



## CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

[erb@nolaerb.gov](mailto:erb@nolaerb.gov)

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

### BOARD MEETING

Thursday, January 23, 2020

3:30 P.M. – 5:30 P.M.

Council Chambers

New Orleans City Hall

1300 Perdido St, 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 possible evaluators for OIPM 2020 peer review (Chair).
5. Discussion of monthly report from the Ethics Trainer (Chair).
6. Report of Executive Administrator and General Counsel (Chair).
7. Presentation re overview of the ERB (Chair).
8. Adjournment (Chair).

**Draft Minutes of  
Previous Board  
Meeting**



**Ethics Review Board for the City of New Orleans**

**Board Meeting of December 16, 2019 at 3:30 P.M.**

**Norman Mayer Public Library, New Orleans, Louisiana**

**Minutes**

1. *Call to Order.*
  - 1.1. Board members present:
    - 1.1.1. James Brown.
    - 1.1.2. Michael Cowan.
    - 1.1.3. Monique Gougisha Doucette.
    - 1.1.4. Joe Ricks (Chair).
    - 1.1.5. Howard Rodgers.
  - 1.2. Board member absent:
    - 1.2.1. Elizabeth Livingston de Calderon.
  - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.4. At 3:30 p.m., the Chair declared that a quorum of the board was present and commenced the meeting.
  - 1.5. The agenda for the meeting is attached.
2. *Approval of the Minutes.* The Board unanimously approved the minutes for the October 28, 2019 Board Meeting. Ms. Doucette abstained from voting because she was not present at the meeting.

3. *Discussion of Monthly Report of the Office of Inspector General.*
  - 3.1. The Office of the Inspector General was represented by Derry Harper and staff members.
  - 3.2. Mr. Harper introduced a new First Assistant Inspector General for Investigations, Edward Michel. Mr. Michel is a former ASAC of the FBI office in Houston. He is a NOLA native, former NOPD officer and a Tulane University graduate.
  - 3.3. Mr. Harper discussed his monthly report (attached). He also reported on his pipeline report and ongoing projects.
  - 3.4. Mr. Harper noted that the OIG released its “Catch Basin” report last week. Mr. Brown noted that the City underfunded the Catch Basin Project and that there was work that needed to be done that was not.
  - 3.5. Mr. Brown asked what role the OIG was playing in the cyberattack on the City. Mr. Harper reported that he would consider investigating the incident if appropriate.
  - 3.6. Mr. Harper noted that the Audubon Institute “card” investigation report is in IG review and will be released next week.
  - 3.7. Mr. Harper noted that the Traffic Enforcement Report is being reviewed by the City.
    - 3.7.1. Mr. Ricks clarified with Mr. Harper the review process.
    - 3.7.2. Mr. Ricks asked Mr. Harper to include “Agency Review” as a new stage in the pipeline report.
  - 3.8. Mr. Brown noted that he hoped that the QARAC for the OIG would have more work product to review than last year. Mr. Ricks noted that the QARAC should look at the pipeline reports if appropriate.
  - 3.9. Mr. Cowan asked about whether any S&WB investigations were underway. Mr. Harper reported that the S&WB was “at the top of our list.” He further reported that several projects are in the planning stages.
  - 3.10. Mr. Cowan thanked Mr. Harper for attending the ERB awards luncheon.
  - 3.11. Mr. Ricks suggested to Mr. Harper that the OIG should meet with ERB Liaisons to do outreach.
4. *Discussion of Monthly Report of the Office of the Independent Police Monitor.*
  - 4.1. Susan Hutson appeared for the OIPM.
  - 4.2. Ms. Hutson discussed her monthly report (attached).

- 4.3. The board had no questions about the “numbers” in her reports. She did note that her computers were shut down due to the cyberattack.
- 4.4. The board discussed data gathering issues with Ms. Hutson.
  - 4.4.1. Mr. Ricks suggested that the OIPM provide comparison numbers, such as a current vs. 3-5 year rolling average. He also suggested that having benchmarks from comparable cities would be helpful.
  - 4.4.2. Ms. Hutson responded that there is not readily-available comparable data and that she does not have the staff to generate it.
  - 4.4.3. Mr. Rodgers probed how difficult it would be to find comparable city data from cities with federal consent decrees. Mr. Ciolino noted that such information would not be confidential if a matter of public record.
- 4.5. Mr. Cowan thanked Ms. Hutson for attending the ERB Awards Luncheon in December.
- 4.6. The board and OIPM discussed the need to have OIPM peer reviewers identified. Ms. Hutson suggested that NACOLE could help in this regard.
  - 4.6.1. The board noted that the cost of the peer review is to be borne by the OIPM.
  - 4.6.2. Mr. Brown hoped a reviewer with past experience could be identified.
  - 4.6.3. The board requested that the OIPM provide a list of candidates for peer reviewers by February 1st. Mr. Cowan also requested the disclosure of any past relationships with the candidates.
5. *Report of the Ethics Trainer.*
  - 5.1. Ms. Hackett appeared before the board.
  - 5.2. Ms. Hackett discussed her monthly report (attached).
  - 5.3. Ms. Hackett noted that she is in the last extension of her 5-year contract.
  - 5.4. Ms. Hackett reported that she did specialized training in the City’s Procurement office. She also reported that she did training for the Mayor’s Office “senior staff.”
  - 5.5. Mr. Ricks emphasized that Ms. Hackett needs to build foundations for a culture of ethical compliance. This might include training on how to do “ethics audits.”
  - 5.6. Mr. Ricks asked Ms. Hackett to coordinate with the OIG to do outreach with the ERB Liaisons.

6. *Report of the Executive Administrator and General Counsel.*
  - 6.1. Mr. Ciolino reported that no new complaints were received.
  - 6.2. Mr. Ciolino reported on the status of approvals for payment to Ms. Hackett.
  - 6.3. Mr. Ciolino reported on the ERB budget process and his appearance before the City Council.
  - 6.4. Mr. Ciolino reminded the board members about the need for annual ethics training.
7. *2020 Board Meeting Dates*
  - 7.1. The board approved meeting dates for 2020.
  - 7.2. The list is attached.
8. *Awards Luncheon*
  - 8.1. Mr. Ricks reported on the successful ERB Awards Luncheon last month.
  - 8.2. Mr. Cowan complimented Mr. Ricks on his “ERB Overview” slideshow and suggested that Mr. Ricks give a similar presentation to the board at a future board meeting.
9. *Adjournment.*
  - 9.1. A motion was made to adjourn the meeting. The motion was seconded.
  - 9.2. The Board unanimously voted to adjourn.
  - 9.3. The meeting was adjourned at 5:09 p.m.

\* END \*

**Monthly Report of  
OIG**

**Report to the Ethics Review Board**  
**December 2019**

**Audit & Review**

The Audit & Review division released two reports: the performance audit of the Department of Public Works Emergency Catch Basin Cleaning Project and the audit of Audubon Commission & Audubon Nature Institute Purchase Cards and Expense Reimbursements.

The Audubon Payroll Internal Controls and Audubon Disbursements audits are in progress, and the short-term rental revenue collection and the coordination between the Department of Public Works and the Sewerage & Water Board on roadway repairs are both in the planning stage.

Please see the attached project status spreadsheet for details.

**Inspections & Evaluations**

The Inspections & Evaluations group postponed the release of the Management and Operations of the Traffic Camera Safety Program report as city leaders were unable to attend the scheduled exit conference due to the Dec. 13<sup>th</sup> citywide cyberattack. The OIG is working with the appropriate City leaders on a new timeline to schedule the exit conference and expects to release the report by end of January.

The I&E group is writing the initial draft report on the evaluation of the S&WB Billing Dispute Resolution Process and is conducting background research on the Firefighter's Pension Fund.

Please see the attached project status spreadsheet for details.

**Investigations**

The Investigations Division received eight (8) complaints in December. Five (5) were matters outside of the OIG's purview.

OIG Investigations Division cases:

- **Administrative Investigations:**  
On November 26, 2019, the OIG issued a Report of Investigation to the Coroner's Office concerning a former employee accepted monetary compensation from one or more forensic psychiatrists employed by the Coroner's Office in exchange for handling their after-hours and weekend mental health related duty calls, known as Orders of Protective Custody
- In October 2019, the OIG asked the Safety & Permit department to review GPS vehicle logs to determine if their employees were using city owned vehicles to conduct personal business. The department responded by reviewing the logs and suspending 11 employees for failing to work

for the full time periods for which they were paid. Only one of the 11 employees contested his suspension.

- Criminal Investigations:

7 out the original 19 criminal cases involving S&WB Employees Selling Property to Scrap Yards have not been adjudicated

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 scheduled in federal court for January 2020.

## Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Monday, December 30, 2019

Project Number	Project Name	Project Phase *					
		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
<b>Audit/Review</b>							
AD-15-0001	Audubon Payroll Internal Controls				X		
AD-15-0003	Audubon Disbursements				X		
AD-19-0001	Short-term Rental	X					
AD-19-0002	DPW/SWB Coordination	X					

DPW Catch Basin report #AD-17-0002 and Audubon draft report #AD-15-0002 were released 12/12/19 and 12/18/19, respectively.

Project Number	Project Name	Project Phase *					
		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
<b>Inspections/Evaluations</b>							
IE-17-0005	Automated Traffic Enforcement Safety						
IE-18-0003	S&WB Billing Dispute Resolution			X			
IE-19-0001	Firefighter's Pension Governance	X					

Automated Traffic Enforcement Safety report #IE-17-0005 is in the 30-day comment period. Final report will be release after OIG's review and consideration

Legend	Description
<b>Planning</b>	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
<b>Fieldwork</b>	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Obsevation and/or Physical Inspections
<b>Draft Report</b>	Data/Statistical Reviews, Documentaries of Fieldwork Results, Initial Report Writing, Revisions and Internal QAR prior to supervisory review
<b>Supervisory Review</b>	Review by both Division Director and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork pro readability
<b>Legal Review</b>	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpre
<b>IG Review</b>	Report Review by Inspector General, based on corrections and recommended changes resulting from the Legal Review

\* Project phase determination is based on the objective(s), scope, and methodolgy for each audit/evaluation project, and is not determined by a standard set of This phase will be decided based on the nature of work to be performed, and at the discretion of OIG management.

\*\* Expected Release timeline for the report may be determined based on the start of the legal review process, and may be later reevaluated based on both the timing of the IG review, and the 30-day turnaround timeline for the release of the initial draft report to the client and the subsequent receipt of management res

Expected Release Timeline for Report**			
Initial Draft Report/ Entity Management Responses	30 Days	60 Days	90 Days

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**Monthly Report of  
OIPM**

# THE OFFICE OF THE INDEPENDENT POLICE MONITOR



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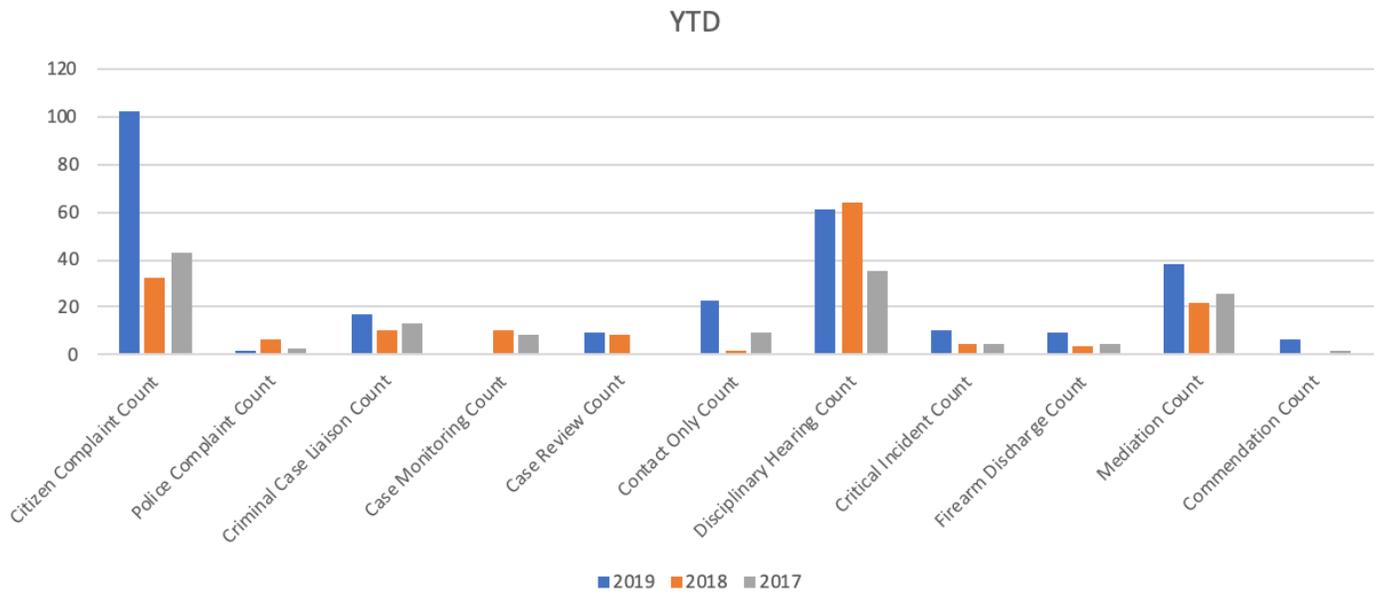
## **MONTHLY REPORT**

**DECEMBER 2019**

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**SUSAN HUTSON**  
**INDEPENDENT POLICE MONITOR**

# Year to Date Overview



	2019	2018	2017
<b>Citizen Complaint Count</b>	102	32	43
<b>Police Complaint Count</b>	2	7	3
<b>Criminal Case Liaison Count</b>	17	10	13
<b>Case Monitoring Count</b>	0	10	8
<b>Case Review Count</b>	9	8	1
<b>Contact Only Count</b>	23	2	9
<b>Disciplinary Hearing Count</b>	61	64	35
<b>Critical Incident Count</b>	10	5	5
<b>Firearm Discharge Count</b>	9	4	5
<b>Mediation Count</b>	38	22	26
<b>Commendation Count</b>	7	1	2
<b>Grand Total</b>	<b>278</b>	<b>165</b>	<b>150</b>

**Report to the Ethics Review Board**  
**December 2019**

**Audit & Review**

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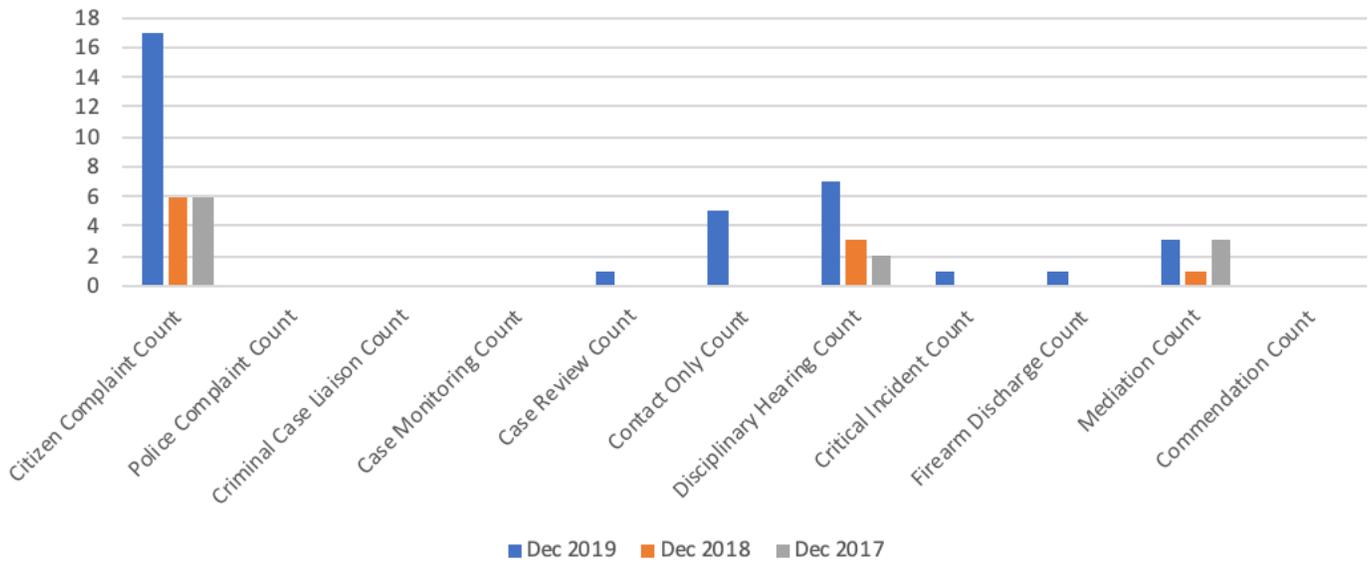
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# December Overview

December



	Dec 2019	Dec 2018	Dec 2017
<b>Citizen Complaint Count</b>	17	6	6
<b>Police Complaint Count</b>	0	0	0
<b>Criminal Case Liaison Count</b>	0	0	0
<b>Case Monitoring Count</b>	0	0	0
<b>Case Review Count</b>	1	0	0
<b>Contact Only Count</b>	5	0	0
<b>Disciplinary Hearing Count</b>	7	3	2
<b>Critical Incident Count</b>	1	0	0
<b>Firearm Discharge Count</b>	1	0	0
<b>Mediation Count</b>	3	1	3
<b>Commendation Count</b>	0	0	0
<b>Grand Total</b>	<b>35</b>	<b>10</b>	<b>11</b>

Expected Release Timeline for Report**			
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# December Overview

Complaints	
CC2019-0099	Complainant alleges that a commanding officer is utilizing a work vehicle to drive to the officer's residence out of parish.
CC2019-0100	Complainant alleges that an officer was disrespectful and possibly discriminated against the complainant and the complainant's family as they exited the Superdome.
CC2019-0101	Complainant alleges that an officer is not working the officer's full shift and may be consuming alcohol.
CC2019-0102	According to the complainant, the complainant believed an officer tried to intimidate him and influence his municipal court case.
CC2019-0103	Complainant alleges two officers threatened to arrest the complainant under the bridge if the complainant did not obtain an ID and failed to connect the complainant with any resources to assist.
CC2019-0104	Complainant believes his rights were violated by staff at a medical center and the NOPD failed to take action.
CC2019-0105	The complainant alleges the complainant was falsely arrested for acting in self-defense when another individual threw rocks at the complainant and the complainant's home.
CC2019-0106	The complainant states that an officer falsified an arrest warrant in a homicide case and is concerned that the officer may have done so in others.
CC2019-0107	According to the complainant, the officers keep trying to conduct wellness checks on the complainant's home though the complainant did not call for assistance and the person the officers are checking for does not reside there.
CC2019-0108	Complainant alleges an officer failed to arrest an individual who committed a battery on the complainant.
CC2019-0109	The complainant alleges misconduct by different levels of leadership of NOPD in the investigation of the officer involved shooting.
CC2019-0110	According to the complainant, there was a break in at the complainant's home and the police failed to respond when the complainant called 911.
CC2019-0111	According to the complainant, the complainant called a district station for assistance with a noise complaint. The complainant said the police did not respond and the complainant was told the station was closed.
CC2019-0112	The complainant alleges the police handcuffed someone and took them to a medical center under duress.
CC2019-0113	The complainant stated that the police at the new airport cursed at the complainant, slammed the complainant's door and was rude to the complainant during an airport drop off.
CC2019-0114	According to the complainant, an officer was rude and would not let the complainant drop off a family member at a hotel within the French Quarter, insisting that the complainant is only allowed to drive in the quarter if operating a rideshare vehicle.
CC2019-0115	According to the complainant, the police are misusing the Real Time Crime Camera footage for personal feuds.
<b>Complaints: 17</b>	

Mediation	
Mediation cases are confidential.	
<b>Mediations Held: 3</b>	

# December Overview

Disciplinary Hearings	
DH2019-0055	Officer is accused of misleading the NOPD and falsifying a mandatory drug test.
DH2019-0056	Officer is accused of failing to initiate the officer's body worn camera during a contentious interaction with a civilian that involved a use of force.
DH2019-0057	Officer is accused of pointing his service weapon at a fleeing vehicle in violation of NOPD policy.
DH2019-0058	Officer is accused of using the officer's personal social media account to post inappropriate comments regarding a civilian and then later editing and deleting the post.
DH2019-0059	Officer is accused of conducting a vehicle pursuit over a property crime without permission from the officer's supervisor.
DH2019-0060	Officer is accused of failing to report to duty and then misrepresenting that the officer completed a sick leave request.
DH2019-0061	Officer is accused of reporting to duty while under the influence of alcohol.
<b>Disciplinary Hearings: 7</b>	

Contact Only	
CO2019-0023	Received call from a civilian asking about NOPD equipment and requesting assistance with navigating the OPSO complaint process.
CO2019-0024	Received multiple emails from civilian in another parish regarding various concerns not related to NOPD. Advising complainant on how to proceed in the complainant's parish.
CO2019-0025	Civilian is concerned regarding the behavior of another individual in the civilian's church. Advising complainant on how to proceed with the potential police matter.
CO2019-0026	Civilian reached out for assistance with an encounter with a taxi driver. Referred the complaint to the OIG.
CO2019-0027	Civilian emailed regarding a stolen phone. Advising complainant on how to proceed with the potential police matter.
<b>Contact Only: 5</b>	

Firearm Discharge	
FD2019-0009	See Critical Incidents.
<b>Firearm Discharge: 1</b>	

# 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.

17

**CITIZEN  
COMPLAINTS**

7

**DISCIPLINARY  
PROCEEDINGS**

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**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.

**15** REFERRALS  
FOR  
MEDIATION

**3** MEDIATIONS  
HELD

**2** SCHEDULED  
FOR  
MEDIATION

**4** MEDIATIONS  
PENDING

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



“ 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

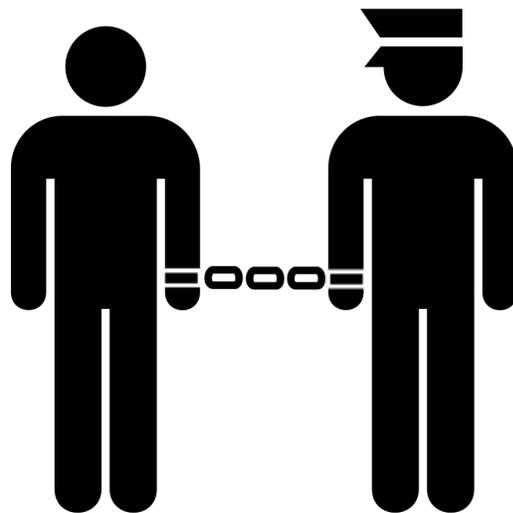
# Critical Incidents

The OIPM is required by City Code 2-1121 to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. If an incident occurs, the OIPM is notified and a member of the incident and will report immediately to the scene. The OIPM will stay engaged from the occurrence of the incident, through investigation, and Use of Force Review Board hearings.

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## CRITICAL INCIDENT

Officer Involved Shooting



On December 12, 2019, an NOPD officer was trying to make a traffic stop when the driver of the car stopped suddenly, got out of the car, left his car door open and started walking down the street. The officer tried to speak with the man to figure out why he stopped his car in the middle of the street. As the officer approached the man, he noticed the man had a gun in his hand. Upon seeing the gun, the officer drew his weapon and commanded the man to stop. The man began running between houses in the neighborhood. At some point the man started firing at the officer as he hid behind some houses. The officer returned fire. The man fled the area on foot and was found hiding under a house in the neighborhood by an NOPD police dog. The man was taken into custody without further incident. Neither the man or the NOPD officer were injured.

# Community Relations

## 4

### COMMUNITY EVENTS

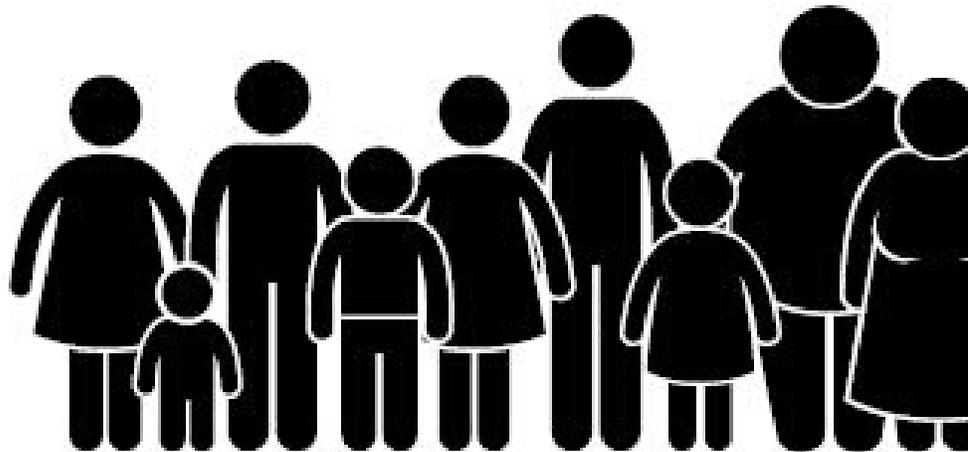
OIPM participates in community events to help extend the message the of OIPM and participates in activities to impact the nature of the relationships the community has with police officers. OIPM is committed to being present in the community, but also presenting helpful information to the public..

**ETHICS REVIEW BOARD MEETING**

**NOPD RECRUIT CLASS #187 GRADUATION**

**ETHICS REVIEW BOARD AWARDS LUNCHEON**

**ORLEANS PARISH COMMUNICATIONS MEETING AND TOUR**



**Monthly Report of  
Ethics Trainer**

No report received.

**Item 1**



**ETHICS REVIEW BOARD**  
*CITY OF NEW ORLEANS*

**2020 BOARD MEETING SCHEDULE**

1. Thursday, January 23, 2020 at 3:30 p.m. (City Council Chambers).
2. Wednesday, February 26, 2020 at 3:30 p.m. (City Council Chambers).
3. Monday, March 30, 2020 at 3:30 p.m. (City Council Chambers).
4. Wednesday, April 22, 2020 at 3:30 p.m. (City Council Chambers).
5. Friday, May 22, 2020 at 3:30 p.m. (City Council Chambers).
6. Monday, June 29, 2020 at 3:30 p.m. (City Council Chambers).
7. Monday, July 27, 2020 at 3:30 p.m. (City Council Chambers).
8. Monday, August 31, 2020 at 3:30 p.m. (City Council Chambers).
9. Monday, September 28, 2020 at 3:30 p.m. (City Council Chambers).
10. Monday, October 26, 2020 at 3:30 p.m. (City Council Chambers).
11. Monday, November 16, 2020 at 3:30 p.m. (TBA).
12. Monday, December 28, 2020 at 3:30 p.m. (City Council Chambers).