

Ethics Review Board

City of New Orleans

January 31, 2018

2:00 p.m.

Mid-City Library | 4140 Canal St. | New Orleans, Louisiana 70119

Minutes

Present: Mr. Allen Miller, Chair; Mr. James Brown, Vice Chair; Dr. Joe Ricks; Rev. Brandon Boutin; Mr. Howard Rodgers; Ms. Elizabeth Livingston de Calderon
Absent: Dr. Michael Cowan

At 2:04 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Dr. Ricks and seconded by Mr. Brown, the Board unanimously approved the minutes of the December 20, 2017 meeting with corrections.

Mr. Miller told the members of the Board that the minutes for the December 20, 2017 ERB meeting does not transcribe every word said but a recording of the meeting is available.

The board discussed Agenda Item #2 and the board agreed to the following meeting dates in 2018:

- Monday, February 26, 2018 at 2:30 p.m. (Norman Mayer Library)
- Monday, March 26, 2018 at 2:30 p.m. (Norman Mayer Library)
- Monday, April 23, 2018 at 3:30 p.m. (City Council Chambers)
- Wednesday, May 16, 2018 at 3:30 p.m. (City Council Chambers)
- Wednesday, June 27, 2018 at 3:30 p.m. (City Council Chambers)
- Monday, July 30, 2018 at 3:30 p.m. (City Council Chambers)
- Wednesday, August 22, 2018 at 3:30 p.m. (City Council Chambers)
- Wednesday, September 12, 2018 at 3:30 p.m. (City Council Chambers)
- Wednesday, October 24, 2018 at 3:30 p.m. (City Council Chambers)
- Wednesday, November 14, 2018 at 3:30 p.m. (Norman Mayer Library)
- Wednesday, December 12, 2018 at 3:30 p.m. (City Council Chambers)

The Board discussed Agenda Item #3 and the Board agreed on the compensation package for the incoming Inspector General (IG). Mr. Derry Harper will receive an Annual Salary of \$195,000 as Inspector General plus \$5,000 in moving expenses for his relocation from Nashville, TN to New Orleans, LA.

Mr. Miller told the members of the Board that Mr. Harper's official start date as IG will be Monday, February 26, 2018.

Mr. Harper thanked the members of the Board for the opportunity to be selected as the IG.

Mr. Brown moved to approve Mr. Harper's salary of \$195,000 plus \$5,000 in moving expenses with Dr. Ricks seconding. The motion passed.

Dr. Ricks moved to approve the corrections to the December 13, 2017 meeting minutes with Mr. Rodgers seconding. The motion passed.

Mr. Brown moved to adopt the 2018 ERB Meeting Schedule with Dr. Ricks seconding. The motion passed.

Inspector General's Report

Howard Schwartz, Interim Inspector General, told the Board that the Office of Inspector General (OIG) has been coordinating its work through Mr. Harper.

William Bonney, Deputy Inspector General of Investigations, reported to the Board the Summary of Accomplishments for Investigations:

<u>Criminal Actions:</u>	31 total: 2 Indictments, 9 Arrest Warrants Issued, 7 Subjects Arrested, 5 Convictions, 10 Sentencings
<u>Admin Actions:</u>	11 total: 1 Suspension, 10 Terminations/Resignations
<u>Complaints:</u>	42 total 10 Criminal, 32 Administrative – 32 Closed, 10 Open
<u>Investigations:</u>	7 total 3 Criminal, 4 Administrative (19 investigations currently being worked on, making a total of 26 active investigations.)
<u>PELP:</u>	\$2,210,482
<u>Fines Imposed</u>	\$25,000
<u>Restitution</u>	\$1,237,388
<u>Total:</u>	\$3,472,870

In response to Mr. Miller, Mr. Schwartz told the Board that the numbers are about 25 percent lower than in prior years.

In response to Dr. Ricks, Mr. Schwartz told board that he will submit a detailed explanation of how Potential Economic Loss Prevented (PELP) is calculated.

Erica Smith, Deputy Inspector General of Audit, reported to the Board that contractors working for the City of New Orleans Department of Public Works (DPW) have inspected approximately 25,000 catch basins and have cleaned 15,000 catch basins. She also told the Board that the OIG will have a list of all of the catch basins to begin sampling and testing the vendor's compliance with their contracts with DPW.

Ms. Smith told the Board that she plans to discuss with Mr. Harper the idea of releasing interim letters assessing the progress of DPW's catch basin cleaning initiative while a full audit is pending.

In response to Mr. Miller, Ms. Smith told the Board that the contracts are worth \$23 million and some of the contracts were a public bid. She told the Board that the contract was procured on an emergency basis after the flooding in August 2017.

In response to Mr. Miller, Ms. Smith told the Board that the contractors for DPW are Royal Engineers, CES and Hard Rock.

In response to Ms. Livingston de Calderon, Ms. Smith told the Board that she does not have an exact number of how many times or how often the catch basins are cleaned throughout the year.

Independent Police Monitor's Report

The Independent Police Monitor (IPM), Susan Hutson, reported that in 2017, the Office of the Independent Police Monitor (OIPM): monitored 8 cases, took 47 citizen complaints, had 10 contacts only, assisted 13 crime victims, participated in 38 disciplinary hearings, recorded 4 critical incidents, conducted at least 10 reviews for use of force, issued 2 commendations and conducted 30 mediations.

In response to Mr. Miller, Deputy Police Monitor, Ursula Price, told the Board that the OIPM currently has five employees and are not fully staffed. She told the Board that there are two openings- one auditor position and one staff attorney. She also told the Board that the office cannot afford a full-time Community Relations Director but the office is currently looking to hire an employee part-time.

In response to Mr. Miller, Ms. Price told the Board that the OIPM is currently waiting on Civil Service to approve three positions to be created for the office.

Ms. Price told the Board that the OIPM will present at the next ERB meeting and the OIPM also completed a review on how a report of sexual assault was investigated. She also told the Board that the OIPM completed two public letters in 2017.

Ms. Price told the Board that the New Orleans Police Department (NOPD) disclosed that the publicly available version of its K-9 policy was not the most up-to-date version under the Consent Decree. She told the Board that NOPD has been making revisions to the document.

In response to Mr. Brown, Ms. Price told the Board that the OIPM is responsible for monitoring the NOPD's compliance.

In response to Mr. Brown, the IPM told the Board that the NOPD is planning to incorporate some of the more important provisions of the Consent Decree into the City Ordinances so that there will always be a Compliance Bureau or Force Investigation Team.

In response to Mr. Brown, the IPM told the Board that the NOPD will be monitored for another two years.

In response to Ms. Livingston de Calderon, Ms. Price told the Board that the OIPM received clarification on the most up-to-date version of the Consent Decree.

Ms. Price reported to the Board that the OIPM has regularly occurring Outreach Meetings with the jail, Liberty's Kitchen and the OIPM has also partnered with the creators of the play "Black and Blue". She also told the Board that the OIPM has partnered with Xavier University to turn the "Know Your Rights" curriculum into graphic novels.

Ms. Price told the Board that the OIPM has a new website.

The IPM told the Board that the OIPM will petition to the New Orleans City Council for an exception to the date that the OIPM Annual report is due this year. She told the Board that the report is due on the last day of March each year and that the NOPD will not be completed with its data or have finalized their figures by March. She also told the Board that this information is needed in order to complete the OIPM Annual Report.

In response to Mr. Brown, the IPM told the Bboard that she believes the OIPM will need 30 to 45 more days after NOPD is completed with their report.

Mr. Brown told the IPM that it would be best to have NOPD commit to a deadline then the OIPM needs to commit to a deadline with the New Orleans City Council.

The Board discussed Agenda Item #6 and the following ERB Members were selected as members of the IPM Review Committee:

- Mr. Howard Rodgers

- Dr. Michael Cowan
- Rev. Brandon Boutin

Mr. Miller told the Board that the IPM Review Committee's first order of business will be to meet and discuss with the IPM the ordinance, OIPM work, how Quality Assurance looks and the expectations of performance.

At 2:57 p.m., Mr. Brown moved that the meeting adjourn, Rev. Boutin seconded. The motion carried unanimously and the meeting adjourned.