

Ethics Review Board

City of New Orleans

May 25, 2016

3:30 P.M. – 5:30 P.M.

City Council Chambers | 1330 Perdido Street | Orleans, Louisiana 70112

Minutes

Present: Dr. Michael Cowan, Chair; Mr. Allen Miller, Vice Chair; Mr. James Brown; Mr. Howard Rodgers; Dr. Joe Ricks
Staff: Dane Ciolino, General Counsel
Guest: Toni Hackett Antrum, The Hackett Group, Ethics Education Trainers

At 3:33 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Mr. Rodgers seconded by Dr. Ricks, the board unanimously approved the minutes of April 25, 2016.

Inspector General's Report

The Inspector General (IG) told the board that the Office of Inspector General (OIG) had not issued any reports since the ERB's April meeting.

The IG told the board that on May 26, 2016, the OIG will send an evaluation report on fuel dispensing controls to the City of New Orleans for comment and expects a public release in July 2016.

The IG told the board that the OIG audited Sex Crime Reporting for the 4th Quarter of 2015. The draft report will go to the New Orleans Police Department (NOPD) for comment in one week.

The IG told the board that since the ERB's April meeting he has spoken to the Faubourg St. John Neighborhood Association, the DeSaix Neighborhood Association, and the Venetian Isles Civic & Improvement Association.

The IG told the board that he will meet with the Neighbors First for Bywater Organization in one week.

In response to Dr. Cowan, the IG told the board that the OIG is beginning a series of projects that he expects will protect and reduce the city's gas consumption.

In response to Mr. Rodgers, the IG told the board that the OIG uses standards that are promulgated by the Association of Inspectors General which are based on the federal standards. The federal standards are based on the majority of the work done by the American Evaluation Association.

Independent Police Monitor's Report

Deputy Police Monitor Ursula Price reported the Office of the Independent Police Monitor's (OIPM) year-to-do activities for 2016: 32 complaints, 4 monitorings, working with 3 crime victims, 3 contacts only, 5 disciplinary hearings and 4 critical incidents.

Ms. Price told the board that in one week the OIPM will release an annual evaluation report of the Mediation Program.

Ms. Price also told the board that the OIPM will release a Data Analysis Report regarding complaints and disciplinary hearings. The report will be released in June 2016. In addition, the OIPM will release a Use of Force Analysis Report in July/August 2016.

In response to Dr. Cowan, Ms. Price told the board that the OIPM's transition has been a learning experience and the office is still undergoing repairs. She also told the board that the OIPM is still working to rebuild a fully functional website.

Ms. Price told the board that the OIPM is working with the Civil Service Department and the City Attorney's Office to get contracts and hiring completed. She told the board that to-date, the OIPM has not received any approved contacts or job announcements.

Ms. Price told the board that the OIPM would like to hire an Auditor and a Complaint Intake Specialist. She also told the board that the OIPM would like to contract with data analysts, community outreach and attorneys to assist with Use of Force and complaint review.

Ms. Price also told the board that the OIPM has received applications to the RFP's for their legal representation.

In response to Dr. Cowan, Ms. Price told the board that the OIPM is contracted with Ultimate Technical Solutions, Inc. (UTSI) to provide IT services and to manage firewalls and network security. The OIPM is also working with UTSI to develop internal security policies.

General Counsel's Report

Mr. Dane Ciolino, the ERB's General Counsel advised the board that the ERB's website is fully functional and up-to-date. He also told the board that he repaired any broken links on the website since the ERB's April meeting.

Mr. Ciolino told the board that he transformed the ERB Self-Evaluation Forms into an electronic form that is available on the ERB website.

Mr. Ciolino told the board that at the ERB's February Meeting, the board authorized a periodic review of the ERB's substantive provisions, its codes of enforcement and its rules and procedures. He invited any suggestions from the City of New Orleans' Mayor's Office, City Council Offices and any members of the public. Those suggestions were due on April 29, 2016.

Mr. Ciolino told the board that he has only received suggestions for proposed rule changes from Professor David Marcello.

Mr. Ciolino told the board that his goal is to report to the board the proposed areas that he believes should be considered new rules or amendments to the current rules in June 2016.

Mr. Ciolino told the board that the most important issue raised by both himself and Professor Marcello are the structural problems with the way the current prosecutorial functions and the adjudicative functions are completely under the ERB.

Mr. Ciolino suggests that some of the prosecutorial functions are given to the OIG since the investigative staff is available and the office has the ability to bring charges.

Dr. Ricks suggested to the board that a public message board would be beneficial if it were available on the ERB website for the members to communicate prior to ERB meetings.

In response to Dr. Ricks, Mr. Ciolino told the board that he would research if the public message board is in compliance with the guidelines of the Open Meetings Law.

Mr. Miller suggested to the board that the members should look into the way that the Louisiana Disciplinary Counsel's Model works to see if there is any difference in the way that Mr. Ciolino conducts the ERB investigations. He also told the board that the members should also look into how the Louisiana Disciplinary Counsel documents procedurally, to make sure due process is satisfied for everyone.

Ethics Education Report

Ms. Toni Hackett Antrum introduced Mr. Erich Caulfield to the board.

Ms. Hackett Antrum told the board that the ethics education training with the Mayor's Office, City Council, Public Works and the Finance Department are a work in progress.

Mr. Caulfield told the board that the first section of the Ethics Seminar Evaluations composed of 10 questions that allowed respondents to rank from 4 to 1, to either Strongly Agree or Strongly Disagree.

Mr. Caulfield told the board that the feedback from the Ethics Seminar Evaluations from respondents was 95% positive.

Mr. Caulfield told the board that 100% of the respondents either strongly agreed or agreed to question #5- "The speaker(s) had a good understanding of the topic". He also told the board that 95% of the respondents agreed or strongly agreed to question #9- "The seminar will help me do my job better".

Ms. Hackett Antrum told the board that the most common answers to, “What were the most useful aspects of this session” were:

- Proctors were willing and available for feedback and questions
- Personal Interaction
- Reinforcement of concepts and discussion of scenarios
- Providing actual real life scenarios of ethics violations
- Clarifying points not covered in the one hour state ethics training
- Honesty and open discussions

Ms. Hackett Antrum told the board that after reviewing the feedback to, “Would you like another session on this topic,” the Hackett Group decided to remove this question because the most common answer from the respondents was “no”.

Ms. Hackett Antrum told the board that she also received a suggestion from a respondent to complete the ethics training with all new employees.

Ms. Hackett Antrum told the board that the most common answers to “What additional information or topics would you like to hear about” were:

- Gifts
- Dinners and events
- Outside employment
- A list of the Ethics Laws
- Post-employment
- More information on the Ethics Review Board

In response to Dr. Ricks and Dr. Cowan, Ms. Hackett Antrum told the board that the 81 evaluations can be combined so that the board can view the content by group, cumulatively and by theme in one week.

Dr. Cowan told the board that he would like for all new members of boards and commissions to get the ethics education training.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statute Section 42:16 to discuss two investigative proceedings regarding allegations of misconduct. Mr. Miller moved and a second was offered by Dr. Ricks at 4:10 p.m.

The board, by an affirmative vote of all members present, held an executive session.

At the conclusion of the executive session, the board reconvened its public meeting. Mr. Brown moved to deny a motion to reconsider matter #2015-01. The motion carried by a second offered by Dr. Ricks.

At 4:48 p.m., Dr. Cowan moved that the meeting adjourn, a second was offered by Mr. Rodgers. The motion carried unanimously and the meeting adjourned.