



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

BOARD MEETING

Monday, December 28, 2020

3:30 P.M. – 5:30 P.M.

The board will conduct this meeting via Zoom Video Conference and Telephone Conference

Video Conference Link: <https://loyno.zoom.us/j/5049753263>

Telephone Conference Dial-In Number: 312-626-6799; ID No. 504 975 3263

Certification of Necessity: The board hereby certifies that it is unable to satisfy live-meeting quorum requirements due to the COVID-19 declaration of emergency. See [State of Louisiana, Executive Department Proclamation No. JBE 2020-30 § 4](#) (Mar. 16, 2020) (permitting video conference meetings due to gubernatorial declaration of state of emergency); [State of Louisiana, Executive Department Proclamation No. 111 JBE 2020 § 1](#) (August 26, 2020) (providing that “statewide public health emergency is declared to continue to exist”).

AGENDA

1. Ratification of certification of necessity for videoconference/teleconference meeting (Chair).
2. Approval of minutes of previous board meeting (Chair).
3. Discussion and vote on 2021 board meeting dates (Chair).
4. Discussion of monthly report from the Office of Inspector General (Chair).
5. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
6. Discussion and vote on ethics training position: contractor vs. employee (Chair).
7. Report of Executive Administrator and General Counsel (Chair).
8. Executive Session. Discussion of investigative proceedings regarding allegations of misconduct pursuant to La. Rev. Stat. § 42:17(A)(4).
9. Adjournment (Chair).

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of November 16, 2020 at 3:30 P.M.

Conducted via Zoom Teleconference Due to COVID-19 Emergency

Minutes

1. *Call to Order.*
 - 1.1. Board members present:
 - 1.1.1. Wanda A. Brooks.
 - 1.1.2. Elizabeth Livingston de Calderon.
 - 1.1.3. Michael A. Cowan (Chair).
 - 1.1.4. Holly Callia.
 - 1.1.5. Monique G. Doucette.
 - 1.1.6. Tyrone G. Jefferson, Jr.
 - 1.1.7. Torin T. Sanders.
 - 1.2. Board members absent: None.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. A 3:31 p.m., the Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
 - 1.5. The agenda for the meeting is attached.
2. *Ratification of Prior Written Certification of Emergency Need for Video Conference Meeting.* Pursuant to [State of Louisiana Executive Department Proclamation No. JBE 2020-30 Section 4 \(March 16, 2020\)](#) and subsequent orders and legislation addressing the

COVID-19 state of emergency, the ERB unanimously agreed to conduct this meeting by video conference and audio conference after certifying that the ERB would not otherwise have been able to operate due to quorum requirements due to the ongoing COVID-19 emergency.

3. *Approval of the Minutes.* The Board unanimously approved the minutes of the October 26, 2020, board meeting.
4. *Chair's Report*
 - 4.1. Dr. Cowan reported that he has meetings scheduled with the Mayor and members of the City Council to discuss the board's activities, including its efforts to replace the IG.
 - 4.2. Dr. Cowan reported that he met with the OIG staff to discuss the transition.
 - 4.3. Dr. Cowan reported on recent articles and news publications addressing the situation at the OIG, including Derry Harper's absences, performance, and pay arrangement with OIG employee Jessica Lang.
 - 4.3.1. Mr. Sanders, Ms. Brooks, and Ms. Calderon had follow up questions regarding Ms. Lang's current status to assure she was no longer on the ERB payroll.
 - 4.3.2. Dr. Cowan noted that the board will request regular financial reports from the OIG and OIPM in the future.
5. *Report of the Office of Inspector General.*
 - 5.1. The Office of the Inspector General was represented by Interim IG Ed Michel. Other OIG staff members were also in attendance, including Mr. Larry Douglass.
 - 5.2. Mr. Michel discussed his transition into the Interim IG position, including that he held an all-office meeting recently. His goal is to provide a fully-functional office to the new appointed IG.
 - 5.3. Mr. Michel discussed the monthly report submitted by the OIG.
 - 5.4. Mr. Michel reported on a recent guilty plea by Irvin Mayfield, which was based in part on work of the OIG.
 - 5.4.1. Ms. Calderon asked Mr. Michel whether the board should expect to see more prosecutions and activity. Mr. Michel responded in the affirmative.
 - 5.5. Mr. Michel noted that his office is updating its website and will keep it current.
 - 5.6. Mr. Cowan asked what "big challenges" lie ahead for the OIG? Mr. Michel noted that his challenges include improving personnel engagement with management,

improving communication within the office and with the public, and understanding the current financial state of the OIG.

- 5.7. Mr. Cowan asked what the “work plan” was for the OIG. Mr. Michel responded that the work plan remains the same as the 2021 Work Plan previously announced.
6. *Report of the Office of the Independent Police Monitor.*
 - 6.1. IPM Susan Hutson appeared for the OIPM. Bonycle Sokunbi also appeared.
 - 6.2. Ms. Hutson discussed her monthly report (attached).
 - 6.3. Ms. Hutson noted that there were two officer-involved shootings this month. One officer was shot in the face, but no shots were fired by NOPD.
 - 6.4. Ms. Hutson noted that complaints this month are up—almost double the usual number. Her office has been very busy.
7. *Vote on RFP to Hire Executive Search Firm for IG Search*
 - 7.1. Ms. Calderon moved for the board to publish an RFP at an amount no more than \$50,000 to hire an executive search firm to assist with the search for a new IG. She also moved that each search firm submitting a proposal:
 - 7.1.1. Commit to place hiring advertisements in diverse listing/journals, including but not limited to diversity of: Gender, Race, Ability/Disability, LGBT&Q, Fields of practice (IGs, Judiciary, Law Enforcement, Auditors/Comptrollers, Public Administration, Attorneys, etc.);
 - 7.1.2. Commit to search for candidates with the qualifications required by Code of Ordinances § 2-1120(3)(b);
 - 7.1.3. Present the anticipated costs, speed, recommendations, history of hiring for this type of position, and proposed screening and updating process.
 - 7.1.4. Commit to search for and accept applications for at least 60-90 days and until the IG appointed.
 - 7.2. A board member seconded the motion.
 - 7.3. The board discussed the motion.
 - 7.3.1. Mr. Cowan asked why the \$50,000 amount was selected as a cap. Mr. Ciolino responded that the number was reasonable in light of his preliminary talks with executive search firms.
 - 7.3.2. There was no additional discussion.

- 7.4. The board unanimously adopted Ms. Calderon's motion without modification.
8. *Report of Executive Administrator and General Counsel.*
 - 8.1. Mr. Ciolino reported that no new complaints had been received.
 - 8.2. Mr. Ciolino noted that the board in December or January should discuss proposing a revision to the Code of Ordinances to include definitive sanctions for ethics code violations. He also noted that the board should invite David Marcello to present on the topic.
 - 8.3. Mr. Ciolino discussed the Board's upcoming deadlines and events.
 - 8.4. Mr. Ciolino reminded the board that, by year end, each present and former board member must complete one hour of mandatory ethics training and file a Tier 2.1 financial disclosure form.
9. *Discussion of Ethics Training.*
 - 9.1. The board discussed whether ethics training should be conducted by a new employee or by an independent contractor (as in the past).
 - 9.2. Ms. Callia noted that whoever performs training should use technology to widely broadcast and to better engage training sessions.
 - 9.3. Mr. Cowan agreed and noted that we need to "think outside of the box" with training.
 - 9.4. Ms. Calderon noted that she looks forward to further considering transitioning to an employee delivery model. She also emphasized the importance of in person training rather than purely online training.
 - 9.5. Mr. Cowan noted that it is critically important to train liaisons and to have those liaisons train personnel in their departments.
 - 9.6. The board will vote on how to proceed in December.
10. *Adjournment.*
 - 10.1. A motion was made to adjourn the board meeting. The motion was seconded.
 - 10.2. The Board unanimously voted to adjourn.
 - 10.3. The meeting was adjourned at 5:00 p.m.

* END *

**Monthly Report of
OIG**

Report to the Ethics Review Board
November 2020

Audit & Review

The Audit & Review division has the following audits underway: BRASS Purchasing, Orleans Parish Communications District, and the Department of Public Works and Sewerage & Water Board coordination.

Please see the attached project status spreadsheet for details.

Inspections & Evaluations

The I&E group also has the following two evaluations underway in the fieldwork phase: Firefighter's Pension Fund and the Job Ordering Contracts.

Please see the attached project status spreadsheet for details.

Administration

Edward (Ed) Michel was appointed Interim Inspector General by ERB Chair Cowan, effective November 1st. Interim IG Michel and First Assistant IG Douglas presented the 2021 OIG budget request to the City Council and have facilitated the reconciliation of current expenses to identify potential cost savings.

Additionally, Jessica Lang, former ERB Executive Director, has been reassigned to her initial classified position as Management Development Analyst II, and has been assigned duties commensurate with her position.

Investigations

The Investigations Division received five (5) complaints in November 2020. All five (5) concerned matters outside of the OIG's purview.

OIG Investigations Division activities and cases:

- Criminal Investigations:

On November 10, 2020, Irvin Mayfield and Ronald Markham pled guilty to defrauding the New Orleans Public Library Foundation out of approximately \$1,316,232. The US Attorney's office issued a press release regarding the guilty pleas in which they recognized the OIG for our efforts that led to this successful prosecution. The press release also included a quote from Interim Inspector General Ed Michel and our social media accounts were utilized to highlight our success to the public.

Three former Sewerage and Water Board Employees are awaiting trial for theft of brass and three arrest warrants remain outstanding.

Assessor's Office retroactively raised the property tax assessments on three properties for the years 2018 through 2020 in response to an OIG report concerning residential properties which continued to receive a homestead exemption and senior freeze reduction despite the listed homeowner reportedly being deceased. A Report of Investigation will be provided to the Assessor's Office and the Bureau of the Treasury concerning this matter.

- Administrative Investigations:

Submitted a Report of Investigation to the CAO office concerning four (4) City employees who are not maintaining an actual domicile within the Parish of Orleans in violation of the City Domicile Ordinance and the Chief Administrative Office Policy Memorandum No. 19(R), Domicile Requirements for City Employees, dated April 15, 2013

- OIG Information Security Division activities for November 2020:

Recurring Monthly tasks

Daily backup monitored. All backups are working effectively.

Daily e-mail health check. E-mail is working as expected.

Software updates

Built-in Admin Account password reset for e-mail archive system.

Technical Support provided, hardware related

Returned the demo Microsoft Surface devices we had on loan for product sampling to determine new computer specifications.

Submitted HP support cases to fix broken keyboards on the HP z-book laptops. All keyboards are now functional.

Technical Support provided, non-hardware related

28 service desk tickets resolved.

The e-mail archive is online and e-mail is importing as expected. I am still working with

Facilitated user credentials for OIG staff to access CNO VPN network access and BRASS resources for purchasing processing.

Facilitated user credentials for ERB staff to access CNO VPN network access and BRASS resources for purchasing processing.

Configured zoom/teams meetings for staff.

Communications

Created support requests via the COX communications website because the internet to the office was down for a few days this month.

Updated the website to remove staff names of those who no longer work for the OIG, updated the Interim OIG page information, and edited staff titles to reflect the true title of the roles they fill.

Purchasing

Assisted Audit with purchase renewals for support and licensing expirations.

Continuing to gathering quotes and product information for end of year technology needs.

Training

OIG IT Cyber Security Staff training was be delivered to OIG staff who missed the October deadline. Once those users completed training there was an 100% participation in training.

Worked individually with each OIG user to ensure a successful connection to CNO VPN and BRASS to complete purchase requests.

Worked with ERB staff to ensure a successful connection to CNO VPN and BRASS to complete purchase requests.

Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Monday, November 30, 2020

Project Number	Project Name	Project Phase *						
		Audit/Review	Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
AD-19-0002	DPW/SWB Coordination			X				
AD-20-0001	BRASS Purchasing			X				
AD-20-0002	Orleans Parish Comm District (OPCD)+	X						

+ The Current OPCD audit confirming jurisdictional authority was heard and adjudicated by the Civil District Court on September 29th. However, we have learned the ruling, with an anticipated

Project Number	Project Name	Project Phase *						
		Inspections/Evaluations	Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
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 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 interpretation
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 criteria. 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 reviews, and the 30-day timeline of the proposed final report to the client and the subsequent receipt of management responses.

Expected Release Timeline for Report**		
30-45 Days	60 Days	90 Days

and the OPCD is expected to appeal

Expected Release Timeline for Report**		
30-45 Days	60 Days	90 Days

<p> <small>N</small> ocedures, proper conclusions, content, tations </p>

hours and/or phase deadline.

legal and

**Monthly Report of
OIPM**

THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

NOVEMBER 2020

SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Community Letter

Dear New Orleans Community,

Whenever I reflect on November, I count my blessings – both personally and professionally. This has been a trying year, and it may feel like it's not easy to immediately remember what should be celebrated, but one thing immediately and loudly came to my mind and that is you: the people of New Orleans and our community partners. I want to start this letter by thanking you for all your support during this year. I want to thank you for your engagement which we have seen in your thoughtful comments to City Council during our presentations and your submission of complaints and commendations to our office. I want to thank you for your eye towards justice and accountability which you have demonstrated time and again as you have asked us for answers and meetings and how to ask for more from the police that seek to serve you. Thank you for your partnership and your voice. For these things, I am very grateful.

As you may reflect on what you are grateful this year, you may recall a positive experience you have had with a NOPD officer. One of those occasions when an officer demonstrated an exemplary commitment to service or helped you or your family. If such a memory comes to mind, please act on it – submit your positive compliment to our office and we will prepare a commendation letter to the NOPD. Improvement to our police department can happen when we report on what is going wrong, but it can also be just as impactful to say what is going right and what the NOPD should replicate and build on. Your positive feedback is a powerful learning opportunity to the NOPD on what they should keep doing to ensure the NOPD effectively serving our community.

During the month of November, the OIPM presented to City Council about our budgetary requests for 2021. This presentation was an opportunity for the OIPM to both inform the government of what we have achieved in 2020 and put forth a set of priorities and projects that we seek to complete in the coming year. We appreciated the opportunity to analyze our impact and think critically about how to continue to expand our work, despite any budgetary setbacks and furloughs, in 2021.

This month the OIPM continued to engage with our Consent Decree partners at the US Attorney's Office, the District Attorney's Office, the Public Defender's Office, the Federal Monitor's Office, and leadership at NOPD through participating in the Consent Decree progress meeting. This meeting is an opportunity for these agencies to come to the table and report out about efforts to bring the NOPD into compliance with the Consent Decree. OIPM continues to remain dedicated to the vision of complete compliance to the Consent Decree and looks forward to progressing towards that goal over the next year.

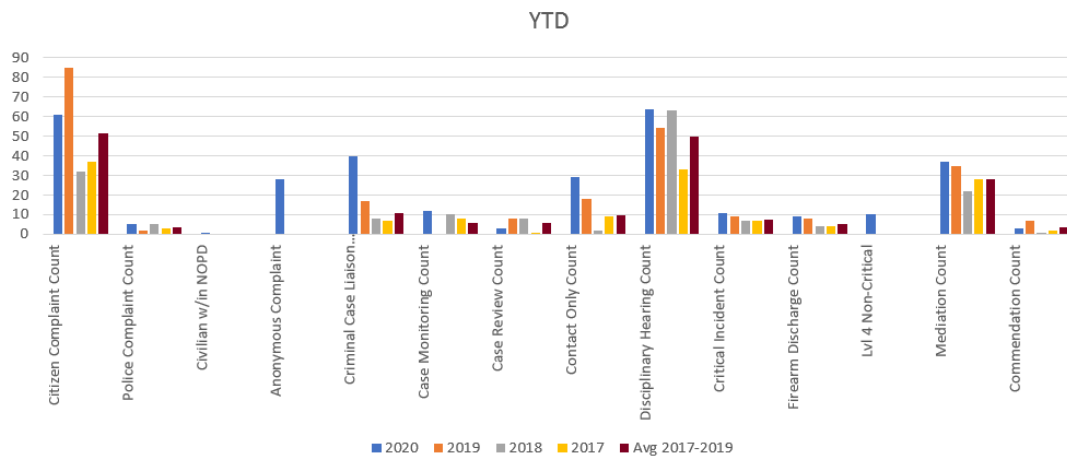
As previously reported, the OIPM has continued our facilitation of musician concerns to the leadership at NOPD. Musicians and street performers celebrate the culture and spirit of our city and we want to make sure these artists have the space to perform free from over policing. We will continue to facilitate dialogs between affected musicians and the NOPD to ensure that our city stays vibrant.

Thank you,

Susan Hutson

Year to Date Overview

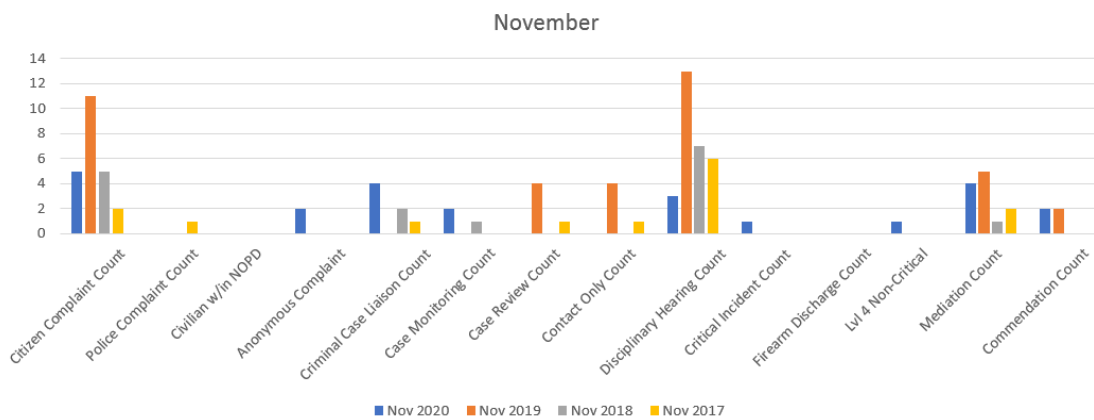
	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	61	85	32	37	51.33
Police Complaint Count	5	2	5	3	3.33
Civilian w/in NOPD*	1	-	-	-	-
Anonymous Complaint*	28	-	-	-	-
Criminal Case Liaison Count	40	17	8	7	10.67
Case Monitoring Count	12	0	10	8	6.00
Case Review Count	3	8	8	1	5.67
Contact Only Count	29	18	2	9	9.67
Disciplinary Hearing Count	64	54	63	33	50.00
Critical Incident Count	11	9	7	7	7.67
Firearm Discharge Count	9	8	4	4	5.33
Lvl 4 Non-Critical*	10	-	-	-	-
Mediation Count	37	35	22	28	28.33
Commendation Count	3	7	1	2	3.33
Grand Total	313	243	162	139	181.33



*indicates a new category

November Overview

	Nov 2020	Nov 2019	Nov 2018	Nov 2017	Avg 2017-2019
Citizen Complaint Count	5	11	5	2	6.00
Police Complaint Count	0	0	0	1	0.33
Civilian w/in NOPD*	0	-	-	-	-
Anonymous Complaint*	2	-	-	-	-
Criminal Case Liaison Count	4	0	2	1	-
Case Monitoring Count	2	0	1	0	0.33
Case Review Count	0	4	0	1	1.67
Contact Only Count	0	4	0	1	1.67
Disciplinary Hearing Count	3	13	7	6	8.67
Critical Incident Count	1	0	0	0	0.00
Firearm Discharge Count	0	0	0	0	0.00
Lvl 4 Non-Critical*	1	-	-	-	-
Mediation Count	4	5	1	2	2.67
Commendation Count	2	2	0	0	0.67
Grand Total	24	39	16	14	14.33



*indicates a new category

November Overview

Citizen Complaints	
CC2020-0091	Complainant alleges that his former rank failed to accurately report workable hours under NOPD policy and the Captain of that department failed to hold the rank accountable.
CC2020-0092	According to the complainant, the NOPD failed to take necessary police action in response to noise and disturbing the peace calls.
CC2020-0095	According to the complainant, the NOPD officer that responded to her call regarding a domestic disturbance was not helpful and rude with her. When the complainant tried to speak to the officer's rank, she felt the rank was unprofessional.
CC2020-0096	According to the complainant, the NOPD improperly informed her that her matter was civil in nature and made the wrong decision regarding moving her grandchildren from her care.
CC2020-0097	According to the complainant, the police caused unnecessary anxiety when they approached his home by shining a light into his window, into the complainant's eyes, and not identifying themselves.
Citizen Complaints Count: 5	

Anonymous Complaint	
AC2020-0094	According to the complainant, the NOPD is utilizing preferential hiring and KSA procedures.
AC2020-0098	According to the complainant, the police did not conduct a thorough investigation or provide adequate assistance when neighbors burglarized her car.
Anonymous Complaint Count: 2	

Criminal Liaison	
CL2020-0037	A City Council Member's office contacted OIPM to assist an individual who needed help with an open warrant on a violent partner. The OIPM reached out to the relevant district and the member of the public about addressing the open warrant.
CL2020-0038	OIPM assisted an individual with attaining a police report for a stolen dog.
CL2020-0039	A member of the public reached out to the OIPM for assistance with filing a complaint on officers in Kenner Police Department. The OIPM informed the individual on how to proceed.
CL2020-0040	A community member reached out to OIPM to request help with getting officers to respond to an incident in which the community member's nephew was shot in the leg. The community member advised that NOPD officers did not respond to the scene of the incident. OIPM reached out to the District Captain who had officers meet the victim at UMC.
Criminal Liaison Count: 4	

Mediation	
Mediation cases are confidential.	
Mediations Held: 4	

November Overview

Case Monitoring	
CM2020-0011	OIPM facilitated and monitored a meeting between a musician in the French Quarter and NOPD leadership.
CM2020-0012	OIPM facilitated and monitored a meeting between the family of an individual involved in an Officer Involved Shooting and the leadership at the Public Integrity Bureau.
Case Monitoring Count: 2	

Disciplinary Hearings	
DH2020-0062	Two supervisors are accused of improperly documenting an employee's shifts and time. This resulted in the officer receiving unauthorized overtime.
DH2020-0063	A senior police officer is accused of misusing department property when he brought a department vehicle home without authorization and did not properly care for the vehicle while it was in his custody.
DH2020-0064	A senior police officer is accused of hitting a cyclist with his personal vehicle after running a red light and failing to provide the individual with relevant information.
Disciplinary Hearings Count: 3	

Critical Incident	
CI2020-0011	Officers responded to a call of a suspicious person that was wanted for assault on the complainant. After being identified, the officers approached the suspect and he began to walk away. A struggle ensued during which an officer struck the complainant with a firearm.
Critical Incident Count: 1	

Level 4 Non-Critical Use of Force	
UF2020-0011	The U.S. Marshalls were doing a surveillance on a wanted person, that later fled the scene. A perimeter was set up and K-9 was called out. The K-9 handler guided the dog into the rear yard of the residence. The dog made contact with the suspect that was hiding under the shed. The wanted person received a bite to the left calf. The wanted person was taken into custody and transported to UMC without further incident.
Level 4 Non-Critical Use of Force: 1	

Commendations	
PC2019-0002	A member of the community requested a commendation for the Captain and responding Sergeants of the Public Integrity Bureau who responded to the scene at Royal and St. Philip on October 30, 2020. The individual stated these officers were professional, sensitive, and helpful.
PC2019-0003	The OIPM requested a commendation for the Captain and two Sergeants of the Public Integrity Bureau for their swift, effective, and empathic response to an allegation of sexual misconduct.
Commendations: 2	

Complaints and Discipline

The 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
- 3** DISCIPLINARY PROCEEDINGS
- 0** POLICE INITIATED COMPLAINTS
- 2** ANONYMOUS 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.

4

**MEDIATIONS
REFERRED**

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



4

**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

3

**MEDIATIONS
PENDING**

Community Relations

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.

November 5, 2020 - Learn Your Rights in the Community - Liberty's Kitchen

