



**Ethics Review Board
City of New Orleans**

Board Meeting

**June 28, 2018
3:35 P.M. – 4:12 P.M.**

City Council Chambers | 1300 Perdido Street | New Orleans, Louisiana 70112

Minutes

Present: Allen Miller, Chair; Michael Cowan, James Brown, Howard Rodgers; Elizabeth Livingston de Calderon.

Call to Order: At 3:35 p.m., a quorum being present, the Chair called the meeting to order.

1. Approval of Minutes of May 16, 2018 (Chair).

On a motion by Mr. Cowan and seconded by Mr. Brown, the board unanimously approved the minutes of the May 16, 2018, board meeting.

2. Report of the Office of Inspector General (Chair).

IG Derry Harper, Howard Schwartz, and Erica Smith appeared on behalf of the Office of Inspector General (OIG).

Mr. Harper provided the ERB with a copy of the June 11, 2018 triennial peer review report. Mr. Schwartz and Ms. Smith summarized the review process, which was both quantitative and qualitative, and involved the review of the operations of the office in a number of broad categories. Ms. Smith summarized the data, information, documents provided to the review team. The report is attached to these minutes and is self-explanatory. In summary, the OIG met all applicable standards.

Mr. Harper noted that the OIG strives to exceed all standards.

Mr. Rodgers asked how the data was gathered by the review team. Mr. Schwartz responded that the team looked at more than 100 files from opening to closing.

Mr. Cowan asked whether the OIG will receive a more detailed report in the future. Mr. Harper responded that the team provided oral feedback to the OIG and will provide a future letter with additional suggestions for improvement. Mr. Harper committed to provide a copy of this letter to the ERB when received. Mr. Cowan emphasized the importance of making this to-be-received letter available to the ERB and to the public.

3. Report of the Independent Police Monitor (Chair).

IPM Susan Hutson and Chief Monitor Tonya McClary appeared on behalf of the Office of the Independent Police Monitor (OIPM).

Ms. Hutson reported that earlier in the day she emailed to the ERB the statistical summaries of her office's recent work. The report is attached to these minutes and is self-explanatory.

Mr. Ricks suggested that future statistical summaries should compare the recent work performed by the OIPM with the work performed by the OIPM in the last calendar year.

Mr. Cowan asked about the number of mediations recently performed by the OIPM. Ms. Hutson reported that the rate of mediations this calendar year are "down" from those performed in past years. She noted, however, that she is still gathering final numbers on mediation statistics.

Ms. Hutson reported that her office's access to NOPD computerized data is going very well. Her office has worked with the NOPD to build a "tunnel" to the NOPD data storage system. She did report some "internal issues" in "getting the computers to talk to one another." She expects to sign an MOU with the NOPD regarding data access. None of these "IT issues," however, will affect the preparation of her office's annual report.

Ms. Hutson reported that her annual report will "go out of the door" on Friday, June 29, 2018.

Ms. Hutson reported that Ursula Price left the employment of the OIPM on June 27, 2018. Ms. Hutson will soon begin to review applications for the position. Mr. Brown

asked whether the search would be local or national; Ms. Hutson reported that it would be “mostly local.”

4. Supplemental Report of Office of the Inspector General (Chair).

Mr. Harper returned to the podium to provide additional information in response to a question from Mr. Cowan.

Mr. Cowan asked about a recent letter from former Councilmember Stacy Head regarding the under-reporting of income by alcoholic beverage outlets, which are a substantial source of revenue for the City. Mr. Cowan asked whether this issue was caused by problems in reporting or recording systems, or by a practice or pattern of evasive conduct.

Mr. Harper reported that he met with Councilmember Head about the issue and received additional information. He noted that there is a question as to the jurisdiction of his office to investigate the matter. He also said he is not sure that city funds are implicated. Mr. Harper committed to report back to the ERB on this issue.

Ms. Calderon and Mr. Brown both emphasized to Mr. Harper the importance of Mr. Harper reporting back to the ERB on the issue.

5. General Counsel’s Report (Chair).

General Counsel, Dane S. Ciolino, reported no new complaints.

Mr. Ciolino reported that he receives and responds to approximately one communication each week from citizens and public servant about ethics-related issues. The ERB receives these communications via email, letter, and telephone.

6. Miscellaneous Issue

Mr. Miller noted that the July 30, 2018, ERB meeting will be his last and that the ERB will need to conduct an election to replace him as Chair.

7. Report of the Ethics Education Trainer (Chair).

Ethics trainer, Toni Hackett, reported that she has scheduled trainings with the new administration, including the City Council.

Ms. Hackett reported that she conducted training programs on May 30, 2018, and June 1, 2018, for new staff members of the City Council.

Ms. Hackett reported that she conducted a training program on June 4, 2018, for the City's Law Department and the Mayor's office.

Ms. Hackett reported that she has received a request for training from the S&WB and that she will schedule a training program with the board and its employees soon.

Ms. Hackett reported that her "special project" relating to ethics liaisons within City boards and departments is going well. She has conducted several meetings with liaisons. She has requested departments that have not designated liaisons to do so.

Ms. Calderon asked whether training sessions are open to the ERB. Ms. Hackett responded that such sessions are open to the ERB. Ms. Hackett committed to inform the ERB members of future training sessions.

Mr. Cowan asked who has attended training sessions. Ms. Hackett responded that new staff members from recently-elected councilmembers have attended, the City Attorney has attend, and several of the mayor's special assistants, staffers, and general counsel have attended.

Mr. Cowan emphasized the need to be "strategic" about training and to target the training to particular departments. He also noted that the ERB can help Ms. Hackett in encouraging public servants and public employees to attend her training sessions if necessary.

Adjournment (Chair).

At 4:12 p.m., Dr. Cowan moved to adjourn the meeting; Ms. Brown seconded the motion. The motion carried unanimously, and the meeting adjourned.



**Association of Inspectors General
524 West 59th Street, 3532N
New York, New York 10018**

June 11, 2018

Derry Harper
Inspector General
New Orleans Office of Inspector General
525 St. Charles Ave
New Orleans, LA 70130

Dear Inspector General Harper,

The Association of Inspectors General (AIG) performed a Peer Review of the New Orleans Office of Inspector General (NOLA OIG) Audit Division (AD), Investigations Division (ID), and Inspections and Evaluations Division (I&E) at your request. The Peer Review Team (Team) evaluated the work of these three Divisions covering the last three years (January 1, 2015 through December 31, 2017). The Team performed the review during the week of June 4, 2018 through June 7, 2018, which took place at your offices at 525 St. Charles Ave, New Orleans, LA 70130. The Peer Review assessed the work of the AD, ID, and I&E Divisions for compliance with the AIG Principles and Standards for Offices of Inspector General (Green Book) and/or the Government Auditing Standards (Yellow Book) issued by the U. S. Government Accountability Office (GAO). These standards are consistent with the qualitative standards under which your office's AD, ID, and I&E Divisions have operated throughout the review period.

The three-person Peer Review Team consisted of the following individuals:

Team Lead	Flora Tran, Regional Investigator/Accreditation Manager
I&E Review	Office of Inspector General, Florida Department of Children And Families
AD Review	Edyth Porter-Stanley, Forensic Auditor Office of Inspector General, City of Detroit
ID Review	James Mazer, Supervisory Special Agent Office of Inspector General, Miami-Dade County

On behalf of the Team, I am pleased to advise that we found no reportable instances of failure to meet these standards. There are no limitations or qualifications on our

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Peer Review Opinion Letter
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opinion. It is the unanimous conclusion of the Team that the AD, ID, and I&E Divisions met all relevant AIG and GAO standards for the period under review.

The remainder of this letter sets forth the purpose, scope, and methodology of the Peer Review.

Purpose

The Team conducted an independent, qualitative review of the operations of the AD, ID, and I&E Divisions of the NOLA OIG, focusing on compliance with agreed-upon standards.

Scope

The Peer Review covered AD, ID, and I&E operations, resulting work products, and related file materials chosen from closed investigations and completed inspections between January 1, 2015 and December 31, 2017. The Peer Review's scope also covered each of the Divisions' compliance with their relevant policy and process manuals and procedural guides; staff qualifications; and professional training requirements. Lastly, the Peer Review assessed supervisory review and quality control over the work product, reporting of results, and the NOLA OIG's relationship and communications with outside agencies. For this last step, the Peer Review Team met with external stakeholders with whom the NOLA OIG frequently work, or who are the recipients of the NOLA OIG work products.

Method

The Peer Review Team generally followed the Peer Review/Qualitative Assessment Review Checklists developed for AD, ID, and I&E Divisions. These Checklists are based on the AIG and GAO Quality Standards. The Team also called upon their own professional experience as senior managers of various Offices of Inspectors General and through their knowledge of and familiarity with best practices within the Inspector General community.

Prior to the actual on-site review, the Team requested information from the AD, ID, and I&E Divisions, including but not limited to policy and procedures manuals, closed case logs, a list of issued reports, and a list of external stakeholders. The Team used this information to select the work products and related case materials that were ultimately reviewed.

On June 4, 2018, the Team held an entrance conference with you and your executive leadership, during which time we explained the Peer Review scope, methodology, limitations, and proposed schedule. During that afternoon, we also delivered our request for sample review materials. During the week, the Peer Reviewers conducted their fieldwork through examination of the selected case files. Peer Reviewers also



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interviewed staff from AD, ID, and I&E. Interviewees for all three Divisions included the Assistant Inspector General (AIG) and Deputy Inspector General (DIG); and the respective Division staff. Members of the ID Peer Review Team also interviewed staff members responsible for Information Technology.

The Team also reviewed the personnel files of current AD, ID, and I&E employees and reviewed their Resumes, Training and Continuing Education files, and all relevant policy and process manuals and procedural guides. All file requests were met fully and timely.

Team members also met with you and with members of your executive leadership to gauge their involvement and interaction with AD, ID, and I&E.

- Howard Schwartz, Assistant Inspector General
- Lance Cardwell, General Counsel (Interim)
- Erica Smith, Deputy Inspector General of Audit
- Rebecca Mowbray, Deputy Inspector General of Inspections & Evaluations (Interim)
- William Bonney, Deputy Inspector General of Investigations

The Team conducted all interviews in confidence and without any limitation on scope or time. Reviewers requested follow-up interviews and explanations, as well as any supplemental documentation, and NOLA OIG staff graciously accommodated the Team.

The two Peer Review Teams also independently chose several external stakeholders to interview. Meetings were arranged between the Peer Reviewers and the external stakeholders for the purpose of evaluating agency cooperation, effectiveness, and responsiveness. Stakeholders included representatives from the:

- New Orleans Police Department
- District Attorney's Office
- City of New Orleans Ethics Review Board

Finally, the Team held an exit conference with you and your executive leadership on June 7, 2018, during which time the Team shared its conclusion that all three Divisions fully met the applicable AIG and/or GAO standards. Team members provided you with our observations and opinions gathered during the review. We held separate exit conferences with the respective Assistant Inspector General and/or Deputy Inspector General of each Division. During each of these exit conferences, Peer Review Team members elaborated on the observations made during the week of review. In each of the exit conferences, Team members provided several observations that did not limit or

**Inspector General Derry Harper
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qualify the opinion of the Peer Review, but were shared with you and your leadership team as possible areas of consideration going forward. Throughout the week, we had productive discussions with NOLA OIG members (from the leadership to professional staff) regarding their positive experiences from past Peer Reviews and their affirming opinions about the Peer Review process.

As noted above, it is the unanimous conclusion of the Peer Review Team that the AD, ID, and I&E Divisions met all current and relevant AIG and/or GAO standards for the review period.

On behalf of the AIG, I want to thank you for the confidence placed in the Association by requesting that we conduct this review. On behalf of the Peer Review Team, we would like to acknowledge and thank Inspector General Derry Harper, as well as his designee, Assistant Inspector General for Investigations Howard Schwartz, for all of his efforts in the coordination and planning of this event and for ensuring that we were provided with the necessary records and tools for a thorough and smooth review. Lastly, on behalf of the Team, we would like to recognize that in all of our interactions with your staff, we were shown the respect and cooperation that is the hallmark of a professional staff truly interested in a full and open review of their work. At the same time, this has been a learning experience for each member of the Peer Review Team, for which we wish to convey our sincerest thanks.

Please feel free to contact me or any member of the Peer Review Team if you have any questions.

Yours truly,



**Flora Tran, Team Leader, AIG Peer Review for New Orleans Office of Inspector General, June 2018
Peer Review Committee, Association of Inspectors General**

cc:

**James Mazer, Team Member, AIG Peer Review for New Orleans Office of Inspector General, June 2018
Edyth Porter-Stanley, Team Member, AIG Peer Review for New Orleans Office of Inspector General, June 2018**

Case Type	Amount
Citizen complaint Count	10
Criminal Case Liaison Count	3
Case Monitoring Count	7
Case Review Count	2
Contact ONLY Count	1
Disciplinary Hearing Count	41
Police Complaint Count	4
Use of force Count	3
Firearm discharge Count	1
Mediation Count	11
Grand Total	83

IPM no	Incident type	Received date	Forwarded date	PIB No
CC2018-0001	Citizen complaint	10-Jan-18	15-Jan-18	
CC2018-0002	Citizen complaint	10-Jan-18	24-Jan-18	
CC2018-0003	Citizen complaint	24-Jan-18	01-Feb-18	
Citizen complaint Count		3		
CL2018-0001	Criminal Case Liaison	26-Jan-18		
Criminal Case Liaison Count		1		
CM2018-0002	Case Monitoring	02-Jan-18		
Case Monitoring Count		1		
DH2018-0001	Disciplinary Hearing	22-Jan-18		2017-0432-R
DH2018-0002	Disciplinary Hearing	22-Jan-18		2017-0411-R
Disciplinary Hearing Count		2		
PO2018-0001	Police Complaint	31-Jan-18		
PO2018-0002	Police Complaint	12-Jan-18	22-Jan-18	
Police Complaint Count		2		
Mediation Count		0		
Grand Count		9		

IPM no	Incident type	Received date	Forwarded date	PIB No
CC2018-0004	Citizen complaint	5-Feb-18	09-Mar-18	
Citizen complaint Count		1		
CM2018-0001	Case Monitoring	19-Feb-18		2018-0013
Case Monitoring Count		1		
DH2018-0003	Disciplinary Hearing	15-Feb-18		2017-0493-P
DH2018-0004	Disciplinary Hearing	15-Feb-18		2017-0493-P
DH2018-0005	Disciplinary Hearing	15-Feb-18		2017-0493-P
DH2018-0006	Disciplinary Hearing	15-Feb-18		2017-0490-R
DH2018-0007	Disciplinary Hearing	15-Feb-18		2017-0490-R
DH2018-0008	Disciplinary Hearing	15-Feb-18		2017-0460-R
DH2018-0009	Disciplinary Hearing	15-Feb-18		2017-0527-R
Disciplinary Hearing Count		7		
PO2018-0003	Police Complaint	16-Feb-18		
PO2018-0004	Police Complaint	28-Feb-18	02-Apr-18	
Police Complaint Count		2		
Mediation Count		0		
Grand Count		11		

IPM no	Incident type	Received date	Forwarded date	PIB No
CC2018-0005	Citizen complaint	01-Mar-18	02-Apr-18	
CC2018-0006	Citizen complaint	09-Mar-18	02-Apr-18	
Citizen complaint Count		2		
CI2018-0001	Use of force	09-Mar-18		ASI2018-0001
Use of force Count		1		
CM2018-0003	Case Monitoring	20-Mar-18		2018-0046-R
CM2018-0004	Case Monitoring	09-Mar-18		
CM2018-0004	Case Monitoring	01-Mar-18		
Case Monitoring Count		3		
CR2018-0001	Case Review	09-Mar-18		2016-0849-P
Case Review Count		1		
DH2018-0010	Disciplinary Hearing	02-Mar-18		2017-0615-R
DH2018-0011	Disciplinary Hearing	02-Mar-18		2017-0595-R
DH2018-0012	Disciplinary Hearing	07-Mar-18		2015-0042-R
Disciplinary Hearing Count		3		
FD2018-0001	Firearm discharge	09-Mar-18		ASI2018-001
Firearm discharge Count		1		
	Mediation	13-Mar-18		2018-0121-P
	Mediation	15-Mar-18		2018-0138-P
	Mediation	28-Mar-18		2018-0178-P
	Mediation	28-Mar-18		2018-0183-P
Mediation Count		4		
Grand Count		15		

IPM no	Incident type	Received date	Forwarded date	PIB No
CC2018-0007	Citizen complaint	04-Apr-18	05-Apr-18	
CC2018-0008	Citizen complaint	25-Apr-18	25-Apr-18	2018-0192-P
CC2018-0009	Citizen complaint	08-Apr-18		
Citizen complaint Count		3		
CL2018-0002	Criminal Case Liaison	26-Apr-18		
CL2018-0003	Criminal Case Liaison	26-Apr-18		
Criminal Case Liaison Count		2		
CM2018-0005	Case Monitoring	02-Apr-18		
CM2018-0006	Case Monitoring	05-Apr-18	06-Apr-18	
Case Monitoring Count		2		
CR2018-0002	Case Review	27-Apr-18		2017-0497-P
Case Review Count		1		
DH2018-0013	Disciplinary Hearing	03-Apr-18		2017-0556-R
DH2018-0014	Disciplinary Hearing	03-Apr-18		2017-0556-R
DH2018-0015	Disciplinary Hearing	03-Apr-18		2017-0619-R
DH2018-0016	Disciplinary Hearing	03-Apr-18		2017-0556-R
DH2018-0017	Disciplinary Hearing	03-Apr-18		2017-0556-R
DH2018-0018	Disciplinary Hearing	03-Apr-18		2017-0619-R
DH2018-0019	Disciplinary Hearing	10-Apr-18		2017-0078-R
DH2018-0020	Disciplinary Hearing	13-Apr-18		2017-0649-R
DH2018-0021	Disciplinary Hearing	13-Apr-18		2017-0664-P
DH2018-0022	Disciplinary Hearing	13-Apr-18		2017-0642-R
DH2018-0023	Disciplinary Hearing	16-Apr-18		2017-0169-P
DH2018-0024	Disciplinary Hearing	17-Apr-18		2017-0627-R
DH2018-0025	Disciplinary Hearing	17-Apr-18		2017-0677-R
DH2018-0026	Disciplinary Hearing	17-Apr-18		2017-0661-P
DH2018-0027	Disciplinary Hearing	17-Apr-18		2015-0390-C
DH2018-0028	Disciplinary Hearing	17-Apr-18		2017-0509-R
DH2018-0029	Disciplinary Hearing	17-Apr-18		2017-0661-P
DH2018-0030	Disciplinary Hearing	17-Apr-18		2017-0677-R
DH2018-0031	Disciplinary Hearing	20-Apr-18		2017-0691-R
DH2018-0032	Disciplinary Hearing	19-Apr-18		2017-0691-R
DH2018-0033	Disciplinary Hearing	23-Apr-18		2017-0691-R
DH2018-0034	Disciplinary Hearing	17-Apr-18		2017-0691-R
DH2018-0035	Disciplinary Hearing	23-Apr-18		2017-0691-R
Disciplinary Hearing Count		23		
UF2018-0001	Use of force	09-Apr-18		FTN2018-0122
UF2018-0002	Use of force	09-Apr-18		FTN2018-0120
Use of force Count		2		
	Mediation	04/03/2018		2018-0166-P
	Mediation	04/17/2018		2018-0179-P
	Mediation	04/17/2018		2018-0190-P
	Mediation	04/19/2018		2018-0191-P
Mediation Count		4		
Grand Count		37		

IPM no	Incident type	Received date	Forwarded date	PIB No
CC2018-0012	Citizen complaint	15-May-18	15-May-18	
Citizen complaint Count		1		
CO2018-0001	Contact ONLY	18-May-18		
Contact ONLY Count		1		
DH2018-0036	Disciplinary Hearing	16-May-18		2017-0691-R
DH2018-0037	Disciplinary Hearing	22-May-18		2017-0715-R
DH2018-0038	Disciplinary Hearing	22-May-18		2017-0453-P
DH2018-0039	Disciplinary Hearing	22-May-18		2018-0031-P
DH2018-0040	Disciplinary Hearing	22-May-18		2018-0031-P
DH2018-0041	Disciplinary Hearing	31-May-18		2018-0048-P
Disciplinary Hearing Count		6		
	Mediation	05/14/2018		2018-0250-P
	Mediation	05/24/2018		2018-0288-P
	Mediation	05/29/2018		2018-0280-P
Mediation Count		3		
Grand Count		11		