

Ethics Review Board

City of New Orleans

June 20, 2016

4:15 P.M. – 6:15 P.M.

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

Minutes

Present: Dr. Michael Cowan, Chair; Mr. James Brown; Mr. Howard Rodgers; Dr. Joe Ricks;
Rev. Brandon Boutin

Staff: Dane Ciolino, General Counsel

Guest: Toni Hackett Antrum, the Hackett Group, Ethics Education Trainers

At 4:20 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 May 25, 2016.

Inspector General's Report

The Inspector General (IG) Ed Quatrevaux told the board that on June 22, 2016, the Office of Inspector General (OIG) will release an audit report on Sex Crime Reporting.

The IG told the board that on June 29, 2016, the OIG will release an evaluation report on fuel dispensing controls.

The IG told the board that the OIG will also release a report on fleet management and a follow-up report on sanitation fee collections.

The IG told the board that since the ERB's May meeting he has spoken to the Neighbors First for Bywater Organization and the French Quarter Citizens Association.

Independent Police Monitor's Report

The Independent Police Monitor (IPM) Susan Hutson reported the Office of the Independent Police Monitor's (OIPM) year-to-date activities for 2016: 5 criminal cases, 31 complaints, 5 case monitorings, 3 contacts only, 5 disciplinary hearings, 3 uses of force, 2 firearm discharges, 52 mediation referrals with 18 mediations completed and 3 being scheduled.

In response to Mr. Brown, the IPM told the board that the Public Integrity Bureau (PIB) has referred more complaints to the OIPM; this is the reason why the mediations have increased.

The IPM told the board that the New Orleans Police Department (NOPD) submitted its report at the end of April and the OIPM has noticed discrepancies. The OIPM will work with the

Compliance Bureau to ensure that the final data including the number of complaints and uses of force for 2015 are accurate.

The IPM presented to the ERB the OIPM's 2015 Annual Report Part I, Year in Review. The highlights of the report included:

OIPM Changes Based on Recommendations by the Police Assessment Resource Center (PARC):

- OIPM has revised the detailed portion of their mission statement in order to accurately reflect the OIPM's broad mandate.
- OIPM will share short-term plans in order to better coordinate OIPM's plans with government officials and stakeholders.
- OIPM will duplicate the structure and content of their 2014 Annual Report as a model for future annual reports to better communicate complex data to the public.
- OIPM will continue to offer education and information about emerging issues in policing, both national and local.
- OIPM is currently seeking an auditor who can conduct audits and manage OIPM's budget. OIPM will budget for an independent audit in 2018.

The OIPM's Six Broad Responsibilities

- To ensure that all complaints regarding police misconduct are investigated and mediated fairly, timely and at the appropriate level.
- To monitor NOPD investigations and identify violations of civil rights, safety and adherence to law and policy.
- To review and analyze aggregate data from complaints, investigations, community concerns, public policy and improving the quality of services by the NOPD.
- To inform the community about the OIPM and prepare the community for engagement in NOPD policy and practice.
- To mend police and community relationships
- To collect police commendations, review & monitor police training and supervision issues and support a healthy work environment for NOPD employees.

2015 OIPM Accomplishments

- The OIPM made the following recommendations regarding the Terrance Saulny case:
 - Require all NOPD officers to be equipped with body worn cameras that will be activated in all parts of the Youth Study Center.
Outcome: The officers in the juvenile division will be redeployed to work patrol and will be provided with body cameras at that time.

- All NOPD officers who are housed in the juvenile unit should be specifically trained in verbal de-escalation, treatment of a juvenile and use of force.
Outcome: NOPD had de-escalation training as a part of its use of force training and as a part of its Crisis Intervention Team training.
- OIPM's review of the March 7, 2012 death of Wendell Allen
 - Recommended better training, debriefing, and planning in the use of search warrants.
Outcome: NOPD has a checklist that determines which unit will serve more high risk warrants, as well as determine if a warrant service at a residence is worth the risk.
- The OIPM's leadership in transparency has helped to shape the NOPD's more transparent approach to major incidents. The OIPM began instituting the changes in June 2015 in regards to providing more information to the public surrounding officer involved shootings.
Outcome: The change led to NOPD's February announcement to release videos sooner.
- OIPM followed the OIG's report about the Special Victims Section of NOPD.
Outcome: This has resulted in substantial changes in that unit's structure and practices.
- Recommendations and monitoring of the investigation regarding the death of Officer Daryle Holloway.
Outcome: There was immediate roll call training to help officers become safer. The final internal review will be conducted in August.
- OIPM helped organize and also presented at a community seminar on the FBI's Civil Rights Division.
- OIPM presented at conferences regarding the changes in the country regarding policing, police monitoring, mediation, de-escalating training, strong police oversight and strengthening community engagement in police reform.
- OIPM's Mediation Coordinator has spoken nationally regarding best practices in creating a community police mediation program. The OIPM also assisted Ferguson, Missouri in starting a program.
- OIPM presented the "Know Your Rights and Responsibilities during a Police Encounter" to Warren Easton Charter High School students.
- OIPM has trained NOPD officers at the Training Academy and in-service training regarding the proper handling of complaint investigations.

In response to Mr. Brown, the IPM told the board that it's a part of the OIPM's mission to monitor police safety practices.

In response to Dr. Ricks, the IPM told the board that the Use of Force Review Board's role is to conduct a debriefing of an incident and the investigation to make sure that policies and trainings

are available to NOPD officers for safety. Another role includes reviewing investigations to make sure they were conducted properly.

In response to Dr. Ricks, the IPM told the board that the OIPM, NOPD Supervisors and PIB can make recommendations to NOPD early on. However, the Use of Force Review Board is the main unit to review for recommendations and are also developing a way for this to be reviewed in a more detailed way and for training to be implemented quicker.

OIPM 2016 Publications

- March 2016- A letter recommending free speech rights and safety. NOPD advised that they were handling events appropriately.
- April 2016- A letter supporting PIB Chief Arlinda Westbrook in a more expansive approach to criminal investigations. OIPM met with Chief Harrison and Chief Westbrook to encourage this approach.
- April 2016- OIPM Training Bulletin- Regarding training officers to better identify observed behavior as opposed to race and location. OIPM has not received a response yet.
- 2015 Year in Review Report
- 2015 Mediation Annual Report- The report is complete; awaiting NOPD response.
- 2015 Compliant Intake and Review- The report is in draft mode. The anticipated completion date is in August.
- 2015 Critical Incidents and Uses of Force- In the process of gathering data to draft a report. Awaiting the approval of contracts to hire a contractor to assist with the report.
- 2015 Bureau Disciplinary Hearing Monitoring and Review- In the process of gathering internal data to draft a report. Awaiting the approval of contracts to hire a contractor to assist with the report.

In response to Mr. Brown, the IPM told the board that she anticipates having the Critical Incidents and Use of Force Report completed before the end of the year.

In response to Mr. Brown, the IPM told the board that between January 2016 and June 2016 there has only been 2 incidents of deliberate discharge of a firearm by a NOPD officer. This includes an incident with an animal and an accidental incident. She also told the board that there were 13 incidents of deliberate discharge of a firearm by a NOPD officer in 2015.

In response to Mr. Brown, the IPM told the board that the OIPM will work to try and identify the reason why there are so few incidents of deliberate discharges of a firearm by a NOPD officer in 2016 when compared to 2015.

The IPM told the board that the OIPM will also identify the reason why there are so few complaints. The number of complaints have gone from 1600 to 850 since the time that the IPM started her position.

In response to Mr. Brown, the IPM told the board that the OIPM is still working to determine the number of legitimate and proper incidents of deliberate discharges of a firearm by a NOPD officer. The IPM also told the board that the data analyst that will be hired will assist greatly in determining these findings.

OIPM Future Publications

- OIPM reviews of completed disciplinary investigations as conducted.
- OIPM follow-up to Anti Retaliation Policy recommendations. The anticipated completion date is winter of 2016.
- NOPD's final data on UOF and complaints- completed April 2016.

The IPM told the board that all of the OIPM reports will emphasize the OIPM's methodologies, standards and authorities.

In response to Dr. Cowan, the IPM told the board that the OIPM is looking to hire a police performance auditor or a CPA.

In response to Dr. Cowan, the IPM told the board that the independent auditor would be used to monitor controls, the budget and performance.

In response to Dr. Cowan, the IPM told the board that she would like to get the ground rules for the separate operation of the OIPM completed prior to the vote of the separation proposal between the OIG and the OIPM.

Mr. Brown told the board that it's essential to note foreseeable problems as documents are drafted and before any ordinances are adopted.

General Counsel's Report

Mr. Dane Ciolino, the ERB's General Counsel advised the board that since the ERB's May meeting no new complaints have been received but there is 1 open complaint with no new developments and an executive session was not necessary.

Mr. Ciolino told the board that a memo was given to Dr. Cowan on June 12, 2016 where he 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.

Mr. Ciolino told the board that he expects to hear from the OIG within 2 weeks in order to have decisions and principles in place by the next ERB meeting.

Mr. Brown told the board that there needs to be a separation of prosecutorial and adjudicative functions. He also suggested that the OIG could add a separate division that would perform prosecutorial functions only.

In response to Dr. Ricks, Mr. Ciolino told the board that selecting a department with independence is essential in the selection process when determining who would perform the prosecutorial functions for the ERB.

Mr. Ciolino told the board that he will draft options for the ERB in regards to the performing of prosecutorial functions for the ERB.

In response to Mr. Rodgers, Mr. Ciolino told the board that the possibility of the OIG performing the prosecutorial functions for the ERB will not have any bearing on the possible separation of the OIG and the OIPM.

Ethics Education Report

Ms. Toni Hackett Antrum of the Hackett Group told the board that since the ERB's May meeting the updated evaluations were submitted at the end of May 2016.

Ms. Hackett Antrum told the board that the ethics education training with the City Council will be held on July 18, 2016 and will include the Council Research Division, the Fiscal Division and all of the City Council Staff.

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

Ms. Hackett Antrum told the board that the Hackett Group will attend a 2 hour training on August 24, 2016 in Baton Rouge, LA for additional ethics training.

In response to Dr. Cowan, Ms. Hackett Antrum told the board that the Hackett Group's contract will end by September 30, 2016.

In response to Mr. Brown, Ms. Hackett Antrum told the board that the Hackett Group has met all of the deliverables in their contract with the ERB.

Dr. Cowan told the board that he would like for the ERB and the Hackett Group to continue to collaborate on the departments that are targeted for ethics education training going forward.

Dr. Cowan told the board that the ERB guidelines state that the officers take their seats at the first ERB meeting after the month of July.

Dr. Cowan told the board that Mr. Rodgers has agreed to chair a working group with Mr. Brown and Mr. Miller to provide candidates for 2017 at the ERB meeting in August.

Dr. Cowan told the board that the next ERB meeting is in August.

At 5:36 p.m., Dr. Cowan moved that the meeting adjourn, a second was offered by Dr. Ricks. The motion carried unanimously and the meeting adjourned.