



Ethics Review Board for the City of New Orleans

Board Meeting of May 29, 2019 at 3:30 P.M.

**City Council Chambers, New Orleans City Hall
1300 Perdido Street, New Orleans, Louisiana 70112**

Minutes

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. Board member absent:

- 1.2.1. Joe Ricks.

1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.

- 1.4. At 3:31 p.m., a quorum being present, Mr. Brown called the meeting to order.
- 1.5. The agenda for the meeting (without the voluminous attachments) is attached.

2. Approval of Minutes.

- 2.1. Mr. Rodgers moved to approve the minutes from the last board meeting held on April 29, 2019. Mr. Cowan seconded the motion.
- 2.2. The board unanimously approved the minutes.

3. *QARAC for OIG and OIPM Status Report.*
 - 3.1. Mr. Brown reported that the Quality Assurance Review Advisory Committee for the OIG will publicly post a report tomorrow on the ERB website. A public meeting on the report will be held at the Mid-City Library on June 10, 2019, at 3:30 p.m. The ERB has no role in the issuance of the report or in the meeting, but all members are invited to attend.
 - 3.2. Mr. Brown reported that the Quality Assurance Review Advisory Committee for the OIPM is working on its report and will be released in July.
4. *Report of the Office of Inspector General.*
 - 4.1. The OIG's monthly report is attached.
 - 4.2. IG Derry Harper appeared for the OIG, along with Larry Douglas.
 - 4.3. Mr. Harper noted that the "pipeline report" would not include matters that are confidential. The minutes of the last board meeting confirm same. Mr. Harper promised to include a pipeline report in the next monthly report.
 - 4.4. Mr. Douglas briefly discussed the risk-assessment process. Noted that the intent is to complete this system-wide assessment in August. This will be included as a "deliverable" in the "pipeline report." In short, this will make the work plan based in part on perceived risk.
 - 4.5. Mr. Harper noted that at least three reports are coming, including a report on the Audubon Institute, which is now in final legal review.
 - 4.6. Mr. Rodgers asked about the Jazz Fest investigation and report and any follow up. Mr. Harper responded that the focus is on training city workers to avoid similar problems in the future.
 - 4.7. Mr. Cowan asked about how many entities were on the list to be considered in risk assessment process. Mr. Harper responded that there were approximately 38 entities. A majority had responded to the request for risk assessment information and approximately 22 did not. As to some of these, there is a question as to whether they fall within the OIG's jurisdiction.
 - 4.7.1. Mr. Cowan expressed concern that so many had not responded. Mr. Harper noted that his office will follow up with additional requests for information.
 - 4.7.2. Ms. Calderon also wanted to know more about why entities might claim "lack of jurisdiction." Mr. Harper agreed to follow up on this.

- 4.8. Mr. Harper noted that a S&WB report is completed and in legal review. This report will go first in draft form to the S&WB, and then it will have 30 days to respond.
- 4.9. Mr. Cowan asked Mr. Harper about the *Mayfield* case and why it was included in the monthly report. Mr. Harper responded that the OIG was listed as “cooperating” in the investigation by the United States Attorney. He also noted that the case was set for trial in federal court next month. As a result, he declined further comment.
- 4.10. Ms. Calderon asked about whether the OIG was looking into issues with “traffic cameras.” Mr. Harper noted that these cameras were installed to detect speeding.
- 4.11. Mr. Cowan asked whether the new administration was encouraging employee cooperation with OIG investigations. Mr. Harper responded that his office has had no problems and that, so far, cooperation is generally good. He will report at future meetings if there are any problems with cooperation.

5. *Report of the Ethics Trainer.*

- 5.1. Ms. Toni Hackett appeared before the board.
- 5.2. Ms. Hackett reported that her May report will be based on a new template.
- 5.3. Mr. Brown noted that her year end report was a good one and that she needs to “keep up the good work.”
- 5.4. Ms. Hackett reported that on May 8-9, 2019, she conducted two liaison meetings. At these meetings, the liaisons shared information and discussed awards. Mr. Ricks attended and discussed the awards program. The meetings were very good. The liaisons were also given information about their roles.
- 5.5. Ms. Hackett noted that her May report will include a “pipeline” report.
- 5.6. Ms. Hackett discussed her contract status with Mr. Brown. Noted that it was “signed” and at the purchase-order stage.
- 5.7. Ms. Calderon asked about whether the liaisons were now posted on the web page. Mr. Ciolino and Ms. Hackett both responded “yes.” Ms. Hackett agreed to give Mr. Ciolino additional information to post on the website regarding liaisons.
- 5.8. Ms. Calderon asked to be informed about future training sessions. Ms. Hackett agreed to post all future training sessions on the website.
- 5.9. Mr. Cowan asked about the liaisons’ effectiveness. Ms. Hackett responded that they are doing good work and improving ethics culture. She reported that the awards program should help this as well and that, in a perfect world, all liaisons will get an award.

6. *Report of the Office of Independent Police Monitor.*
 - 6.1. The OIPM's monthly report is attached.
 - 6.2. Ms. Susan Hutson, IPM, and Bonycle Sokunbi, Executive Director for Community Relations, appeared for the OIPM.
 - 6.3. Ms. Hutson noted that her office's annual report is almost complete and will be published on May 30, 2019.
 - 6.4. Ms. Hutson reported that she is in contact with the QARAC for the OIPM and will focus on their work after her annual report is complete.
 - 6.5. Mr. Brown encouraged the OIPM to cooperate with the QARAC and get it all necessary information.
 - 6.6. Ms. Calderon asked about citizen complaints. Ms. Sokunbi responded and explained that the monthly report is accurate about the complaints but that there are some issues with "categorization."
 - 6.7. Mr. Brown asked about federal consent decree issues. Ms. Hutson noted that her office hopes to shadow the monitors eventually. After her annual report is submitted, these consent decree issues will become a big focus of her office, including the integration of "compliance checkpoints."
 - 6.8. Mr. Cowan asked what her plans are for the future as to oversight of the NOPD post-consent decree. She noted that she has not met with the Chief on these issues yet, although she has had frank discussions with him about other issues.
 - 6.9. Mr. Cowan asked about how public liaisons work. Ms. Sokunbi responded that they work with NOPD and citizens to facilitate conversations and communications.
 - 6.10. Ms. Calderon noted that she informed a recent crime victim about the liaison program and was pleased that the program exists. She noted that this is important work for the OIPM.
 - 6.11. Ms. Hutson reported on and reiterated some of the statistics from her monthly report (attached).
 - 6.12. Mr. Brown asked about including a "pipeline report" in monthly reports. Ms. Hutson responded that she will do so.
7. *Report of the Executive Administrator and General Counsel.*
 - 7.1. Mr. Ciolino reported on all upcoming events and deadlines on the master ERB calendar.

ETHICS REVIEW BOARD MEETING MINUTES

- 7.2. Mr. Ciolino reported on the status of the Hackett contract, namely, that it was signed by the Mayor.
 - 7.3. Mr. Ciolino reported that he and Ms. Calderon had sent to the OIG proposed changes to the the policies and procedures for disciplinary enforcement. This project will move forward with input from the OIG over the summer and fall.
8. *Report on Ethics Award Program.*
 - 8.1. Mr. Ricks provided written information to the board on the program (attached).
 - 8.2. Mr. Brown noted that the board should discuss and vote on committee members for the awards committee soon, perhaps in June.
 9. *Adjournment.*
 - 9.1. Ms. Calderon moved to adjourn the meeting. Mr. Cowan seconded the motion.
 - 9.2. The board unanimously passed the motion to adjourn and the Chair declared the meeting adjourned at approximately 4:38 p.m.

* END *



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

525 St. Charles Avenue New Orleans, LA 70130-3409

<http://www.nolaerb.gov/>

BOARD MEETING

Wednesday, May 29, 2019

3:30 P.M. – 5:30 P.M.

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

AGENDA

1. Approval of minutes of previous board meeting. (Chair)
2. Report on the work of the Quality Assurance Review committees for the OIPM and OIG, including the upcoming June 10, 2019, public meeting of the QAR Committee for the OIG. (Chair)
3. Discussion of monthly report from the Office of Inspector General with Inspector General. (Chair)
4. Discussion of monthly report from the Office of Independent Police Monitor with Independent Police Monitor. (Chair)
5. Discussion of monthly report from the Ethics Trainer with Ethics Trainer (Chair)
6. Report of Executive Administrator and General Counsel. (Chair)
7. Report on ethics awards program. (Ricks)
8. Adjournment (Chair).

Monthly Report of OIG

Report to the Ethics Review Board
April 2019

System-wide Risk Assessment

The OIG received a majority of surveys back from entities that generate revenue about their revenue-related processes. Auditors and evaluators are reviewing these submissions and other information provided by various city departments and entities in preparation for risk scoring and ranking. They are also conducting interviews when necessary to clarify or solicit additional information.

Audit & Review

The Audit & Review division requested necessary additional information from the S&WB for inclusion in the S&WB Internal Audit draft report. The draft report is expected to undergo legal review in May. The Department of Public Works Catch Basin audit is in management review. Auditors are also working on the risk assessment.

Inspections & Evaluations

The Evaluation group's public letter to the Sewerage & Water Board about the billing refund processes awaits legal review. Evaluators held their first "Why" Meeting with city officials on the Traffic Camera project and will soon begin drafting the report. Evaluators are performing data collection and analysis on the S&WB Billing Dispute Resolution Process project. Meanwhile, evaluators have been assigned various departments or entities in the risk assessment. They are reviewing the materials that have been collected and will solicit additional material or schedule interviews as needed for risk scoring and ranking.

Investigations

The Investigations division received two complaints in April.¹ Both were matters outside of OIG's purview.

One OIG Investigations Division criminal case was concluded in April:

On April 2, the former president of the New Orleans Multicultural Tourism Network (NOMTN) pleaded guilty to misdemeanor theft from her former employer in Orleans Parish Criminal District Court. Tonnette "Toni" Rice was required to repay the \$70,682 to the NOMTN, as well as pay the office an additional \$10,000. Ms. Rice also received a sentence of six months of probation. As part of the plea deal, District Attorney Leon Cannizzaro reduced the original charge of felony theft to misdemeanor theft and dropped a count of computer fraud.

The NOMTN case resulted from an OIG investigation which found that Ms. Rice "misappropriated in excess of \$70,000" for her personal benefit between Aug. 15, 2015, and March 16, 2017, while she was president of the NOMTN.

¹ As of April 22, 2019.

Another OIG Investigations Division case remains in prosecution:

The case alleging misappropriation of funds from the New Orleans Public Library Foundation by Irvin Mayfield and Ronald Markham is in the discovery phase. A trial is set in federal court for September 2019.

Training

In April, an evaluator passed the first of three exams to become a Certified Internal Auditor. We are also assessing training needs and requirements for all staff for the remainder of the year.

Staff/General OIG developments

General Counsel Patrice Harris Sullivan started work at OIG on April 22. Ms. Harris Sullivan is a 32-year veteran of the U.S. Attorney's Office in New Orleans, where she most recently served as Chief of the Criminal Division.

Monthly Report of OIPM

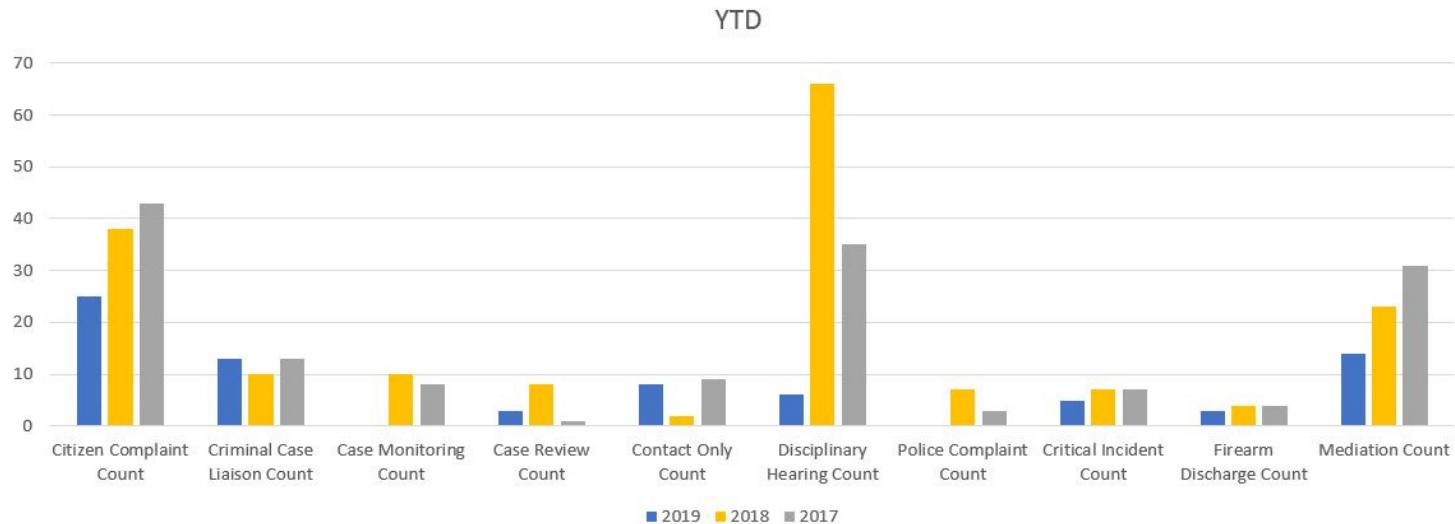
THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

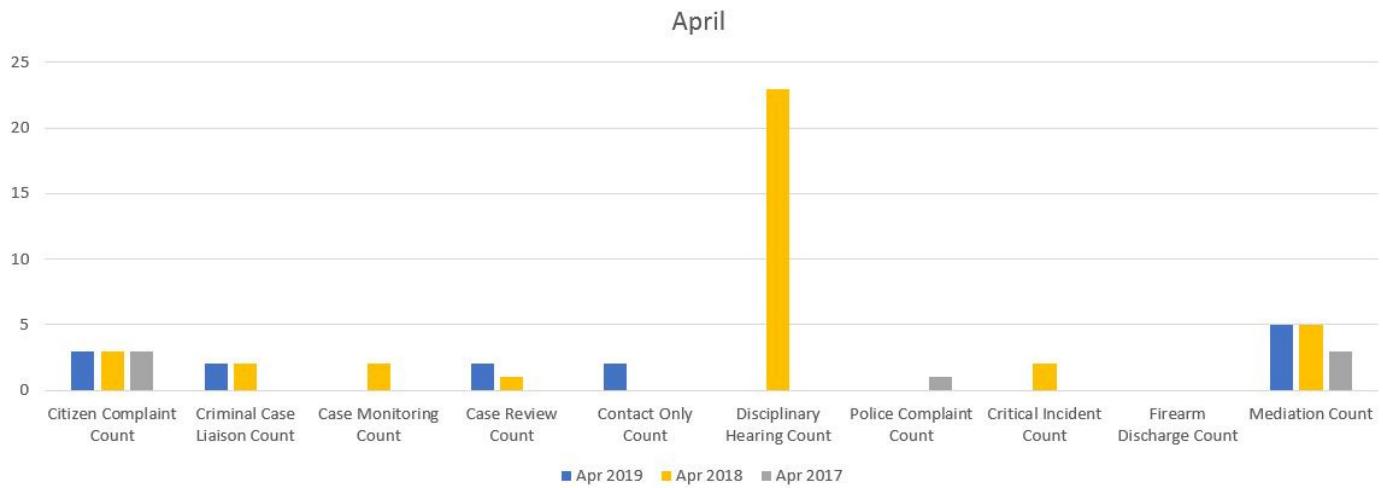
APRIL 2019

Year to Date Overview



	2019	2018	2017
Citizen Complaint Count	25	38	43
Criminal Case Liaison Count	13	10	13
Case Monitoring Count	0	10	8
Case Review Count	3	8	1
Contact Only Count	8	2	9
Disciplinary Hearing Count	6	66	35
Police Complaint Count	0	7	3
Critical Incident Count	5	7	7
Firearm Discharge Count	3	4	4
Mediation Count	14	23	31
Grand Total	77	175	154

April Overview



	Apr 2019	Apr 2018	Apr 2017
Citizen Complaint Count	3	3	3
Criminal Case Liaison Count	2	2	0
Case Monitoring Count	0	2	0
Case Review Count	2	1	0
Contact Only Count	2	0	0
Disciplinary Hearing Count	0	23	0
Police Complaint Count	0	0	1
Critical Incident Count	0	2	0
Firearm Discharge Count	0	0	0
Mediation Count	5	5	3
Grand Total	14	38	7

April Overview

Citizen Complaints	
CC2019-0030	Complainant alleges the NOPD arrested the complainant in a manner meant to embarrass her and it was unprofessional.
CC2019-0032	The complainant alleges that he was falsely arrested without Miranda when he was taken to a different hospital than he requested. The complainant also alleges that he was mishandled and thrown in the back of the police vehicle despite having a bad back, which was the reason for his need for medical services.
CC2019-0033	Complainant alleges that NOPD officer cut him off in traffic and mouthed "watch yourself" to him. The complainant stated that the officer was in uniform in non-police vehicle, presumably the officer's personal vehicle.
Complaints: 3	

Criminal Liaison	
CL2019-0013	Civilian requested assistance with discussing her repeated arrests with the 7th District.
CL2019-0014	Civilian requested assistance navigating NOPD investigations and the criminal justice processes.
Criminal Liaison: 2	

Case Review	
CR2019-0002	Complainant alleges the NOPD discriminated against her. The complainant believes the UOFRB decision to send her back to training and field officer training was excessive and based on her gender
CR2019-0003	Complainant believes she was arrested with no investigation into the allegation made against her by another woman. The complainant would like a case review to determine if the NOPD fully investigated the allegations before arresting her.
Case Review: 2	

April Overview

Mediation
Mediation cases are confidential.
Mediations Held: 1

Disciplinary Hearings	
DH2019-0005	Officer is accused of failing to inform a civilian of her Miranda rights, activate his body worn camera, or to thoroughly investigate and collect evidence related to a domestic violence incident.
DH2019-0006	OCDM and the DOJ raised concerns regarding a strip search of a civilian and the search of the civilian's child. The officer is accused of violating NOPD policy regarding necessary probable cause to conduct searches of the body and minors.
Disciplinary Hearings Count: 2	

Upcoming Reports

OIPM Annual Report, May 30, 2019

Two-Pager Reports on Disciplinary Hearings, June 2019

Two-Pager Reports on Use of Force Review Board, June 2019

Data is subject to review until Annual Report is submitted.

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 review the disciplinary process. OIPM monitors and reviews 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.

3

CITIZEN COMPLAINTS

0

DISCIPLINARY PROCEEDINGS

0

POLICE INITIATED COMPLAINTS



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 civilian and officer to be fully heard and understood in a non-judgmental way.

11

**REFERRALS FOR
MEDIATION**

3

PENDING CONSENT

5

**MEDIATIONS HELD
OR SCHEDULED**

“ This was a good opportunity to express my concerns of how things were handled with the officer. I learned not to categorize the entire department because of one officer’s mistake. The officer learned to take time to listen before acting. This program should continue. Please don’t stop!”

-Civilian Participant

5

**MEDIATION OFFER
DECLINED**



“I liked the chance to talk and that the mediators were good listeners. The process turned out good.” - Officer Participant

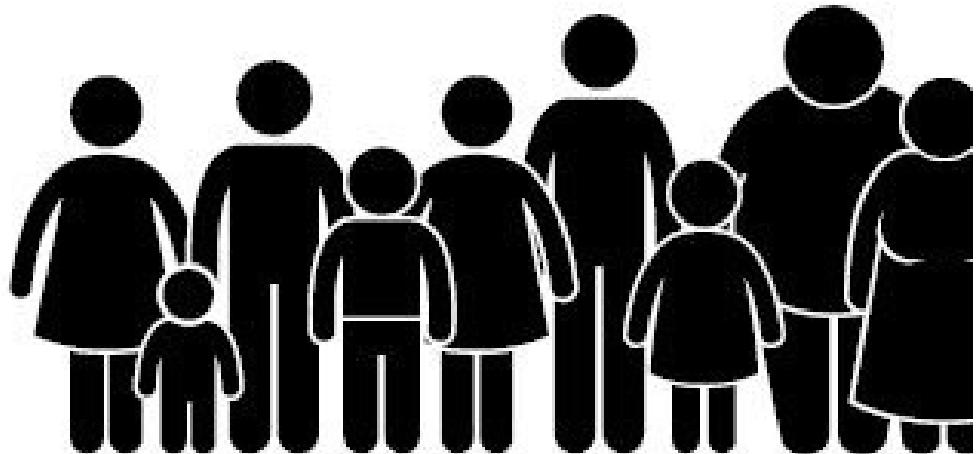
Community Relations

OIPM participates in community events to help extend the message 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.

1

KNOW YOUR RIGHTS TRAINING

- Liberty's Kitchen



Monthly Report of Ethics Trainer



ERB March/April Period (April 2019 report)

Special project

Internal meeting to discuss changes to current curriculum integrating the strategies outlined in the report. Participated in the meeting with Awards Group to discuss the liaisons and torch awards – the timeline, the application etc.

Regular Training

During this period, we conducted three trainings including two for members of Boards and Commissions and also the Mayors' Office of Neighborhood Engagement. Contacted several department heads to schedule future trainings including the Mayor's Office, NOLA BA and S&WB.

In addition attended 2 hour training at the Louisiana Board of Ethics to maintain status of Certified Ethics Trainor.

Item 1



Ethics Liaison Award 2019

Award Description

The Ethics Liaison Award is an annual award given by the New Orleans Ethics Review Board in recognition of ethics compliance within the departments and agencies of New Orleans city government.

Award Eligibility

All liaison's representing city departments, boards, agencies and commissions are eligible to submit information that documents compliance with the checklist.

Selection Process and Timeline

The performance of liaisons will be reviewed by an independent panel composed of ethics experts and other distinguished community members.

Evidence of compliance should be submitted no later than **4pm on Friday, June 28**.

The awards will be presented at the New Orleans Ethics Review Board Awards Luncheon to be held in October 2019.

Liaison Checklist for Award

Mandatory Requirements

- 1. Liaison Designated by the Agency (Department)**
- 2. Designated Liaison completed 2-hour annual training session to maintain liaison status as defined by the State Code of Governmental Ethics. Evidence of registration for the training in 2019 will be accepted.**
- 3. One hundred percent (100%) compliance of employees and governing Board/Commission with annual State ethics training requirement. Documentation supporting exemptions or exceptions must be provided.**

Additional Requirements (1 out of 5)

- 4. Acknowledgements of the Code of Ethics and Orientation Training by new employees**
- 5. Letters to agency vendors outlining common Louisiana Code of Ethics regulations that apply to their services/interactions with the agency**

- 6. Adoption of an internal or departmental Code of Ethics.**
- 7. Development of a survey, or completion of questionnaire that confirms ethics engagement by employees.**
- 8. Evidence of Employee Awareness activities (poster, handout, email, etc.) about the State Ethics Code, the role of the Liaisons, Ethics Help Line number, Whistle blower policies, Ethics web site etc.**



2019 Torch Award for Excellence in Ethics Nomination Overview and Instructions

Award Description

Torch Award for Excellence in Ethics is an annual award given by the New Orleans Ethics Review Board in recognition of outstanding commitment to promoting ethical culture within city government and on city boards and commissions.

Award Eligibility

All city departments, boards, and commissions are eligible to submit a self-nomination packet for the Torch Award.

Selection Process and Timeline

Nominations will be reviewed by an independent panel composed of ethics experts and other distinguished community members. The Award will be given based on the strength of the nomination packet, as outlined in the sections below.

Printed copies of the completed packet should be delivered to 525 St. Charles Avenue, New Orleans, Louisiana 70130 no later than **4pm on June 28, 2019**. Nomination packets submitted after the deadline will not be considered.

The selection of the Award winner will be made by July 31, 2019 and the award will be presented at the New Orleans Ethics Review Board Awards Luncheon to be held in October 2019.

Questions and Inquiries

Questions and inquiries about the nomination and selection process should be directed to Dane S. Ciolino at dane@daneciolino.com or (504) 975-3263.

Nomination Packet Required Sections and Instructions

To be considered for the Torch Award for Excellence in Ethics you will need to submit a nomination packet with information about your department, board, or commission (hereafter referred to as your “agency”). The requirements for each section of the packet are outlined below.

At the beginning of each section, please insert a blank section header page with the title “Section X”, where “X” is the section number. It should be noted that all sections may not be applicable to

your agency and that not having examples of actions taken for a particular section of the nomination packet does not disqualify the agency from consideration for the Award. In cases where no examples are available for any part of a given section, simply insert the comment "Not applicable" under the title of the section on the section header page.

Section 1

Please provide a narrative describing the agency leadership's commitment to ethics and provide documentation of the leadership telling the agency's story as it relates to promoting a culture of ethics. Examples of documentation could include: speeches, correspondence, or other communications from the agency head and/or other senior officers to employees and/or constituents.

Section 2

Please provide your agency's mission statement and/or statement of values and a narrative describing how your agency uses its mission statement and/or statement of values to promote honesty, integrity, and compliance with the law. If your agency doesn't have a mission statement and/or statement of values, please provide any other documents that guide the agency's commitment to ethics.

Section 3

Please provide a narrative that describes whether and how ethical conduct by employees is measured and shows that employees throughout the organization understand and accept the agency's ethical standards. Please provide any documentation that outlines the agency's ethical standards and expectations of employees; examples could include: publications, employee handbooks, and/or training courses. Also include any ethics-related survey results or internal ethics audits that highlight employees' understanding and alignment with the agency's ethical standards.

Section 4

Please provide a narrative that describes any examples of how ethical issues are being addressed proactively by empowering employees, constituents, and others to use existing mechanisms to bring ethical problems to the attention of management. Also include any available examples of how managers use existing mechanisms for resolution of issues to ensure fair and consistent treatment of those involved.

Section 5

Please provide a narrative description of examples of ethics in action as demonstrated by the agency's response to a specific challenge affecting its operations, or by evidence of how ethical decision-making is a part of the department's everyday operations, philosophy, and culture.

Section 6

Please provide a description of any additional innovations or actions the agency is taking that highlights its commitment to ethics and which the award selection committee should take into account.