



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

erb@nolaerb.gov

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

BOARD MEETING

Wednesday, April 22, 2020

3:30 P.M. – 5:30 P.M.

Zoom Video Conference: <https://loyno.zoom.us/j/99327798552>
or dial in to (312) 626-6799 and enter Meeting ID No. 993 2779 8552

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. Report on officer nominations for 2020-2021 (Mr. Brown).
8. Discussion of 2020 ERB Awards Program (Ricks).
9. Adjournment (Chair).

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of January 23, 2020 at 3:30 P.M.

City Council Chamber, City Hall, New Orleans, Louisiana

Minutes

1. *Call to Order.*
 - 1.1. Board members present:
 - 1.1.1. James Brown.
 - 1.1.2. Elizabeth Livingston de Calderon.
 - 1.1.3. Joe Ricks (Chair).
 - 1.1.4. Howard Rodgers.
 - 1.2. Board member absent:
 - 1.2.1. Michael Cowan.
 - 1.2.2. Monique Gougisha Doucette.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. At 3:37 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 December 16, 2019 Board Meeting. Ms. Calderon 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 summarized the “pipeline” portion of the OIG monthly report (attached).
 - 3.3. Mr. Harper briefly discussed the Audubon response.
 - 3.3.1. Mr. Harper noted that the response did not answer the question as to whether purchases violated the state constitution. However, Mr. Harper noted that the Audubon staff agreed to take it under consideration.
 - 3.3.2. Mr. Brown asked whether Audubon would simply discontinue the questionable practices to avoid any issues. Mr. Harper responded that they were considering how to change their practices.
 - 3.4. Ms. Calderon asked when the payroll internal controls report would be submitted. Mr. Larry Douglass reported that the report was approximately 90 days out, but that the internal controls audit is further back in the pipeline.
 - 3.5. Mr. Harper noted that the formatting and terminology used in the pipeline reports is somewhat confusing and that he would undertake to clarify the reports to make them more readable.
 - 3.6. Mr. Brown asked whether the OIG was involved in the cyberattack investigation. Mr. Harper responded that his office was considering whether any internal problems were a cause of the attack.
 - 3.6.1. Mr. Ricks noted that it is important for the OIG to have flexibility to respond to unexpected issues like the cyberattack and not be restricted by the ordinary risk assessment protocol. Mr. Rick’s suggested a “just do it” list.
 - 3.6.2. Mr. Harper agreed that his office must always be vigilant and responsive to unexpected issues.
 - 3.7. Mr. Harper noted that his office plans to add another investigator to do outreach and to prevent, fraud, waste, and abuse.
 - 3.8. Mr. Rodgers inquired as to whether the OIG was looking into the safety of Orleans Parish School Board busses.
 - 3.8.1. Mr. Harper responded that his office has not looked into it because of jurisdictional issues.

- 3.8.2. Mr. Harper did not receive information from the Sheriff's Office because of similar issues.
- 3.8.3. Mr. Harper promised to follow up on this for the board's January 2020 meeting.
- 4. *Discussion of Monthly Report of the Office of the Independent Police Monitor.*
 - 4.1. Tanya McClary, Chief Monitor, appeared for the OIPM. (IPM Susan Hutson was out of town).
 - 4.2. Ms. McClary discussed the monthly report of the OIPM (attached).
 - 4.3. Ms. McClary noted that the number of complaints has risen in 2019.
 - 4.3.1. Mr. Ricks asked why complaints are up? Ms. McClary noted that it may be attributable to greater visibility of the office in the community due to increased outreach efforts in 2019.
 - 4.3.2. Mr. Ricks asked whether the office simply had greater visibility or whether citizens are more comfortable dealing with the OIPM. Ms. McClary responded that it was likely attributable to "both."
 - 4.3.3. Mr. Rodgers noted that the convenient location of the OIPM on Canal Street may be part of the reason why citizens are more comfortable with the office.
 - 4.4. Ms. McClary noted that the OIPM has reached out to NACOLE for recommendations as to independent evaluators. The list from NACOLE is expected next week.
 - 4.5. The board congratulated Ms. McClary for her new position as police monitor for the City of Dallas and thanked her for her service to the citizens of New Orleans.
- 5. *Report of the Ethics Trainer.*
 - 5.1. Ms. Hackett did not attend the board meeting.
 - 5.2. Ms. Hackett did not submit a monthly report for January 2020.
- 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 that Ms. Hackett was not interested in becoming an employee of the board but, rather, would prefer to remain as an independent contractor.

- 6.3. Ms. Calderon noted that before putting the next trainer contract out to bid, the Board needs a better understanding of the job description and responsibilities.
- 6.4. Mr. Ciolino reported on the upcoming deadlines for the board's annual report.
- 6.5. Mr. Ciolino and Ms. Calderon reported that a review of the rules of procedure is underway and that they will report more at the February board meeting..
- 7. *Overview of Role of ERB in City Government*
 - 7.1. Mr. Ricks presented a PowerPoint on the role of the ERB in city government. He also presented it at the December 2019 Awards Luncheon.
 - 7.2. Ms. Calderon and other board members congratulated Mr. Ricks on the success of the awards luncheon.
- 8. *Adjournment.*
 - 8.1. A motion was made to adjourn the meeting. The motion was seconded.
 - 8.2. The Board unanimously voted to adjourn.
 - 8.3. The meeting was adjourned at 4:38 p.m.

* END *

**Monthly Report of
OIG**

Report to the Ethics Review Board
January 2020

Audit & Review

The Audit & Review division has the following audits underway: Audubon Payroll Internal Controls, Audubon Disbursements, and Department of Public Works and Sewerage & Water Board coordination. Due to the OIG/federal Investigation relating to the Safety and Permits Department, and the enforcement related activities potentially impacting the Short-term Rentals, this project has been temporarily suspended as of January 31st, pending the timing and outcome of the investigation.

Please see the attached project status spreadsheet for details.

Inspections & Evaluations

After the Inspections & Evaluations group postponed the December release of a report on the Management and Operations of the Traffic Camera Safety Program to accommodate the City because of the cyber attack, the I&E group held an exit conference with city officials in mid-January, obtained a response from the City on Jan. 24, and released the official report Jan. 30th.

The I&E group also has the following evaluations underway: the S&WB Billing Dispute Resolution Process and the Firefighter's Pension Fund.

Please see the attached project status spreadsheet for details.

Investigations

The Investigations division received three complaints in January.¹ All three were matters outside of the OIG's purview.

OIG Investigations Division cases:

- Administrative Investigations:
 - On January 8, 2020, the OIG published a Report of Investigation concerning a former 30 employee accepted monetary compensation from one or more forensic psychiatrists employed by the Coroner's Office in exchange for handling their after-

¹ As of Jan. 28, 2020.

hours and weekend mental health related duty calls, known as Orders of Protective Custody.

- Criminal Investigations:
 - Seven of 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 July 13, 2020.

Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Friday, January 31, 2020

Project Number	Project Name	Project Phase *					
Audit/Review		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
AD-15-0001	Audubon Payroll Internal Controls				X		
AD-15-0003	Audubon Disbursements				X	X	
AD-19-0001	Short-term Rentals Suspended 1/31/2020						
AD-19-0002	DPW/SWB Coordination	X					

Project Number	Project Name	Project Phase *					
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
IE-17-0005	Automated Traffic Enforcement Safety - Released 1/30/2020						
IE-18-0003	S&WB Billing Dispute Resolution			X			
IE-19-0001	Firefighter's Pension Governance	X					
IE-20-0001	Job Ordering Contracts	X					

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

Report to the Ethics Review Board
February 2020

Audit & Review

The Audit & Review division has the following audits underway: Audubon Payroll Internal Controls, Audubon Disbursements, and Department of Public Works and Sewerage & Water Board coordination. Due to the OIG/federal Investigation relating to the Safety and Permits Department, and the enforcement related activities potentially impacting the Short-term Rentals, this project has been suspended effective January 31st, pending the timing and outcome of the investigation. Instead, division management has initiated a new BRASS Purchasing audit in lieu of the Short-term Rentals

Please see the attached project status spreadsheet for details.

Inspections & Evaluations

The I&E group also has the following evaluations underway: the S&WB Billing Dispute Resolution Process and the Firefighter's Pension Fund.

Please see the attached project status spreadsheet for details.

Investigations

The Investigations Division received six (6) complaints in February 2020. Two (2) were matters outside of the OIG's purview.

OIG Investigations Division activities and cases:

- The OIG transferred 17 surplus laptops and docking stations to the NOPD Homicide Unit and the Property Crimes Unit.
- Criminal Investigations:
The New Orleans Office of Inspector General (OIG) released a Letter to the Mayor regarding the Department of Safety and Permits Investigation

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 July 13, 2020.

Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Friday, February 28, 2020

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**			
Audit/Review		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	Initial Draft Report/ Entity Management Responses	30 Days	60 Days	90 Days
AD-15-0001	Audubon Payroll Internal Controls				X						
AD-15-0003	Audubon Disbursements				X	X					
AD-19-0001	Short-term Rentals Suspended 1/31/2020										
AD-19-0002	DPW/SWB Coordination	X									
AD-20-0001	BRASS Purchasing	X									

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**			
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	Initial Draft Report/ Entity Management Responses	30 Days	60 Days	90 Days
IE-18-0003	S&WB Billing Dispute Resolution					X					
IE-19-0001	Firefighter's Pension Governance	X									
IE-20-0001	Job Ordering Contracts	X									

Legend	Description
Planning	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
Fieldwork	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Observations and/or Physical Inspections
Draft Report	Data/Statistical Reviews, Documentaries of Fieldwork Results, Initial Report Writing, Revisions and Internal QAR prior to supervisory review
Supervisory Review	Review by both Division Director and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork procedures, proper conclusions, content, presentation and readability
Legal Review	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpretations
IG Review	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 methodology for each audit/evaluation project, and is not determined by a standard set of hours and/or phase deadline. 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 responses.

Report to the Ethics Review Board
March 2020

Audit & Review

The Audit & Review division has the following audits underway: Audubon Payroll Internal Controls, Audubon Disbursements, and Department of Public Works and Sewerage & Water Board coordination. Due to the OIG/federal Investigation relating to the Safety and Permits Department, and the enforcement related activities potentially impacting the Short-term Rentals, this project has been suspended effective January 31st, pending the timing and outcome of the investigation. Instead, division management has initiated a new BRASS Purchasing audit in lieu of the Short-term Rentals

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Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Tuesday, March 31, 2020

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**			
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AD-15-0003	Audubon Disbursements				X	X					
AD-19-0001	Short-term Rentals Suspended 1/31/2020										
AD-19-0002	DPW/SWB Coordination	X									
AD-20-0001	BRASS Purchasing	X									

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**			
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**Monthly Report of
OIPM**

THE OFFICE OF THE INDEPENDENT POLICE MONITOR

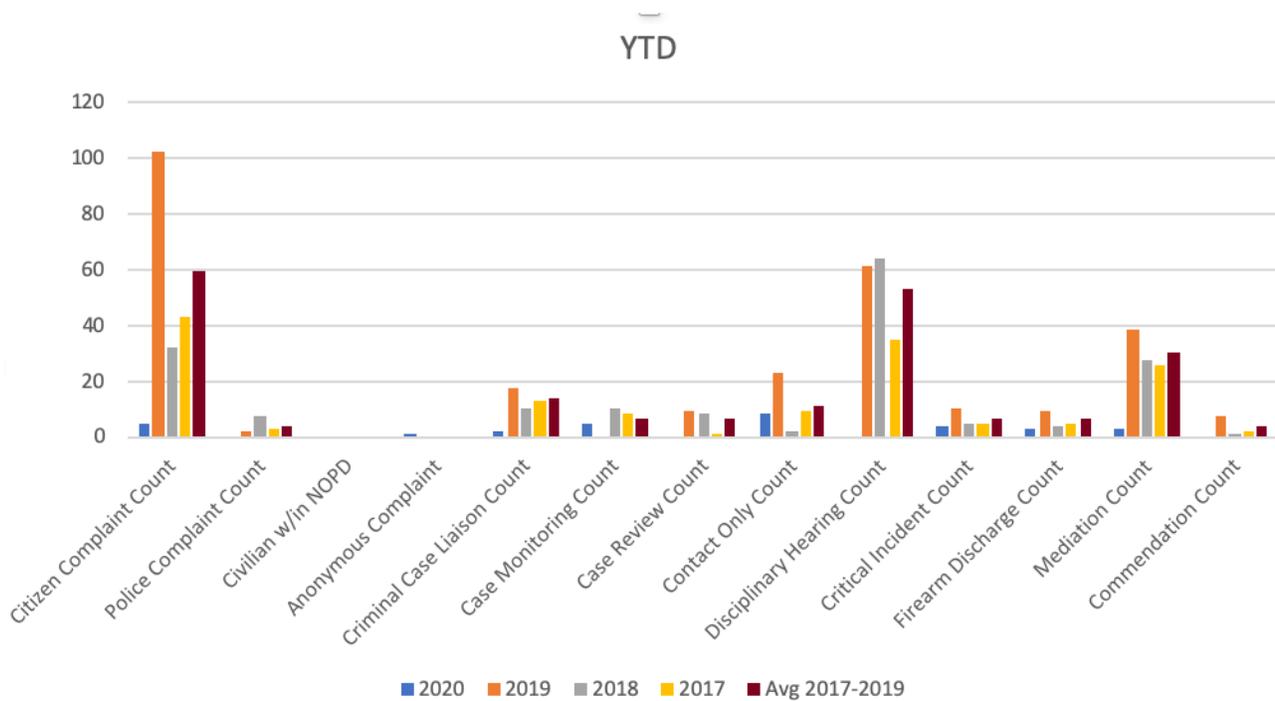


MONTHLY REPORT

JANUARY 2020

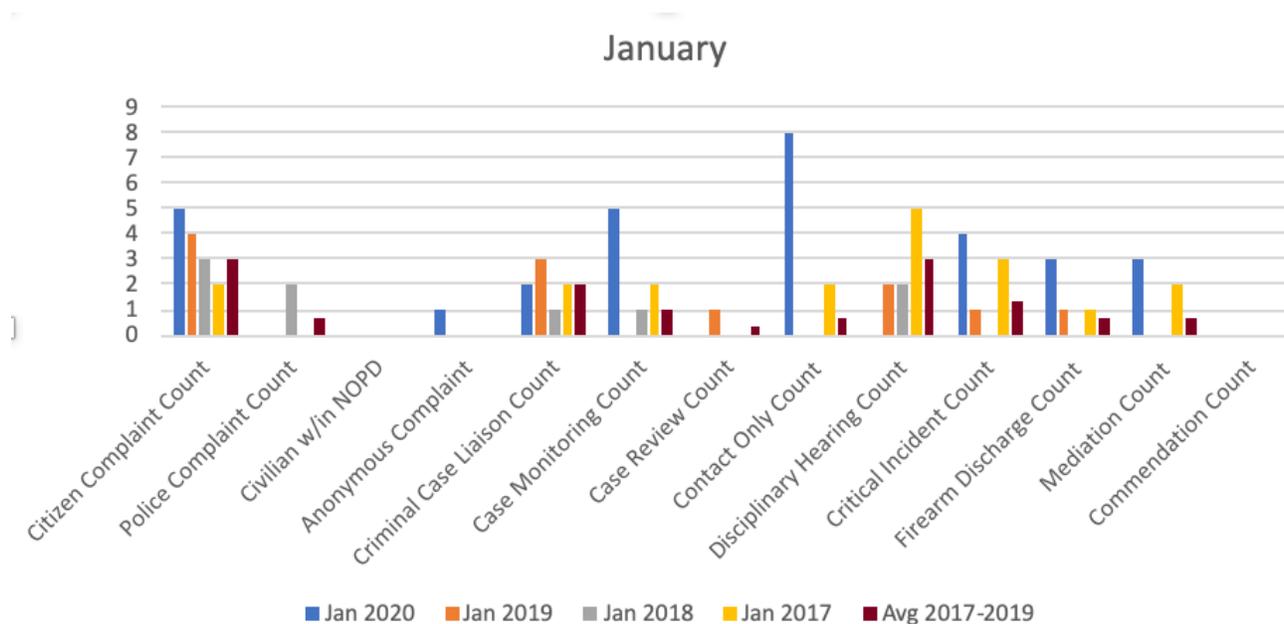
SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Year to Date Overview



	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	5	102	32	43	59
Police Complaint Count	0	2	7	3	4
Civilian w/in NOPD	0				0
Anonymous Complaint	1				0
Criminal Case Liaison Count	2	17	10	13	13.33
Case Monitoring Count	5	0	10	8	6
Case Review Count	0	9	8	1	6
Contact Only Count	8	23	2	9	11.33
Disciplinary Hearing Count	0	61	64	35	53.33
Critical Incident Count	3	10	5	5	6.67
Firearm Discharge Count	3	9	4	5	6
Mediation Count	3	38	27	26	30.33
Commendation Count	0	7	1	2	3.33
Grand Total	27	278	170	150	199.33

January Overview



	Jan 2020	Jan 2019	Jan 2018	Jan 2017	Avg 2017-2019
Citizen Complaint Count	5	4	3	2	3
Police Complaint Count	0	0	2	0	0.67
Civilian w/in NOPD	0	0	0	0	0
Anonymous Complaint	1	0	0	0	0
Criminal Case Liaison Count	2	3	1	2	2
Case Monitoring Count	5	0	1	2	1
Case Review Count	0	1	0	0	0.33
Contact Only Count	8	0	0	2	0.67
Disciplinary Hearing Count	0	2	2	5	3
Critical Incident Count	3	1	0	3	1.33
Firearm Discharge Count	3	1	0	1	0.67
Mediation Count	3	0	0	2	0.67
Commendation Count	0	0	0	0	0
Grand Total	30	12	9	19	13.33

January Overview

Complaints	
CC2020-0001	Complainant alleges a responding officer was unprofessional, discourteous, biased, and discriminatory towards the complainant. The complainant alleges that officer refused to gather evidence, interview witnesses, or listen to the complainant's concerns.
CC2020-0002	According to the complainant, an officer wrongfully used force against his service dog. Later the NOPD claimed that the dog bit the officer, which the complainant states is not true. There is also an allegation of the officers laughing and behaving unprofessionally at the scene.
CC2020-0003	Complainant alleges that the NOPD failed to thoroughly investigate the complainant's report about his property being stolen and sold on Facebook marketplace.
CC2020-0004	Complainant alleges that the NOPD improperly issued a warrant for her arrest.
CC2020-0006	According to the complainant, the NOPD failed to investigate the complainant's concern related to a domestic matter. According to the complainant, the aggressor has access to automatic weapons even though there is a stay away order and that individual is a convicted felon.
AC2020-0005	Complainant alleges that rank attempted to get a sexual harassment complainant to drop their complaint against another ranked NOPD officer.
Complaints: 6	

Anonymous Complaint	
AC2020-0005	Complainant alleges that rank attempted to get a sexual harassment complainant to drop their complaint against another ranked NOPD officer.
Anonymous Complaints Count: 1	

Criminal Case Liaison	
CL2020-0001	A community member requested assistance in reaching a supervisor in the 7th District about her noise complaint about neighbors. This person was able to reach a supervisor to ensure that the police report included all pertinent information.
CL2020-0002	A community member contacted OIPM to ask questions and express concerns about the way NOPD officers handled an attempted sexual assault.
Criminal Case Liaison Count: 2	

January Overview

Case Monitoring	
CM2020-0001	OIPM is working with the complainant to provide an investigation status update. OIPM reached out to PIB to check on progress.
CM2020-0002	OIPM is working with the complainant to provide an investigation status update. OIPM reached out to PIB regarding the status of the investigation and communicated with the complainant.
CM2020-0003	OIPM received an anonymous complaint and monitored the subsequent intake statement of a NOPD officer.
CM2020-0004	OIPM received a complaint from a civilian regarding a use of force incident and monitored the subsequent meeting between the complainant, the complainant's friend, the investigating officer and Chief of the Public Integrity Bureau.
CM2020-0005	OIPM monitored a complainant's municipal court proceeding and observed how court police interacted with individuals within the courtroom.
Case Monitoring Count: 5	

Contact Only	
CO2020-0001	Individual notified the OIPM of a property theft that occurred and the OIPM directed the individual on how to report the crime to the NOPD and secure a police report.
CO2020-0002	Individual notified the OIPM of a pickpocket offense that occurred in the French Quarter. The OIPM directed the individual on how to report the crime to the Eighth District and secure a police report.
CO2020-0003	Individual reached out to OIPM regarding activity occurring in another parish not related to the police. OIPM directed the individual on how to report crimes and file misconduct complaints against law enforcement in that parish. This communication is ongoing.
CO2020-0004	Individual reached out to OIPM to report cybercrimes (not related to the police) and the OIPM directed the individual on how to report this offense.
CO2020-0005	Individual reported a wallet theft to OIPM and OIPM directed the individual on how to report the crime to the Eighth District and secure a police report.
CO2020-0006	OIPM spoke with a complainant regarding the complainant's experience with reporting illegal fireworks to the NOPD. The complainant stated the complainant was not interested in a filing a complaint at this time.
CO2020-0007	Individual reached out to OIPM to report a crime occurring within the complainant's family. OIPM directed the complainant on how to report this crime to law enforcement.
CO2020-0008	Complainant spoke to OIPM regarding the complainant's recent interactions with the NOPD. OIPM is working with the complainant on some next steps.
Contact Only: 8	

January Overview

Critical Incidents	
CI2020-0001	On January 2, 2020 at approximately 6:35pm a Detective was canvassing the area of North Dupree and Onzaga Streets when a canine rapidly approached the officer in an aggressive manner according to him. The detective discharged his firearm and struck the canine, who later expired.
CI2020-0002	On January 7, 2020 at approximately 8:46am a Detective responded to a vehicle burglary in progress in the 6400 block of Louis XIV near Louisville Street; once on scene he was confronted by 3 subjects in a vehicle. The driver began to back the vehicle towards the Detective. In an attempt to stop the subject, the Detective discharged his weapon, striking the vehicle. The vehicle continued and the vehicle's occupants exited the vehicle and fled. Two of the three occupants were arrested on scene. The other occupant was not located. No injuries were reported.
CI2020-0003	On January 25, 2020 at approximately 7:35am officers and recruits responded to an aggravated assault with a firearm call for service at St. Louis and Bourbon Streets. As the officers and recruits arrived on-scene, the subject confronted the officers and pointed his firearm at least one of them. The officers and recruits discharged their firearms at the subject, striking him. The subject was transported to the hospital for treatment.
Critical Incidents: 3	

Firearm Discharge	
	See Critical Incidents.
Firearm Discharge: 3	

Mediation	
Mediation cases are confidential.	
Mediations Held: 3	

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.

5

**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.

7 REFERRALS
FOR
MEDIATION

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



3 MEDIATIONS
HELD

“ 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

7 MEDIATIONS
PENDING

Critical Incidents

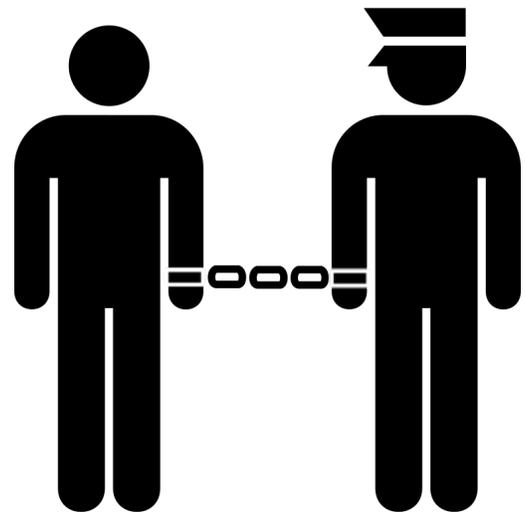
The OIPM is required by City Code 2-1121 to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. If an incident occurs, the OIPM is notified and a member of the incident and will report immediately to the scene. The OIPM will stay engaged from the occurrence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

3

CRITICAL INCIDENTS

3

FIREARM DISCHARGES



Community Relations

5

COMMUNITY EVENTS

OIPM participates in community events to help extend the message of the 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.

**OIPM CO-HOSTED A SCREENING OF “JUST MERCY” AND A COMMUNITY DISCUSSION
AFTERWARDS ABOUT THE CRIMINAL JUSTICE SYSTEM AND
POLICING IN LOUISIANA**

OIPM ATTENDED AN AWARD LUNCHEON FOR THE FAIR HOUSING ACTION CENTER

OIPM ATTENDED A COMMUNITY MEETING REGARDING THE POLICING OF CHILDREN

**OIPM ATTENDED A COMMUNITY MEETING REGARDING THE POLICING OF PERSONS WITH
MENTAL AND EMOTIONAL CHALLENGES**

OIPM ATTENDED AN ETHICS REVIEW BOARD MEETING



THE OFFICE OF THE INDEPENDENT POLICE MONITOR

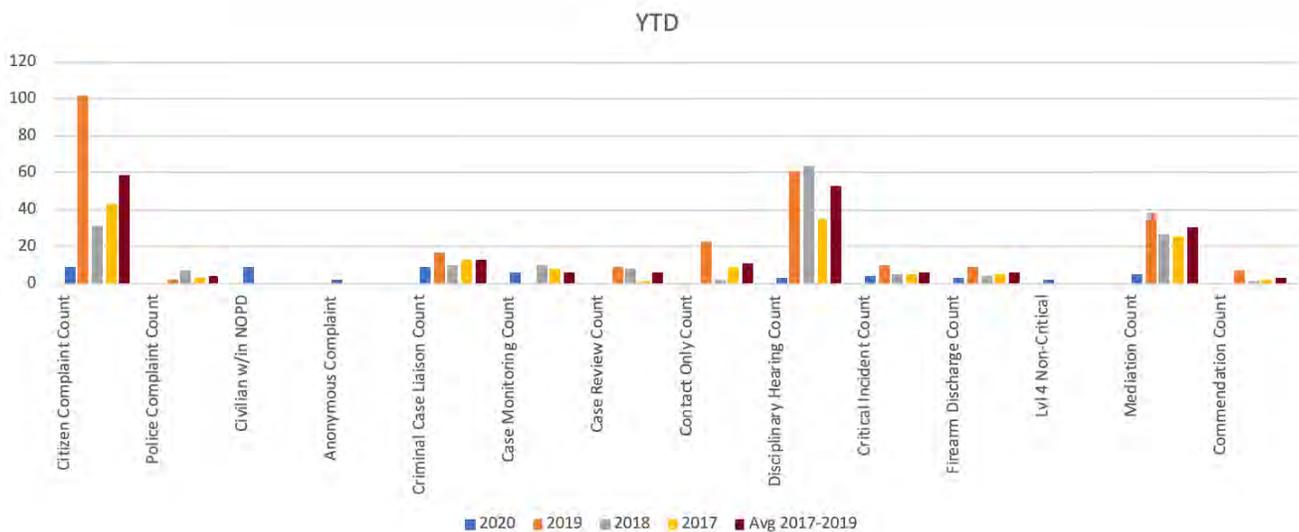


MONTHLY REPORT

FEBRUARY 2020

SUSAN HUTSON
INDEPENDENT POLICE MONITOR

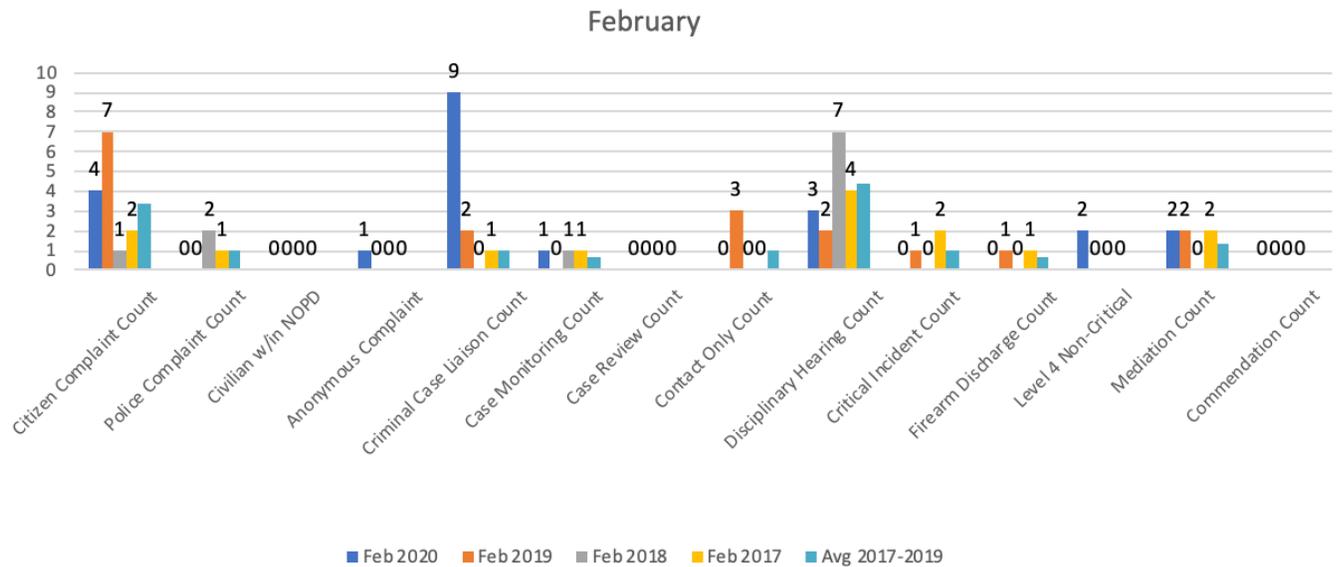
Year to Date Overview



	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	9	11	4	4	6.33
Police Complaint Count	0	0	4	1	1.67
Civilian w/in NOPD*	0	0	0	0	0.00
Anonymous Complaint*	2	0	0	0	0.00
Criminal Case Liaison Count	16	5	1	3	3.00
Case Monitoring Count	6	0	2	3	1.67
Case Review Count	0	1	0	0	0.33
Contact Only Count	3	3	0	2	1.67
Disciplinary Hearing Count	3	4	9	9	7.33
Critical Incident Count	4	2	0	5	2.33
Firearm Discharge Count	3	2	0	2	1.33
Lvl 4 Non-Critical Use of Force*	2	0	0	0	
Mediation Count	5	2	0	4	2.00
Commendation Count	0	0	0	0	0.00
Grand Total	34	30	20	33	27.67

*indicates a new category

February Overview



	Feb 2020	Feb 2019	Feb 2018	Feb 2017	Avg 2017-2019
Citizen Complaint Count	4	7	1	2	3.33
Police Complaint Count	0	0	2	1	1.00
Civilian w/in NOPD	0	-	-	-	-
Anonymous Complaint	1	-	-	-	-
Criminal Case Liaison Count	9	2	0	1	1.00
Case Monitoring Count	1	0	1	1	0.67
Case Review Count	0	0	0	0	0.00
Contact Only Count	0	3	0	0	1.00
Disciplinary Hearing Count	3	2	7	4	4.33
Critical Incident Count	0	1	0	2	1.00
Firearm Discharge Count	0	1	0	1	0.67
Lvl 4 Non-Critical	2	-	-	-	-
Mediation Count	2	2	0	2	1.33
Commendation Count	0	0			0.00
Grand Total	22	18	11	14	14.33

February Overview

Disciplinary Hearings	
DH2020-0001	Officer(s) are accused of conducting a vehicle pursuit over a property crime without permission from the officer's supervisor.
DH2020-0002	Officer is accused of failing to report to duty and then misrepresenting that the officer completed a sick leave request.
DH2020-0003	Officer is accused of reporting to duty while under the influence of alcohol.
Disciplinary Hearings Count: 3	

Level 4 Non-Critical Use of Force	
UF2020-0001	Officers were attempting to arrest a subject that was possibly in possession of a weapon. The subject fled the scene. The officer gave chase and used the take down method. Once the subject was placed in handcuffs with assistance from an additional officer, the subject resisted by twisting his leg around the right ankle of one of the officers causing him to strike the subject in the ribs. Both officers were injured as a result of the incident.
UF2020-0002	Officers responded to a call for service of a male on the streetcar armed with a gun. Upon arrival, the officer pointed his firearm at the suspect but then transferred to his CEW once he noticed the suspect wasn't armed. The suspect fled from the streetcar and the officer pursued the suspect. The suspect then charged at the officer at which time he deployed his taser and attempted to handcuff the suspect. The suspect attempted to grab the officer's firearm at which time the officer recharged his CEW and deployed it a second time with no effect. The officer changed cartridges and deployed his CEW 2 additional times as the suspect walked toward a crowd of people. The suspect went to the ground and was apprehended with the assistance of additional responding officers.
Level 4 Non-Critical Use of Force: 2	

February Overview

Criminal Liasion	
CL2020-0003	Individual reached out to OIPM with assistance with a "cold case." OIPM reached out to the District Attorney's Office and the detective assigned to the case and retrieved the requested information for the individual.
CL2020-0004	OIPM assisted an individual with reaching the detective assigned to their criminal matter.
CL2020-0005	Individual reported a cell phone theft to OIPM and OIPM directed the individual on how to report the crime to the Eighth District and secure a police report.
CL2020-0006	Anonymous individual informed the OIPM of believed criminal activity on the Westbank. OIPM provided the information to the Captain of the 4th District.
CL2020-0007	Individual complained about an issue with Parking Authority. OIPM referred the complaint to the Parking Authority and directed the individual to that agency.
CL2020-0008	Individual reported believed Louisiana Probation and Parole misconduct to OIPM. OIPM is working with the individual on how to access the misconduct referral process for that agency.
CL2020-0014	Individual notified OIPM of problems with a refund occurring with a hotel in the 8th District. OIPM directed the individual on how to report any believed crime and secure a police report.
CL2020-0015	Individual reached out to OIPM to report alleged judicial misconduct occurring in Baton Rouge. OIPM directed the individual to the judicial misconduct process and to the Internal Affairs division of the Office of the State Inspector General.
CL2020-0016	Individual contacted OIPM to report alleged crimes occurring in a massage parlor. OIPM directed the individual on how to report this crime to the law enforcement.
Criminal Liasion Count: 9	

February Overview

Citizen Complaints	
CC2020-0007	Complainant stated that he was assaulted by another male in front of two NOPD officers who took no action. The Complainant stated that he told the officers that he wanted to press charges and the officers told him: "no, he did not."
CC2020-0008	The complainant alleges that on multiple occasions, regarding several different issues, New Orleans Police Department refused to provide accurate police reports and failed to arrest and investigate criminal offenses.
CC2020-0009	The complainant alleges that her boyfriend was unlawfully arrested and she was treated unprofessionally when she tried to understand the situation.
CC2020-0011	Complainant alleges that an officer yelled and screamed at her, belittled her, and blocked her pathway after she had retrieved a throw at a parade from a taped off area after other officers and patrons had done the same earlier.
Citizen Complaints Count: 4	

Case Monitoring	
CM2020-0006	OIPM is working with the complainant to provide an investigation status update. OIPM reached out to PIB to check on progress.
Case Monitoring Count: 1	

Anonymous Complaint	
AC2020-0010	Complainant stated that an officer accosted her husband and took him across the street without cause, forcing her to walk back to their hotel alone. The complainant also alleged that the officer stated that if they complained, he would find a reason to arrest him.
Anonymous Complaint Count: 1	

Complaints and Discipline

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4

**CITIZEN
COMPLAINTS**

3

**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.

9 REFERRALS
FOR
MEDIATION

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



3 MEDIATIONS
HELD

“ 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

6 MEDIATIONS
PENDING

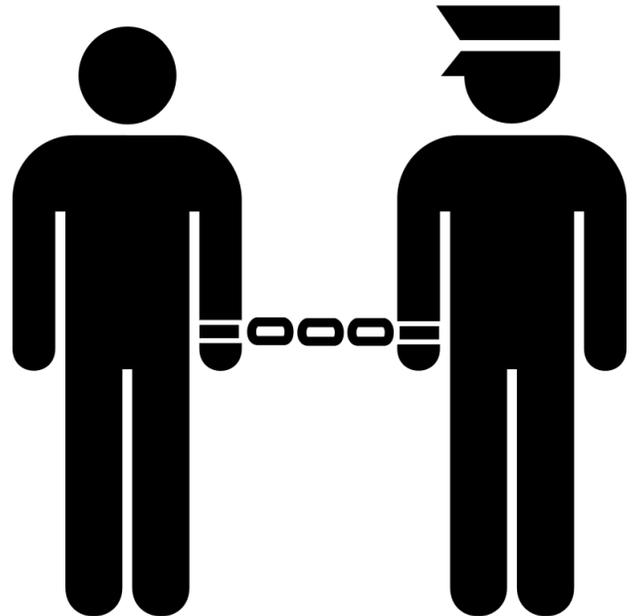
Use of Force

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.

0 CRITICAL INCIDENTS

0 FIREARM DISCHARGES

2 LEVEL 4 NON-CRITICAL INCIDENTS



Community Relations

5

COMMUNITY EVENTS

OIPM participates in community events to help extend the message of the 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.

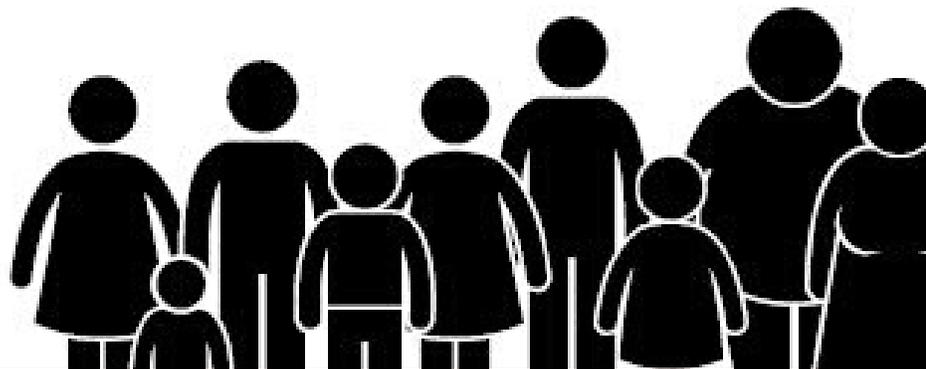
OIPM CONDUCTED A KNOW YOUR RIGHTS TRAINING

OIPM MET WITH LOUISIANA SURVIVORS FOR REFORM

OIPM APPEARED ON A WBOK RADIO SHOW SEGMENT

OIPM APPEARED ON A WWLTV GREAT DAY LOUISIANA SEGMENT

OIPM APPEARED ON A WTUL RADIO SHOW SEGMENT



THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

MARCH 2020

SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Community Letter

Dear New Orleans community,

We are currently living through unprecedented times. The spread of COVID-19 affects all of us and the way we live and interact in our community. There are real public safety and health concerns that we are considering every day. As part of our police oversight work, we are monitoring how the New Orleans Police Department interacts with the public during this pandemic. For us, public safety is broader than just the COVID-9 precautions – it means looking out for everyone and ensuring safety during police interactions resulting from the public health mandates and beyond.

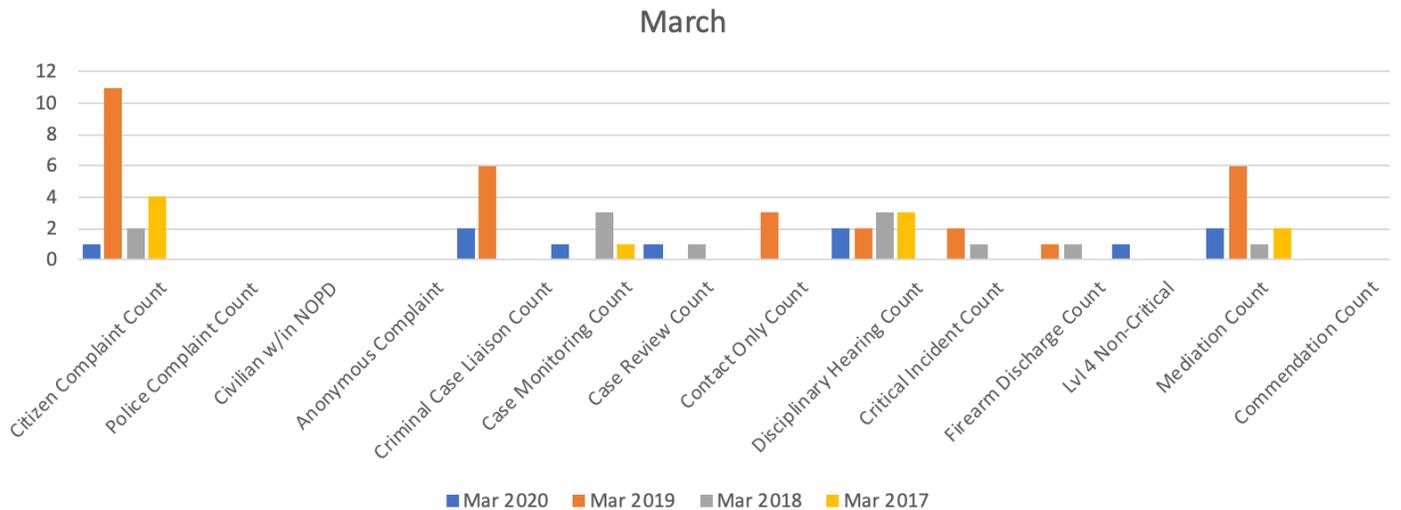
Just because we may be working remotely does not mean our work has ended. We are still taking feedback from the community regarding their interactions with the NOPD and submitting complaints of police misconducts and commendations of positive policing. We are coordinating our first round of online mediations and are processing more mediation requests each day. We are also interviewing potential new mediators through video conferencing. We are still attending and monitoring – in person or online – disciplinary proceedings conducted by the NOPD. We are still participating in outreach activities like Webinars with partners in New Orleans and all over the country. We are still reviewing Use of Force incidents, creating audit plans, conducting case reviews, and providing the NOPD with valuable oversight and feedback.

To that effect, we've expanded our work this month in a way that may be difficult to capture in our ordinary numbers. In light of the COVID-19 pandemic, we are making the necessary pivots to respond to the changing needs of our community and the NOPD. This month we started working with community and governmental organizations to reduce unnecessary exposure to the COVID-19 virus through changed police practice and policy. We are ensuring safety precautions for responding officers and recommending tactic changes to reduce unnecessary arrests. The OIPM is partnering with other agencies who are working with vulnerable populations, like incarcerated individuals, and our culture bearers, like musicians and Social Aid Clubs, to ensure we monitor police responses regarding the Shelter in Place Mandate. In the coming month, we are going to expand on this work. We are going to put forth policy recommendations to the NOPD to increase their ability to issue summons in lieu of arrests for nonviolent misdemeanor and felony offenses. We are answering the community's call that their health should come before handcuffs.

During this time, the health and safety of our community, the public and the officers, is our first priority and we will continue to serve everyone by ensuring all police interactions are both necessary and safe. Please follow all public health mandates and we look forward to continuing our work for the people of New Orleans.

Sincerely,
Susan Huston

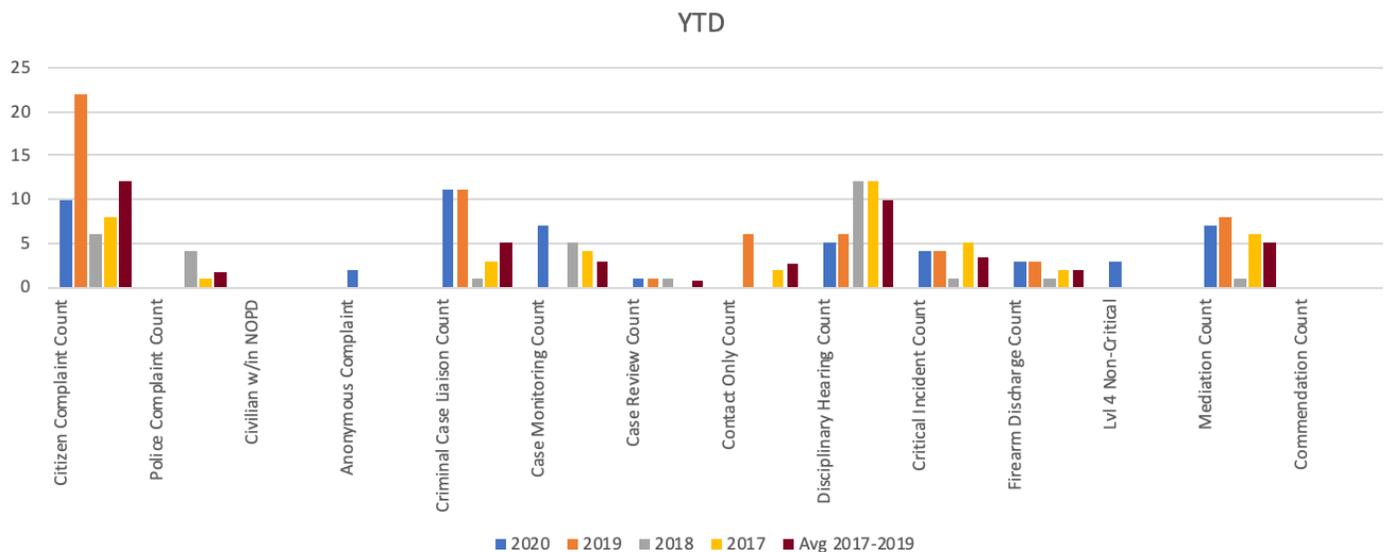
March Overview



	Mar 2020	Mar 2019	Mar 2018	Mar 2017
Citizen Complaint Count	1	11	2	4
Police Complaint Count*	0	-	-	-
Civilian w/in NOPD*	0	-	-	-
Anonymous Complaint	0	-	-	-
Criminal Case Liaison Count	2	6	-	-
Case Monitoring Count	1	0	3	1
Case Review Count	1	0	1	0
Contact Only Count	0	3	0	0
Disciplinary Hearing Count	2	2	3	3
Critical Incident Count	0	2	1	0
Firearm Discharge Count	0	1	1	0
Level 4 Non-Critical*	1	-	-	-
Mediation Count	2	6	1	2
Commendation Count	0	0	-	-
Grand Total	10	31	12	10

*indicates a new category

Year to Date Overview



	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	10	22	6	8	12.00
Police Complaint Count	0	0	4	1	1.67
Civilian w/in NOPD*	0	-	-	-	0.00
Anonymous Complaint*	2	0	0	0	0.00
Criminal Case Liaison Count	11	11	1	3	5.00
Case Monitoring Count	7	0	5	4	3.00
Case Review Count	1	1	1	0	0.67
Contact Only Count	0	6	0	2	2.67
Disciplinary Hearing Count	5	6	12	12	10.00
Critical Incident Count	4	4	1	5	3.33
Firearm Discharge Count	3	3	1	2	2.00
Level 4 Non-Critical*	3	-	-	-	-
Mediation Count	7	8	1	6	5.00
Commendation Count	0	0	0	0	0.00
Grand Total	53	61	32	43	45.33

*indicates a new category

March Overview

Citizen Complaints	
CC2020-0012	Complainant alleges a member of her family was detained and arrested without probable cause. The complainant also alleges her family member was physically mistreated by the NOPD.
Citizen Complaints Count: 1	

Criminal Liasion	
CL2020-0017	Individual reached out to the OIPM requesting assistance with a domestic matter; specifically: (1) the allegations against their partner; (2) the low bond set; (3) the investigation conducted by the NOPD. OIPM reached out to the district and reviewed the investigation.
CL2020-0018	Individual filed a complaint with OIPM but upon review, the OIPM determined the officers involved are Louisiana State Troopers. The OIPM is referring the complaint to the correct state agency.
Criminal Liasion Count: 2	

Case Monitoring	
CM2020-0007	Complainant reached out to the OIPM for an update regarding the misconduct investigation being conducted by the criminal division of the PIB. OIPM reached out to the investigating officer and their supervisor regarding the progress of the investigation and provided an update to the complainant.
Case Monitoring Count: 1	

March Overview

Disciplinary Hearings	
DH2020-0004	Officer is accused of reporting to work while intoxicated. Officer was currently under investigation for a similar alcohol involved offense.
DH2020-0005	Officer is accused of operating his fully marked department vehicle while intoxicated and in possession of an open alcoholic beverage, driving recklessly, and being involved in a crash that resulted in injury to himself and to a civilian.
Disciplinary Hearings Count: 2	

Level 4 Non-Critical Use of Force	
UF2020-0003	The officer responded to a call regarding a mental patient attacking bystanders with a stick. The subject refused to comply to officer's commands to drop the stick and proceeded to break the police unit's window. The officer then tased the subject three times before he complied. He was apprehended and transported to a local hospital for psychiatric evaluation.
Level 4 Non-Critical Use of Force: 1	

Mediation	
Mediation cases are confidential.	
Mediations Held: 2	

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- 1** CITIZEN COMPLAINT
- 2** DISCIPLINARY PROCEEDINGS
- 0** POLICE INITIATED COMPLAINTS



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12

REFERRALS
FOR
MEDIATION

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- Officer Participant



2

MEDIATIONS
HELD

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3

MEDIATIONS
PENDING

Use of Force

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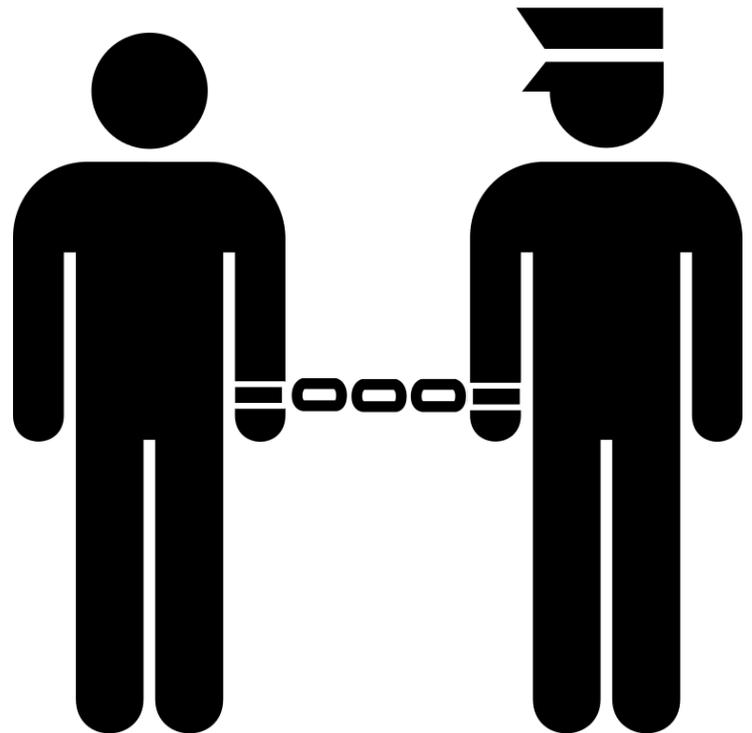
CRITICAL INCIDENTS

0

FIREARM DISCHARGES

1

LEVEL 4
NON-CRITICAL INCIDENT

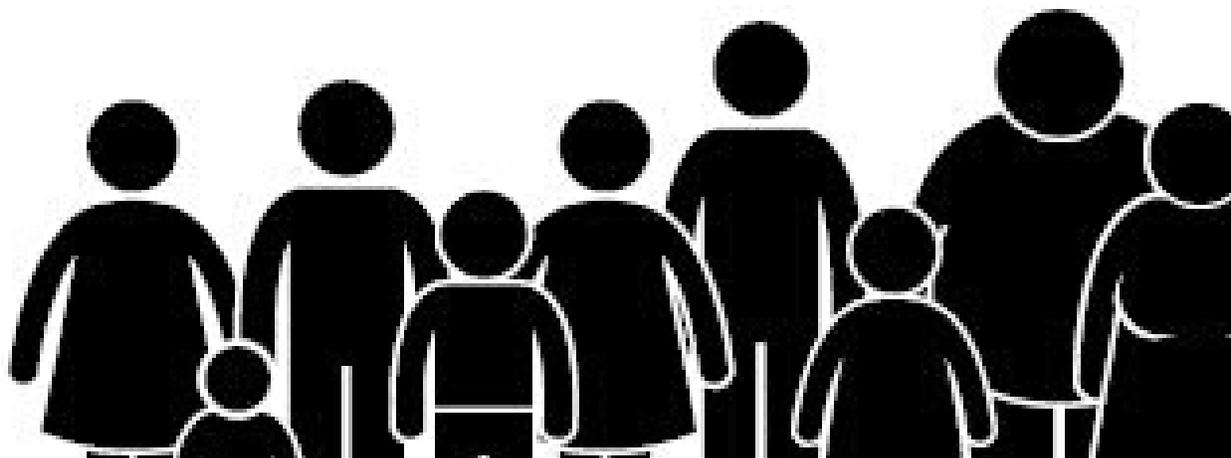


Community Relations

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IN MARCH THE OIPM PARTICIPATED IN A PANEL DISCUSSION FOR A CARDOZO LAW SCHOOL WEBINAR CLASS.

The OIPM discussed with other legal organizations, including public defender offices and the Innocence Project, how technology and shared databases can be utilized in tracking police misconduct.



**Monthly Report of
Ethics Trainer**



February 26, 2020

ERB December/January Period (February 2020 report)

Core Scope 2019/2020

1. Remain a LA certified ethics state training meeting annual training requirement
2. Delivery of Training to target audience, coordination of efforts of ERB members, City officials and employees and members of boards and commissions to secure participation in training sessions
3. Evaluation of all sessions delivered, and report results to ERB
4. Training focus: Departmental liaison, Boards and Commissions, Senior Staff/Management
5. Implementation of recommendations based on the 2018 “deep dive” study
6. Ten to twelve sessions

Expanded Scope

7. Assistance with Inaugural Ethics Awards roll-out
8. Facilitate Additional Meetings with Liaisons – 2-4 X per year – Focus on Leadership Training, Creating a cadre of ethics leaders
9. Curriculum Development - Targeted Training for Leadership and Management
10. New Employee Ethics Training – 2 x per year – This is especially focused on new employees that are also new to public service.
11. Development of New training Elements and collateral material
12. Adding a new trainer to the team, setting the stage for more robust and varied trainings and the ability to increase the number of trainings offered by the Board -

December January Report

Curriculum Development and Continuing Education

1. Completed the training to and recertified as an Ethics Trainer by the State
2. Erich Caulfield = Completed requirements designated as a Certified Ethics Trainer by the State of Louisiana

During this period, we began the process of implementing the 2019/2020 activities. A summary of the agreed upon task are included in this report.

Trainings Completed

Trainings for the following.

- Mayors’ Senior Staff

Training Pipeline