



ETHICS REVIEW BOARD
CITY OF NEW ORLEANS

BOARD MEETING

Wednesday, December 12, 2018
3:30 P.M. – 5:30 P.M.

City Council Chamber
New Orleans City Hall
1300 Perdido Street
New Orleans, LA 70112

AGENDA

1. Approval of minutes of previous board meeting (Chair).
2. Discussion of monthly report from the Office of Inspector General (Chair).
3. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
4. Discussion of monthly report from the Ethics Trainer (Chair).
5. Report from Ethics Trainer on status of “special ethics education project” final report (Chair).
6. Report on status of appointment of members to Quality Assurance Review Committees (Chair).
7. Vote on ethics award program (Mr. Rodgers).
8. Report on board meeting dates and places for 2019 (Chair).
9. Adjournment (Chair).

**Draft Minutes of
Previous Board
Meeting**

REVISED

10:55 am, Dec 08, 2018

DRAFT



**Ethics Review Board
City of New Orleans**

Board Meeting

**November 14, 2018
3:35 P.M. – 5:08 P.M.**

Norman Mayer Public Library | 3001 Gentilly Blvd. | New Orleans, Louisiana 70122

Minutes of Board Meeting

1. *Call to order.*
 - 1.1. Board members present:
 - 1.1.1. Brandon Boutin.
 - 1.1.2. James Brown, Chair.
 - 1.1.3. Elizabeth Livingston de Calderon.
 - 1.1.4. Michael Cowan
 - 1.1.5. Howard Rodgers, Vice-Chair.
 - 1.2. Staff member present: Dane S. Ciolino, General Counsel.
 - 1.3. At 3:38 p.m., a quorum being present, the Chair called the meeting to order.
 - 1.4. The agenda for the meeting is attached.
2. *Approval of minutes.* The board unanimously approved the minutes of the October 24, 2018, board meeting.
3. *Report of the Office of Inspector General.*
 - 3.1. The OIG's monthly report is attached.

- 3.2. William Bonney appeared and spoke directly from the office's monthly report.
 - 3.3. Mr. Brown inquired into when the two audits into the Department of Public Works would be delivered. Mr. Bonney responded that they should be delivered in the next few months.
 - 3.4. Mr. Brown requested that the OIG would exclude any confidential information from its monthly reports. Mr. Bonney confirmed that this would be done.
4. *Report of the Office of Independent Police Monitor*
- 4.1. The OIPM monthly report is attached.
 - 4.2. Stella Cziment, Tonya McClary, and Jules Griff appeared and reported that Ms. Hutson was attending a conference.
 - 4.3. Ms. Cziment spoke directly from the office's monthly report.
 - 4.4. Mr. Rodgers inquired about the critical incident reported with a death. The OIPM reported that the police were called to a burglary in progress. The victim was found to have had illegal drugs in his system, and the police apparently did not cause his death.
 - 4.5. Ms. Griff reported that the office has submitted recommendations to NOPD PIB regarding changes to the mediation program. The goal is to increase the number of mediations. Officers agree to mediate 90% of the time, which citizen consent is approximately 40%.
 - 4.5.1. The first recommendation is to increase the number of days to get consent from 10 to 15 days. Mr. Brown asked whether more days could be added. Ms. Griff was not optimistic but reported that she would make an effort to get an agreement from NOPD for more time.
 - 4.5.2. Ms. Calderon asked how many days were allowed under the police officers' bill of rights. Ms. Griff reported that the process must be completed within 120 days and PIB does not want to be "jammed" if mediation does not resolve the issue.
 - 4.5.3. Ms. Calderon asked how often mediations "fail." Ms. Griff said it depends on how you define "fail." These are voluntary mediations. If the officer does not cooperate, the matter is referred back to PIB.
 - 4.5.4. Ms. Griff noted that typically officers agree; civilians are slow to respond often.
 - 4.5.5. The second recommendation is to increase the number of incidents that are eligible. This is a bigger and more important recommendation. For example, discriminatory or bias policing issues should be eligible for

mediation but now they are not. In other jurisdictions, these issues are “eligible.” Mr. Brown encouraged the office to work to expand the category of “eligible” incidents and offered the ERB’s assistance if necessary.

- 4.5.6. Ms. Griff said that her office would work with PIB and Chief Westbrook to try and implement this change. The matter also needs to be considered by Judge Morgan and the DOJ.
 - 4.6. Ms. Calderon asked whether mediation “takes load off of the NOPD.” Ms. Griff responded that it does ease the burden of sergeants.
 - 4.7. Mr. Rodgers asked why mediations could not be conducted regarding alleged civil rights violations. Ms. Griff explained that such matters could be criminal and are not eligible. Ms. Calderon raised the issue of whether purely civil civil-rights matters could be made “eligible.”
 - 4.8. Ms. Griff noted that one problem with eligibility issues is that there are often multiple violations alleged. Some of these may be eligible and others not. At present, none would be eligible for mediation. The office is looking into the possibility of bifurcating these matters to make more matters eligible.
 - 4.9. Ms. Griff noted that some matters that are eligible are not being mediated. The office needs to get a better understanding as to why this is the case.
 - 4.10. Mr. Brown noted that he liked the plans for increasing mediations.
 - 4.11. Mr. Boutin asked about the timeline for agreeing to mediation. Ms. Griff responded that it was 10 days.
 - 4.12. Mr. Cowan asked about the Community Mediation Report for 2017 on the website. He noted problems with the pie charts and other data that did not make sense. The office said it would be fixed.
 - 4.13. Ms. Cziment stated that by next meeting, the OIPM hopes to have all technology problems solved.
 - 4.14. Mr. Brown asked whether the office was “fully staffed,” and Ms. Cziment reported that it was (since it was not replacing an auditor).
5. *Report of the Ethics Trainer.*
- 5.1. Toni Hackett appeared.
 - 5.2. Ms. Hackett reported that her regular contract period ended in mid-October.

- 5.3. Ms. Hackett noted that all trainees receive an annual certificate and that she reports the training to the state. She also receives reviews from attendees as required by the state.
 - 5.4. Ms. Hackett reported that she would welcome the board soliciting and receiving independent feedback from trainees.
 - 5.5. Ms. Hackett reported that, to date, her ratings have been very good. Mr. Brown asked whether she would share a compilation of her reviews with the board. Ms. Hackett agreed to do so by the next meeting.
 - 5.6. Ms. Calderon inquired into the number evaluations that are available from Ms. Hackett's training sessions. Ms. Hackett responded that she has data from 11 sessions, including 128 survey responses.
 - 5.7. Ms. Hackett noted that training is the easiest part of her work; the hardest part is to get trainings scheduled.
 - 5.8. Ms. Hackett noted that the cost for training was approximately \$700/participant.
 - 5.9. Mr. Cowan noted that there is real value in getting relationships with critical decision makers.
 - 5.10. Ms. Hackett noted that she is focusing on liaisons and managers. She also noted that several high-level trainings have occurred in the mayor's office and city attorney's office.
 - 5.11. Mr. Brown asked if she was still changing the trainings and the hypos. Ms. Hackett responded that she was doing to and tailoring the trainings to the particular agency at issue.
 - 5.12. Ms. Hackett committed to having her "special project" report to the board within the next 30 days.
 - 5.13. Mr. Rodgers moved to undertake to get direct feedback from trainees. Ms. Calderon seconded. The board voted and unanimously approved the motion.
6. *Ethics Awards Program.*
 - 6.1. Mr. Rodgers discussed the creation of a "Torch Award" and the other items in the attached proposal. He also discussed the possibility of an luncheon and awards ceremony.
 - 6.2. A vote on any proposal, however, would be deferred until a future meeting.
7. *EBR Budget for 2019.*

- 7.1. The board discussed the attached template for the ERB 2019 budget. That template allocated \$186,407 to “other operating” and \$92,864 to “personal services.”
 - 7.2. Mr. Ciolino explained the allocations and budgeting process.
 - 7.3. Mr. Cowan moved to adopt the template as presented. Mr. Rodgers seconded the motion. The board unanimously approved the motion.
8. *Quality Assurance Review Committees.*
- 8.1. The board unanimously approved Mr. William Banta as the board’s representative to the Quality Assurance Review Committee for the OIG.
 - 8.2. Mr. Brown reported that he is awaiting 2 appointees from the City Council and one from the Mayor’s office.
 - 8.3. Mr. Brown confirmed that Marcus M. Kondkar, Ph.D., will serve as the ERB appointee to the QAR for the OPIM.
 - 8.4. Mr. Cowan inquires as to when the ERB will conduct its triennial peer review. Mr. Brown reported that it would occur in 2020.
9. *Meeting Dates for 2019.*
- 9.1. The board selected meeting dates for 2019, with the locations to be determined.
 - 9.2. The dates are as follows:
 - 9.2.1. Monday, January 28, 2019 at 3:30 p.m.
 - 9.2.2. Monday, February 25, 2019 at 3:30 p.m.
 - 9.2.3. Monday, March 25, 2019 at 3:30 p.m.
 - 9.2.4. Monday, April 29, 2019 at 3:30 p.m.
 - 9.2.5. Wednesday, May 29, 2019 at 3:30 p.m.
 - 9.2.6. Monday, June 24, 2019 at 3:30 p.m.
 - 9.2.7. Monday, August 26, 2019 at 3:30 p.m.
 - 9.2.8. Monday, September 23, 2019 at 3:30 p.m.
 - 9.2.9. Monday, October 28, 2019 at 3:30 p.m.
 - 9.2.10. Monday, November 25, 2019 at 3:30 p.m.

9.2.11. Monday, December 16, 2019 at 3:30 p.m.

10. *Adjournment.*

10.1. Mr. Cowan moved to adjourn the meeting. Mr. Boutin seconded the motion.

10.2. The board unanimously passed the motion and the Chair declared the meeting adjourned at 5:21 p.m.

* END *

**Monthly Report of
OIG**

Office of Inspector General Report to the Ethics Review Board
November 2018

Audit & Review

The Audit & Review division continued working on the system-wide risk assessment and distributed questionnaires to agencies. The Audit group drafted the Sewerage & Water Board (S&WB) Internal Audit report, and the report is now under management review. The Audit group also continued fieldwork on Department of Public Works Catch Basin audit.

Inspections & Evaluations

In November, evaluators stepped aside from their regular duties and gathered documents to help the office with two large public records requests while the office is without legal counsel. Evaluators have also been assisting with general administrative functions in the office.

Meanwhile, the Inspections & Evaluations division continued work on the Traffic Camera project and the S&WB Billing Dispute Resolution Process project. It is also working on the inquiry into the S&WB Bill Under-Crediting issue as requested by S&WB leadership. The I&E division is also assisting Audit with the system-wide risk assessment.

Investigations

The Investigations Division received eight complaints in November. Most of them were matters outside of OIG's purview.

Two OIG Investigations Division cases are in prosecution:

- The case alleging misappropriation of city funds by Tonnette "Toni" Rice during her time as president of the New Orleans Multi-Cultural Tourism Marketing Network (NOTMN) is in the discovery phase in state court.
- The case alleging misappropriation of funds from the New Orleans Public Library Foundation by Irvin Mayfield and Ronald Markham is also in the discovery phase. A trial is scheduled in federal court for April 2019.

Training

An OIG investigator attended forensic IT training in November.

Staff/General Office

OIG is currently searching for a General Counsel and a Deputy IG for Audit & Inspections.

**Monthly Report of
OIPM**



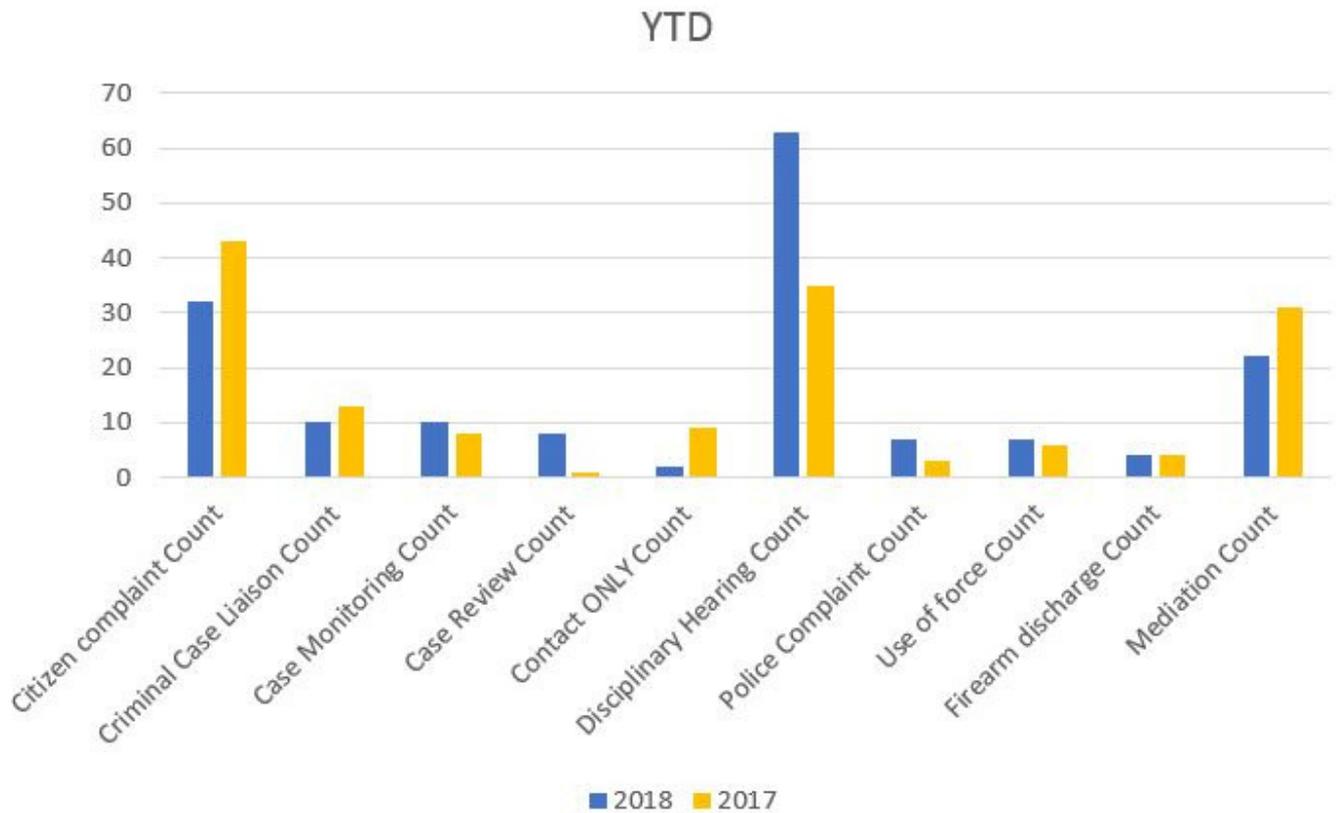
NOVEMBER

Monthly Report

THE OFFICE OF THE INDEPENDENT
POLICE MONITOR

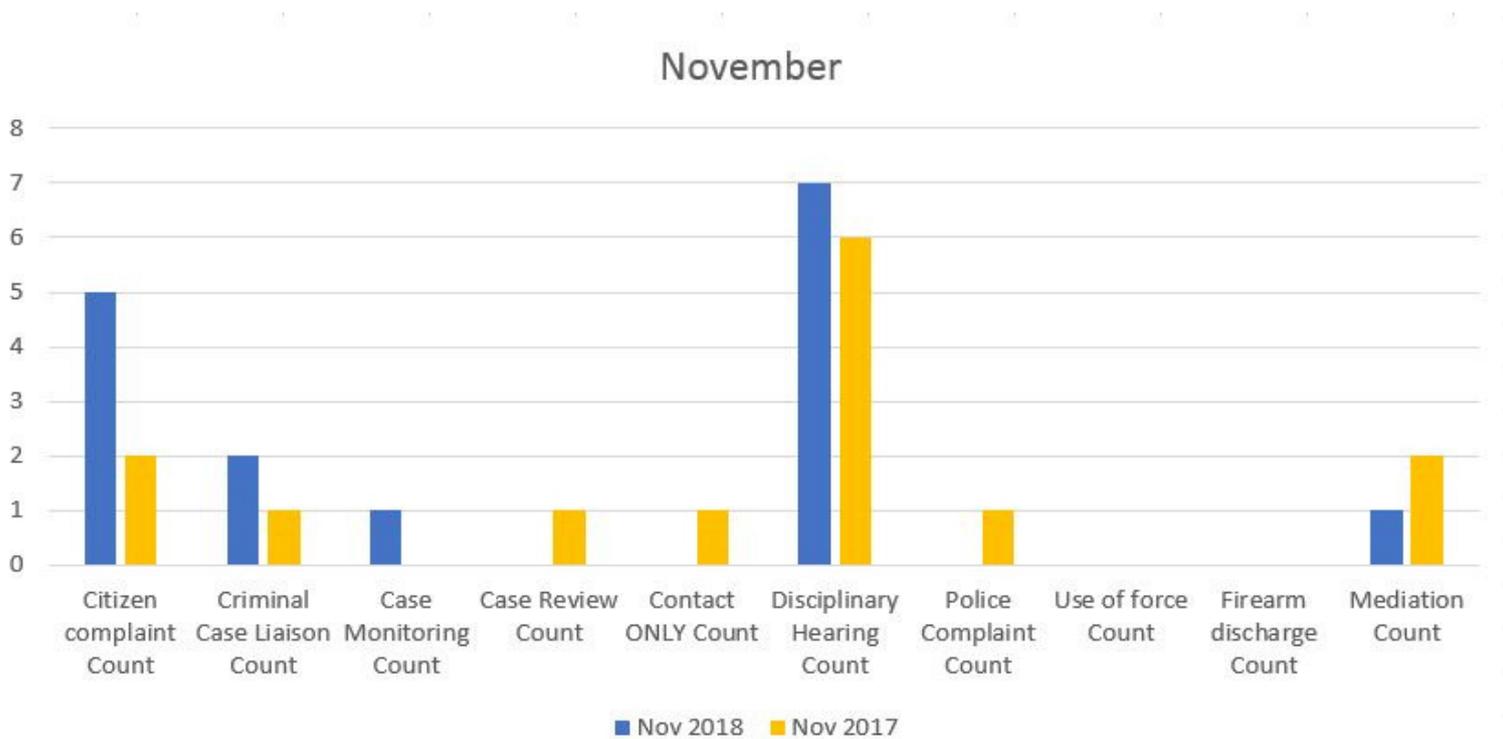
Susan Hutson
Independent Police Monitor

Year to Date Overview



	2018	2017
Citizen complaint Count	32	43
Criminal Case Liaison Count	9	13
Case Monitoring Count	10	8
Case Review Count	8	1
Contact ONLY Count	2	9
Disciplinary Hearing Count	63	35
Police Complaint Count	7	3
Use of force Count	7	6
Firearm discharge Count	4	4
Mediation Count	22	31
Grand Total	164	153

November Overview



	Nov 2018	Nov 2017
Citizen complaint Count	5	2
Criminal Case Liaison Count	1	1
Case Monitoring Count	1	0
Case Review Count	0	1
Contact ONLY Count	0	1
Disciplinary Hearing Count	7	6
Police Complaint Count	0	1
Use of force Count	0	0
Firearm discharge Count	0	0
Mediation Count	1	2
Grand Total	15	14

November Overview

Community Liason

Criminal Case Liaison	The citizen requested a police report. NOPD indicated they had the report and would follow-up when the Clerk of Court returned. OIPM will reach back out to the citizen to let him know he can come get the report and pay for it.
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Community Liason: 1

Disciplinary Hearing

DH2018-0059	Officer received Hit & Run citation from another jurisdiction.
DH2018-0060	The officer was under the influence of alcohol on duty.
DH2018-0061	The complainant alleged the accused was "DRUNK" driving causing an accident. She also alleged he fled the scene of the accident leaving his vehicle behind. The investigator unable to contact the complainant (phone disconnected).
DH2018-0062	The accused officer allegedly altered her personal payroll using the complainant's ADP password. Additionally, the complainant alleged she was improperly transferred based on the accused officers word.
DH2018-0063	The accused officer allegedly deployed CEW on a subject who was crouched and yelling "don't tase me."
DH2018-0064	The officer failed to follow instructions from her rank.
DH2018-0065	The complainant alleged two officers searched him for narcotics and the complainant alleges during the search, the officer touched him inappropriately, and that this encounter was not captured on BWC. The complainant alleged that he asked the first officer for his name and badge number and the officer responded "Don't worry about it." Additionally, there was question as to the preservation / collection of evidence and whether a police report was written on the incident.

Disciplinary Hearings Count: 7

Mediation

Mediation cases are confidential

Mediation Cases: 1

Case Monitoring

CM2018-0011	An officer allegedly discriminated against the complainant on the basis of her race. An additional officer failed to introduce himself at the scene of the complainant's accident.
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Case Monitoring Count: 1

November Overview

Citizen Complaints	
CC2018-0022	Complainant is concerned about lack of investigation involving the abuse of her son at school.
CC2018-0023	The complainant's phone was stolen by student at school. The complainant alleged there was a lack of an investigation. There is an alleged suspect, but there was no follow-up.
CC2018-0029	The complainant alleged a lack of investigation.
CC2018-0030	A guest of the complainant's neighbor, threatened the complainant with a gun and when the complainant called the NOPD, the police did not help the complainant.
CC2018-0031	The complainant is concerned regarding NOPD involvement in closed criminal case and suspects NOPD bias or personal relationship is influencing their response to an ongoing conflict with neighbor.
Citizen Complaints: 5	

Critical Incidents
No critical incidents were reported in the month of November.

Complaints and Discipline

OIPM serves as an alternative site for civilians and police officers alike to file complaints of misconduct against the NOPD. These complaints and allegations are compiled into referrals by the OIPM and provided to the Public Integrity Bureau (PIB) for them to investigate. The OIPM monitors and reviews the classification and investigation conducted by PIB. If the complaint continues into a disciplinary proceeding, the OIPM will continue to monitor and reviews the disciplinary process. OIPM monitors and review disciplinary proceedings conducted by NOPD to ensure accountability and fairness. The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

5

**CITIZEN COMPLAINT
COUNT**

7

**DISCIPLINARY HEARING
COUNT**

0

POLICE COMPLAINT COUNT



Community-Police Mediation

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation is a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way.

12

**REFERRALS FOR
MEDIATION**

4

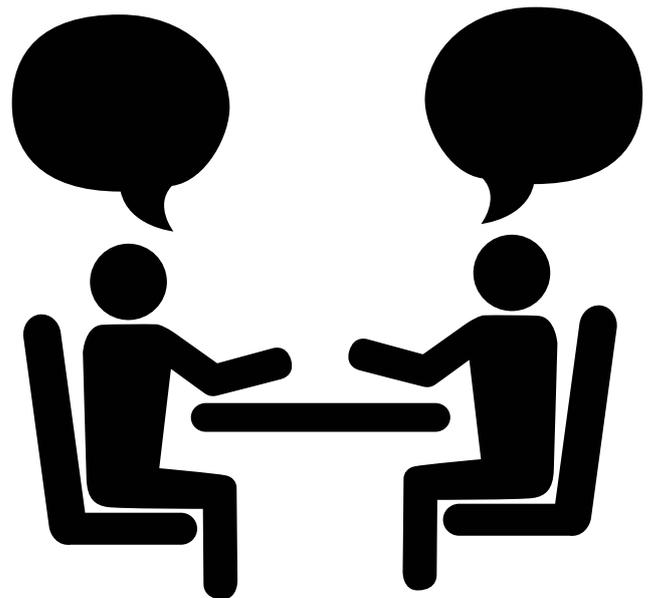
MEDIATIONS SCHEDULED

1

MEDIATION COMPLETED

1

MEDIATION PENDING



6

**MEDIATION OFFERS
DECLINED**

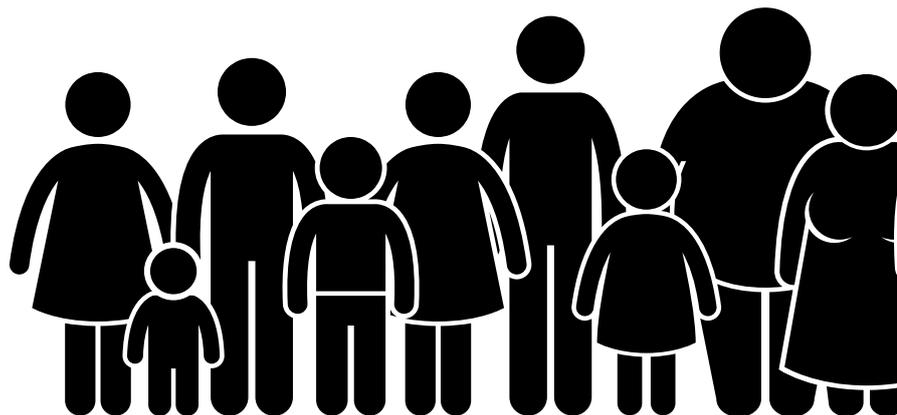
Community Relations

OIPM participates in community events to help extend the message the of OIPM and participates in activities to impact the nature of the relationships the community has with police officers. OIPM is committed to being present in the community, but also presenting helpful information to the public.

3

KNOW YOUR RIGHTS TRAINING

- St. Mary's High School
- G.W. Carver High School
- Day Reporting Center



2

PANELIST

- Southern Poverty Law Center Panel on Reform in New Orleans
- LEAD Career Panel at Dillard University

1

EVENT ATTENDANCE

- 3rd District New Orleans Neighbors & Police Anti-Crime Council

**Monthly Report of
Ethics Trainer**

THE HACKETT GROUP

Training Update
December 6, 2018

Month of November 2018

November marked the beginning of the contract period. The monthly activity included housekeeping duties - submitting the names and birthdates of the training attendees and retrieving the certificates via the State of Louisiana data entry system, and delivering the certificates to respective departments/liaisons.

During this period, we continued our best practice research and met with Board members regarding the proposed ethics award, providing input on format, criteria, etc.

Finally, we began the final draft of the deep dive report.

Toni Hackett Antrum

Item 8



ETHICS REVIEW BOARD
CITY OF NEW ORLEANS

2019 BOARD MEETING SCHEDULE

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