In the scoring for job history, the OIPM recommends that future scoring weighs and values job experience more than education and awards.

In order to ensure effective future promotional decisions, the OIPM recommends the NOPD address and eliminate any “transfer culture” that may exist within the department and distort promotional criteria. Problematic or weak performances should be documented, reflected in consistent performance evaluations, and addressed through training or counseling instead of the individual being transferred to a different district or bureau.

Finally, the OIPM appreciates the efforts made to ensure equality; however, this created a system that did not consider the unique strengths, weaknesses, growth or lack of growth, and experience or knowledge of the candidates. Simply put, the leadership abilities of some of these candidates were not proven through this process and more flexibility in the scoring, interviews, and the assessments would have enabled more comprehensive reviews of the candidates and possibly more successful selections.

FINAL THOUGHTS

The Office of the Independent Police Monitor congratulates all the newly promoted captains on their achievement. Becoming a member of the NOPD leadership team is a great privilege and responsibility. The Office of the Independent Police Monitor looks forward to seeing all that these new captains accomplish. As these leaders start interacting with their teams and the public, the Office of the Independent Police Monitor welcomes feedback on the performance of these captains, and all NOPD officers, from the community.



Above: Former Provisional Captain, and now Captain Roberts with his team meets with a member of the community.

**Monthly Report of
Ethics Trainer**

City of New Orleans Ethics Review Board

Training Division



ERB
ETHICS REVIEW BOARD

Monthly Report
October 2021

2021 - 2022 Training Strategic Plan

The Training division has formulated a strategic plan that will cover the end of the last quarter of 2021 and roll into 2022. The draft will be finalized November 2021, upon completion of collaboration and final edits.

ERB Training Strategic Plan 2021-2022

Strategic Objective	KPI - Performance Indicators	Activities	Timelines			
			Q1	Q2	Q3	Q4
Strategic Objective 1: Increase ERB website interactivity and provision of information for city employees and public users.	1.1 To improve structure and organization of ERB website to support a more user-friendly experience and provide educational materials related to governmental ethics for public servants.	1.1.1 Website contains training documents and presentation templates that may be used for non-credit sessions. 1.1.2 Website provides printable education documents and handouts. 1.1.3 Website provides timely information regarding ERB activities and recognition.	Jan 2022	Jan 2022	Aug 2022	Nov 2021 Jan 2022
Strategic Objective 2: Provide enhanced support for city department ethics liaisons.	2.1 To improve communication and collaboration between ERB Training and Ethics Liaisons within City of New Orleans departments/agencies.	2.1.1 Biannual workshops with liaisons to discuss challenges and assess needs. 2.1.2 Collaboration on design and draft for universal use learning aids at liaison workshops.	Jan 2022	Jan 2022	Feb 2022	Aug 2022
Strategic Objective 3: Introduce ethics education to newly hired personnel during orientation activities.	3.1 To ensure knowledge of program's processes, nomination criteria, and applicable submission deadlines.	3.1.1 Widespread dissemination of applicable material through appropriate means.	Feb 2022	Mar 2022	Apr 2022	Apr 2022
Strategic Objective 4: Resume ERB recognition efforts and distribution of Liaison Awards and Torch Awards.	4.1 To ensure knowledge of program's processes, nomination criteria, and applicable submission deadlines.	4.1.1 Widespread dissemination of applicable material through appropriate means.	Feb 2022	Mar 2022	Apr 2022	Apr 2022

Plan Highlights Include (selected):

- **Standing schedule of monthly live training opportunities offered throughout the year.**
 - Intended to give those who prefer in-person sessions opportunities to fulfill their ethics training requirement on a date that aligns with their availability, in a consistent city hall location. Will be open to employees and all associated members of agencies, boards, and commissions.
- **Biannual Ethics Liaison Workshops**
 - Train-the-Trainer sessions that are aimed at leveraging the efficacy of liaisons within their respective departments.

Upcoming Training Activities

Live Training

- **Ethics Review Board**
 - **Tentative Date - 12/15/2021**

- **New Orleans Public Library**
 - **Employees/Board Members**
 - **Across two sessions**
 - **Location: NOPL Main Library**
 - **Date: December 2021**
 - *Awaiting exact date confirmation**

- **Remaining Final Quarter City Department Training Sessions (December) - In conjunction with City of New Orleans CAO Employee Relations Office***

*City of New Orleans CAO Employee Relations Office observes an employee completion deadline of 12/17/2021 for Annual Ethics Training. Policy-dictated deadline is 12/31/2021.

Item 1

Peer Review of the Processes and Procedures of the New Orleans Ethics Review Board

October 29, 2021

Review Committee:

Jane T. Feldman, Member, Denver Board of Ethics

Daniel M. Gluck, Executive Director and General Counsel, Hawai'i State Ethics Commission

Jabu M. Sengova, Ethics Officer, City of Atlanta Ethics Division, Office of the Inspector General

I. Introduction

In the spring of 2021, the Review Committee agreed to review the processes and procedures of the New Orleans Ethics Review Board (“ERB”) and make recommendations if necessary. All Review Committee members have extensive experience administering and enforcing government ethics laws at the state and/or local level. All three Review Committee members are active members of the Council on Government Ethics Laws (“COGEL”) and have served on panels at annual conferences and/or in leadership positions at COGEL. Therefore, Review Committee members are knowledgeable and experienced in the field of government ethics and were able to review and comment on the ERB. Review Committee members agreed to conduct this review without pay.

II. Review Committee Process

Pursuant to section 2-720, New Orleans Code of Ordinances, ERB “shall be subject to an independent, external peer review every three years. Such peer review shall be paid for by the ethics review board. When completed, the recommendations and findings of such peer review shall be submitted to the ethics review board and the clerk of the council.”

To conduct this peer review, the ERB Executive Director requested volunteers – via a COGEL message board – to conduct a peer review of ERB. The Review Committee members volunteered to conduct the peer review. None of the Review Committee members has worked for the State of Louisiana or the City of New Orleans.

This Review Committee was not familiar with the history of the ERB, or the statutory or Constitutional provisions that dictate the relations between the ERB and the State Ethics administration. Selection of Review Committee members was rather ad hoc, as Review Committee members were chosen simply by their willingness to perform the work in response to a request for assistance from Dane S. Ciolino, Executive Director of the ERB. The Review Committee had to spend some time coming up to speed on those matters and faced challenges obtaining responses from current and past ERB members. Therefore, although the Review Committee recognizes that there is a benefit to having independent government ethics professionals review the processes and procedures of ERB, there were obstacles to conducting the interviews as members live outside Louisiana, are unfamiliar with the community, and were unable to conduct interviews in person. Some of these issues may be related to the ongoing COVID-19 pandemic. The Review Committee recommends that ERB develop policies and procedures for selecting members of the next peer review, and that at minimum, a few of the members be familiar with the New Orleans community and the work of the ERB.

Review Committee members met by video conference with Executive Director Ciolino. The Review Committee reviewed materials on the ERB website, www.nolaerb.gov, including agendas, minutes, annual reports, and other informational materials. The Review Committee decided to interview all current and several past members of the ERB as well as others who interact with ERB, such as the Ethics Administrator of the Louisiana Ethics Administration

Program and representatives of good government groups. These interviews were conducted over telephone and/or videoconference over several weeks. However, Review Committee members were unable to interview all members of the ERB;¹ in total, the Review Committee was able to interview four members of the ERB, a law professor who does not serve on the ERB, ERB Executive Director Ciolino, and the Ethics Administrator of the Louisiana Board of Ethics, Kathleen Allen. The Review Committee did not speak with the Independent Police Monitor or the Inspector General, as the ERB is currently searching for and/or reviewing applicants for both positions. The Review Committee believes that it developed an adequate, if not comprehensive, picture of the ERB's operations.

III. Analysis of ERB

a. ERB structure

The primary focus of ERB is the management and administration of the activities of Office of the Inspector General and the Office of the Independent Police Monitor. The ERB also coordinates and administers a training program for employees of the City of New Orleans, and the part-time Executive Director provides informal advice to city employees and elected officials, but he does not keep a record of the number or nature of the calls. The City Ethics program comprises in-person training conducted by a contractor and more recently by an employee retained by ERB. The State Ethics Program also provides mandatory online training for all City employees. (The State Ethics program has jurisdiction over all public employees in the State of Louisiana, including public school and charter school teachers, approximately

¹ Several ERB members failed to respond to repeated requests for interviews from the Review Committee, thus impeding the Review Committee's work.

250,000 individuals in all.) All complaints and requests for formal Advisory Opinion received by ERB are referred to the State Board. The State Board estimates that only a small percentage of complaints or advisory requests come from the City of New Orleans; a cursory review of agendas and minutes of the State Board over the past year confirmed this estimate.

Review Committee members were somewhat surprised by the organization and jurisdiction of the ERB. In our experience, city ethics commissions operate separately and independently of the respective state commissions. For example, the Denver Board of Ethics has jurisdiction over employees and officials of the City and County of Denver; the Denver Code of Ethics has different rules for acceptance of gifts, different gift limitations and different nepotism rules than is found in the State Constitution and underlying statutes which apply to state and some local employees and elected officials within the State of Colorado. The State of Hawai'i and the City and County of Honolulu have a similar statutory scheme, as do the City of Atlanta and State of Georgia.

b. ERB Budget

There appears to be consensus that the ERB should continue to receive a set percentage of City revenue for its budget, rather than having the budget decided by (and thus subject to the political whims of) any legislative body.

c. ERB: Effectiveness

i. Overall effectiveness

With one exception, everyone interviewed believed that the current system works well. Most interviewees thought that it was neither important nor necessary for the City of New Orleans to have a complaint or advisory opinion program separate or distinct from the State program. Moreover, most interviewees believed that a more independent system would require

state constitutional and statutory changes and that these changes would be neither politically viable nor financially reasonable. The Director of the State Ethics program also expressed that the consistency provided by a centralized system was beneficial. That said, one ERB member agreed that the current system is functional but expressed that having a more robust ethics advice program (if permitted by statute/ordinance) would be beneficial – though only if the ERB had the resources to conduct such a program. One ERB member described ERB members as engaged and having lively debates and believed that the ERB was effective at promoting transparency and the democratic process; another ERB member agreed that communication among ERB members had improved and that meetings were accessible to members of the public who wanted to engage with the ERB.

In contrast, one interviewee believes that the ERB should be more aggressive and proactive; that the lack of enforcement by the ERB is a problem; and that the number of complaints made about New Orleans officials would increase if ERB enhanced its profile as an agency that addressed alleged misconduct. That interviewee also recommended that there be an anonymous number attached to every investigation and that the ERB report the disposition of each complaint. This interviewee likewise recommended that ERB implement a schedule of fines and expressed disappointment that the City Council has neither created a schedule of fines nor empowered the ERB to levy continuing fines or require disgorgement of profits/gifts.

Several interviewees stated that ethics violations seemed more common elsewhere in Louisiana, particularly in rural areas, compared with the City of New Orleans. In the Review Committee members' experience, however, low numbers of ethics violations in cities tends to be the result of lack of resources for advice and enforcement, rather than an absence of actual violations. Thus, policymakers should consider whether the Louisiana Ethics Administration

Program needs additional resources to focus on the City of New Orleans, and if not, whether the ERB should receive additional resources for a robust advice and enforcement program.

ii. Oversight of the Office of the Inspector General and the Independent Police Monitor

Most interviewees believed that the oversight of the Office of the Inspector General (“OIG”) and of the Independent Police Monitor (“IPM”) was now being handled well, particularly now that the IPM and the IG report directly to the ERB (rather than having the IPM report to the IG). Current ERB members acknowledged that ERB was slow to realize that there were performance problems in those offices, however, they stated that ERB was now taking a more active role in supervising and monitoring those agencies. The ERB now requires more detailed reports, including monthly reporting from the IG and the IPM, and is better prepared to question the leaders of those agencies about their activities. All ERB members interviewed stated that, in their opinions, the operations of the OIG had reduced both the perception of corruption and actual corruption in the City.

There were some concerns about the hiring process for the IG and IPM, some of which were also discussed in detail in the December 21, 2020 report of the Bureau of Governmental Research. One interviewee expressed concern about the length of time needed to review candidates and fill the positions and suggested that changes to City ordinances may be necessary to speed up the process. Another interviewee stated that the hiring process should be more clearly defined and more open to the public, contending that the process should allow for public participation (so that the public can observe the vetting of the candidates). The Review Committee notes that there are certainly benefits in having increased transparency and public participation, but there are potential negative consequences of publicizing the names of applicants. First, some potential candidates may not apply for positions if their names will be

made public (even if they are not selected – or even named as a finalist – for the position); second, publicizing the names of applicants may create an opportunity for city or state officials to pressure ERB to hire – or not hire – certain individuals and/or to second-guess the hiring decision, possibly eroding trust in ERB, OIG, and/or IPM.

After the ERB has filled the positions of IG and IPM, the ERB should promptly evaluate the hiring process to see whether the quality of the candidate pool, the speed of the hiring process, and/or the public’s access to the hiring process can be improved.

iii. Training and Ethics Liaisons

Review Committee members were surprised that there was not more coordination and interaction between the State Board and ERB. Several ERB members were unaware of the role of the State Board, and representatives of the State Board did not know that ERB provides training to its employees and officials. The Review Committee recommends that the State Board and ERB should coordinate their work to assure consistency and accuracy. That said, it appears that the ERB’s Executive Director coordinates with the State Board on ethics advice: the Executive Director reports receiving requests for ethics advice approximately once a week, though he typically refers the caller to the State Board for binding guidance.

One interviewee suggested that the role of the Ethics liaisons should be expanded and that there should be more regular ethics trainings for those liaisons, though another ERB member believed that the ERB was making strides in its educational efforts.

d. Appointment Process for ERB members

Six members of the ERB are appointed by the mayor from lists of three nominees each submitted by the presidents or chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and

Xavier University. The seventh member is appointed by the mayor. Each appointment is subject to approval by the City Council. Several interviewees stated that the nomination and appointment process is cumbersome, and that vacancies can persist for several months or even as long as a year. One interviewee concurred that the City needs a more rigorous board/commission appointment process to ensure that ERB members serve staggered terms as intended, rather than having all the members being appointed by the same mayor. ERB members can continue to serve pending appointment of a successor, but some ERB members have been unwilling or unable to stay on. No suggestions were made as to how to improve the process other than to set firmer deadlines for appointments.

IV. Recommendations

In conclusion, the Review Committee recommends as follows:

- 1. Improve the process for conducting peer reviews.** The Review Committee recommends that, for future reviews:
 - a. There should be an objective and clearly defined process for selecting members of the peer review committee;
 - b. At least some members of the peer review committee should be familiar with Louisiana and/or New Orleans governmental structure;
 - c. ERB members should be required to cooperate with the peer reviewers as a condition of continued service on the ERB; and
 - d. Funds should be available for peer reviewers to travel and conduct interviews/meetings in person.

- 2. Improve coordination between ERB and the State Board, particularly with respect to training.** The ERB and State Board should consider expanding the role of (and training provided to) ethics liaisons.
- 3. Consider whether there are sufficient resources for ethics advice and enforcement between/among the Louisiana Ethics Administration Program and the ERB.** If enforcement actions against City of New Orleans officials are rare, the cause may be insufficient resources for enforcement – not necessarily the absence of ethics violations by City employees.
- 4. Appoint ERB members in a timely manner.** ERB members should serve staggered terms, allowing both for continuity of operations and political stability – that is, to avoid having a single mayor appoint multiple ERB members at once.
- 5. Maintain independent funding for the ERB.** There appears to be consensus that having a set percentage of the City’s budget allocated for ERB every year, rather than having to request an appropriation, helps to maintain the ERB’s independence and stability.
- 6. Evaluate the hiring process for the IG and IPM.** Once the ERB has concluded its hiring for both the IG and IPM, the ERB should review its processes to determine whether any changes would improve the speed of the process, the quality of the applicant pool, and/or the public’s access to the process.

The Review Committee expresses its sincere thanks to the interviewees for their cooperation with this process; in particular, the Review Committee offers its thanks to ERB Executive Director Ciolino for his efforts in supporting the peer review process.