

Ethics Review Board
City of New Orleans
Tuesday, September 2, 2014
3:30pm – 6pm
Norman Mayer Library
3001 Gentilly Boulevard - New Orleans, Louisiana 70122

Minutes

Present: Dr. Michael Cowan, Chair; Allen Miller, Vice Chair; Dr. Joe Ricks, Jr.,
Secretary; Howard Rodgers, III; Rev. Dr. Donald Frampton
Absent: James Brown
Guests: Ed Quatrevaux, Inspector General
Susan Hutson, Independent Police Monitor
Simone Levine, Deputy Police Monitor
Staff: Steve Scheckman, General Counsel
Felicia R. Brown, Executive Director

A quorum being present, the chair called the meeting to order at 3:44pm. Dr. Ricks moved to approve the minutes of August 5, 2014; a second was offered by Mr. Rodgers. All were in favor and the motion passed unanimously. Dr. Cowan recognized inspector general Ed Quatrevaux.

Mr. Quatrevaux provided highlights of the following reports: New Orleans Police Department Staffing and Deployment: Meeting the Demand of Citizen Calls for Service with Existing Resources; New Orleans Police Department Payroll Performance Audit; Follow-Up Report: The Payroll Internal Control Performance Audit; and A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Robbery, comparing and contrasting the reporting of national crime data in response to an inquiry by Dr. Ricks. The inspector general also referenced the recently issued OIG Strategic plan for 2015-2018, highlighting the addition of the Audubon Commission and Audubon Nature Institute as well as Regional Transit Authority for review by OIG. A more detailed discussion of the OIG strategic plan will occur in the future. In response to Dr. Cowan's inquiry about the addition of the Audubon Institute, the IG noted the investment of city funds in the organization's operations and its status as a municipal entity. In response to the chair's inquiry about the OPSB litigation, Mr. Quatrevaux indicated it is still pending.

Dr. Cowan recognized independent police monitor Susan Hutson. Ms. Hutson provided details of the OIPM's receipt of complaints (75 to date), commendations (5 which may be given by the public or OIPM), interactions with the public (50), 26 outreach events, as well as responding to 15 critical incidents. She further noted OIPM's on-going interface with the consent decree monitor and exchange with the local judiciary regarding issues/concerns with NOPD. Ms. Hutson indicated a trend in greater force being used against women. The consent decree monitor and OIPM will issue a joint report on bias policing and racial profiling in the future. The office has also developed model language to strengthen NOPD's anti-retaliation policy.

Simone Levine, deputy police monitor, discussed the implementation of the New Orleans Community/Police Mediation Project, indicating Alison McCrary is the professional leading the project. The OIPM is seeking permanent funding for the position, including grant funding and possible allocation within the city's budget. Ms. Levine further reported the following: The office

is closely monitoring the officer-involved shooting in Algiers that went unreported by NOPD; 13 volunteers supporting the work of the OIPM; and interventions and referrals offered for officers experiencing PTSD. Responding to inquiries by board members Miller and Ricks regarding the mediation project, she stated the process is voluntary and confidential and two trainings have been held locally for volunteer mediators.

A discussion ensued regarding NOPD's use of body cameras and in-car cameras. It was noted that to be effective training on camera usage is needed; cameras must be properly functioning as well as properly used; and approximately 300-400 officers have body cameras.

The executive director reviewed the 2014 budget, indicating the return of the \$35,000 for the ethics education consultancy RFP, the encumbrance of \$15,000 for the independent legal counsel, as well as the current balance of \$20,876.93. A discussion ensued regarding the city's calculation of health benefits for employees (with the IG offering observations about accounting and budgeting practices), resulting in an expense of \$8,500 per year for Mr. Scheckman; although, he does not participate in the City's health plan.

On September 19, the executive director will attend a day-long training seminar provided by the New Orleans chapter of ASTD on training design; on Wednesday, August 27, two hours of state ethics training were completed by the executive director which will be credited to hours needed for state certification for state government ethics training.

Regarding the ERB's ethics education RFP, the executive director reported her conversations with Jane Feldman, independent consultant and former executive director with the Colorado Independent Ethics Commission, Carla Miller, founder CityEthics and ethics administrator in Jacksonville, FL, (email communication provided by Ms. Miller was contained in the board folder), and Martha Perego, ICMA (International City/County Management Association) Director of Ethics. A discussion ensued regarding the following proposal:

- 1.) Per the terms of the job description, the E.D. develop, solicit participants and deliver an ethics education program to begin no later than January 31, 2015. Any delay would require board approval.
- 2.) Target audiences proposed by the E.D. will be reviewed and approved by the board.
- 3.) The ERB will review and comment on the proposed training in an advisory capacity only.
- 4.) The ERB will entertain a proposal from the E.D. on hiring a consultant of her choosing to assist her in preparing, but not delivering, the training.
- 5.) The ERB will create and carry out the evaluation process with input from the E.D.

The executive director inquired about feedback provided to the chair from Judith Nadler and David Marcello regarding the ethics education consultancy RFP. Dr. Cowan advised the matter was now moot in light of the pending proposal for the executive director to conduct the ethics training. In responding to Mr. Rodgers, the executive director indicated she would accept any directive of the board.

A discussion ensued regarding item 5 and the hiring of an independent evaluator to assess training rather than the Ethics Review Board.

Mr. Rodgers offered the following motion:

- 1.) Per the terms of the job description, the E.D. develop, solicit participants and deliver an ethics education program to begin no later than January 31, 2015. Any delay would require board approval.
- 2.) Target audiences proposed by the E.D. will be reviewed and approved by the board.
- 3.) The ERB will review and comment on the proposed training in an advisory capacity only.
- 4.) The ERB will entertain a proposal from the E.D. on hiring a consultant of her choosing to assist her in preparing, but not delivering, the training.
- 5.) The ERB will retain an evaluator to carry out an evaluation process with input from the E.D.

A second was offered by Dr. Ricks; the motion passed unanimously.

Steve Scheckman, general counsel, explained the ethics CLE (with a focus on attorney ethics and governmental ethics) which will be offered to the city's Law Department on November 5, 2014; it will include participation by the State Bar Association, along with the State Ethics Board. While the offering will not count as credit for the state's annual governmental ethics training, participating attorneys will receive CLE credit.

By consensus, board members agreed to meet on Tuesday, November 4, 2014.

The chair recognized Rev. Dr. Donald Frampton, noting his return to the Ethics Review Board as a nominee of Tulane University.

At 5pm, the board, on a motion by Mr. Miller, recessed into executive session; a second was offered by Dr. Ricks; the motion passed unanimously.

At 5:08pm Mr. Miller moved to resume the public meeting; a second was offered by Mr. Rodgers. The motion passed unanimously.

At 5:09pm, Mr. Rodgers moved to adjourn the meeting, with a second by Dr. Ricks. The motion was approved unanimously.