



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

New Orleans City Hall, City Council Chambers, 1300 Perdido St, New Orleans, LA 70112

Monday, November 21, 2022

3:30 P.M.

AGENDA

1. Call to order.
2. Approval of the minutes of prior board meeting.
3. Monthly report of Office of Inspector General.
4. Reports of Office of the Independent Police Monitor.
 - a. Monthly report.
 - b. Report regarding proposed ordinance on investigatory functions.
 - c. Report on funding requests and additional responsibilities.
5. Monthly report of General Counsel and Executive Administrator.
6. Report on appointments to Quality Assurance Review Advisory Committees.
7. Call for nominations and vote on board appointment to QARAC for the OIG to replace Mr. Waring.
8. Executive session pursuant to Louisiana Revised Statutes sections 42:17 to discuss an investigative proceeding regarding allegations of misconduct related to ERB Complaint No. 2022-03.
9. Vote in regular session regarding disposition of ERB Complaint No. 2022-03.
10. Vote to replace Torin Sanders as ERB Chair due to his resignation as a result of moving out of Orleans Parish.
11. Call for agenda items for future board meetings.
12. Adjournment.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of September 19, 2022, at 3:30 P.M. in New Orleans City Council Chambers

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 3:35 p.m.
 - 1.2. Board members present:
 - 1.2.1. Wanda A. Brooks.
 - 1.2.2. Holly Callia.
 - 1.2.3. Monique G. Doucette
 - 1.2.4. Tyrone G. Jefferson, Jr.
 - 1.2.5. Torin T. Sanders
 - 1.3. Board members absent:
 - 1.3.1. Elizabeth Livingston de Calderon, Chair.
 - 1.3.2. Michael A. Cowan.
 - 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 agenda for the meeting is attached.

2. *Approval of Minutes.* Upon a duly made and seconded motion, the board unanimously approved the minutes of the regular board meeting of June 13, 2022.
3. *Monthly Report of the Office of Independent Police Monitor.*
 - 3.1. The board unanimously voted to take the OIPM out of order.
 - 3.2. Stella Cziment and Boncyle Sukunbi appeared on behalf of the Office of the Independent Police Monitor.
 - 3.3. Ms. Cziment presented her office's annual report (attached).
 - 3.3.1. Mr. Jefferson asked about the frequency with which OIPM makes reports available to the public. Ms. Cziment responded that her office does so once each month.
 - 3.3.2. Mr. Sanders asked about the appellate process relating to complaints against police officers. Ms. Cziment responded that many appeals are won on the basis of procedural defects, such as "timeline violations."
 - 3.4. Ms. Cziment submitted without further discussion her monthly report.
4. *Monthly Report of the Office of the Inspector General.*
 - 4.1. Ed Michel appeared on behalf of the Office of the Inspector General.
 - 4.2. Mr. Michel presented his office's monthly written report (attached). He also reported orally to the board and responded to board members' questions.
 - 4.3. Mr. Michel reported that his office has hired three former federal agents as investigators.
 - 4.4. His website update is underway. Will be completed by December.
 - 4.5. An audit is underway re Safety and Permits.
 - 4.6. A new report is being prepared by the OIG regarding time and attendance reports on city employees.
 - 4.7. The OIG internship program has been a big success. The investigation found many additional homestead exemption fraud cases.
 - 4.8. Other reports or investigations are underway including regarding the Communication District, the NOPD Office of Secondary Employment, the Firefighters' Pension Fund, Wisner Foundation, and credit card expenditures of city employees.
 - 4.9. OIG office productivity is up 400% over last year.

- 4.10. OIG is seeking auditors with CPA/accounting backgrounds. It is very difficult to find qualified applicants.
 - 4.11. Mr. Michel discussed his work plan and risk evaluation (see attached report).
 - 4.12. Mr. Jefferson asked Mr. Michel as to where he has posted the availability of job openings. Mr. Michel responded that the jobs are posted on numerous websites and other locations.
 - 4.13. Mr. Sanders asked about the time and attendance investigation focus. Mr. Michel responded that the investigation is focusing first on employees with no supervisors.
5. *Executive Session.* By a motion which was seconded, the board went into executive session pursuant to Louisiana Revised Statutes sections 42:17 to discuss an investigative proceeding regarding allegations of misconduct related to ERB Complaint No. 2022-02. The board heard from the OIG regarding the matter.
6. *Return to General Session and Vote on Complaint 2022-02.*
- 6.1. By a motion which was seconded, the board went back into public general session.
 - 6.2. By a motion which was seconded, the board voted unanimously to dismiss ERB Complaint No. 2022-02 for lack of sufficient evidence of a violation of the City of New Orleans Ethics Code.
7. *Monthly Report of Ethics Trainer.*
- 7.1. Jordy Stiggs presented his monthly written report (attached).
 - 7.2. Mr. Stiggs presented his monthly written report (attached). He also reported orally to the board and responded to board members' questions.
 - 7.3. Mr. Stiggs reported that he is attempting to recruit additional liaisons.
 - 7.4. Mr. Stiggs reported that he has trained 420 city employees just in 2022. The prior ethics training contractor trained a total of 341 people in three years.
8. *Report of the Executive Administrator and General Counsel.*
- 8.1. Dane S. Ciolino presented his oral report.
 - 8.2. Mr. Ciolino reported that the board has received one new complaint.
 - 8.3. Mr. Ciolino reported that Mr. Stiggs is now a civil service employee and no longer probationary.

- 8.4. Mr. Ciolino reported that the Board still is awaiting QARAC nominations from the City.
9. *Vote to Replace Mr. Sanders as Board Chair.*
 - 9.1. Mr. Sanders reported that he is resigning from the board effective immediately because he has moved out of Orleans Parish.
 - 9.2. The board thanked Mr. Sanders for his service.
 - 9.3. The board voted to defer a vote on his replacement to next meeting.
10. *Call for Agenda Items for Future Board Meetings.* No items identified.
11. *Adjournment.*
 - 11.1. A motion was made to adjourn the board meeting.
 - 11.2. The motion was seconded.
 - 11.3. The board unanimously voted to adjourn. The meeting was adjourned at 5:11 p.m.

* END *

**Monthly Report of
OIG**

MONTHLY REPORT

OCTOBER 2022



OIG

**NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

ADMINISTRATION DIVISION



1,891

Number of registered Twitter followers

ADMINISTRATION

The Office Manager is responsible for the following ongoing tasks:

- Human Resources
 - Coordinating the hiring process
- Finance
 - Managing and refining the OIG budget
- Procurement Process
 - Communicating with OIG vendors
 - Processing requisitions to create purchase orders
 - Overseeing the timely payment of OIG expenditures
- Operations
 - Coordinating with the OIG's landlord and various City departments on administrative matters

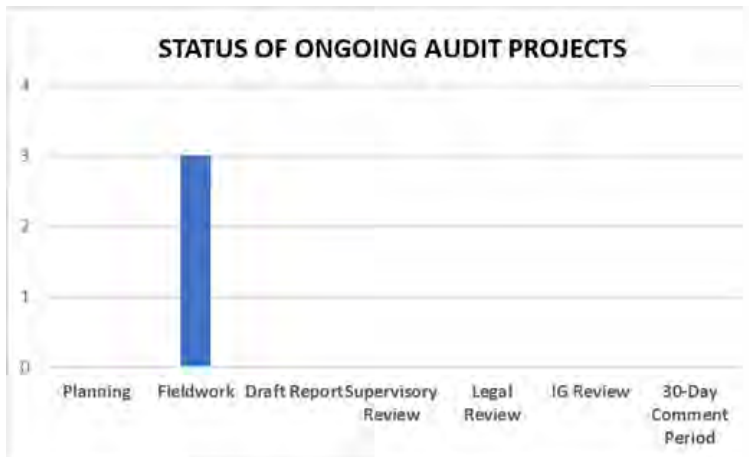
INFORMATION SECURITY

The OIG Information Security Specialist 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:

- Orleans Parish Communications District (OPCD) Expenditures
- Wisner Fund
- Short Term Rentals

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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Orleans Parish Communications District	Fieldwork	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.



Wisner Fund	Fieldwork	Ongoing
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Summary of Objectives: The OIG will be releasing a letter explaining why the 2020 Extension of the Wisner Trust was not proper, violating City Code and prior court rulings concerning the Trust.



Short-Term Rentals	Fieldwork	December 2022
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Summary of Objectives: The OIG will be releasing a letter suggesting that the City increase its efforts to levy fines on illegal short-term rentals.

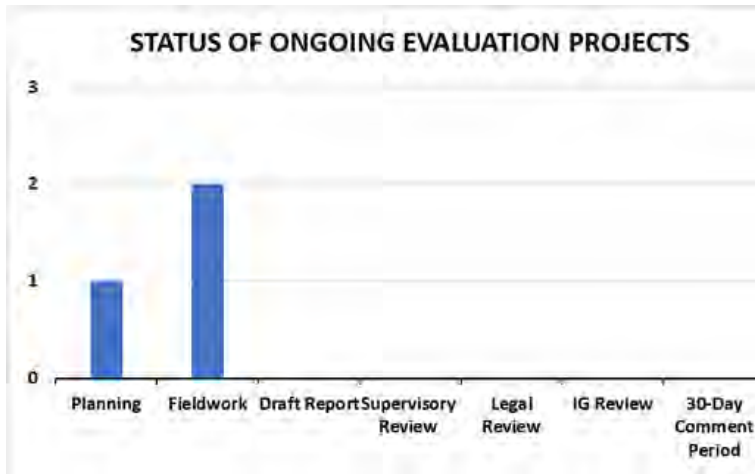
Footnotes:

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 projects in process:

- New Orleans Police Department (NOPD) Violent Crime Response Analysis
- CNO Employee Time and Attendance Reporting
- EMD Fuel Dispensing Follow-Up

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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CNO Employee Time and Attendance Reporting

Fieldwork

Ongoing

Summary of Objectives: To determine whether the City has policies, procedure, and controls to ensure that Time and Attendance is reported accurately.



NOPD Violent Crime Response Analysis

Fieldwork

Ongoing

Summary of Objectives: To assess the NOPD's response to violent crimes in the City in relation to best practices and industry standards.



EMD Fuel Dispensing Follow-Up

Planning

Ongoing

Summary of Objectives: To be determined.

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 two (2) Requests for Documents to the Information Technology and Innovation Department.

Issued a Request for Documents to the Chief Administrative Officer.

Issued a Request for Documents to Property Management for outside employer authorization forms on file.

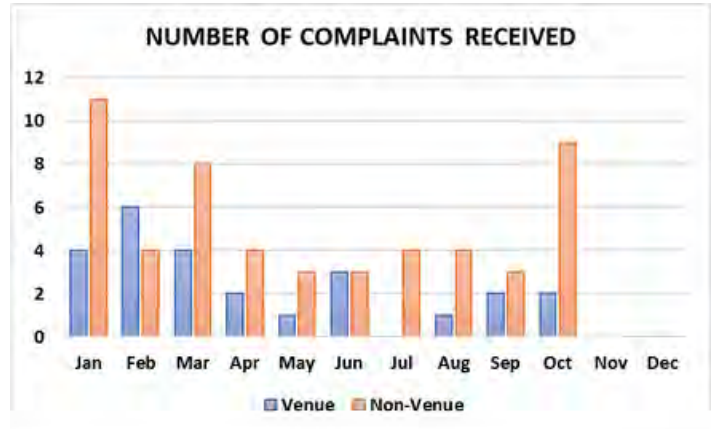
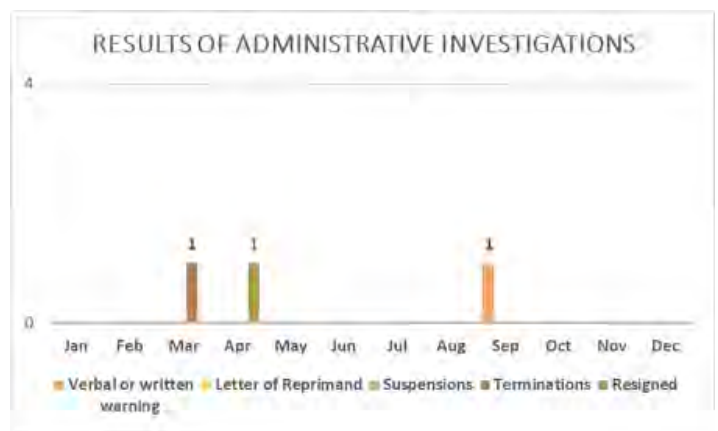
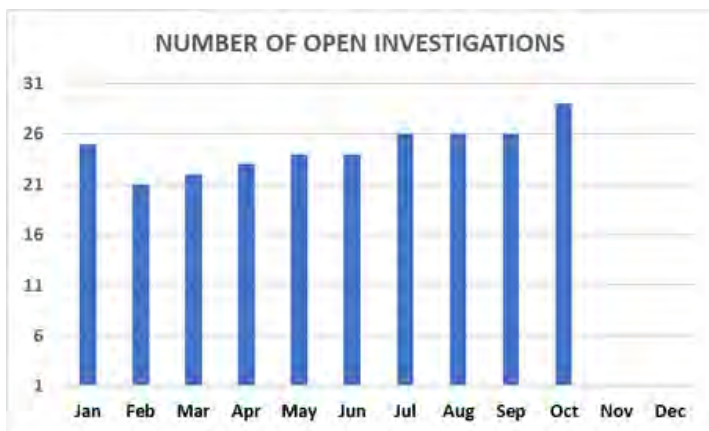
Issued a Request for Documents to Sewerage & Water Board for employee listings.

Issued a letter and related documents to the Assessor's Office concerning ten (10) residential properties which continued to receive a homestead exemption and senior freeze reduction despite the listed homeowner reportedly being deceased. The total number of residential properties submitted for 2022 is 69. Assessor's Office acknowledged receipt of the letter.

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.



Venue: Matters that the OIG has the jurisdiction to investigate

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

2022 BUDGET

TOTAL APPROPRIATION FOR 2022: \$3,581,754

Expenditures	Spent YTD
Personnel	\$ 1,598,143
Operating	\$ 390,213
Total	\$ 1,988,356
Remaining Balance	\$ 1,593,398

As of 11/01/2022

OIG ON SOCIAL MEDIA



OIG ON SOCIAL MEDIA



**Monthly Report of
OIPM**



THE OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

OCTOBER 2022

Community Letter



Above are some pictures from the vigil held at the steps of City Hall for the National Day Against Police Brutality.

Dear New Orleans Community,

The month of October was spent amplifying the voice of the community to support police reform. From Night Out Against Crime to critical case reviews to moments of solemn reflection for members of our community that lost their lives to police violence, OIPM spent the month being grounded in the both our history and our future of policing.

This month the OIPM joined with Families Overcoming Injustice, an organization made up of families who lost loved ones to police violence, to commemorate the National Day Against Police Brutality. This year, we co-hosted two events around this important day. First, on Thursday night we hosted dinner with partner organizations so families could be connected to resources and services. We were honored that A’Niya Robinson from the ACLU gave a keynote speech, and family members shared their experiences with those in attendance. The next day we held a peaceful vigil on the steps of City Hall. NOPD, Promise for Justice, and Councilmember Thomas joined in the event. This vigil was an opportunity to reflect on lives of those lost, say their name and make space, and join as one and collectively demand accountability and reforms to end police violence.

It was a beautiful two day event that ended with a balloon release and a shared commitment to keep working together to ensure that everyone is safe during police interactions. The OIPM always leaves the National Day Against Police Brutality feeling renewed in a sense of purpose and direction. We thank all the families, participants, and partners in this work for coming to these events. We commit to remembering those who have died and keeping their memory alive in our work.

The OIPM was featured in local news this month after the release of a case review report analyzing the misconduct investigation that occurred after a police response to an incident between Belden Batiste, a civilian, and a then-Councilmember. The case review report was the fifth report released by the OIPM this year. This case review report was a two-tiered review during which the OIPM asks critical questions about the strength of the investigation, assess if there were any violations of the officer bill of rights, local, state, and federal law, evaluate risk management, supervision, and propose recommendations on policy, training, and investigatory practice. In this matter, the OIPM disagreed with some of the NOPD’s findings and proposed two policy recommendations. First, for the NOPD to consider nonverbal intimidation within their policy and second, for the OIPM to be notified to monitor police responses to governmental officials and civilians to ensure there is no influence or pressure to alter a fair and full police investigation. The OIPM will report out to the public as progress is made on the proposals included in the report. The OIPM appreciated the attention and consideration that both this report received from the public and city council and that the recommendations received from the NOPD.

Thank you,



These pictures capture some of the media attention received by the OIPM case review report released this month.



Historical Comparison

Year to Date Comparison

	2022	2021	2020	2019	2018	2017	Avg 2017- 2021
Citizen Complaint Count	56	55	56	74	27	35	49.4
Police Complaint Count	1	4	5	2	5	2	3.6
Civilian w/in NOPD*	0	1	1	0	0	0	0.4
Anonymous Complaint*	24	19	26	0	0	0	9
Criminal Case Liaison Count	12	20	36	17	6	6	17
Case Monitoring Count	7	4	10	0	9	8	6.2
Case Review Count	4	5	3	4	8	0	4
Contact Only Count	28	17	29	14	2	8	14
Disciplinary Hearing Count	59	60	61	41	56	27	49
Critical Incident Count	7	7	10	9	7	7	8
Firearm Discharge Count	5	6	9	8	4	4	6.2
Lvl 4 Non-Critical*	17	8	9	0	0	0	3.4
Mediation Count	20	18	33	30	21	26	25.6
Commendation Count	0	8	1	5	1	2	3.4
Grand Total	240	232	289	204	146	125	199.20

October Yearly Comparison

	Oct-22	Oct-21	Oct-20	Oct-19	Oct-18	Oct-17	Avg 2017- 2021
Citizen Complaint Count	9	6	5	8	5	5	5.80
Police Complaint Count	0	0	0	0	0	0	0.00
Civilian w/in NOPD*	0	0	0				0.00
Anonymous Complaint*	0	0	1				0.50
Criminal Case Liaison Count	0	0	3	2	3	0	1.60
Case Monitoring Count	0	0	1	0	0	0	0.20
Case Review Count	0	1	1	0	0	0	0.40
Contact Only Count	1	0	1	0	0	4	1.00
Disciplinary Hearing Count	12	40	7	2	3	4	11.20
Critical Incident Count	0	0	1	1	2	0	0.80
Firearm Discharge Count	0	0	1	1	1	0	0.60
Lvl 4 Non-Critical*	0	2	1				1.50
Mediation Count	3	2	6	4	2	2	3.20
Commendation Count	0	0	0	1	0	0	0.20
Grand Total	18	10	69	26	13	8	25.2

October Overview

Civilian Complaints Received in October

CC2022-0089	The complainant alleged that NOPD 8th, 6th, and 1st district officers were summoned to City Hall during a City Council Meeting for no apparent reason, and alleged that such a large number of officers arriving to City Hall triggered previous trauma brought about by NOPD.
CC2022-0091	The complainant alleged that an NOPD officer witnessed an assault take place and did not act or investigate the assault after it occurred.
CC2022-0092	The complainant alleged that a Sgt. with FOB graffitied his car after an earlier dispute.
CC2022-0093	The complainant alleged that two SPOs in FOB failed to properly investigate a custody dispute between the complainant and his wife and lied about not receiving evidence, resulting in the complainant being arrested.
CC2022-0094	The complainant alleged that a Captain with NOPD filed a false police report against her alleging that she abused her child in an attempt to discredit her and gain custody of their mutual daughter.
CC2022-0095	The complainant alleged that NOPD 8th district officers conspired to not report a use of force, that an officer participated in his detainment while on emergency suspension, that NOPD officers previously violated his human rights and were spying on him.
CC2022-0096	The complainant alleged that several homicide detectives performed a faulty investigation into her husband's murder, failed to collect evidence, and failed to respond to her calls and messages.
CC2022-0097	The complainant alleged that an EPR incident report should have been written when police responded to an incident at City Hall.
CC2022-0098	According to the complainant, an investigator with PIB spoke to her rudely and without trauma informed training, and also waited until the investigator's deadline to reach out to the complainant.

October Overview

Criminal Liaison Received in October

CL2022-0012	A complainant filed multiple complaints with the OIPM anonymously, and requested updates and complaint tracking numbers for their complaints. OIPM contacted PIB and then updated the complainant with complaint tracking numbers.
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Contact Only Received in October

C02022-0026	A member of the public contacted OIPM regarding a possible crime being committed by her neighbor in Gretna. OIPM forwarded the full online complaint submission to the Jefferson Parish Sheriff's Office.
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October Overview

Disciplinary Proceedings Received in October

DH2022-0048	One officer is accused of an adherence to law violation (Domestic Abuse Battery) after the officer pulled his partner's hair during a dispute and pled guilty to domestic abuse battery in court.
DH2022-0049	One officer is accused of neglect of duty for ceasing their BWC recording several times during a call for service and for failing to ensure their In-Car-Camera was functional as required by NOPD policy.
DH2022-0050	A sergeant is accused of an adherence to law violation (simple battery) and a professionalism violation after the sergeant struck a fellow NOPD officer after an argument in the wake of Hurricane Ida.
DH2022-0051	One detective and one lieutenant are accused of neglect of duty for failing to report a level one use of force to their supervisor, and for neglecting their supervisory duty to report the use of force after witnessing it. The use of force was a hand/arm hold executed to gain compliance.
DH2022-0052	One officer is accused of neglect of duty for failing to report a use of force after the officer pushed an individual away who was interrupting the officer in his duties.
DH2022-0053	One officer is accused of neglect of duty after using his CEW on a fleeing suspect when there was no risk of harm to any officer and the officer did not have probable cause for a serious offense being committed.
DH2022-0054	One officer is accused of unauthorized force two times for using force against a person in handcuffs and using a neck hold after an individual spit on the officer and the officer pushed the handcuffed individual away while using a neck hold.
DH2022-0055	One officer is accused of neglect of duty for drawing their firearm, using deadly force, using firearms to stop an animal, not carrying a police baton, and failing to wear body armor after the officer shot a dog while performing a call for service.
DH2022-0056	One officer is accused of unauthorized force and neglect of duty for failing to activate their BWC during a call for service after the officer struck an individual in the head while attempting to restrain the individual.
DH2022-0057	One officer is accused of using unauthorized force and neglect of duty for failing to report that force after the officer placed an individual in a neck and head hold while the individual was not actively resisting.
DH2022-0058	Multiple officers are accused of Neglect of Duty for not obtaining a warrant prior to conducting a search and seizure of two individuals.
DH2022-0059	One officer is accused of Neglect of Duty for failing to report a use of force after the officer pointed his firearm at a suspect.

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.

9 CIVILIAN COMPLAINTS

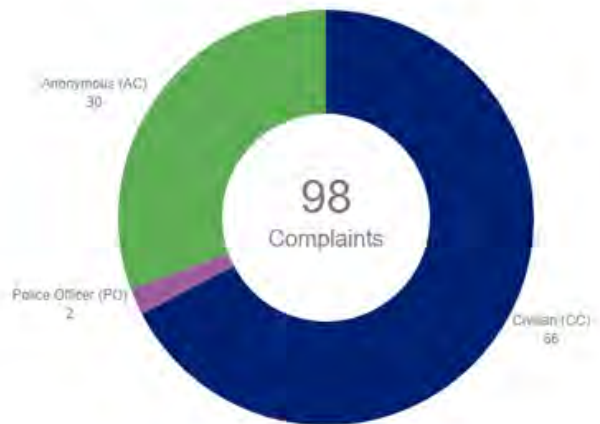
0 ANONYMOUS COMPLAINTS



Complainant Type
Year-to-Date



Complainant Type
Past 12 Months



Discipline

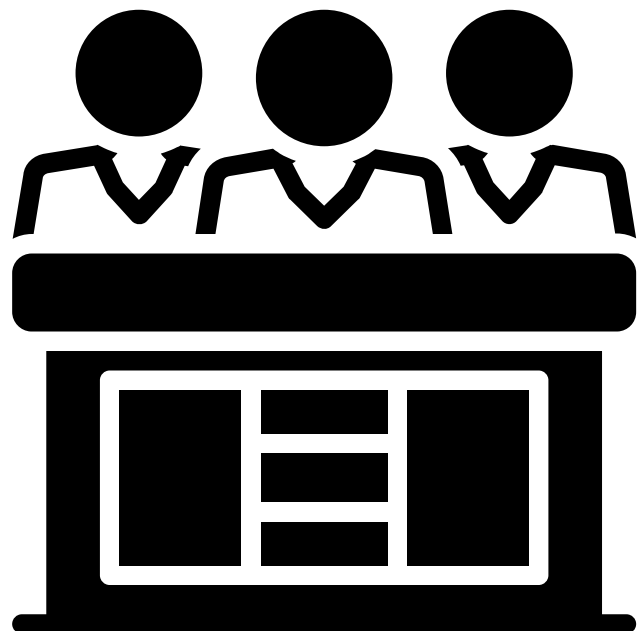
The OIPM is responsible for monitoring whether NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM will review such proceedings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

12 DISCIPLINARY PROCEEDINGS

5 SUPERINTENDENT COMMITTEE HEARINGS

7 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.

5

MEDIATIONS
REFERRED

2

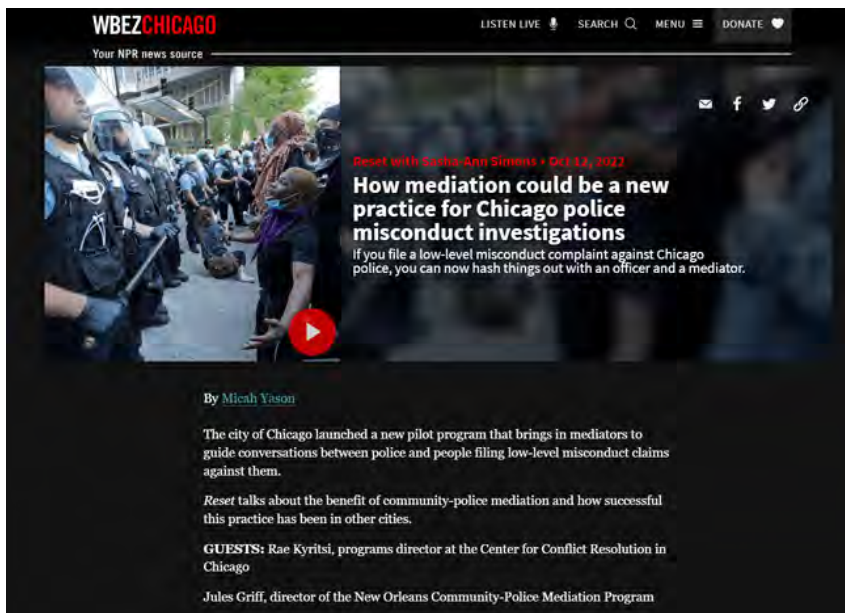
MEDIATIONS
SCHEDULED FOR
OCTOBER

3

MEDIATIONS
HELD

2

MEDIATIONS
PENDING



Mediation Director, Jules Griff, was a guest on WBEZ Chicago to discuss our Community-Police Mediation program and the impact it has on our community and police officers.

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

1

FORCE MONITORING

0

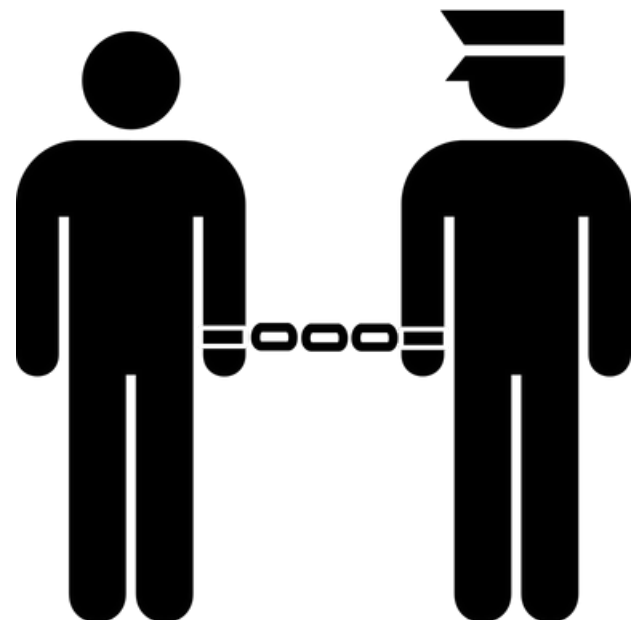
FIREARM DISCHARGE

0

LEVEL 4 NON-CRITICAL INCIDENT

3

CASES HEARD AT USE OF FORCE REVIEW BOARD



Community Outreach

13

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.

ATTENDED NIGHT OUT AGAINST CRIME AT SAM BONART PLAYGROUND

NATIONAL DAY AGAINST POLICE BRUTALITY VIGIL WITH FAMILIES OVERCOMING INJUSTICE ON 10/21/22

NATIONAL DAY AGAINST POLICE BRUTALITY COMMUNITY RESOURCE PANEL WITH FAMILIES OVERCOMING INJUSTICE ON 10/20/22

ATTENDED FAITH AND BLUE CHURCH SERVICE WITH NOPD AT FRANKLIN AVENUE BAPTIST CHURCH ON 10/23/22

COMMUNITY OFFICE HOURS AT CUT-OFF RECREATION CENTER ON 10/11/22 AND 10/24/22

COMMUNITY HOUR AT SANCHEZ MULTI-PURPOSE CENTER ON 10/13/22 AND 10/27/22

COMMUNITY OFFICE HOURS AT JOE W. BROWN PARK ON 10/31/22

INTERVIEW ABOUT COMMUNITY-POLICE MEDIATION WITH WBEZ CHICAGO ON 10/12/22

INTERVIEWED BY MISSY WILKERSON FOR NOLA.COM ON BELDEN BATISTE CASE REVIEW

INTERVIEWED BY MIKE PERLSTIEN FOR WWLTV ON BELDEN BATISTE CASE REVIEW

PRESENTED TO THE CITY COUNCIL CRIMINAL JUSTICE COMMITTEE ON BELDEN BATISTE CASE REVIEW



Budget

OIPM Budget Description	Amount
Personnel	\$732,488.00
Operating	\$308,926.00
2022 Total OIPM Budget	\$1,041,414.00
2022 Total OIPM Budget	\$1,041,414.00
Amounts Spent to Date:	(\$677,536.00)
Unexpended funds	\$363,878.00

Budget Goals

In the final quarter, the OIPM is intending to:

- Hire an employee to conduct audit and data work
- Enter into a contract with a community outreach and engagement consultant
- Enter into a contract with a data contractor
- Select a vendor for the RFP to design and operate a 24 hour hotline and call center for police complaints in English, Spanish, and Vietnamese.

2022 Goal Progress

To ensure accountability and transparency with the ERB and the community, the OIPM is reporting out progress on the 2022 OIPM Work Plan. These benchmarks and goals were achieved in October 2022:

Worked on the **first draft of a report detailing the systemic changes and reforms on the secondary employment system** put in place in the year since the misconduct regarding secondary employment was first discovered.

Met with **House of Tulip to discuss potential future collaborations and projects** to ensure that the transgender community can report officer misconduct safely.

Worked on the **Family Bill of Rights** with the Professional Standards and Accountability Bureau with the goal of completing this project by the end of the year.

Submitted an updated draft of the Remote Intake Site materials including intake form, manual, and training presentation to the Public Integrity Bureau for comment and feedback.

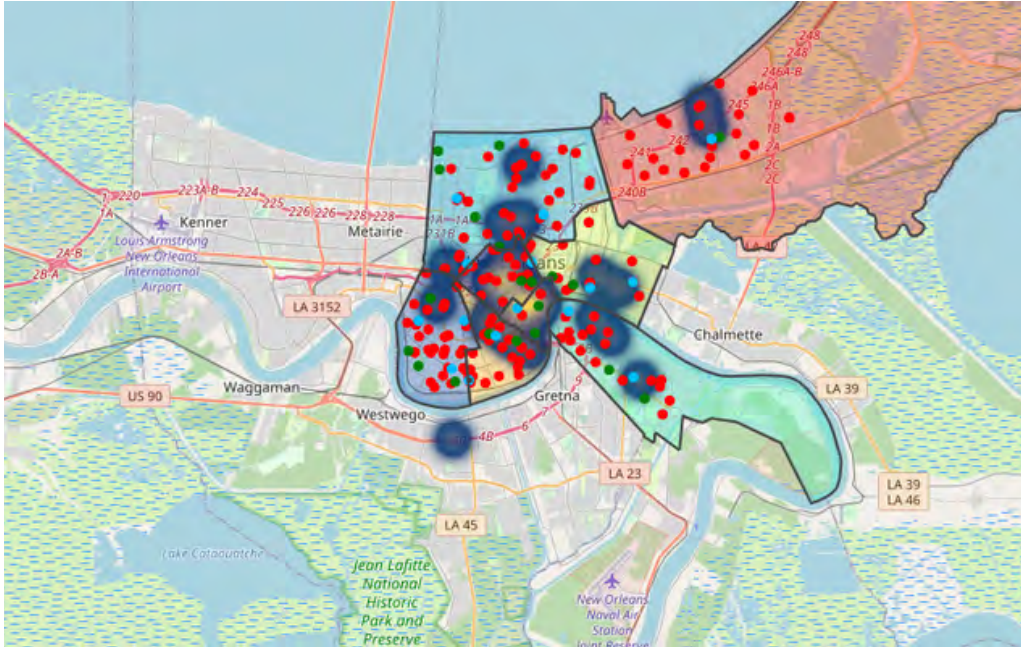
Consent Decree Compliance

- **Continued writing the OIPM Sustainment Strategy** and continued working with the federal monitors, NOPD, and the city on the proposed sustainment plan. Discussed the strategy with the special prosecutor assigned to Puerto Rico overseeing the Consent Decree.
- Attended the meeting with Judge Morgan, the NOPD, the City, and the Federal Monitors along with the public court hearing on the status of the Consent Decree.

Conducted community outreach, engagement, and monitoring to receive public input on the operations and impact of the OIPM:

- **Engaged with the community and media.**
 - Interviewed by the Times-Picayune, WWL, and other media sources about the case review report released the NOPD response to an encounter between a civilian and a then-councilmember.
 - Attended Night Out Against Crime
- Started hosting the **Community Office Hours** in various locations across the city including the **Westbank, the Lower 9th Ward, and New Orleans East.**
- Presented to a case review to the **City Council Criminal Justice Committee** along with the complainant regarding the case review process, purpose, and impact.
- Hosted two community driven events regarding the **National Day Against Police Brutality** and connected affected families with resources and services from partner organizations.

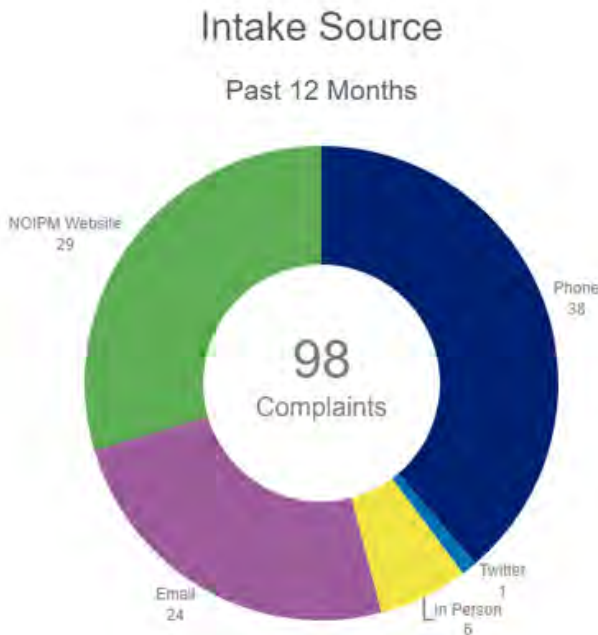
Additional Internally Generated Data for City Council - November 1, 2022



"Heat Mapping" Misconduct Complaints

This chart gives an overview of where there may be concentrations of allegations of misconduct occurring in the city. The map layer option enables the viewer to see the allegations of misconduct in context of police districts and where parks, schools, libraries are located.

Misconduct Complaints by Intake Source



Additional Internally Generated Data for City Council - November 1, 2022

Misconduct Complaints by Complainant Type

Complainant Type

Year-to-Date



Complainant Type

Past 12 Months



Complainant Type

Past 12 Months



Additional Internally Generated Data for City Council - November 1, 2022

Misconduct Complaints by District

This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information through electronic police reports, body worn camera footage, and field identification cards.



Top Allegations Proposed by OIPM

This chart captures the top allegations are proposed by the OIPM in the referral letters submitted to the Public Integrity Bureau. This chart is limited since it will only include the allegations that the OIPM entered into our database and has not yet been updated. The OIPM hopes to work on this issue with the NOPD in order to ensure accuracy in the proposed allegations.



**Monthly Report of
Ethics Trainer**



OCTOBER 2022

MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



TRAINING ACTIVITIES

Training for the month of September was able to reach 72 individuals, bringing departments closer to meeting their 100% completion requirements for annual Ethics Education ahead of the deadline of December 31, 2022.

In the month of November, the departments of Parks and Parkways, Sanitation, and Public Works will be receiving their in-person education at their respective meeting spaces. Training for 2022 will also be wrapped up for the Regional Transit Authority across multiple dates within the month.



PRESENTATION OF 2022 ETHICS LIAISON AWARD

The recipient of the 2022 Ethics Liaison award will be recognized and presented with their token of appreciation at the Ethics Review Board meeting for the month of November.

This year's honoree is

Kisha L. Gaudin

Vehicle Coordinator and Ethics Liaison for the Traffic Division of the City of New Orleans Department of Public Works.

**Kisha recently assumed the role of Assistant Chief Operations Manager with the Human Resources division of the Chief Administrative Office. She is being honored for her contributions for 2021.

Item 1

Proposed OIPM City Council Ordinance - 33950

Stella Cziment <scziment@nolaipm.gov>

Wed 16-Nov-22 3:22 PM

To: Holly Callia <holly.callia@iberiabank.com>; wandaschaubert@yahoo.com <wandaschaubert@yahoo.com>; Doucette, Monique Gougisha <monique.gougisha@ogletree.com>; Tyrone Jefferson <tjffministries2@aol.com>; ecalderon@earthjustice.org <ecalderon@earthjustice.org>; tsanders@suno.edu <tsanders@suno.edu>; mcowan@loyno.edu <mcowan@loyno.edu>; Liza Grace <liza_grace@yahoo.com>
Cc: Dane S. Ciolino <dane@daneciolino.com>; Bonycle Sokunbi <bsokunbi@nolaipm.gov>

 3 attachments (18 MB)

Ordinance 33950.pdf; OIPM Budget Presentation - 2022.pdf; NOPD Investigation Letter.pdf;

Good afternoon, ERB Members,

I hope you're all doing well. I received a call today from Dane about an ordinance that City Council is currently considering that I should have informed the ERB about sooner. I want to both use this email as a chance to inform the ERB of some recent legislation that has affected our office, this potential ordinance that would grant our office the ability to have subpoena power, investigatory power, and to receive and keep confidential information, and to apologize for not informing the ERB sooner of these important matters.

I sincerely apologize for not keeping the ERB abreast of these ordinances affecting the OIPM. I should have kept more open communication through email with the Board so you would be informed about these matters. Being transparent and honest with the ERB is extremely important to me and I do apologize for missing this opportunity to demonstrate that.

First, the ordinance being considered by the City Council is Cal. No. 33,950 proposed by Councilmember Morrell. It is attached to this email. This ordinance would grant the OIPM subpoena power over the NOPD and the ability to conduct investigations into NOPD employees. It would also clearly protect our ability to receive and keep confidential information. This ordinance embodies a series of goals and priorities that the OIPM has had for years. For years, the OIPM has tried to receive investigatory and subpoena powers over the NOPD to achieve our mission of providing accountability to the NOPD. The OIPM already has investigatory powers and subpoena powers for secondary employment purposes under Revised Statute 33:2339; however, this ordinance would expand our ability to investigate and subpoena (where necessary) to all alleged NOPD misconduct. Since stepping into the Acting IPM role, the NOPD, police associations, public, and City Council started requesting that the OIPM conduct investigations into alleged NOPD misconduct. One recent request is attached to this email. Due to our inability to investigate, the OIPM declined these requests. However, after a series of meetings with NOPD leadership, the Federal Monitors, the CAO, and City Council, the OIPM is starting to be in a position where this could be a possibility for our office. This ordinance was proposed by Councilmember Morrell at the beginning of November. The OIPM was under the impression that this matter was going to be deferred until our meetings with the Federal Monitors and Judge Morgan conclude to ensure that this ordinance and any subsequent investigations are compliant with the Consent Decree (and the Officer Bill of Rights). I expected to have conversations with the ERB once I had a clearer understanding of the potential final language of the ordinance once these meetings are complete. We are still discussing the language and possible amendments with counsel and the Federal Monitors. We anticipate the need to enter into a MOU (or an amended MOU) with the NOPD in order to finalize this process, but we will discuss this with the ERB in advance. It was brought to my attention today by Dane that this is on the agenda for the City Council meeting tomorrow, but we did not anticipate it being heard this month. I have requested that Councilmember Morrell defer the ordinance until after the ERB can discuss the matter at our meeting on Monday.

Additionally, this ordinance would protect the OIPM's ability to receive confidential information. This has been a large goal of our office since we started receiving subpoenas and public record requests for the identities of our anonymous complainants in late 2021. As a result, I included receiving this legal protection as a goal in our 2022 Work Plan to the ERB and City Council. It would be truly vital and amazing to be able to achieve this goal this year.

In preparation for this possibility of investigatory power, the OIPM requested additional funding from the CAO and City Council for 2023. I've included our budget presentation to City Council on this email for your review. It is paramount that if granted this ability that we are prepared for this responsibility and that includes building the necessary infrastructure and capacity – work that Bonycle and I have already started.

I also want to use this email to make sure you're informed of two other ordinances that touch on our office that were passed this summer. Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to City Council. Since this ordinance passed, the OIPM started adding the requested data to the ERB monthly report and formally submitting it to both the ERB and City Council. Ordinance 29063 requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee. The OIPM completed our first presentation in August and will be presenting again in February 2023 (the meeting scheduled for November was cancelled due to budget presentations).

Again, I want to state that my failure to inform ERB of this ordinance was my mistake and I do apologize. Thank you to Dane for bringing this to my attention and I welcome any questions on this ordinance (or anything else).

Thank you and see you Monday.

Sincerely,

Stella

Stella Cziment
Independent Police Monitor
Pronouns: she / her / hers
Last name pronounced "cement"

City of New Orleans
Office of the Independent Police Monitor
2714 Canal St., Suite 201
New Orleans, LA 70119
(504) 309-9799 Main Office



City of New Orleans

November 10, 2022

Judge Susie Morgan
500 Poydras Street
Room C322
New Orleans, LA 70130

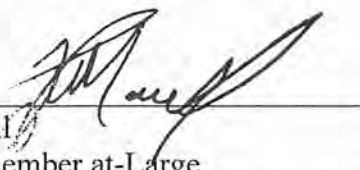
Jonathan Aronie
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006-6801

Dear Judge Morgan & Mr. Aronie:

We are writing to express our significant concerns about the apparent conflict of interest with the New Orleans Police Department being allowed to, again, investigate serious allegations involving Mayor Cantrell. The NOPD cannot be allowed to handle this matter fully and internally because of the inherent conflict of interest.

By this letter, we formally request that immediate steps be taken to appoint the Consent Decree Monitor, in partnership with Office of the Independent Police Monitor to take the lead on this investigation. We believe swift action is required to cure apparent conflicts of interest and preserve the integrity of the investigations of the Mayor.

Regards,



JP Morrell
Councilmember at-Large
Governmental Affairs Committee Chair



Joseph I. Giarrusso, III
Councilmember District A
Budget Committee Chair

CC:
Stella Cziment, Independent Police Monitor

**Presentation for
New Orleans City
Council**

**I am
what
oversight
looks like**

OFFICE OF THE INDEPENDENT
POLICE MONITOR

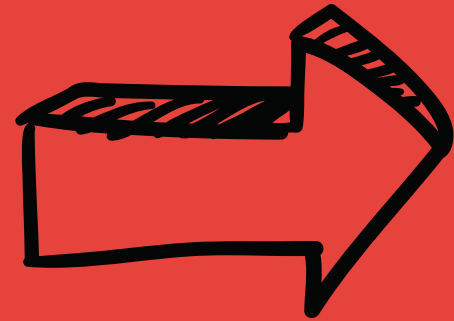


**Office of the Independent
Police Monitor**

**Our Office, Our
Work, Our Budget**

2022 - 2023

Presentation Goals



Overview of projects accomplished in 2022

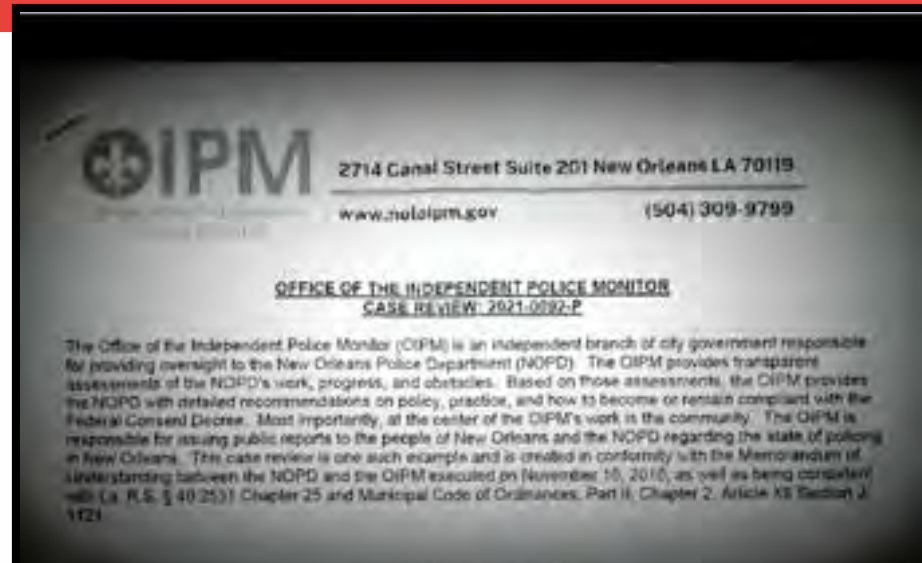


Budgetary goals and related workstreams for 2023



Budget recap

2022 Accomplishments



POLITICS ☆

NOPD mishandles Jay Banks, Noonie Man dispute

“Here's a co... house and tr... said.”

Author: Mike Perls
Published: 5:39 PM



Deputy police monitor Bonycle Sokunbi and monitor Stella Cziment, of the Office of Independent Police Monitor, listen to people in the public voice their concerns during the public hearing at the Ashe Power House Theater in New Orleans, Tuesday, Sept. 27, 2022. (Photo by Sophia Germer, NOLA.com, The Times-Picayune | The New Orleans Advocate)

5

Misconduct Case Review Reports Released

81

Complaint Referrals Submitted

4

Policy Recommendation Letters Submitted



2022 Accomplishments



18

Community-Police Mediations Conducted

47

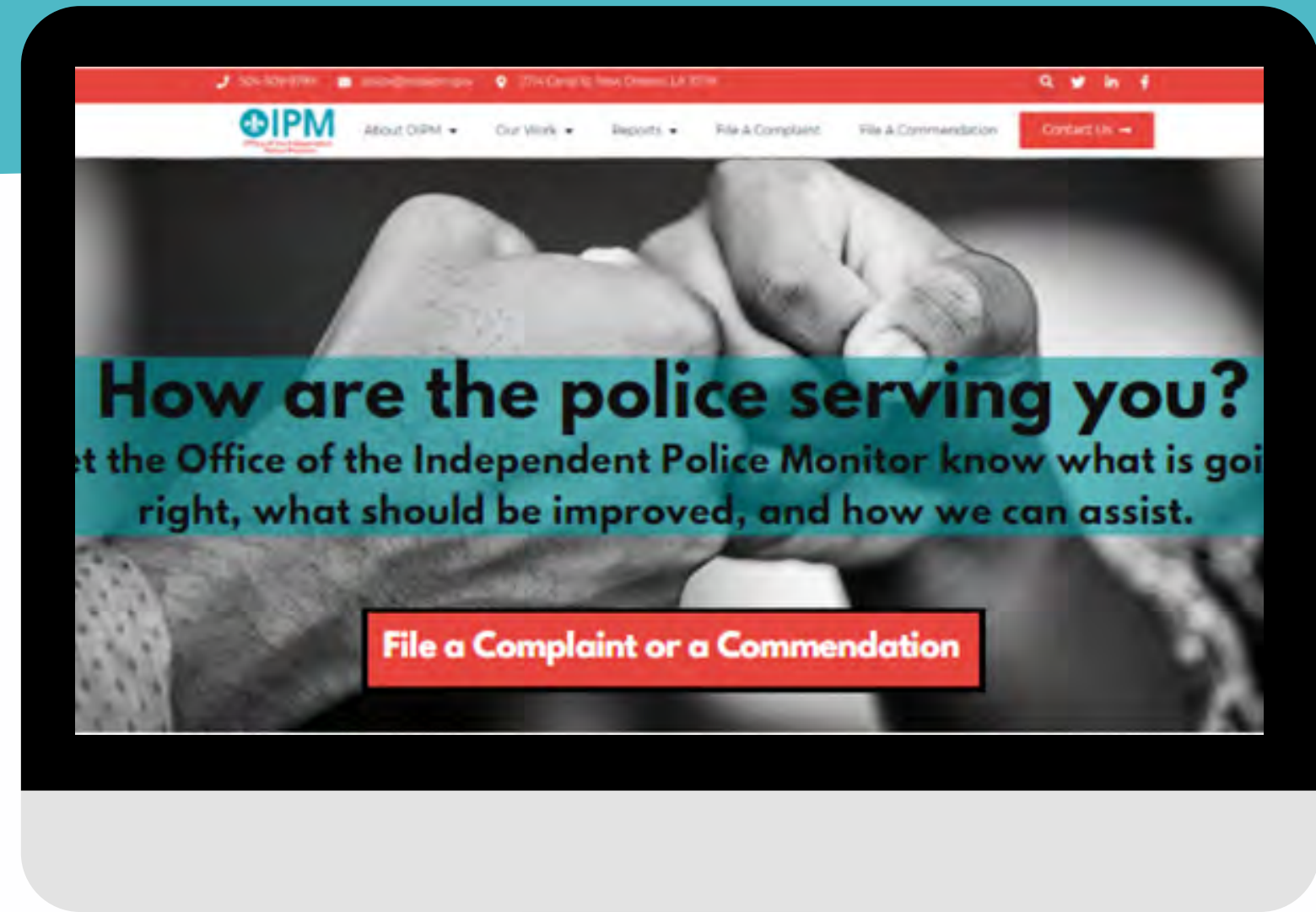
Disciplinary Proceedings Monitored

1

OIPM Brand and Website Redesigned

3

Reports on Oversight Released



2022 Accomplishments



IIPM Office of the Independent Police Monitor
www.nolaipm.gov | 504.309.9799

Man steals woman's purse outside Treme church, is shot after firing gun at officer, cops say

OIPM was at the scene of the Officer Involved Shooting on the Lafitte Greenway Tuesday night and monitored the NOPD Investigation.



106

Community Outreach Events and Opportunities



9

Use of Force Scenes Monitored

9

Use of Force Review Board Cases Heard



Funding Categories for 2023

The OIPM funding goals for the 2023 year can be put into three broad categories:

1. Building our misconduct and force investigatory work
2. Building our misconduct audit and data work
3. Expanding our community impact



**Misconduct &
Force
Audit and Data**

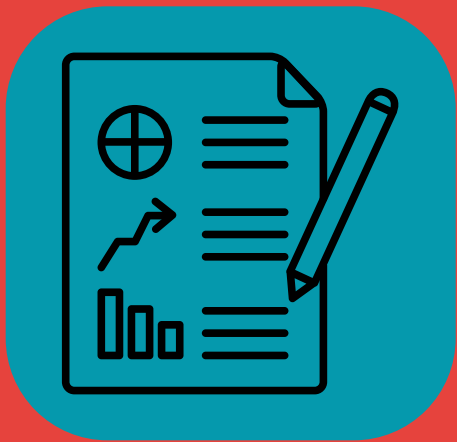


**Misconduct
Investigation
and Review**



**Community
Impact**





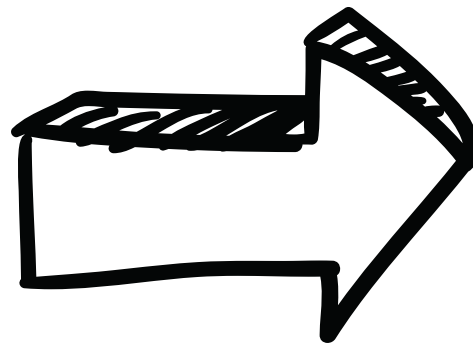
Misconduct and Force Audit and Data



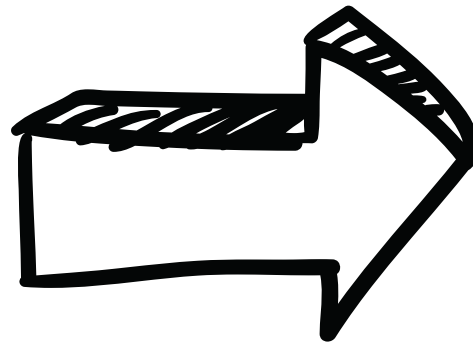
Misconduct and Force Investigation and Review



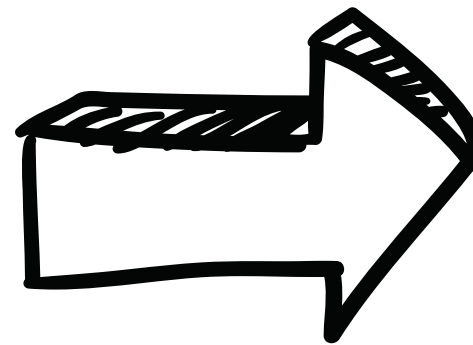
Community Impact



Hiring data and auditing staff
Public Facing Database
Data Access RFP
Creating our sustainment and audit strategy
Completing relevant and timely audits and reports



Hiring investigatory and review staff
Creating investigatory model / plan
Conducting relevant and timely investigations and case review reports



24 Hour Hotline
Remote Intake Sites
Community "Office Hours" and more public forum and engagement opportunities
Community Collaboration Committee

In order to achieve these goals, OIPM must:

1.

Build our Team

2.

**Prioritize Investigation,
Audit, Review, Data
Capacity**


3.

**Increase Community
Accessibility and Impact**

1. Build Our Team


INDEPENDENT
POLICE MONITOR
STELLA CZIMENT


LEGAL COUNSEL
CONTRACTOR
SHARONDA WILLIAMS


DEPUTY
BONYCLE SOKUNBI

**ADMINISTRATIVE & OUTREACH
TEAM**

**COMMUNITY-POLICE
MEDIATION TEAM**

**MISCONDUCT & FORCE
TEAM**


OFFICE
MANAGER
RENEE LIVIOUS


MEDIATION
DIRECTOR
JULES GRIFF


MISCONDUCT AND
FORCE SPECIALIST
CHRISTIAN JAMAL

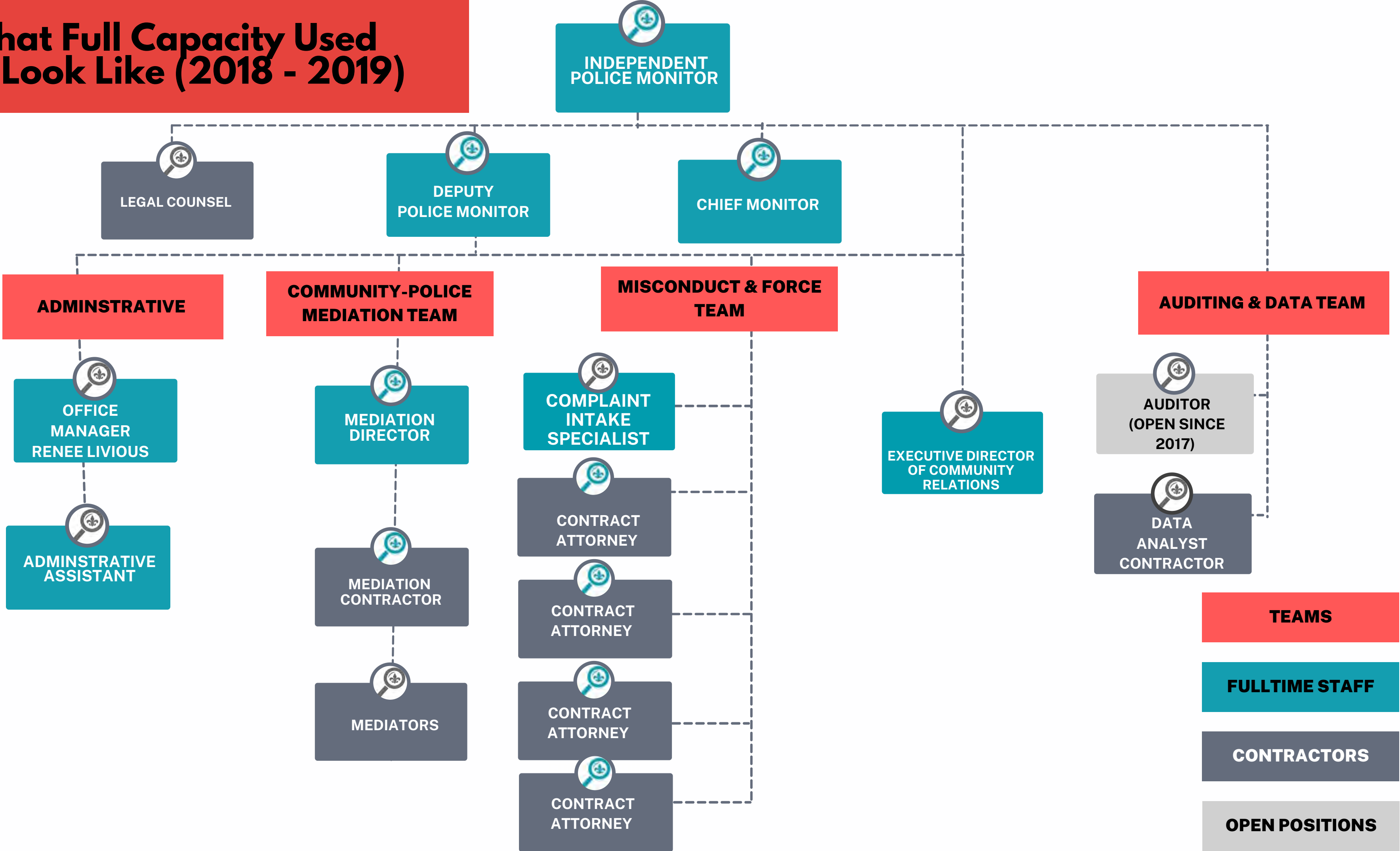

ADMINISTRATIVE
ASSISTANT
DAPHNE CROSS

The Office of the Independent Police Monitor employs six full time staff members. This organizational chart does not include mediators or contractors.

In 2022, the OIPM leadership team stabilized with Stella Cziment being appointed as the Independent Police Monitor and Bonycle Sokunbi being finalized as the Deputy Independent Police Monitor.

Now, the OIPM is preparing to build the team to achieve the new responsibilities that may be requested of the OIPM in order to conduct investigations, complete more case review reports, and conduct the audits required during the sustainment period of the Consent Decree.

What Full Capacity Used to Look Like (2018 - 2019)



TEAMS

FULLTIME STAFF

CONTRACTORS

OPEN POSITIONS

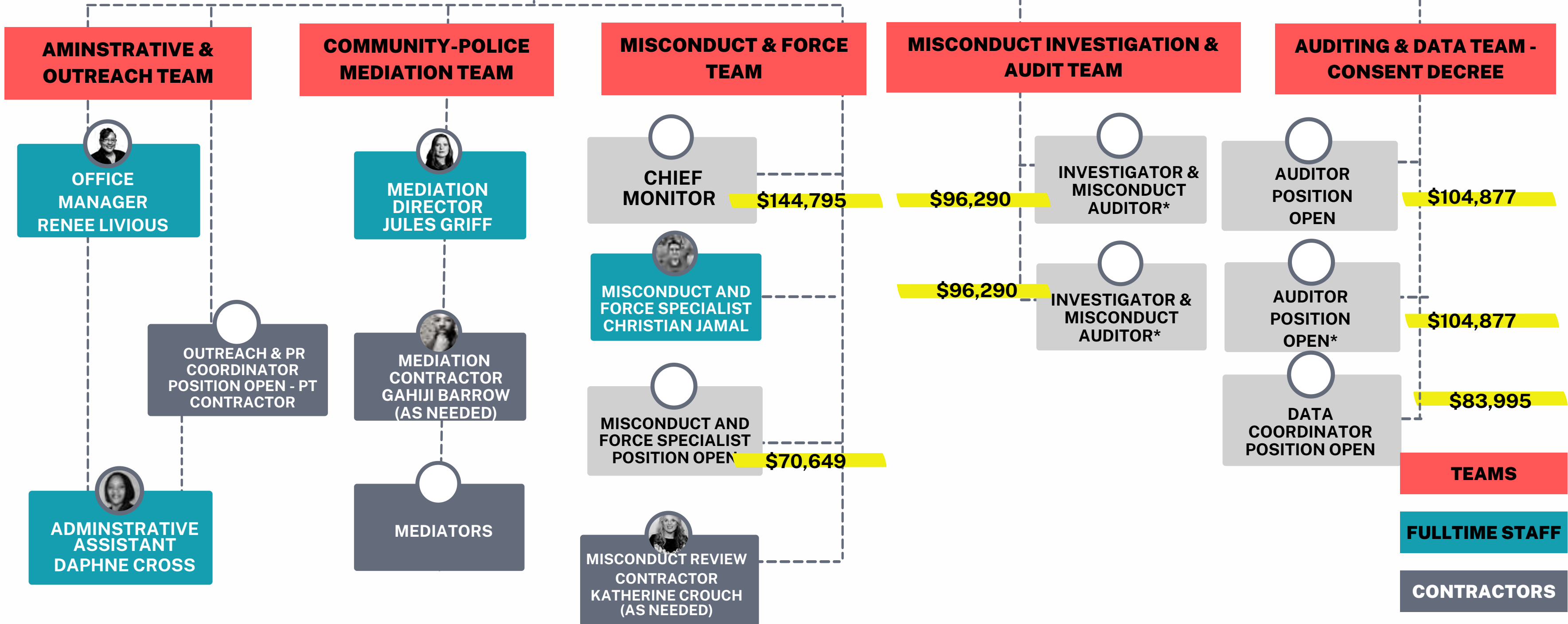
**INDEPENDENT
POLICE MONITOR
STELLA CZIMENT**

**LEGAL COUNSEL
CONTRACTOR
SHARONDA WILLIAMS**

**DEPUTY
BONYCLE SOKUNBI**

**Total Personnel Budget with ALL
Positions: \$1,318,783**

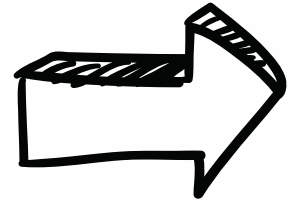
**Total Personnel Budget with
allocated positions: \$1,021,325**



**POSITIONS THAT HAVE NOT YET BEEN ALLOCATED TO OIPM, BUT ARE NECESSARY IN THE FUTURE*

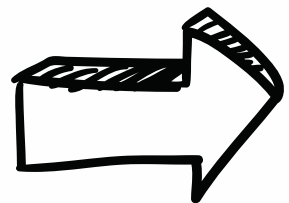
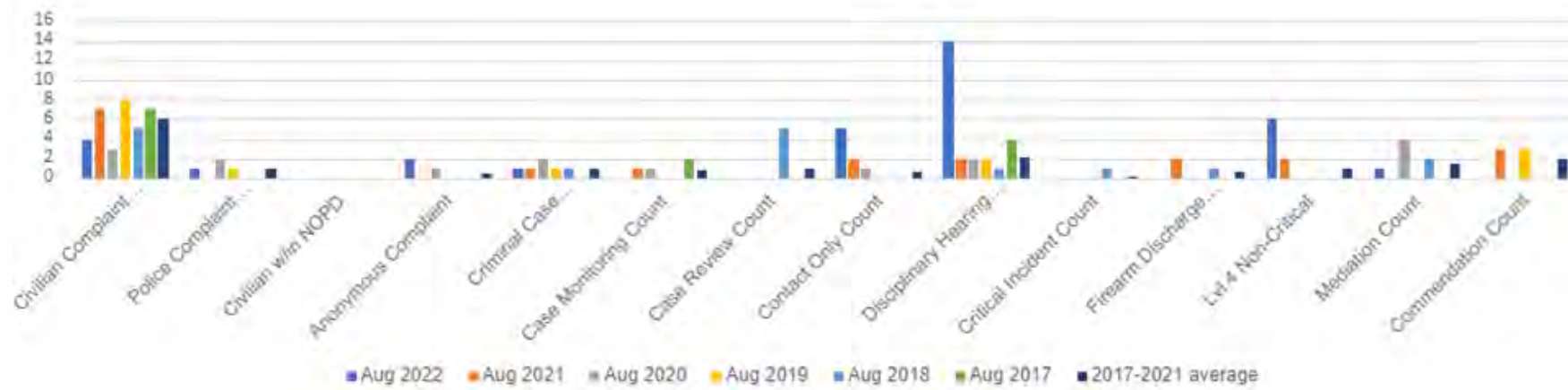


Prioritize Investigation, Audit, Review, Data Capacity



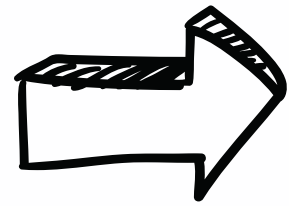
Data, Auditing, and Technology Implementation

The OIPM reviews and aggregates data from complaints, investigations, and disciplinary proceedings and then provides feedback to the NOPD and information to the public through recommendations for NOPD training, practice and policy. The systems in place are deeply flawed and problematic. Historically, OIPM has not had the technology in place to fulfill its role and responsibilities surrounding data. Based on our research, the OIPM anticipates the RFP will be approximately **\$250,000** for 2023. The data coordinator will **cost \$83,995** (including benefits).

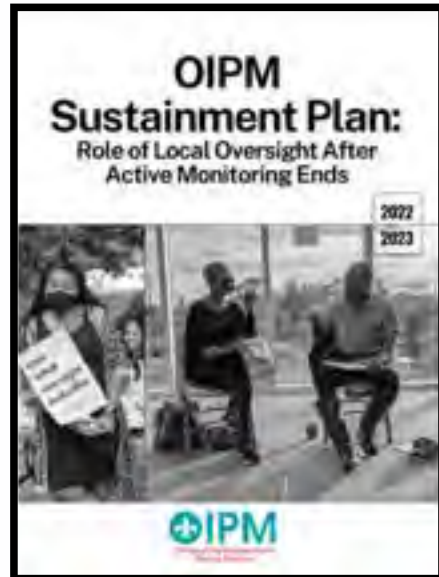


Investigation and Accountability

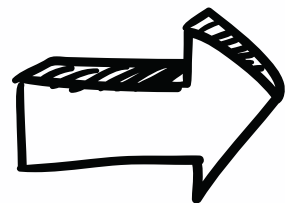
Increase our role in the investigation and accountability of the Office of Police Secondary Employment (OPSE) as legally required under La. R.S. 33:2339. Under possible city council ordinances, the OIPM may take on more investigatory responsibilities regarding the NOPD as well. The OIPM would need to hire investigators and train those individuals on how to conduct criminal and administrative investigations.



Audit Capacity and Consent Decree Compliance

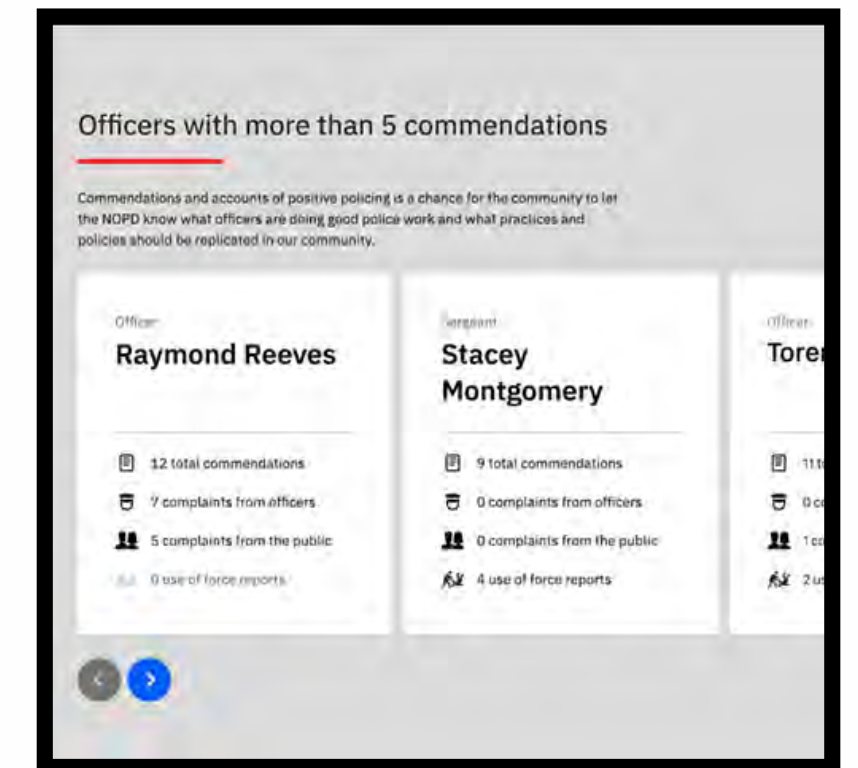
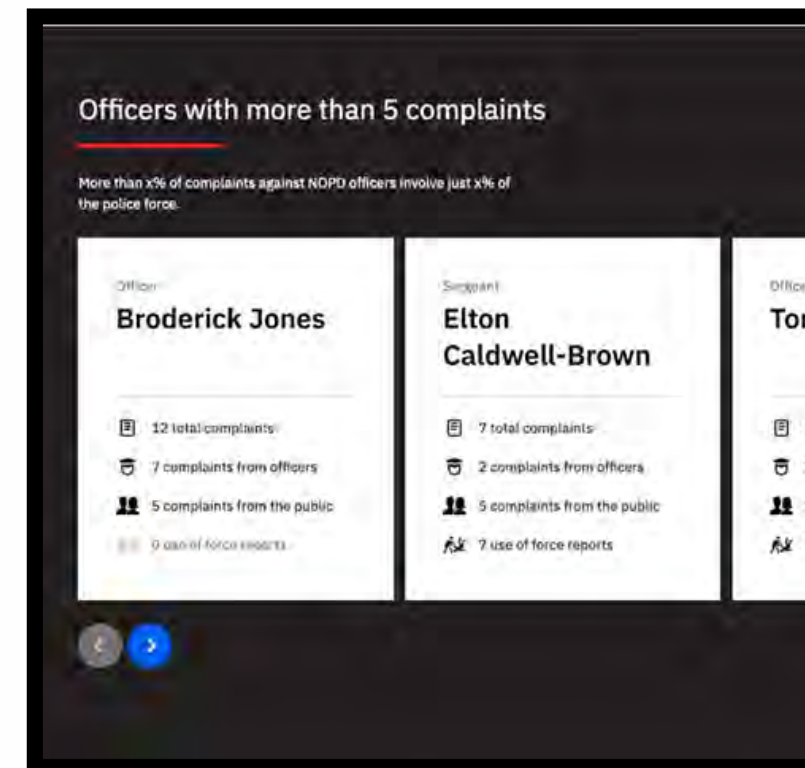


This is a huge priority as the OIPM is being asked to conduct more audits and reviews to prepare for compliance with the Consent Decree. The OIPM must expand our role in audits with the Professional Standards and Accountability Bureau with assistance from the Federal Consent Decree Monitors. The OIPM is currently working on a sustainment strategy that was submitted to the federal monitors and NOPD for early comment. The OIPM cannot complete the tasks that will be required under this sustainment strategy without additional technology, data capacity, and staff. The OIPM is anticipating that a team of two auditors will cost the OIPM \$209,754 (\$104,877 a person including fringe benefits). The OIPM also intends to send the auditors to the LAPD Audit School - which is a national leader in the field - which would cost approximately \$1,500 a person depending on flights and accommodations.



Public Facing Database

Continue to work with City Council and community partners to make **Resolution 20-175: Police Misconduct Database** happen and find new ways to produce and share out more policing and oversight data. Prior, the budget for this project was allocated at \$100,000. The OIPM would take over as the project manager for this potential RFP in order to complete this project.



3. Increase Community Accessibility and Impact

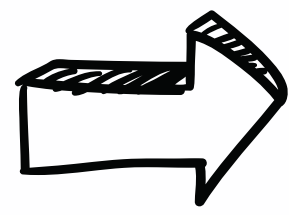
Create the 24 Hour Hotline for allegations of police misconduct

In 2022, the OIPM released the RFP and received vendor proposals. Currently trying to move ahead in the process with the submitted proposal for a call center with a text and website submission option. The estimated budget is ~~\$12,000~~ a year for the services. The hotline would be offered in English, Spanish, and Vietnamese.

Open Remote Intake Sites

In 2022, the OIPM developed all the materials including forms, signs, memorandums of understanding, training manuals and training presentations to start opening remote intake sites. The OIPM started reaching out to community organizations to become remote intake sites and learned that this commitment may require additional funds for these organizations to take on this responsibility including community outreach and capacity for taking complaints. The OIPM is determining what type of financial support it can provide in order to make these sites a reality.





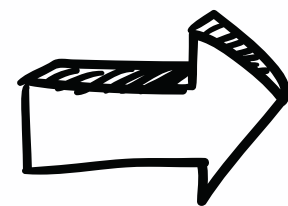
Innovative uses of the mediation program and skills

Designed a **proposal to expand the Community-Police Mediation Program** to include:

- A role in the internal NOPD grievance process
- Offer mediation in certain departments or units for the public. For example, offering mediation services to create communication plans for crime survivors and detectives assigned to sexual assault cases.

The OIPM currently budgets for 50 mediations a year, with each mediator receiving a small fee of \$75 a mediation (totaling **\$150 a mediation**). The OIPM intends to increase mediations as part of this expansion which will increase the cost of the program.

In 2023, the OIPM is also going to teach a **weekly course at the NOPD academy on active listening skills** to new leaders within the department which will come out of the mediation program and involve the trained mediators.



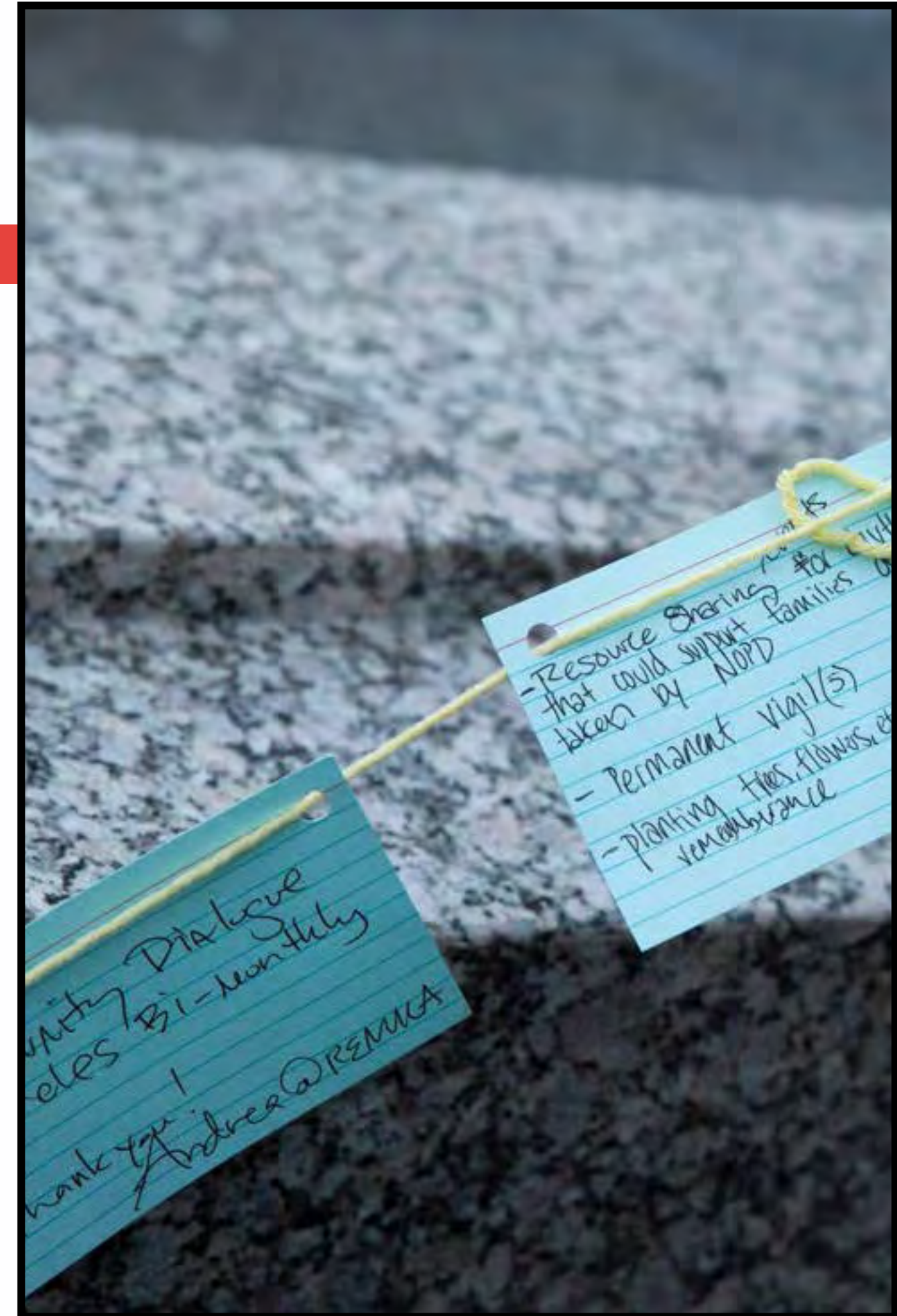
Expand community office hours, public forums, and opportunities for engagement



OIPM Budget Recap

2022 Approved Budget		
Personal Services	Other Operating	Total
\$732,488	\$308,926	1,041,414

2023 Budget Request		
Personal Services	Other Operating	Total
\$1,318,783	\$300,000	\$1,618,783



OIPM Budget Recap: FTE

2022 FTEs			
	Classified	Unclassified	Total
Approved	4	2	6
Filled	2	1	3
Vacant	2	1	3

Proposed FTE			
	Classified	Unclassified	Total
Approved	4	2	6
Filled	0	0	0
Vacant	7	1	8

Vacant Proposed Positions: Chief Monitor, Auditor (2), Investigator (2), Data Coordinator, Misconduct and Force Analyst (MDAII), Executive Director of Community Relations

Thank you.

The OIPM welcomes questions and comments.



ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: October 20, 2022

CALENDAR NO. 33,950

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MORRELL

AN ORDINANCE to ordain section 2-1122 of the Code of the City of New Orleans to provide for subpoena and investigatory responsibilities of the Orleans Independent Police Monitor; and otherwise to provide with respect thereto.

1 SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
2 ORDAINS, That the Code of the City of New Orleans, Louisiana is hereby amended by adding a
3 section to be numbered as section 2-1122, which said section shall read as follows:

4 “ARTICLE XIV. - OFFICE OF THE INDEPENDENT POLICE MONITOR

5 ***

6 Section 2-1122. - Office of the Independent Police Monitor Subpoena and Investigatory
7 Responsibilities; Confidentiality

8 (1) Purpose.

9 (a) The purpose of this section is to establish that the independent police monitor may
10 conduct oversight over the police department through criminal and administrative
11 investigations, inspections and evaluations, audits, and monitoring. This includes
12 joint investigations and projects with other oversight or law enforcement
13 agencies, including but not limited, to the Office of the Orleans Parish District
14 Attorney, the Office of the Inspector General, and the Office of Police Secondary
15 Employment.

16 (2) Subpoena and Investigatory Responsibilities

17 (a) For purposes of collecting data or performance of its oversight and investigatory
18 duties, the independent police monitor may administer oaths and affirmations,
19 subpoena witnesses, take evidence, and require the production of any records
20 which the independent police monitor deems relevant or material to police

- 21 misconduct and police discipline.
- 22 (b) In the performance of his or her duties, the independent police monitor may
23 compel the attendance of witnesses to be deposed under oath or the production of
24 public and governmental records by issuing a subpoena. The subpoena may be
25 served by certified mail, return receipt requested, at the addressee's residence or
26 business address, or by representatives appointed by the independent police
27 monitor.
- 28 (c) The procedure for obtaining approval of such subpoena shall be in accordance
29 with the requirements of state law.
- 30 (1) Any person or entity that is the subject of a subpoena issued by the office
31 of independent police monitor may challenge the sufficiency or scope, or
32 both, of the subpoena by filing a protective order or motion to quash in the
33 Orleans Parish Civil District Court.
- 34 (2) If a person or entity refuses to comply with a subpoena issued by the office
35 of independent police monitor, the Orleans Parish Civil District Court may
36 issue an order requiring the person or entity to appear before the court to
37 show cause why an order should not be issued ordering such person to
38 comply with the subpoena.
- 39 (3) Any costs and attorney's fees incurred by the office of independent police
40 monitor may be taxed against the person who failed or refused to comply
41 with the terms of the subpoena.
- 42 (3) *Powers.*
- 43 (a) The independent police monitor shall have access to all records, information, data,
44 reports, plans, projections, matters, contracts, memoranda, correspondence,
45 audits, reviews, papers, books, documents, computer hard drives, e-mails, instant
46 messages, recommendations, and any other material of the police department that
47 the independent police monitor deems necessary to facilitate an investigation,
48 audit, inspection, or performance review. This includes any and all information
49 relative to the purchase of supplies and services or anticipated purchase of
50 supplies and services from any contractor by any city department, agency, board,
51 commission, or public benefit corporation, and any other data and material that is

52 maintained by or available to the city which in any way relates to the programs
53 and operations with respect to which the police department has duties and
54 responsibilities.

55 (b) The independent police monitor may request information, cooperation, and
56 assistance from any city department, agency, board, commission that conducts
57 relevant policing work or operations for the police department. Upon receipt of a
58 request for such information, cooperation, and assistance from the independent
59 police monitor, each person in charge of any city department, or the governing
60 body of any city agency, board, commission, shall furnish the independent police
61 monitor or her / his authorized representative with such information, cooperation,
62 and assistance.

63 (c) The independent police monitor shall have direct and prompt access to all
64 employees of the police department and the office of secondary employment.

65 (d) At all times, the independent police monitor shall have access to any building or
66 facility that is owned, operated or leased by the police department.

67 (e) No subpoena is required for the information or documents mentioned in this
68 paragraph. All information and documents are to be provided upon written request
69 from the office of independent police monitor.

70 (4) *Records disclosure.*

71 (a) All records of the office of the independent police monitor shall be exempt from
72 public disclosure and shall be considered confidential, unless it is necessary for
73 the independent police monitor to make such records public in the performance
74 of his or her duties. Unauthorized disclosure of information by the independent
75 police monitor or any employee of the office of the independent police is subject
76 to review and disciplinary action by the appointing authority. The office of the
77 independent police monitor is otherwise subject to all state laws concerning
78 public records.

79 (b) The independent police monitor is not subject to state laws concerning public
80 records requests when the independent police monitor determines that making the
81 information public could endanger any person's life, physical safety, or property,
82 or could lead to retaliatory acts.

83 (c) The independent police monitor is not subject to the issuance of a subpoena when
84 the independent police monitor determines that making the information public
85 could endanger any person's life, physical safety, or property, or could lead to
86 retaliatory acts.

87 (5) *Exemptions to disclosure.*

88 The following information is exempt from disclosure by the office of the independent
89 police monitor:

90 (a) Information revealing the identity of persons who file complaints with the office
91 of the independent police monitor, if the independent police monitor determines
92 that disclosure could endanger any person's life, physical safety, or property, or
93 could lead to retaliatory acts."

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: