



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, December 19, 2022

3:30 P.M.

AGENDA

1. Call to order.
2. Approval of the minutes of November 2022 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.
5. Monthly report of Ethics Trainer.
6. Monthly report of General Counsel and Executive Administrator.
7. Report on appointments to Quality Assurance Review Advisory Committees.
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. Call for agenda items for future board meetings.
11. Adjournment.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of November 21, 2022, at 3:30 P.M. in New Orleans City Council Chambers

Minutes

1. *Call to Order.*
 - 1.1. The vice-chair called the meeting to order at 3:32 p.m.
 - 1.2. Board members present:
 - 1.2.1. Holly Callia, Vice-Chair.
 - 1.2.2. Elizabeth Livingston de Calderon.
 - 1.2.3. Michael A. Cowan.
 - 1.2.4. Monique G. Doucette
 - 1.2.5. Tyrone G. Jefferson, Jr.
 - 1.3. Board members 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 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 September 19, 2022.

3. *Monthly Report of the Office of the Inspector General.*
 - 3.1. Ed Michel appeared on behalf of the Office of the Inspector General.
 - 3.2. Mr. Michel presented his office's monthly written report (attached). He also reported orally to the board and responded to board members' questions.
 - 3.3. Ms. Doucette asked about an OIG employee who failed to come to work. Mr. Michel clarified how the lack of attendance was determined.
 - 3.4. Ms. Calderon asked about current state of personnel in OIG. Mr. Michel responded that he hired 3 investigators, 3 evaluators, 2 interns, 1 office manager and 1 auditor. The office has 19 employees. However, Mr. Michel noted that there are 3 high-level positions that are not filled by choice because there were too many supervisors and too few employees. It has taken a long time to hire people. The biggest challenge has been the residency requirement and low pay. This is in part a problem because of civil service pay schedules. Also, many applicants did not pass background checks due to convictions and bankruptcies.
 - 3.5. Ms. Calderon asked about the general counsel position. Michel stated that he hired a lawyer 3 months ago and he is doing well.
 - 3.6. Mr. Cowan asked about the Hard Rock investigation and whether referrals were made to law enforcement. Mr. Michel responded that there were several issues at the Hard Rock site where inspectors falsely stated that they were on site at the location when they were not. OIG recommended malfeasance and falsifying public records investigations. These recommendations are being considered by the DA.
 - 3.7. Mr. Cowan asked what the plan will be if the DA does not act. Michel responded that there are 2 years left before the charges prescribe. So, the DA has plenty of time and there is ample evidence of criminal activity.
4. *Monthly Report of the Office of Independent Police Monitor.*
 - 4.1. Stella Cziment and Boncyle Sukunbi appeared on behalf of the Office of the Independent Police Monitor.
 - 4.2. The month was very "community facing."
 - 4.3. National police brutality week offered an opportunity for community outreach on two separate days.
 - 4.4. Ms. Cziment noted that her office produced three reports that received very little media attention. However, she hopes that they will result in changes at NOPD. She will report about this in her annual report.

- 4.5. Ms. Cziment noted that her office has monitored interviews for lieutenant positions.
- 4.6. Ms. Cziment noted that her office has conducted public forums on consent decree issues.
5. *Discussion of Funding and Additional Responsibilities for OIPM*
 - 5.1. Mr. Ciolino discussed background as to why this issue was placed on the agenda for today.
 - 5.2. Ms. Cziment apologized for not informing ERB earlier.
 - 5.3. Ms. Doucette asked when this ordinance began to be considered. Ms. Cziment responded that during the summer council members asked her office to investigate various issues. Ms. Cziment said that late July or August was the beginning of these discussions. Ms. Cziment learned on October 21st that the Council would take up the ordinance.
 - 5.4. Ms. Doucette clarified that the draft ordinance is in flux.
 - 5.5. Ms. Cziment spoke from the attached slides. Essentially repeated substance of each slide.
 - 5.6. Mr. Jefferson asked how many new employees would be required if the ordinance is adopted. Ms. Cziment responded that she needs 2 to start investigatory work; she needs 7 total to do the work required.
 - 5.7. Mr. Cowan clarified that the investigatory power would be over the entire NOPD—not just NOPD details. What happens to PIB? Ms. Cziment responded that PIB would still exist, but that OIPM would do high level investigations; OIPM would also have a right of first refusal on investigations.
 - 5.8. Mr. Cowan said “thanks” for the heads up on this and the apologies. Noted that when a public body makes a big decision like this, it must think about larger issues. The biggest issue is “preserving independence.” Did you think about that? Ms. Cziment responded, yes, OIPM already obtains funds from the General Fund. Ms. Cziment said we don’t believe it will influence independence. OIPM will implement referral mechanisms, such as prohibiting the council from making referrals.
 - 5.9. Mr. Cowan noted that the ERB must protect the independence of these two offices. Ms. Cziment said that to protect independence, all referrals must be from nonelected officials.
 - 5.10. Ms. Doucette asked whether the referral mechanism was in the ordinance. Ms. Cziment said “no,” but that will be included in a future MOU.

- 5.11. Ms. Calderon said she also has a concern about nothing being in the ordinance to protect the independence relating to referrals. She noted that if the OIPM must get money from the council every year, that could adversely affect independence.
- 5.12. Ms. Cziment noted that the OIPM may seek an increase in the protected percentage of the general operating fund to deal with the increased demands that will be put on her office post consent decree. The CAO and the council have said that they want the “power and ability” to do the investigatory work, then they will consider more permanent funding.
- 5.13. Ms. Callia asked whether this ordinance would have passed if the ERB did not ask it to be put on hold. Ms. Cziment said “no.” Still waiting on feedback from federal monitors and others.
- 5.14. Ms. Doucette asked what the timeline is. Ms. Cziment said that Councilmember Morell wants it on the agenda for December 1st to be voted on. Ms. Cziment said the ERB can ask that it be slowed down, but that Mr. Morell moves very quickly.
- 5.15. Ms. Calderon asked what role NOPD has played in this legislative process? Ms. Cziment said that NOPD has been involved in these discussions all along. NOPD has met with Morell on many instances. NOPD has presented its concerns. NOPD is very supportive of the ordinance.
- 5.16. Ms. Doucette noted that the effective date of this ordinance appears to line up with a proposed investigation of the mayor’s security detail. Ms. Cziment said that OIPM is proposing a 6-month ramp-up period. Ms. Cziment said that her office declined to investigate officer Vappe, but that she is monitoring it very closely. So, by the time the new investigatory policies are in place, the Vappe investigation will be over.
- 5.17. Ms. Cziment also noted that her office would not undertake any use of force investigations.
- 5.18. Ms. Callia noted that OIPM would have to go to the Council every year for funding? Ms. Cziment confirmed that she would. Ms. Cziment said that she is not “comfortable” setting up a department without a guarantee of funding.
- 5.19. Ms. Calderon said that this is moving very quickly. She would like this slowed down to allow Mr. Morrell to share his thoughts with the ERB.
- 5.20. OIPM noted that it has budgetary needs with or without the ordinance. OIPM needs additional funding no matter what.
- 5.21. Ms. Cziment responded that she met with the CAO about funding the work that her office will need to do post-consent decree. The .16% is not sustainable moving forward given the work that needs to be done.

- 5.22. Mr. Cowan asked whether the budgetary request will be granted by the city? Ms. Cziment believes that it will be a “positive” outcome by those involved with the budget process.
 - 5.23. Ms. Cziment said this is a chicken-and-egg problem: the city can’t wait to get out of the consent decree without the infrastructure in the OIPM.
 - 5.24. Mr. Ciolino expressed concerns about financial independence and that the budgetary cycle seems to be driving the schedule for the adoption of the ordinance. He suggested the monetary discussions should be about increasing the dedicated percentage to maintain independence.
 - 5.25. Ms. Calderon suggested that the board has no control over the process, but the board should consider a resolution to link investigatory powers to dedicated funding.
 - 5.26. Ms. Doucette asked for the view of OIPM on the timing of such a resolution.
 - 5.27. Ms. Doucette noted that there is a concern about the concurrence of the request for the ordinance and the council’s desire to investigate the mayor’s bodyguard, Vappe.
 - 5.28. Ms. Calderon noted that she has concerns about OIPM going to the council for funding on a fast track along with the ordinance. Mr. Cowan noted that we are all working toward the same goal. Ms. Calderon noted that the problem is the process is on a fast track. We are concerned about independence.
 - 5.29. Ms. Calderon made a motion to amend the agenda to consider a resolution on this issue. The motion was seconded. The motion to amend the agenda passed unanimously.
 - 5.30. Ms. Calderon made a motion to adopt a resolution requesting that the City refrain from granting the OIPM additional investigatory powers until permanent funding is included in the city charter. The motion was seconded. The motion passed unanimously. Mr. Ciolino will refine the language and send a letter to the city council.
6. *Monthly Report of Ethics Trainer.*
- 6.1. Mr. Jordy Stiggs presented his monthly written report (attached). He also reported orally to the board and responded to board members’ questions.
 - 6.2. Mr. Stiggs presented an ethics liaison award to Keisha Gaudin, Assistant Chief Operations Manager, Human Resources, CAO’s Office. She has been doing liaison work since 2013.

7. *Report of the Executive Administrator and General Counsel.*
 - 7.1. Dane S. Ciolino presented his oral report.
 - 7.2. Mr. Ciolino reported that the board has received no new complaints.
 - 7.3. Mr. Ciolino reported that he attended the city's budget hearings and presented a report to the council on the ERB's recent activities.
 - 7.4. Mr. Ciolino reported that the Board still is awaiting QARAC nominations from the City.
8. *Vote on Katie Triplett for ERB Appointment to QARAC for the OIPM.*
 - 8.1. A motion was made for the ERB to appoint Katie Triplett to the QARAC for the OIPM.
 - 8.2. The motion was seconded.
 - 8.3. The motion passed unanimously.
9. *Vote on ERB Officers.*
 - 9.1. A motion was made to appoint Holly Callia as ERB Chair to fill the unexpired term of former chairperson Sanders. The motion was seconded. The motion passed unanimously.
 - 9.2. A motion was made to appoint Mr. Jefferson as ERB Vice-Chair to fill Ms. Callia's unexpired term. The motion was seconded. The motion passed unanimously.
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 5:45 p.m.

* END *

**Monthly Report of
OIG**

MONTHLY REPORT

NOVEMBER 2022



OIG

**NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

ADMINISTRATION DIVISION



1,893

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

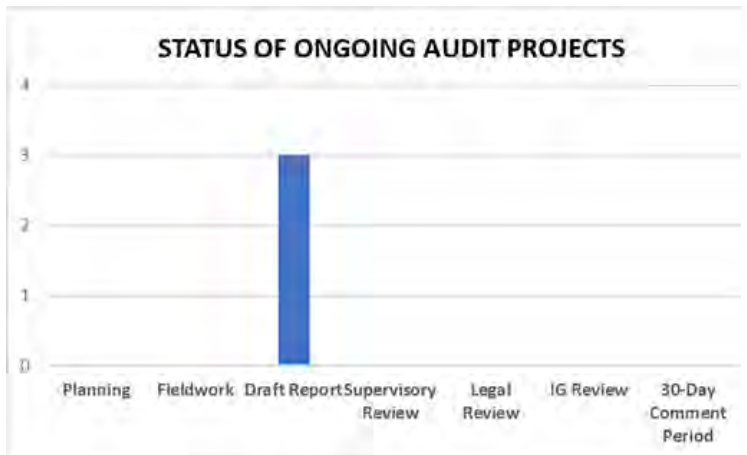
INFORMATION SECURITY

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
--------------	----------------------------	--

Orleans Parish Communications District	Draft Report	Ongoing
--	--------------	---------

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	Draft Report	Ongoing
-------------	--------------	---------

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	Draft Report	Ongoing
--------------------	--------------	---------

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.

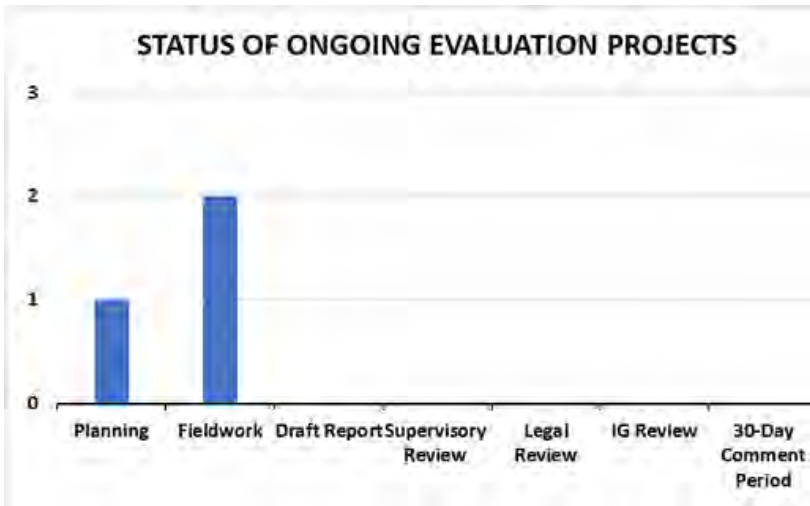
Footnotes:

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
--------------	----------------------------	---

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: This follow-up evaluation seeks to determine if the City implemented the corrective actions to which it agreed in June 2016 in response to the OIG's initial evaluation, and whether the deficiencies identified in the original report still exist.

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 (NOVEMBER HIGHLIGHTS)

Published a ROI in which the OIG determined that former Juvenile Justice Intervention Center (JJIC) Executive Director Kyshun Webster was frequently absent from work and, consequently, may have neglected his responsibilities as Executive Director of the JJIC. Webster also may have misused City property by transporting his dog in City-owned vehicles, and housing his dog at the JJIC facility. Kyshun Webster also misspent City funds by compelling JJIC employees to care for his dog while they were on duty.

Issued a complaint letter to the Louisiana State Ethics Board, the subject of which must remain confidential pending investigation by the Board.

Two persons were fined by the Louisiana State Board for Contractors for submitting a forged bid bond for a City Infrastructure Work Project.

Issued a Request for Documents concerning a City employee working for a private employer.

Issued a Request for Documents for travel records.

Issued a Request for Documents for property records.

Issued a Request for Documents for Threat Assessments, Security Plans, Critical Incident Response Plans and Training, and any Site Surveys.

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

INVESTIGATIONS DIVISION

ADMINISTRATIVE INVESTIGATIONS (NOVEMBER HIGHLIGHTS CONTINUED)

Issued a Request for Documents to the Chief Administrative Officer for funds returned to the City from Forward Together New Orleans.

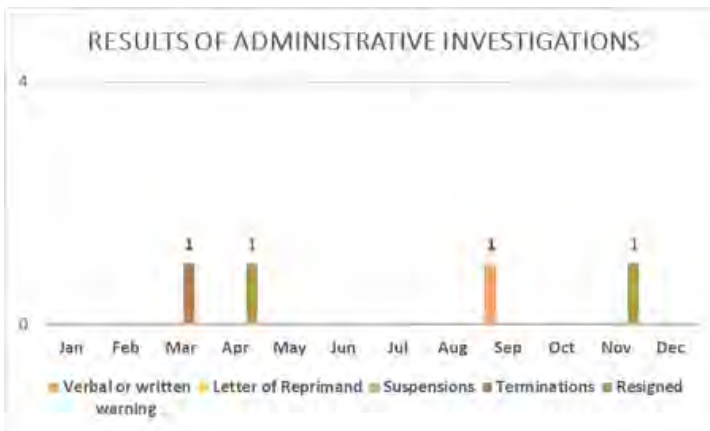
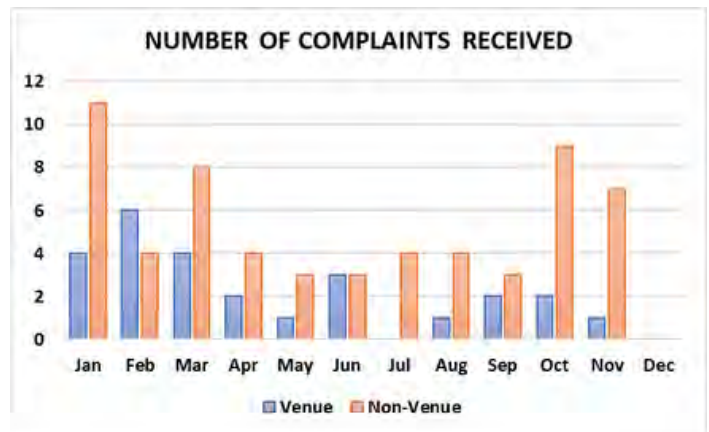
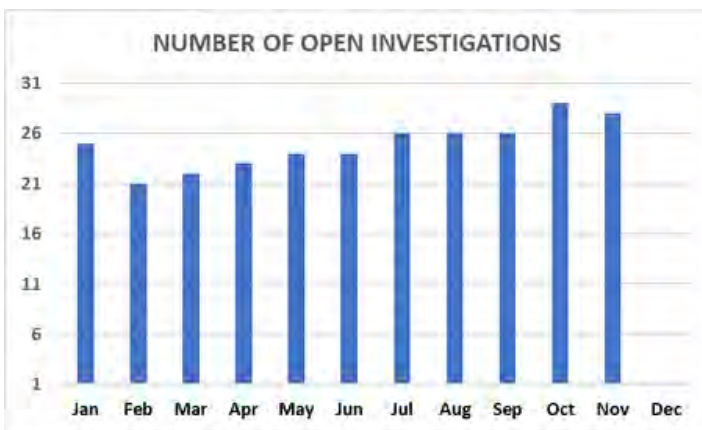
Issued two (2) Requests for Documents to the Information Technology and Innovation Department.

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 79. 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	\$ 1,745,191
Operating	\$ 406,557
Total	\$ 2,151,748
Remaining Balance	\$ 1,430,006

As of 12/1/2022

OIG ON SOCIAL MEDIA

 **New Orleans OIG @NOLAIG** · Nov 1

New Orleans Office of Inspector General releases report about the Juvenile Justice Intervention Center:

nolaig.gov/reports/all-re...



REPORT OF INVESTIGATION

ALLEGATIONS OF NEGLIGENCE OF DUTY, MISUSE OF CITY PROPERTY AND ABUSE OF OFFICE BY KYSHUN WEBSTER, EXECUTIVE DIRECTOR, JUVENILE JUSTICE INTERVENTION CENTER

OCTOBER 31, 2022

Edward Michel, CIG
Inspector General

  3  7 

 New Orleans OIG Retweeted


 **UrbanVN @UrbanVN** · Nov 17

Viewpoint: Inspector General Ed Michel is on the right track | Uptown Messenger Something has never smelled right about the Smart Cities project. It would be good to know who had their hand out in the deal that went south.







uptownmessenger.com
Viewpoint: Inspector General Ed Michel is on the ri...
It was refreshing to hear Inspector General Ed Michel tell the City Council on Tuesday (Nov. 15) ...

  3  1 

 **New Orleans OIG @NOLAIG** · Nov 14

New Orleans OIG October, 2022 Monthly Report.

nolaig.gov/images/reports...

  1  

**Monthly Report of
OIPM**



THE OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

NOVEMBER 2022

Community Letter

Dear New Orleans Community,

As the OIPM begins to wrap up 2022, the office is starting to prepare for the coming year. During the month of November, the OIPM started looking to 2023 and beyond - considering our budget, our team capacity, our mission and goals, and how our office can best grow to serve our mission.

In November, the OIPM presented our anticipated budget to City Council. Though the OIPM receives a dedicated allotment of the general budget (.16%) each year, for 2023, I requested additional funds from City Council to build the Misconduct Investigation and Audit Team and the Auditing and Data Team. After meeting with the Chief Administrative Officer and reviewing our budgetary needs, I decided to request the additional money to fund the hiring of auditors to start conducting more Consent Decree-related audits with the OCDM team, misconduct investigator to conduct the investigations required under La. R.S. 33:2339 for the secondary employment system and anticipating potential expansions to OIPM's investigatory responsibilities, and finally, we requested additional funding to ensure the OIPM has the required data access to the systems and data technology utilized by the NOPD, which will require a data RFP with contractors to build and a data related MOU with NOPD to execute and implement. The OIPM welcomed the questions and thoughts of City Council on these requests and appreciated the opportunity for the public to learn more about what this office accomplished in 2022 and what we intend to achieve in 2023.

Councilmember J.P. Morrell filed an ordinance in November that affects the responsibilities and powers of the OIPM. Ordinance Cal No. 33,950 has three proposed parts. First, it would expand the OIPM investigatory power from our requirements under the state statute, R.S. 33:2339, beyond just secondary employment, but to administrative and criminal misconduct within the NOPD, including leadership and conflicts. Second, it would expand the OIPM subpoena power from the requirements under R.S. 33:2339 to when the NOPD refuses to provide information or employee statements as required. Third, the proposed ordinance establishes a legal protection to receive and maintain confidential information where complainant safety or retaliation is a concern. The OIPM presented about this ordinance to the Ethics Review Board in November and the Ethics Review Board passed a resolution to ensure that the OIPM receive additional and dedicated funding - independent of the council - in order to take on more investigatory power. The OIPM hears the concerns of the Ethics Review Board and states to all that the independence of the OIPM is paramount to our work and our oversight. This ordinance is currently deferred until February, 2023, but the OIPM looks forward to continuing this discussion with the Ethics Review Board, partners, NOPD leadership, and the public in the coming months.

The OIPM continued to conduct community office hours in November around the city and the public is starting to engage with our representative. This month, the OIPM received a complaint from a member of the community while holding community office hours on the Westbank. The OIPM was able to address the individual's concern through facilitating with the NOPD - resolving the matter. This is a great example of how the OIPM's increased accessibility to the community is valuable, and our presence will help the community and NOPD resolve potential disputes.

During the month of November, the OIPM and the federal monitors again held public forums regarding the status of the Consent Decree. OIPM and OCDM held these forums in Central City and New Orleans East. You can read more about what was reported to us on the next page.

Finally, this last month the OIPM led a Continuing Legal Education at the Orleans Public Defenders Office about facial recognition technology, legal limitations, and the role of police oversight. The OIPM would like to thank Sergeant Barnes for participating in the CLE to explain the NOPD policy and to run scenarios and answer questions for the group. Offering CLEs and trainings is another way that the OIPM adds value to the community and our partners. In the coming year, the OIPM will look for more opportunities to offer relevant and timely trainings like this one to more organizations.

Thank you,



NEW ORLEANS  CITY COUNCIL



These pictures are from the OIPM's recent budget presentation to City Council.

NEW ORLEANS  CITY COUNCIL



Consent Decree Public Forums

We want to include in our monthly report some of the feedback that our office received during the November public forums that were held on the Consent Decree. These public forums are an opportunity for the community to ask questions about the Consent Decree, voice concerns, and give feedback on the performance of the NOPD.

In November, there were two public forums. One was held at night at the Ashe' Cultural Arts Center in Central City. The second was held in New Orleans East at the East New Orleans Regional Library.

As requested by the public, at both public forums, the monitors provided recaps of what happened at court and at the second public forum, the monitors shared what information was gained the night before at the first public forum.

Here are some of the key points that the community reported to the federal and local monitor offices:



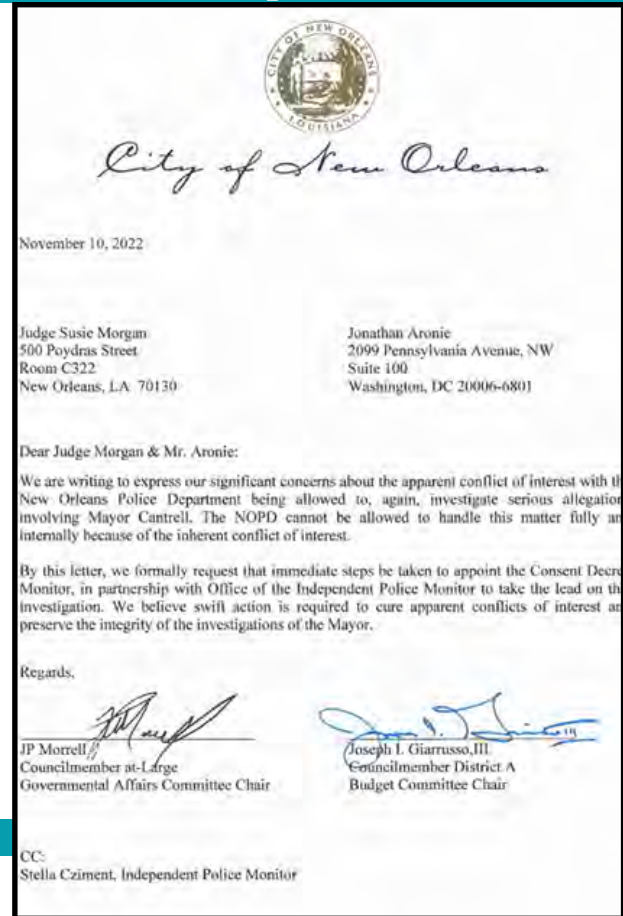
- Organizations that work with survivors of crime and crime victims would like the NOPD officers responding and community engagement officers to be trained on available victim services and on possible funds. There is a concern that the NOPD is not sharing out with crime victims that there are funds for towed cars.
 - There was discussion among the group of whether NOPD or another city agency should be required to call crime victims to inform them of services and available funds for assistance.
 - It was requested that NOPD officers receive training on these services and funds so they can be better stewards of these programs for the public. The OIPM agreed to make that recommendation and to look into the possibility of offering this information to the department through Roll Call trainings.
- There were questions about the Public Integrity Bureau (PIB) annual report since it appears that one has not been released since 2020. OCDM offered to follow up with leadership about the annual reports and releasing the annual reports to the public.
- A lawyer asked about the role of the federal monitors in requesting the retention of 911 calls and that the Orleans Parish Communication District did not have a current retention schedule. This concern was discussed by both monitoring offices.
- There were questions about the specific tracking of complaints of sexual assault and sexual harassment through the Office of Police Secondary Employment or PIB.
- There was discussion about the role of the federal monitors in the budgetary process for NOPD - specifically whether the federal monitors could control the way that NOPD uses their budget or their announced priorities for the year during the budgetary presentations.
- There was a request to have separate transit police instead of having the NOPD work Regional Transit Authority (RTA) routes / concerns.
- There was a discussion about stopping police secondary employment details.
- In New Orleans East, there was an extended discussion regarding the use of the millage to pay for private details and whether NOPD was receiving that money and whether NOPD was actually conducting the security work. This discussion included discussing subdivisions that act as taxing districts.
- There was discussion about civilian positions and reallocation of NOPD budget for other services.
- There was discussion about the role of police in responding to mental health calls and the use of other models for these purposes. OCDM discussed models used in Colorado.
- There was a request to see OCDM timesheets.
- There was a request to split the 7th District into two policing districts.

Clarification; Goal Updates

OIPM's Role in Monitoring Officer Jeffrey Vappie Investigation

During the month of November, two City Councilmembers sent an official letter to Judge Morgan requesting the Federal Monitors, in collaboration with OIPM, jointly conduct allegations of time card misconduct involving the Mayor's NOPD security detail.

The OCDM and OIPM both declined the request. The OCDM stated that they do not investigate specific matters and that this time, the OIPM is not staffed to investigate these matters. However, both offices agreed to work together to closely and jointly monitor the Public Integrity Bureau investigation into the matter. Both offices submitted a technical assistance memorandum to leadership and have been meeting weekly or more to discuss investigatory steps, provide real time recommendations, and monitor the investigation as it occurs.



Goal Updates

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:

OIPM presented our requested 2023 budget to City Council.

OIPM presented our requested 2023 budget and information regarding a potential ordinance to expand OIPM investigatory and subpoena power along with protecting our legal right to confidentiality to the public and the Ethics Review Board.

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. Discussed draft with PIB leadership.

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.
- 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.
- Hosted two public forums on the Consent Decree status in the community.

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

- Hosted the **Community Office Hours** in various locations across the city including the **Westbank, the Lower 9th Ward, and New Orleans East**.

Historical Comparison

Year-to-Date Comparison

	2022	2021	2020	2019	2018	2017	Avg 2017-2021
Civilian Complaint Count	67	59	61	85	32	37	54.8
Police Complaint Count	1	4	5	2	5	3	3.8
Civilian w/in NOPD	0	1	1	0	0	0	0.4
Anonymous Complaint	26	21	28	0	0	0	9.8
Criminal Case Liaison Cou	24	20	40	17	8	7	18.4
Case Monitoring Count	7	4	12	0	10	8	6.8
Case Review Count	4	5	3	8	8	1	5
Contact Only Count	31	17	29	18	2	9	15
Disciplinary Hearing Count	65	66	64	54	63	33	56
Critical Incident Count	8	8	11	9	7	7	8.4
Firearm Discharge Count	6	7	9	8	4	4	6.4
Lvl 4 Non-Critical	17	9	10	0	0	0	3.8
Mediation Count	23	19	37	35	22	28	28.2
Commendation Count	1	8	3	7	1	2	4.2
Grand Total	280	248	313	243	162	139	221

November Yearly Comparison

	Nov-22	Nov-21	Nov-20	Nov-19	Nov-18	Nov-17	Avg 2017- 2021
Citizen Complaint Count	11	4	5	11	5	2	5.40
Police Complaint Count	0	0	0	0	0	1	0.20
Civilian w/in NOPD*	0	0	0				0.00
Anonymous Complaint*	2	2	2				2.00
Criminal Case Liaison Count	12	0	4	0	2	1	1.40
Case Monitoring Count	0	0	2	0	1	0	0.60
Case Review Count	0	0	0	4	0	1	1.00
Contact Only Count	3	0	0	4	0	1	1.00
Disciplinary Hearing Count	6	6	3	13	7	6	7.00
Critical Incident Count	1	1	1	0	0	0	0.40
Firearm Discharge Count	1	1	0	0	0	0	0.20
Lvl 4 Non-Critical*	0	1	1				1.00
Mediation Count	3	1	4	5	1	2	2.60
Commendation Count	1	0	2	2	0	0	0.80
Grand Total	40	16	24	39	16	14	21.8

November Overview

Civilian Complaints Received in November

CC2022-0099	The complainant alleged that an officer within PIB may be biased if assigned to investigate his complaint, and that the officer assisted his wife in the filing of a protective order.
CC2022-0100	The complainant alleged that an unknown 6th District officer is refusing to release his vehicle back to him after seizing it illegally, and that the same officer has been threatening him.
CC2022-0101	The complainant alleged that 7th district officers ignored her complaint of an individual threatening and stalking her, that an officer who took her statement was unprofessional and failed to take any notes regarding her claims.
CC2022-0102	Two co-complainants alleged that a Homicide detective failed to conduct a thorough death investigation, that the death investigation was misclassified as a suicide when it was a homicide, that an unknown officer leaked details of the investigation to the media, and that the investigating detective failed to contact family members of the deceased after taking their initial statement.
CC2022-0104	Two co-complainants alleged that multiple 1st District officers failed to conduct a thorough investigation into alleged criminal activity.
CC2022-0106	The complainant alleged that a 6th District officer was unprofessional towards her when investigating a call for service.
CC2022-0107	The complainant alleged that an SPO with NOPD failed to tow a vehicle from her property after an arrest, that NOPD officers falsified a warrant for her arrest, and failed to provide the complainant with asset forfeiture and evidence receipts. The complainant also alleged that a PIB investigator has yet to contact the complainant since she filed a complaint.
CC2022-0108	The complainant alleged that multiple 4th District officers are surveilling him without cause, following him to work, and planting surveillance and other devices wherever the complainant stays.
CC2022-0110	The complainant alleged that an 8th District officer did not conduct a thorough investigation into alleged criminal activity that occurred and falsely charged an associate of the complainant with a crime when they were the victim.
CC2022-0111	The complainant alleged that while working a police secondary employment detail two NOPD Captains were unprofessional towards her.
CC2022-0112	The complainant alleged that multiple 1st District Officers failed to properly investigate his complaint, failed to return his calls, and did not investigate a complaint of a false police report the complainant had made.

November Overview

Anonymous Complaints Received in November

AC2022-0105	The anonymous complainant alleged that an NOPD Sgt. was purposefully changing officers' overtime entries in the ADP system and was thus committing payroll fraud.
AC2022-0109	The anonymous complainant alleged that an NOPD Lt. committed multiple instances of payroll fraud, 16:35 violations, worked secondary employment details while on duty, and violated the 24 hour weekly secondary employment limit.

Contact Only Received in November

CO2022-0027	A member of the public wished to file a complaint against an NOPD officer who was working an outside employment position. OIPM informed the member of the public that conduct that occurred while working an outside employment position is not under OIPM's jurisdiction.
CO2022-0028	A member of the public submitted an online complaint submission regarding Sheriff's Deputies from the Morehouse Parish Sheriff's Office. OIPM forwarded the online complaint submission to MPSO Sheriff Tubbs.
CO2022-0029	A member of the public contacted OIPM regarding individuals using surveillance and other technology to surveil the member of the public. The member of the public expressed that he did not believe this was NOPD, and also requested information about the consent decree and filing a protective order. OIPM provided the member of the public with information regarding OIPM's next several consent decree public meetings and provided the member of the public with information regarding filing a protective order.

Critical Incident

CI2022-0008	While investigating a trespassing call for service, the officer observed a male laying on the ground, refusing to leave. The individual then stood up, produced a knife, lunged at the officer, and subsequently continued to move towards the officer with the knife. The officer fired one shot, striking the individual in the right arm. The individual was transported to a local hospital. The officer did not report any injuries.
--------------------	---

Commendation

PC2022-0001	A member of the public submitted a commendation for a Sgt. with Management Services Bureau after the Sgt. responded to an incident courteously and with great regard for the member of the public's concerns.
--------------------	---

November Overview

Criminal Liaison Received in November

CL2022-0013	A member of the public reached out regarding a updates on a prior complaint and specifically to request an EPR incident report be supplemented, after an NOPD officer allegedly told them it would be supplemented. OIPM reached out to the Public Integrity Bureau regarding the status of the complaint and relayed that information to the member of the public. OIPM reached out to the Public Integrity Bureau regarding the request for the supplemental report, but was told the Public Integrity Bureau would not have relayed that information to the complainant. OIPM attempted to contact the complainant to gather more details but has not received a response.
CL2022-0014	A complainant filed a complaint with the OIPM regarding an officer refusing to return his vehicle. The OIPM filed a complaint and additionally reached out to 6th District supervisors to facilitate the return of the complainant's vehicle.
CL2022-0015	A member of the public wished to file a police report concerning possible threats and harrassment. OIPM spoke with PIB ranking officers who in turn reached out to 7th District officers who later took the member of the public's police report.
CL2022-0016	A member of the public submitted an online complaint submission to OIPM, stating that a possible crime was being committed in her neighborhood. OIPM forwarded the online complaint submission to 5th District officers.
CL2022-0017	A member of the public submitted an online complaint submission to OIPM, stating that possible criminal activity had been committed against her. OIPM forwarded the online complaint submission to an appropriate 3rd District ranking officer.
CL2022-0018	A member of the public submitted an online complaint submission to OIPM, requesting an update regarding the investigation of his police report. OIPM contacted a Lieutenant in the 6th District requesting the assigned detective contact the member of the public to provide an update.
CL2022-0019	A member of the public contacted OIPM about possibly filing a complaint. The member of the public informed OIPM that she would prefer to recieve an update regarding her case, as she had not received any responses since filing a police report. OIPM forwarded this request to a ranking officer in the appropriate district.
CL2022-0020	A member of the public submitted an online complaint submission to OIPM, stating that 6th District officers were not answering the station phone. OIPM reached out to a Lieutenant in the 6th District requesting an officer to call the member of the public, and forwarded the online complaint submission.

November Overview

Criminal Liaison Received in November

CL2022-0021	A member of the public contacted OIPM regarding her difficulties in filing a protective order and her police reports not being taken seriously by 4th District Officers. OIPM reached out a Lieutenant in the 4th District, who stated that a 4th District officer would take the member of the public's statement again and conduct an investigation into alleged criminal activity. The Lt. also provided information regarding protective orders, which OIPM sent to the member of the public.
CL2022-0022	A member of the public contacted OIPM about her concerns over the death investigation of her son. OIPM facilitated a meeting with Homicide detectives and the member of the public.
CL2022-0023	A member of the public contacted OIPM with concerns over NOPD policy regarding the destruction of suicide notes. OIPM has begun to have discussions with NOPD leadership regarding potential policy revisions relevant to the destruction of suicide notes.
CL2022-0024	An NOPD officer reached out to OIPM about potentially filing a complaint regarding not being paid after OPSE failed to inform him that he was not approved to work a secondary employment detail but did so anyway. OIPM reached out to OPSE regarding this matter.

Disciplinary Proceedings Received in November

DH2022-0060	One SPO is accused of Moral Conduct violations for driving a personal vehicle while intoxicated and possessing an alcoholic beverage in a motor vehicle, and is also accused of professionalism violations for using alcohol while off duty and professionalism
DH2022-0061	An officer is accused neglect of duty for failing to activate his BWC camera during an encounter.
DH2022-0062	A supervisor in the 7th District is accused of neglect of supervisory duty for failing to report a level one use of force after review of the officer's BWC. Two other officers of the 7th District are accused of neglect of duty for failing to report a level one use of force (handhold).
DH2022-0063	A Sgt. is accused of Neglect of Duty for failing to report an unreported use of force told to him by an arrestee.
DH2022-0064	An officer in the 5th District is accused of neglect of duty for failing to conduct a thorough investigation into possible criminal activity, and is also accused of unprofessional conduct after refusing to let an arrestee go to the bathroom.
DH2022-0065	A Lt. is accused of neglect of duty for failing to comply with BWC policy after he failed to activate or acquire a Body Worn Camera while working for the French Quarter Task Force.

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.

11 CIVILIAN COMPLAINTS

2 ANONYMOUS COMPLAINTS



Intake Source

Year-to-Date



Complainant Type

Year-to-Date



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.

6

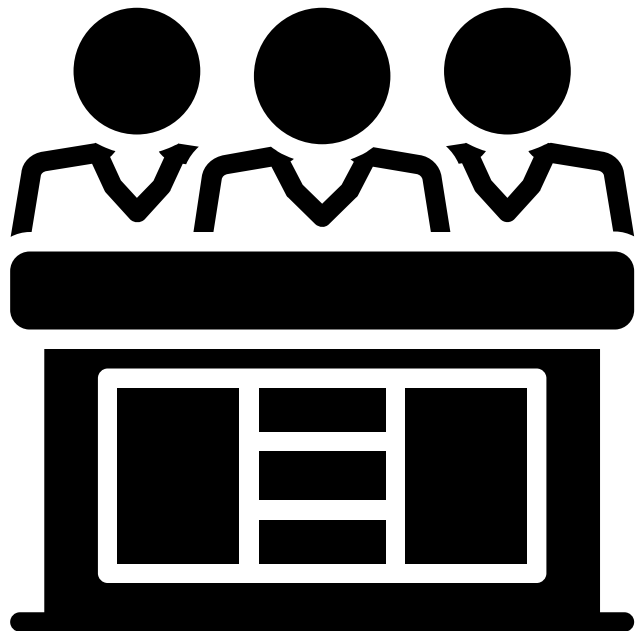
**DISCIPLINARY
PROCEEDINGS**

0

**SUPERINTENDENT
COMMITTEE
HEARINGS**

0

**CAPTAIN PANEL
PREDISPOSITION
AND PENALTY
HEARINGS**



Community-Police Mediation

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

11

**MEDIATIONS
REFERRED**

1

**MEDIATIONS
SCHEDULED FOR
DECEMBER**

3

**MEDIATIONS
HELD**

2

**MEDIATIONS
PENDING**



Use of Force

The OIPM is required by City Code 2-1121 to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. If 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.

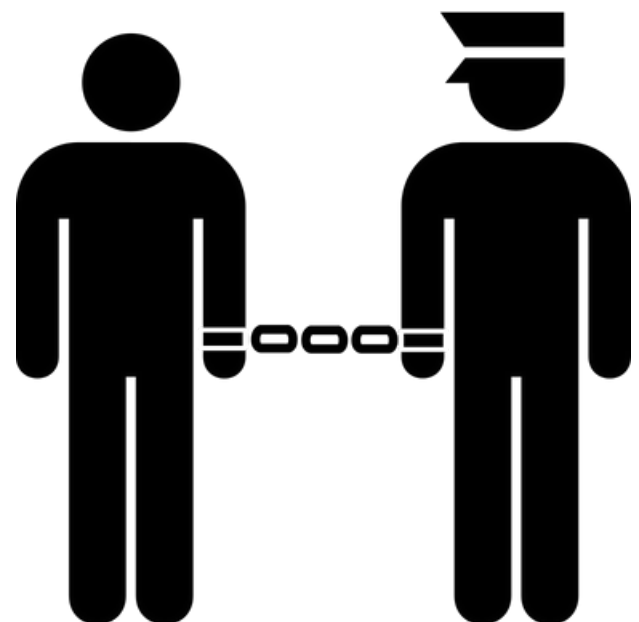
1 **CRITICAL INCIDENTS**

0 **FORCE MONITORING**

1 **FIREARM DISCHARGE**

0 **LEVEL 4 NON-CRITICAL INCIDENT**

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



Community Outreach

18

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.

- HELD A 2-HOUR MEDIATOR TRAINING ON NOVEMBER 16TH, IN-PERSON, AT THE IPM OFFICE.
- HELD COMMUNITY OFFICE HOURS ON 11/3/22 AT JOE W. BROWN PARK
- HOSTED FAMILIES OVERCOMING INJUSTICE ZOOM MEETONG ON 11/5/22
- HELD COMMUNITY OFFICE HOURS ON 11/7/22 AT SANCHEZ MULTI-SERVICE CENTER
- HELD COMMUNITY OFFICE HOURS ON 11/10/22 AT NORA NAVRA LIBRARY
- HOSTED FAMILIES OVERCOMING INJUSTICE ZOOM MEETING ON 11/12/22
- HELD COMMUNITY OFFICE HOURS ON 11/14/22 AT JOE W. BROWN PARK
- HELD COMMUNITY OFFICE HOURS ON 11/16/22 AT DR. MLK LIBRARY
- HELD COMMUNITY OFFICE HOURS ON 11/21/22 AT NORD CUT-OFF RECREATION CENTER
- HELD COMMUNITY OFFICE HOURS ON 11/23/22 AT EAST NEW ORLEANS REGIONAL LIBRARY
- HELD COMMUNITY OFFICE HOURS ON 11/28/22 AT NORA NAVRA LIBRARY
- HELD COMMUNITY OFFICE HOURS ON 11/30/22 AT CITA DENNIS HUBBELL LIBRARY
- CO-TAUGHT FACIAL RECONITION CLE AT ORLEANS PUBLIC DEFENDERS OFFICE ON 11/14/22
- CONSENT DECREE PUBLIC HEARING ON 11/9/22
- CONSENT DECREE PUBLIC MEETING AT ASHE' CULTURAL CENTER ON 11/9/22
- CONSENT DECREE PUBLIC MEETING AT EAST NEW ORLEANS LIBRARY ON 11/10/22
- ATTENED NOVEMBER ETHICS REVIEW BOARD MEETING ON 11/21/22
- PRESENTED 2023 BUDGET TO CITY COUNCIL ON 11/2/22

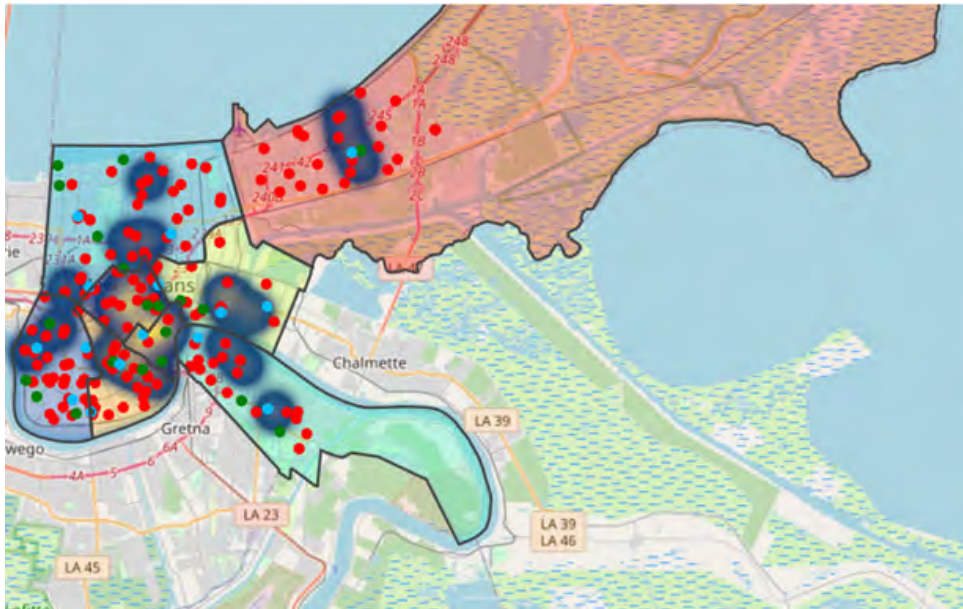


This is a picture of Bonycle Sokunbi leading a CLE on facial recognition technology for the Orleans Public Defenders.

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:	(\$704,089.00)
Unexpended funds	\$337,325.00

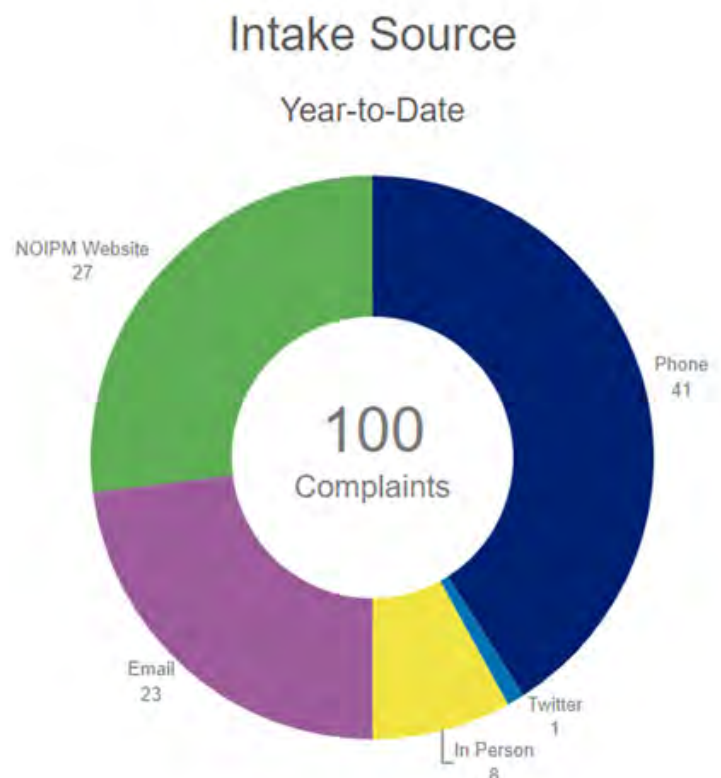
Additional Internally Generated Data for City Council - December 1, 2022



"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 - December 1, 2022

Misconduct Complaints by Complainant Type

Complainant Type

Past 12 Months



Complainant Type

Year-to-Date



Complainant Type

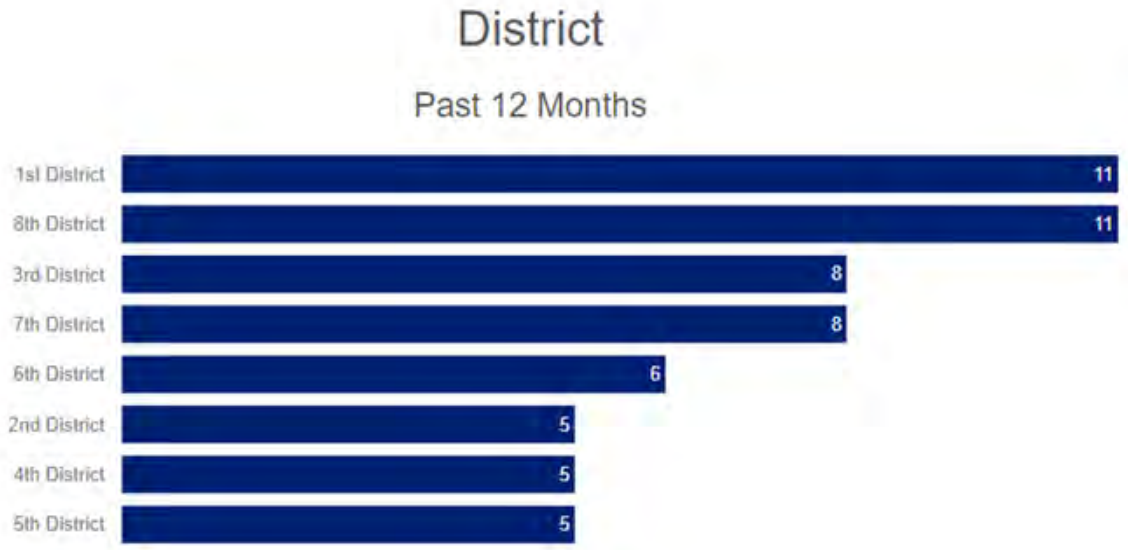
Past 12 Months



Additional Internally Generated Data for City Council - December 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**



NOVEMBER 2022

MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



2022 ETHICS EDUCATION & SEXUAL HARASSMENT PREVENTION TRAINING DEADLINE

The annual deadline for completion of 2022 Ethics Education and Sexual Harassment Prevention for City of New Orleans employees and the members of the Ethics Review Board is **Saturday, December 31, 2022.**

The programs may be completed online utilizing the links below:

2022 Louisiana State Ethics Education:

<https://laethics.net/EthicsTraining>

2022 City of New Orleans Sexual Harassment Prevention Training:

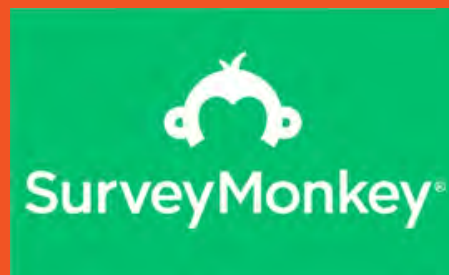
<https://nola.gov/sexual-harassment-training/employee/>

Please submit certificates/proof of completion to ERB Training Coordinator by **December 31, 2022**

ERB TRAINING SATISFACTION SURVEY

Evaluation is an important and valuable component of training programs. Not only does it offer insight into the possibilities of program and process improvement, but it gives us a solid idea of our hosts' overall satisfaction with our education sessions.

Satisfaction surveys have been distributed electronically to the departments and organizations who have utilized the services of the ERB Trainer during 2022. The information gathered from these evaluations will be shared upon receipt of all submissions.





EVERY LIAISON, EVERY DEPARTMENT [UPDATE]



As outlined in the August 2022 Training Report, a new initiative, 'Every Liaison, Every Department,' has been undertaken by the training division to ensure that a designated ethics liaison is located within each of the city's 38 departments.

As of August 2022, there were 21 departments (out of 38) who had active liaisons.

As of this reporting, 4 departments have now identified a staff member who will be the designated Ethics Liaison for their areas, reducing the number of vacancies from 17 to 13. These individuals will undergo the necessary training to be designated as an ethics liaison by the Louisiana Board of Ethics.

The departments who will now have liaisons include -

- **City Planning Commission**
- **Office of Homeland Security**
- **Sewerage and Water Board**
- **Department of Parks and Parkways**





LOOKING AHEAD

With the completion of the November sessions that included the large groups from the departments of Parks and Parkways and Sanitation, training numbers for the year of 2022 have surpassed over 500 individuals.

The final count for the year will be provided in the next available monthly training report!

