



Ethics Review Board for the City of New Orleans

Board Meeting of January 24, 2022, at 3:30 P.M.

Conducted via Zoom Teleconference Due to COVID-19 Emergency

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 3:32 p.m.
 - 1.2. Board members present:
 - 1.2.1. Wanda A. Brooks
 - 1.2.2. Elizabeth Livingston de Calderon, Chair.
 - 1.2.3. Holly Callia.
 - 1.2.4. Michael A. Cowan
 - 1.2.5. Tyrone G. Jefferson, Jr.
 - 1.2.6. Torin T. Sanders.
 - 1.3. Board member absent: Monique G. Doucette.
 - 1.4. Staff members present:
 - 1.4.1. Dane S. Ciolino, Executive Administrator and General Counsel
 - 1.4.2. Jordy Stiggs, Ethics Trainer
 - 1.5. The Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
 - 1.6. 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.*
 - 3.1. After a motion and second, the board unanimously approved the minutes of the board meeting held on November 15, 2021.
 - 3.2. After a motion and second, the board unanimously approved the minutes of the board meeting held on November 24, 2021.
 - 3.3. After a motion and second, the board unanimously approved the minutes of the board meeting held on November 29, 2021.
 - 3.4. After a motion and second, the board unanimously approved the minutes of the board meeting held on December 1, 2021.
 - 3.5. After a motion and second, the board unanimously approved the minutes of the board meeting held on December 13, 2021.
 - 3.6. After a motion and second, the board unanimously approved the minutes of the board meeting held on December 15, 2021.
4. *ERB Peer Review Report and Discussion*
 - 4.1. Jane Feldman of the Denver Board of Ethics served as a member of the three-person peer review committee. Jabu Sengova of the Atlanta board of ethics also served as a member. Both attended the board meeting.
 - 4.2. The report of the ERB peer review committee is attached to the agenda and to these minutes.
 - 4.3. Ms. Feldman and Ms. Sengova reported the following:
 - 4.3.1. The committee spent time learning about the board.
 - 4.3.2. Future peer review committees should have a Louisiana member.
 - 4.3.3. Future peer reviews should be conducted in person rather than through Zoom (as was required here by the COVID-19 pandemic).
 - 4.3.4. The board should coordinate more with the Louisiana Board of Ethics.

- 4.3.5. The committee believed that the board is providing a good service to the citizens of New Orleans.
5. *Rescheduling of June 20, 2022, Meeting:* After a motion and a second, the board unanimously voted to reschedule the June 20th meeting to June 13th because of the Juneteenth holiday.
6. *Report of the Office of Inspector General.*
 - 6.1. The Office of the Inspector General was represented by IG Ed Michel. Other OIG staff members also were in attendance, including Ana Reyna and Larry Douglass.
 - 6.2. The Board accepted Mr. Michel's monthly report of the OIG. *See Attached OIG Monthly Report.*
 - 6.3. Mr. Michel noted that his office is working on matters related to the firemen's pension fund and pot hole repair.
 - 6.4. Mr. Michel reported that the S&WB had suspended an employee after the OIG's recent report on payroll issues.
 - 6.5. Mr. Michel noted that his office will soon release a report on S&WB employees using handicapped parking tags. This conduct has caused more than \$100,000 in economic loss to the city.
 - 6.6. Mr. Michel stated that his office is still working on issues related to its investigation into homestead exemptions being granted to dead people.
 - 6.7. Mr. Michel reported that he is trying to hire a general counsel and to fill other positions.
 - 6.8. There were no questions from the board.
 - 6.9. Ms. Calderon thanked Mr. Michel for his efforts and for those of his staff.
 - 6.10. Ms. Calderon noted that the city assessor's office should take the lead on recovering money and properly imposing assessments and homeowner's exemptions now that the OIG has discovered the problem.
7. *Report of the Office of the Independent Police Monitor.*
 - 7.1. Interim IPM Stella Cziment appeared for the OIPM. Ms. Sokunbi was also in attendance.
 - 7.2. The Board accepted Ms. Cziment's monthly report of the OIPM. *See Attached OIPM Monthly Report.*
 - 7.3. Ms. Cziment noted that her office was looking into secondary employment issues at NOPD, including accounting issues with the ADP payroll system.

- 7.4. Mr. Cowan noted that her office needed a close working relationship with PIB, but suggested that Ms. Cziment make it clear to the public what her offices role was in monitoring police misconduct and what the role of PIB is.
- 7.5. Mr. Sanders asked about the status of the federal consent decree. Ms. Cziment noted that it appeared that the city was on track to be in compliance with the decree by early spring of this year.
- 7.6. Ms. Cziment reported that December was a very successful month for mediations.
- 7.7. Ms. Cziment noted that her office launched a new website today.
8. *Report of the Ethics Trainer*
 - 8.1. Mr. Stiggs presented his monthly report to the board. *See Attached Ethics Trainer Monthly Report.*
 - 8.2. The board accepted Mr. Stiggs's report without further discussion.
 - 8.3. Mr. Stiggs reported that several board members still need to do training for 2021.
 - 8.4. Mr. Stiggs reported that he will soon kick off monthly ethics training. He showed the board his flyer to advertise the training.
 - 8.5. Mr. Stiggs noted that an awards ceremony would be held in 2022. Details are forthcoming. It will likely be held in conjunction with a regular ERB meeting.
 - 8.6. Mr. Cowan noted that ethics education needed to be tailored to particular departments, boards, and commissions. He also asked that Mr. Stiggs work further on a strategic plan and submit it to the board for feedback.
 - 8.7. Mr. Cowan emphasized the importance of engaging liaisons to get leverage across the city departments.
9. *Report of Executive Administrator and General Counsel*
 - 9.1. Mr. Ciolino reported that the board had received two complaints and that they would be on an agenda for a future meeting.
 - 9.2. Mr. Ciolino discussed the board's upcoming deadlines and events.
10. *Recap of OIG Appointment*
 - 10.1. The board discussed the process for appointing Mr. Michel the OIG. Mr. Sanders and Mr. Cowan reported that it went well.
 - 10.2. Ms. Calderon asked board members to send Mr. Ciolino suggestions for a written protocol for future hiring.

11. *Report of OIPM Search Committee*

11.1. Mr. Sanders reported that the board would meet next Monday to discuss the process of appointing a new IPM.

11.2. Mr. Sanders reported that five (5) applications had been submitted.

12. *Suggested Topics for Next Board Meeting Agenda:* None received from public or board members.

13. *Adjournment.*

13.1. A motion was made to adjourn the board meeting.

13.2. The motion was seconded.

13.3. The board unanimously voted to adjourn. The meeting was adjourned at 5:15 p.m.

* END *



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

Monday, January 24, 2022

3:30 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 pursuant to [Louisiana Revised Statutes section 42:17.1](#): The board hereby certifies that the Governor of the State of Louisiana has declared a state of emergency or disaster involving the geographic area of the City of New Orleans. The governor's most recent extension of this state of emergency is available here: [235 JBE 2021 State of Emergency.pdf \(louisiana.gov\)](#).

A live meeting would be detrimental to the health, safety, or welfare of the public and the members of the Ethics Review Board. The agenda contains matters that are critical to continuation of the business of the Ethics Review Board and are not able to be postponed to a live meeting due to a legal requirement or other deadline that cannot be postponed or delayed by the Ethics Review Board. The public can attend and participate in the videoconference meeting by joining the conference by telephone or videoconference as described above. In addition, public comment prior to the meeting can be provided via email address erb@nolaerb.gov.

AGENDA

1. Regular Business
 - a. Ratification of certification of necessity for videoconference/teleconference meeting (Chair).
 - b. Approval of minutes of previous board meetings (Chair).
 - c. Discussion of 2021 Peer Review of ERB.
 - d. Change of date of June 20, 2022, meeting for Juneteenth Holiday.
 - e. Discussion of monthly report from the Office of Inspector General (Chair).
 - f. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
 - g. Discussion of monthly report of ERB Ethics Trainer (Stiggs).

- h. Report of Executive Administrator and General Counsel (Chair).
 - i. Discussion of change to bylaws regarding selection process for OIG and OIPM. (See attached search steps from last search.)
- 2. Continuing Business
 - a. Report of OIPM search committee.
- 3. New Business
 - a. Opportunity for suggestions on future agenda topics from board, staff, and public.
- 4. Adjournment (Chair).

**Monthly Report of
OIG**

MONTHLY REPORT

DECEMBER 2021



OIG

NEW ORLEANS
OFFICE OF INSPECTOR GENERAL

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

ADMINISTRATION DIVISION



1,812

Number of registered Twitter followers

ADMINISTRATION

The Office Manager is responsible for the following ongoing tasks:

- Reviewing applications for the Criminal Investigator, and Evaluator vacancies
- Organizing and securing OIG personnel files and creating a comprehensive filing system
- Coordinating and maintaining the OIG vehicle service records and travel logs
- Coordinating the OIG records management activities
- Reconciling 2021 Year-end purchases and preparing for the 2021 Budget close-out

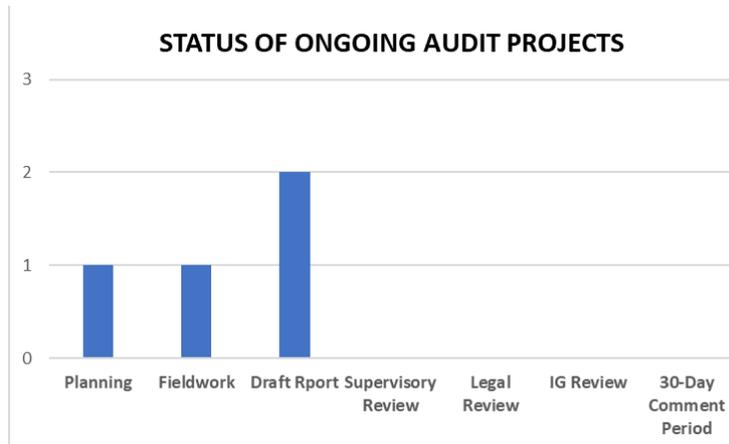
INFORMATION SECURITY

The OIG Information Security Manager is responsible for the following tasks to maintain the OIG's information technology (IT) integrity

- Technical Support
- Hardware and Software Updates
- Communication and Coordination
- Consultation for IT Purchases

AUDIT & REVIEW DIVISION

The Audit and Review Division conducts financial audits, attestations, compliance, and performance audits of City programs and operations. Auditors test for appropriate internal controls and compliance with laws, regulations and other requirements.



The Audit and Review Division has the following projects in process:

- BRASS Procurement System
- Orleans Parish Communications District (OPCD) Expenditures
- Department of Public Works (DPW)/SW&B Coordination
- Safety and Permits City Employee Inspections

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

AUDIT AND REVIEW DIVISION

The following information provides a summary of the Audit Division's project phase and a summary of the audit objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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DPW/S&WB Coordination	Draft Report	3/31/2022
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Summary of Objectives: To determine if the City of New Orleans and S&WB have sufficient policies and procedures relevant to coordinating the \$2 billion Capital Improvement Program and that the internal controls are operating effectively.

BRASS Procurement System	Draft Report	3/31/2022
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Summary of Objectives: To determine if management's BRASS Procurement System's internal controls are designed properly and implemented and operating effectively.

Orleans Parish Communications District	Planning	Ongoing
----------------------------------------	----------	---------

Summary of Objectives: To determine if management's internal controls are designed properly and implemented and operating effectively to ensure expenses and disbursements were business-related and allowed by law.

Safety & Permits City Employee Inspections	Fieldwork	Ongoing
--------------------------------------------	-----------	---------

Summary of Objectives: To determine if City employees performed on-site inspections at various locations.

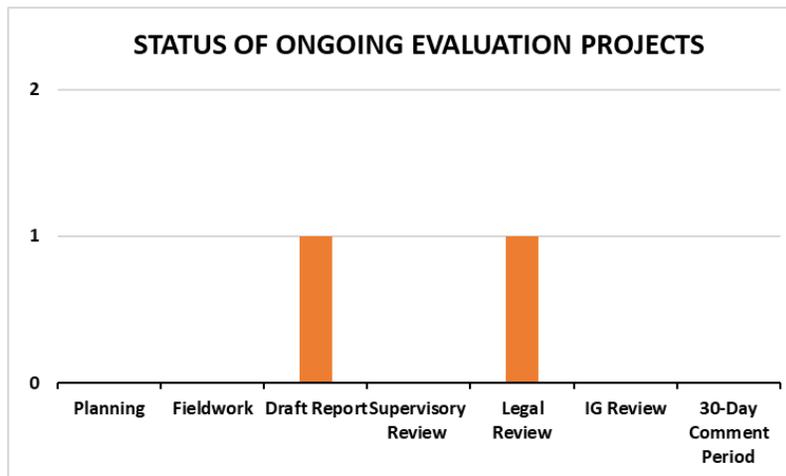
Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INSPECTIONS & EVALUATIONS DIVISION

The Inspections and Evaluations Division works to increase the efficiency, effectiveness, transparency, and accountability of City programs, agencies, and operations. Evaluators conduct independent, objective, empirically based and methodically sound inspections, evaluations, and performance reviews.



On December 17, 2021, the Inspections and Evaluation Division issued the Procurement Department's Competitive Bidding Inspection Report

The Inspections & Evaluations Division has the following projects in process:

- Firefighters' Pension Fund Governance
- NOLA 311 Potholes

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

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MEASURING PROGRESS

INSPECTIONS AND EVALUATIONS DIVISION

The following information provides a summary of the Inspections and Evaluations Division's project phase and a summary of the each project's objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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Firefighters' Pension
Fund Governance

Legal Review

2/28/2022

Summary of Objectives: To determine if the Firefighters' Pension Fund investment policies and practices are consistent with authoritative sources and best practices, and adequately consider risks.

NOLA 3-1-1- Potholes

Draft Report

2/28/2022

Summary of Objectives: To determine if the City properly and timely triages and resolves complaints received for the reporting of potholes on streets throughout the community.

Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INVESTIGATIONS DIVISION

ADMINISTRATIVE INVESTIGATIONS (DECEMBER HIGHLIGHTS)

Issued a Request for Documents to the Juvenile Justice Intervention Center regarding building access records.

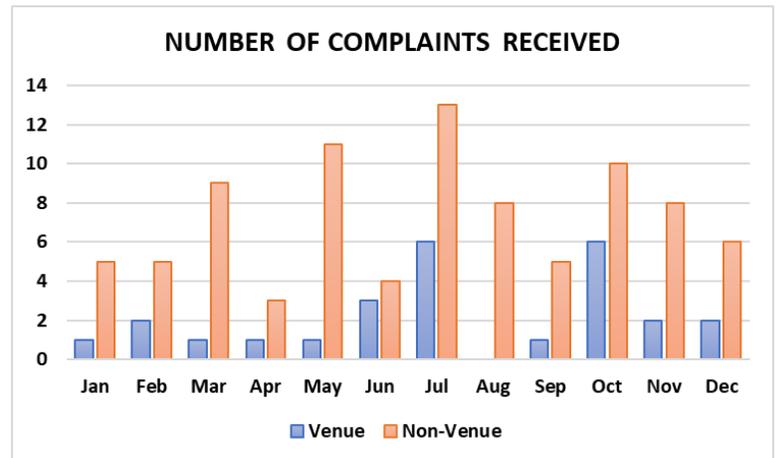
FOX News reported that a Senior Special Agent for the New Orleans Sewerage and Water Board (S&WB) has been suspended without pay after separate investigations by the Office of Inspector General and FOX 8 News questioned the employee's use of the police detail program.

S&WB issued an Inter-Office Memorandum to 17 S&WB employees regarding "Potential Inappropriate/Improper Use of a Handicap Parking Placard."

James Mohamad, former Director of Inspection and Code Enforcement for the City of Kenner, was charged in a 5-count superseding indictment by a federal Grand Jury with conspiracy to use an interstate facility with intent to carry on unlawful activity (Title 18, United States Code, Sections 371 and 1952(a)(3)) and filing false tax returns (Title 26, United States Code, Section 7206(1)). The US Attorney's Office for the Eastern District of Louisiana issued a press release in which it credited the OIG with participating in the investigation along with the Federal Bureau of Investigation and the Internal Revenue Service-Criminal Investigations.

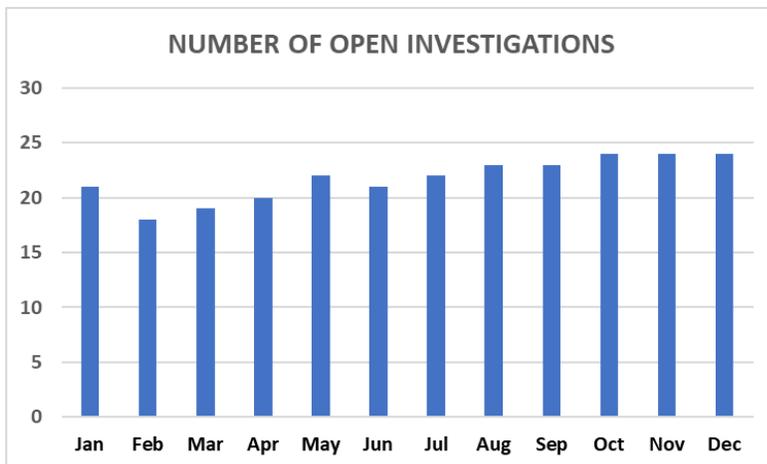
CRIMINAL INVESTIGATIONS (DECEMBER HIGHLIGHTS)

None reported.



Venue: Matters that the OIG has the jurisdiction to investigate

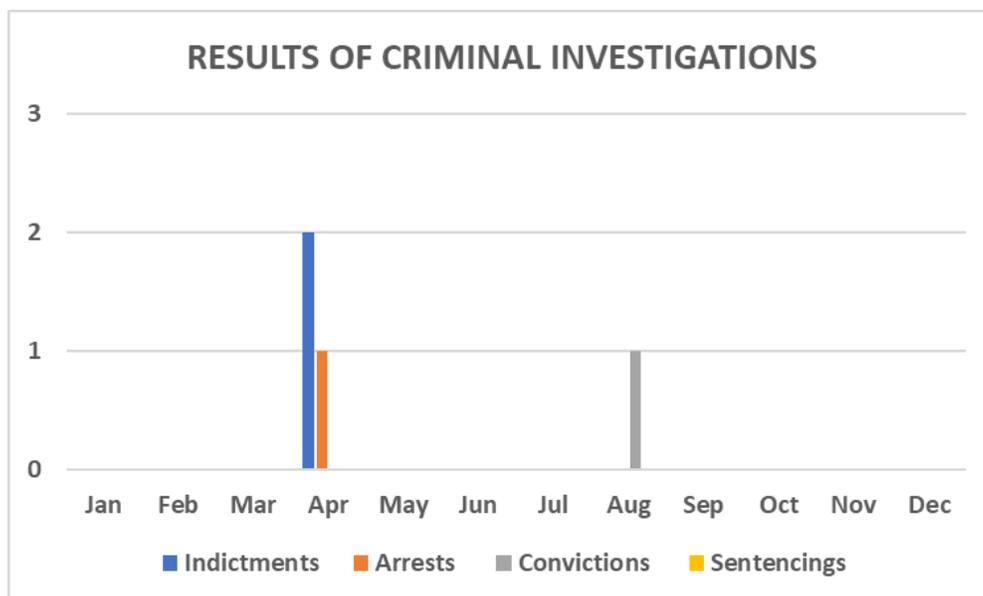
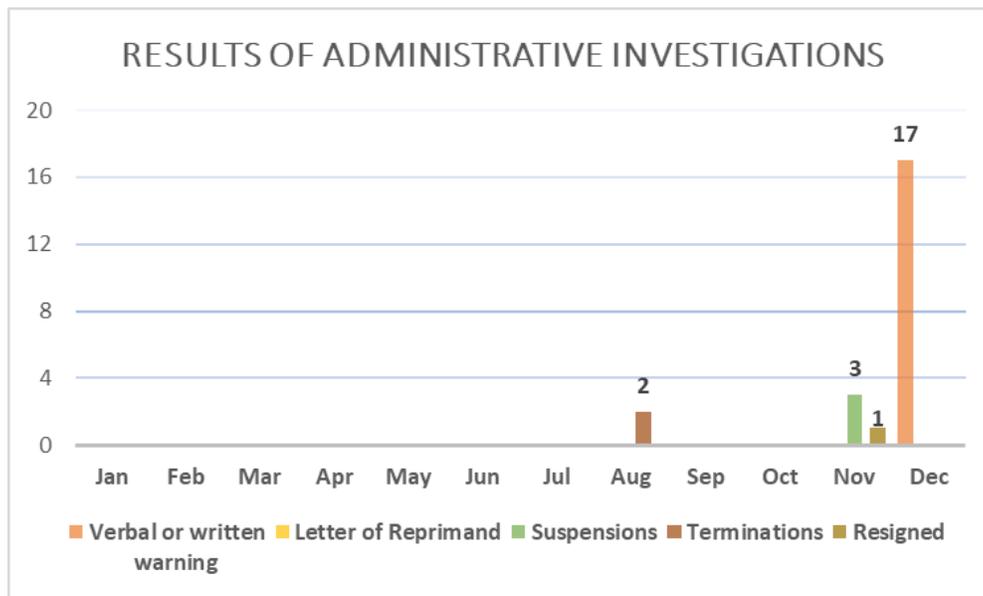
Non-Venue: Matters outside of the OIG's jurisdiction



MEASURING PROGRESS

INVESTIGATIONS DIVISION

The Investigations Division conducts criminal and administrative investigations involving City of New Orleans employees, contractors, and vendors that receive City funds. Investigators also work with local, state, and federal partners to conduct joint investigations. The Investigations Division is also available to provide fraud awareness training to City employees and to engage in other outreach programs with businesses and citizens.



2021 BUDGET

Funding:	\$3,484,529
Expenditures:	Amount
Personnel	\$2,002,923
Operating	\$1,037,494
Total Expenditures	\$3,040,416
Fund Balance	\$444,113

The OIG Fund Balance is reported as of January 4, 2022. However, the final 2021 budget close-out will occur in late January, and the final 2021 Fund Balance will be reported separately in the February 2022 monthly report.

OIG IN THE NEWS

Ed Michel, New Orleans interim inspector general, appointed to permanent position

Former New Orleans police officer, FBI supervisor, is chosen over two other finalists

BY BEN MYERS | STAFF WRITER DEC 15, 2021 - 7:01 PM 2 min to read



Interim Inspector General Ed Michel poses with Ethics and Review Board Chair Elizabeth Livingston de Calderon.
PHOTO FROM NEW ORLEANS OFFICE OF INSPECTOR GENERAL TWITTER ACCOUNT

OIG ON SOCIAL MEDIA

New Orleans OIG Retweeted



New Orleans OIG
@NOLAIG

Another productive month for the New Orleans Office of Inspector General.

The November Monthly Report can be viewed here:
nolaig.gov/images/reports...

9:26 PM · Dec 6, 2021 · Twitter Web App

← Tweet



New Orleans OIG
@NOLAIG

City of Kenner Director of Inspection and Code Enforcement Charged with Conspiracy and Tax Fraud
justice.gov/usao-edla/pr/c...

Great work by FBI, IRS and OIG and LA State Licensing Board!



justice.gov
City of Kenner Director of Inspection and Code Enforcement Charged

OIG ON SOCIAL MEDIA

← Tweet



New Orleans OIG
@NOLAOIG



The New Orleans OIG received the Excellence in Law Enforcement Award from the Metropolitan Crime Commission at the Annual Awards Ceremony.



3:38 PM · Dec 16, 2021 · Twitter Web App

OIG ON SOCIAL MEDIA

You Retweeted



New Orleans OIG
@NOLAOIG

New Orleans OIG releases the Job Ordering Contracting: Policies and Procedures Report. The full report can be located here :



nolaoig.gov
Job Order Contracting Policies and Procedures
The Office of Inspector General for the City of New Orleans (OIG) conducted an evaluation of the Department of Proper...

← Tweet



New Orleans OIG
@NOLAOIG

nolaoig.gov/reports/all-re...

The Office of Inspector General released a Competitive Bidding Report to ensure City procurement practices encouraged a level of competition consistent with the law and best practices.



nolaoig.gov
Bureau of Purchasing Competitive Bidding Inspection
The Office of Inspector General (OIG) for the City of New Orleans conducted an inspection of competitive bidding ...

**Monthly Report of
OIPM**



THE OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

DECEMBER 2021

STELLA CZIMENT
ACTING INDEPENDENT POLICE MONITOR

Community Letter

Dear New Orleans Community,

December was a busy month for the Office of the Independent Police Monitor as the OIPM responded to the allegations of officer misconduct in the secondary employment system, the new law deputizing civilian employees, and status updates with the federal monitors and the NOPD regarding Consent Decree compliance.

This month the OIPM was very closely involved in the investigatory actions taken by the NOPD regarding the allegations of misconduct in the police secondary employment system. The OIPM attended meetings and information gathering sessions at the Office of Police Secondary Employment and with the Automatic Data Processing (ADP) Payroll representative for the NOPD to understand the two different time management and payroll systems. Over the last month, the OIPM has been meeting with the Public Integrity Bureau leadership and the Professional Standards and Accountability Bureau weekly to discuss audits of the secondary employment system, policy gaps regarding secondary employment and time caps, and the investigations regarding the allegations of misconduct in the secondary employment details.

The day before Christmas Eve, the OIPM monitored the negotiated settlement hearings held by the NOPD for the eligible officers. In the coming months, the OIPM is going to continue to be closely involved monitoring and reviewing the investigations being conducted, the training and information being produced in response to these allegations, audits conducted and policy created.

After ongoing delays caused by Covid19, this December, the OIPM finally welcomed and trained the 14 new mediators to join the OIPM Community-Police Mediation Program. The OIPM conducted the initial 50 hour in-depth training on how to lead mediations. Four NOPD officers participated in the training to help train the mediators on how to work with officers and become ambassadors of the program within the NOPD. The training is a truly immersive and comprehensive experience. In the coming year, the OIPM both looks forward to these new mediators start mediating concerns between members of the community and officers and see the OIPM Mediation Director, Jules Griff, complete her apprenticeship to formally become a mediation trainer.



Finally, the OIPM would like to formally congratulate our agency partner, the Office of the Inspector General, on the permanent appointment of Ed Michel as Inspector General. We look forward to continuing to work with the OIG and Mr. Michel in the coming year and wish him a successful tenure as the IG for the city.

From everyone at the OIPM, we hope you enjoyed a wonderful holiday season and a very happy and safe new year.

Thank you,



"After the murder of George Floyd in 2020, the NOPD heard the community call for them to think critically about ways to be able to reduce or eliminate interactions that may be considered unnecessary," said Stella Cziment, the city's acting independent police monitor. "The department can reduce its footprint in the community."

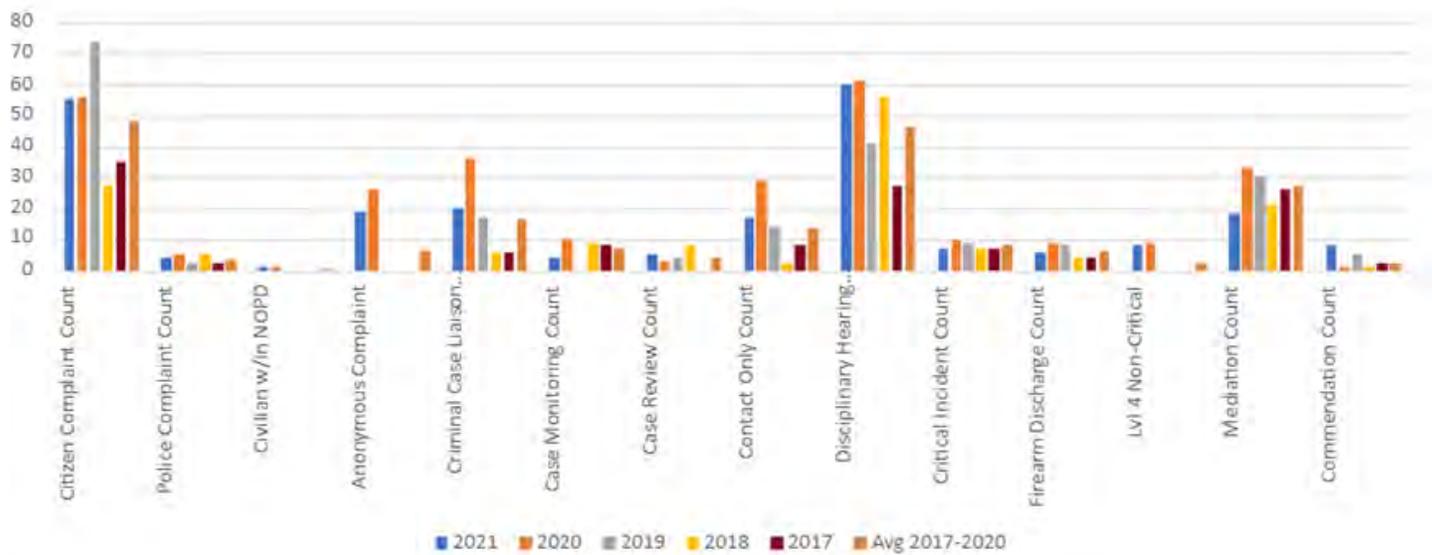
ABOVE IS A STILL FROM AN INTERVIEW WITH WDSU AND BLOW ARE QUOTES FROM A NOPD PRESS RELEASE REGARDING OPSE

The negotiated settlements were formulated, reviewed and agreed upon by all parties involved including the NOPD and the Independent Police Monitor. The IPM was present at each settlement meeting.

"While these corrective actions have been agreed upon by all parties involved, this does not mean the investigation ends here." NOPD Superintendent Shaun Ferguson said. "As I have previously stated, the NOPD and IPM take this situation very seriously. We are working with the Office of Police Secondary Employment to identify and correct any gaps or human errors in the process. We also continue to work with the IPM to conduct a systemic review of each violation of our secondary employment policy. Through this investigation, we will hold accountable all officers found to be in violation."

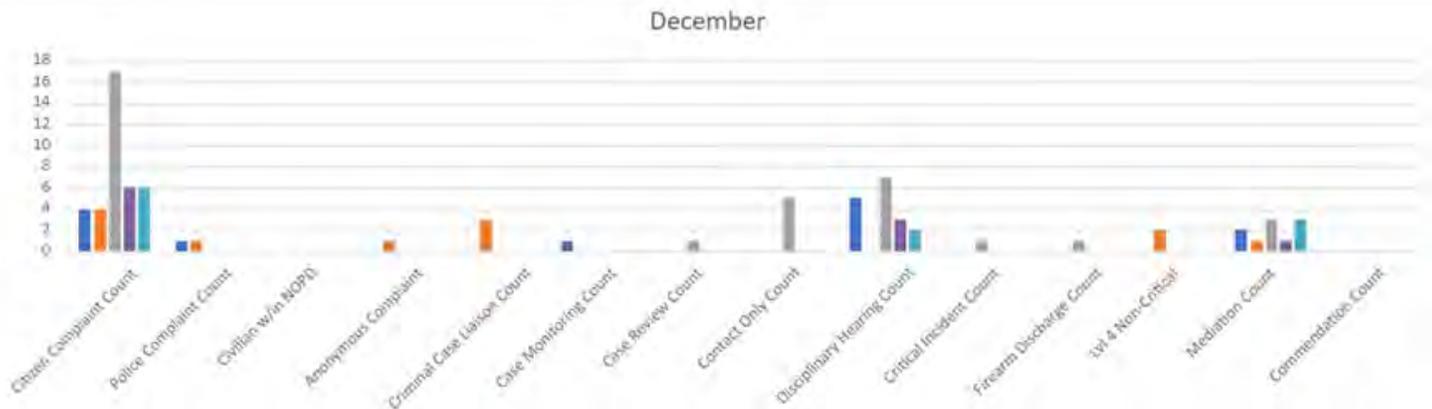
Year to Date Overview

YTD



	2021	2020	2019	2018	2017	Avg 2017-2020	
Citizen Complaint Count	55	56	74	27	35	48.00	
Police Complaint Count	4	5	2	5	2	3.50	
Civilian w/in NOPD	1	1	0	0	0	0.25	
Anonymous Complaint	19	26	0	0	0	6.50	<i>*New category</i>
Criminal Case Liaison Count	20	36	17	6	6	16.25	<i>*New category</i>
Case Monitoring Count	4	10	0	9	8	6.75	
Case Review Count	5	3	4	8	0	3.75	
Contact Only Count	17	29	14	2	8	13.25	
Disciplinary Hearing Count	60	61	41	56	27	46.25	
Critical Incident Count	7	10	9	7	7	8.25	
Firearm Discharge Count	6	9	8	4	4	6.25	
Lvl 4 Non-Critical	8	9	0	0	0	2.25	<i>*New category</i>
Mediation Count	18	33	30	21	26	27.50	
Commendation Count	8	1	5	1	2	2.25	
Grand Total	232	289	204	146	125	158.33	
Community Outreach Events	16	15					<i>*New category</i>

December Overview



Category of Work	Dec 2021	Dec 2020	Dec 2019	Dec 2018	Dec 2017
Citizen Complaint Count	4	4	17	6	6
Police Complaint Count	1	1	0	0	0
Civilian w/in NOPD	0	0			
Anonymous Complaint	0	1			
Criminal Case Liaison Count	0	3	0	0	0
Case Monitoring Count	1	0	0	0	0
Case Review Count	0	0	1	0	0
Contact Only Count	0	0	5	0	0
Disciplinary Hearing Count	5	0	7	3	2
Critical Incident Count	0	0	1	0	0
Firearm Discharge Count	0	0	1	0	0
Lvl 4 Non-Critical	0	2			
Mediation Count	2	1	3	1	3
Commendation Count	0	0	0	0	0
Grand Total	13	12	35	10	11
Community Outreach Events	5				

December Overview

Complaints	
CC2021-0099	The complainant stated that an NOPD officer was driving at an excessive speed during a non-emergency and disregarding a stop sign while talking on a cellphone. In addition, the complainant stated that the same officer was seen again talking on a cellphone while driving a police vehicle.
CC2021-0100	According to the complainant, an officer failed to take necessary and appropriate police action during a call to service involving the complainant and his neighbor.
CC2021-0101	The complainant alleges he has been harassed and falsely arrested in the past and recently for charges based on false statements.
CC2021-0102	The complainant alleges officers were discourteous during an investigation. Additionally, the complainant alleges an officer did not return her identification card.
Complaints: 4	

Police Officer Complaint	
PO2021-0103	The complainant alleges that his supervisor and other members of leadership have participated in workplace discrimination and/or harassment against him.
Police Officer Complaints Count: 1	

Case Monitoring	
CM2021-0005	Upon request from the two officer's attorney, the OIPM is monitoring the investigation of misconduct regarding an internal accusation of bias within the NOPD.
Case Monitoring Count: 1	

Mediation	
Mediation cases are confidential.	
Mediations Held: 2	

December Overview

Disciplinary Hearings	
DH2021-0068	A Sergeant is accused of driving while intoxicated and losing control of his personal vehicle while off duty and subsequently being convicted of the state misdemeanor of driving while intoxicated.
DH2021-0069	A Senior Police Officer is accused of driving a NOPD vehicle while his driver's license was suspended.
DH2021-0070	An Officer is accused of failing to complete a Field Identification Card (FIC) as required under NOPD policy to document interactions with the public.
DH2021-0071	A Senior Police Officer is accused of using a racial slur in the workplace front of coworkers in violation of NOPD policy.
DH2021-0072	with a member of the public regarding a seatbelt stop in the Field Identification System. An allegation of honesty and truthfulness was found to be not sustained. This matter stemmed from an OIPM Complaint Referral.
Disciplinary Hearings: 5	

Complaints

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.

Once the OIPM receives a complaint, the OIPM prepares the complainant's account into a narrative. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. As part of the letter preparation process, OIPM personnel reviews information in NOPD systems regarding the interaction complained of, including body worn camera video, electronic police reports (EPR) and field interview cards (FIC). The OIPM may include information obtained from NOPD information systems in the complaint referral to PIB to ensure that PIB can fully investigate the complainant's concerns.

The OIPM provides a complaint process that is independent, impartial, transparent, fact-based, timely, and communicates in an understandable manner to all those involved. The OIPM maintains that misconduct investigation must be comprehensive, and the complaint process must be accessible, fair, thorough, and transparent.

4 CIVILIAN COMPLAINTS

0 ANONYMOUS COMPLAINTS

1 POLICE INITIATED COMPLAINTS

0 CIVILIANS WITHIN NOPD INITIATED COMPLAINTS

Intake Source

Past 12 Months



Complainant Type

Past 12 Months



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.

8

**MEDIATIONS
REFERRED**



2

**MEDIATIONS
HELD**



2

**MEDIATIONS
PENDING**



4

**MEDIATIONS
SCHEDULED FOR
JANUARY**

These are pictures from the training in December the OIPM hosted for the new cohort of mediators.



Discipline

The OIPM is responsible for monitoring whether NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM will review such proceedings to ensure the NOPD is compliant with Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

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

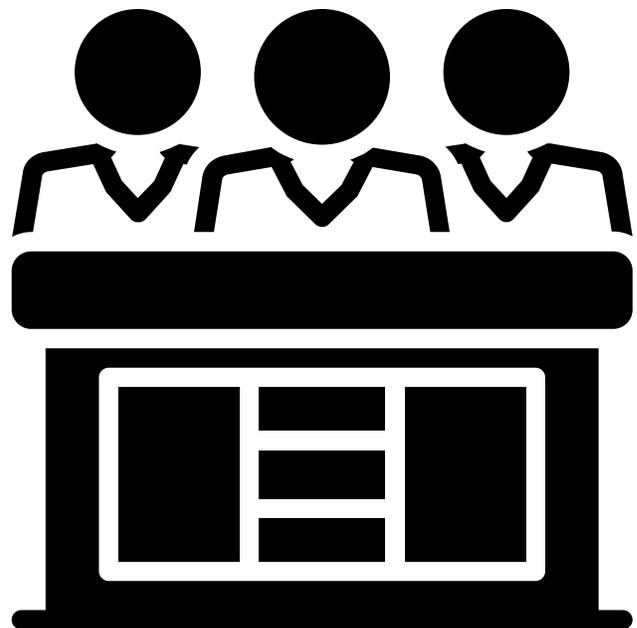
**DISCIPLINARY
PROCEEDINGS**

1

**SUPERINTENDENT
COMMITTEE
HEARINGS**

4

**CAPTAIN PANEL
PREDISPOSITION
AND PENALTY
HEARINGS**



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 a critical 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 (UFRB) hearings.

The UFRB serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau. Other NOPD deputy chiefs serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor are present to observe, listen, and participate in discussion.

0

CRITICAL INCIDENTS

0

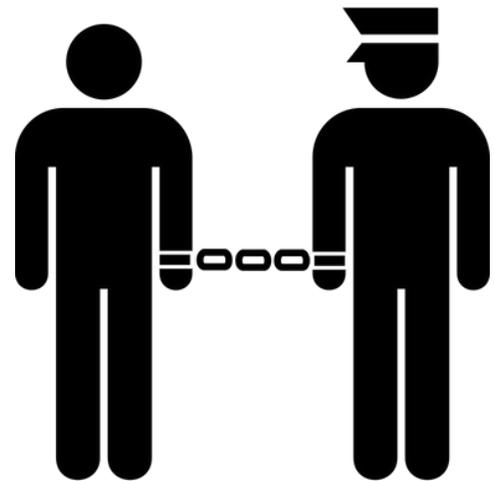
FIREARM DISCHARGE

0

LEVEL 4 NON-CRITICAL INCIDENT

2

CASES HEARD AT USE OF FORCE REVIEW BOARD



Community Outreach

5

COMMUNITY OUTREACH EVENTS

OIPM leads and participates in community outreach to inform the public of our services, to increase public engagement with policing, raise awareness of local or relevant police practice, and monitor how the NOPD interacts with our community.

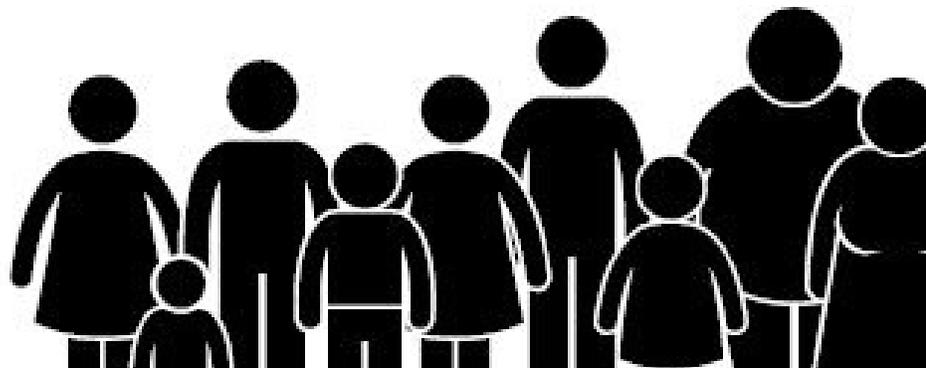
MET WITH THE POLICE ASSOCIATION OF NEW ORLEANS BOARD TO RECEIVE FEEDBACK FROM OFFICERS REGARDING NOPD EMPLOYMENT.

PARTICIPATED IN THE US ATTORNEY CONSENT DECREE TASK FORCE MEETING WITH OTHER CITY AGENCIES AND FEDERAL PARTNERS.

PARTICIPATED IN THE NOPD PUBLIC FORUM AND Q&A REGARDING THE NEW ORDINANCE DEPUTIZING CIVILIAN CITY EMPLOYEES.

THE OIPM TRAINED OUR NEW COHORT OF 14 MEDIATORS. TRAINING WAS 50 HOURS AND TOOK PLACE OVER 6 DAYS, DECEMBER 3-6 AND 10-12.

THE OIPM HOSTED A MEDIATOR COMMUNITY-BUILDING EVENT ON DECEMBER 10TH



Budget

OIPM Budget Description	Amount
Personnel	\$688,744.00
Operating	\$324,937.00
2021 Total OIPM Budget	\$1,013,681.00
2021 Total OIPM Budget	\$1,013,681.00
Amounts Spent to Date:	(\$955,030.00)
Unexpended funds	\$58,651.00

2021 Goal Progress

To ensure accountability and transparency with the ERB and the community, the OIPM will report out highlights and what progress was made each month to complete the goals listed in the Six Month Action Plan and the recommendations adopted from the QARAC.

These benchmarks and goals were achieved in December, 2021:

In-depth Monitoring and Review of the Audits, Investigations, and Policy regarding Police Secondary Employment

- Closely worked with leadership at the Public Integrity Bureau, Professional Standards and Accountability Bureau, and the Office of Police Secondary Employment on the investigations regarding the allegations of misconduct in police details and secondary employment including monitoring and weighing in on negotiated settlements, reviewing audits, reviewing policy and training documents regarding secondary employment and time caps.

Consent Decree Compliance Work

- Met with the Office of the Consent Decree Monitors, attended a status meeting with Judge Morgan and the NOPD leadership team, and attended the US Attorney Consent Decree Working Group meeting regarding Consent Decree compliance and progress.

Met with the new leadership team at the Public Integrity Bureau to discuss the second draft of the **Remote Intake Site materials** and receive edits. In the process of improving the draft for release in early 2022.

Received the **first draft of the final report regarding the Children and Police project** and progressing on the draft process.

Continued to post the **Data Coordinator Position** to the public. Currently accepting applications.

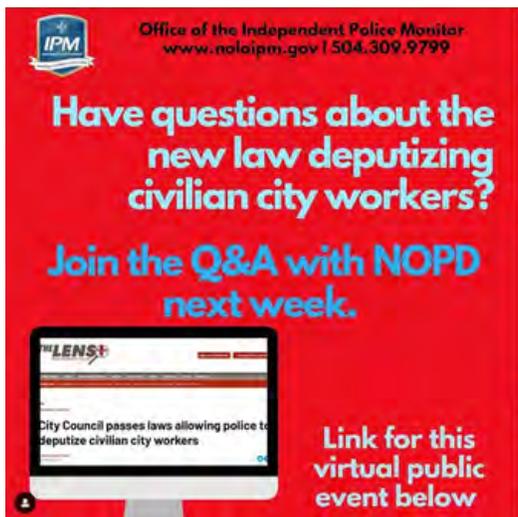
Currently working with the website designer to complete the **new OIPM website** that is easier for the public to navigate (QARAC Recommendation). The website is currently down for design and we are writing the new content. The new website will be launched in early 2022.

Additional Benchmarks:

- Prepared and conducted the **Mediators Training Session** to train the new class of mediators to continue and expand our program.
- **Preparing 2022 Work Plan** for release in January 2022.
- **Preparing the 2021 Annual Report Data Request**
- **Met with the Police Association of New Orleans (PANO)** to receive feedback regarding the NOPD and requests regarding OIPM goals for the coming year.

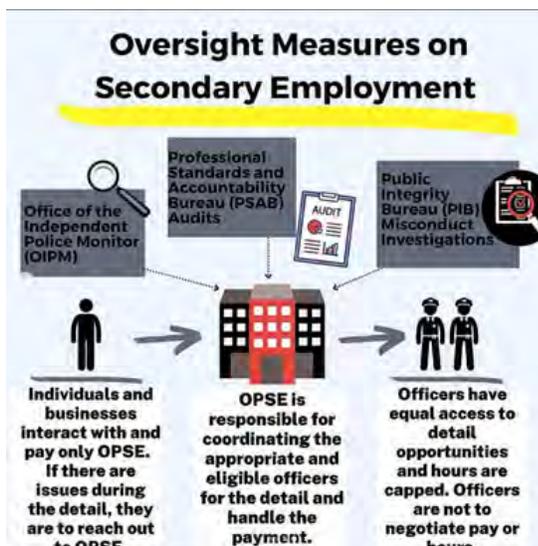
Social Media Highlights

Below are some of the social media posts produced by OIPM over the last month. Some of these posts were re-shared by partners.



The OIPM shared this post multiple times regarding the Q&A Session with the NOPD that the OIPM attended and voiced public concerns shared with our office.

Below are samples of post series that the OIPM made about our Mediator Training Session and the Office of Police Secondary Employment.



**Monthly Report of
Ethics Trainer**



ERB
ETHICS REVIEW BOARD



DECEMBER 2021 MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD

DECEMBER TRAINING

In an effort to assist city employees and local board and commission members in meeting their annual ethics training deadline (December 31st), the ERB Training Division hosted several webinars and (1) live training to support this initiative. Across 6 sessions, 51 individuals were reached.

MANDATORY LA STATE ETHICS TRAINING IS DUE **DECEMBER 31, 2021!**



JOIN A NEW ORLEANS ETHICS REVIEW BOARD WEBINAR TO COMPLETE YOUR 1 HOUR REQUIREMENT!

All Public Servants and Elected Officials must complete (1) Year of Ethics Education Each Year (in R.S. 42:1175(A))

What You Will Learn:

- The Louisiana Code of Governmental Ethics' basic principles and provisions.
- How the Louisiana Code of Governmental Ethics affects public servants and private persons.
- How the Ethics Board upholds the code.

DATES [VIA ZOOM]

- Tuesday, December 21, 2021 – 3:00 P.M.
- Tuesday, December 28, 2021 – 1:00 P.M. and 3:00 P.M.
- Wednesday, December 29, 2021 – 1:00 P.M. and 3:00 P.M.

Please email or call ERB Trainer, Jordy Stiggs, for Zoom link for date and time of choice:

Jordy.Stiggs@nola.gov | (504) 508 - 2788



ATTENDEES

December training attendees included:

- ERB members
- NOLA Public Library Board members and staff
- Industrial Development Board of New Orleans
- City Park Improvement Association
- Algiers Development District

ERB TRAINING COMPLETIONS

State of Louisiana Ethics Training:

○ 77%

City of New Orleans Sexual Harassment Prevention Training:

○ 66%



MONTHLY ETHICS TRAINING WEBINARS

In order to address the varying scheduling needs and unique learning styles of the audience that the ERB targets for education, the Training Division is introducing monthly ethics training webinars on a standing day, each month of the year. These sessions will offer opportunities for those who prefer instructor-led/group learning to complete their annual state-required ethics training in a manner that best suits them.

Sessions will occur on the 4th Friday of each month and those wishing to attend must register with the ERB trainer so that accurate attendance records can be maintained. Zoom links for the respective dates will be available under the 'Training' tab at www.NolaERB.org.



VIRTUAL EVENT

WEBINAR

2022
MONTHLY ETHICS EDUCATION

Some of us learn better in groups! Join the City of New Orleans Ethics Review Board to complete your annual State of Louisiana Ethics training requirement.

Connect, learn and share knowledge.

**EVERY 4TH WEDNESDAY OF THE MONTH!
2:00 PM - 3:00 PM**

VISIT THE 'TRAINING' SECTION ON OUR WEBSITE, WWW.NOLAERB.GOV, FOR DATE LISTING.

Open to all City of New Orleans employees, Board members, and Commission members across the city!



Jordy Stiggs, MS
ERB Ethics Trainer

REGISTRATION:
504-658-8625
OR
JORDY.STIGGS@NOLA.GOV



VIRTUAL EVENT

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ERB
ETHICS REVIEW BOARD

2021 FINANCIAL DISCLOSURES

All elected officials, as well as certain members of boards and commissions, are required to file a personal financial disclosure statement with the Louisiana Board of Ethics by **May 15th** of each year.

Please ensure that disclosure form '**Tier 2.1**' is completed and submitted. The form is located on the Ethics Review Board website (Fig. 1) or may be obtained directly from the state ethics website, www.ethics.la.gov (Fig. 2).

Submission options:

- Fax: 225-381-7271
- Mail: Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821
- Upload: www.ethics.la.gov

City of New Orleans Ethics Review Board

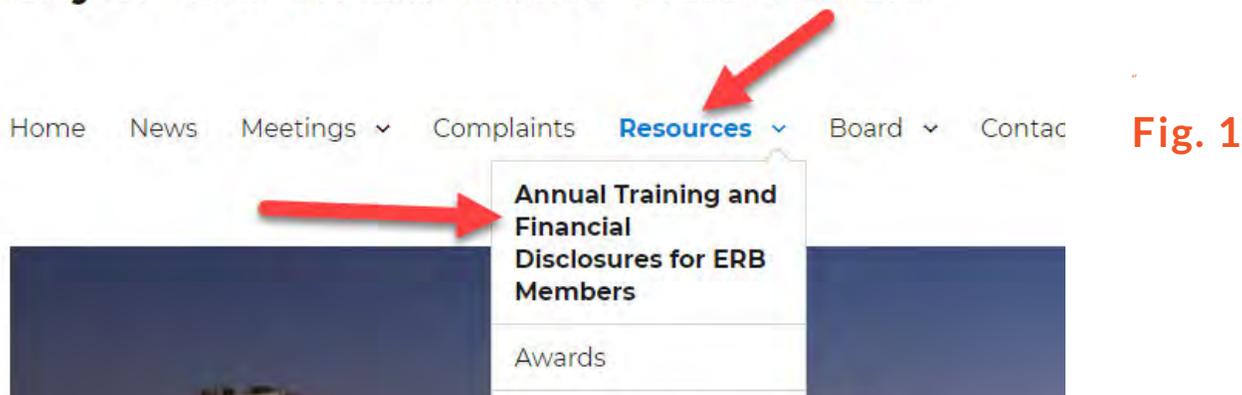


Fig. 1



Fig. 2

Item 1

Following up on a topic raised at our last meeting and my discussion earlier this week with Dane, please share this email/memorandum for Monday's ERB meeting - an initial proposal for the NOLA ERB to draft and adopt a written policy for the "nationwide search" to hire Inspector General called for by N.O. Code Ord. § 2-1120(3)(a)1.b., including suggestions for what that policy would include.

As I see it, the goal is a process blueprint that maximizes opportunities for public participation and input, for an extensive and diverse body of applicants, for the efficient use of public resources, and, ultimately, for an excellent hire. Memorializing the process we decide on as a written ERB policy will further heighten efficiency in the future. This initial "proposal" is not meant to be comprehensive or final, but instead to serve as a starting point for discussion at the meeting on Monday:

A) Public Meetings (regular or special) on the matter shall include, but not be limited to:

- 1) Selecting and Instructions for Request for Purchase/Qualifications to Professional Hiring Firm, including:
 1. Require placement of hiring advertisements in diverse listing/journals, including but not limited to diversity of:
 1. Gender,
 2. Race,
 3. Ability/Disability,
 4. LGBT&Q,
 5. Fields of practice (IGs, Judiciary, Law Enforcement, Auditors/Comptrollers, Public Administration, Attorneys, etc.);
 6. Other?
 2. Qualifications set forth in § 2-1120(3)(b);
 3. Firm's costs, speed, recommendations, history of hiring for this type of position;
 4. Firm's planned screening and updating process, and
 5. Keep position open / accepting applications for at least 60-90 days and until position filled.
 6. NB, for time concerns, ERB itself may place initial postings/notices of vacancy. Also, board members and others should be encouraged to share the listing broadly).
- 2) Public updates from Selected Hiring Firm (general progress).
- 3) for Semi-Finalist Candidate (5-10):
 1. Introduce by name (in agenda);
 2. Opportunity for public comments on candidates.
- 4) for final 2-5 candidates :
 1. Public presentations,
 2. Questions from ERB,
 3. Public participation - questions/comment, and
 4. ERB discussion and vote on candidates.
- 5) Other meetings re character/fitness of candidates (including semi-finalist?) by Executive

Session.

6) Other?

B) May elect to appoint a subcommittee to work with Hiring Firm through selection of Semi-Finalist Candidates in regular or special meeting sessions, executive sessions as appropriate.

C) Other?

Proposed Strategy

We approach every search with a sense of excitement and urgency and we always “hit the ground running.” That means that when the Ethics Review Board gives us notice to proceed, we kickoff the process immediately – working closely with Board and others, as requested, to identify the key characteristics and professional experience desired in the candidate pool. We believe strongly in providing timely client communications and while we will deliver regular status reports at each stage of the search, our consultants pride themselves in being highly accessible and responsive to all client requests and inquiries.

Given the uncertainty regarding in-person meetings due to the COVID-19 pandemic, meetings will be conducted via videoconference if travel or in-person gatherings are not advised.

Task 1 – Review Project Management Approach

The Project Director, Mr. Burg, will begin work on this project within 10 days (or sooner) after the Ethics Review Board provides a contract or, alternatively, an official notice to proceed. The first task will include established individual and/or group video meetings (done via the Zoom Video Technologies application) with the Board and others, as appropriate, to finalize the recruiting and selection process. This will include discussion of the project management for this search, review of the work plan, confirmation of timing, and communication methods. Working collaboratively with the Board and key Ethics Review Board staff, this task will result in a more definitive timetable.

Task 2 – Develop Position Profile

The position profile for the Inspector General is the guide for the entire search process. The development of the profile includes the collection of technical information and recruitment criteria.

Technical Information

Mr. Burg will conduct video meetings with the Board and other appropriate individuals as may be necessary, to gain an understanding of the experience and professional background requirements desired in the Inspector General. These discussions, all conducted via video conferencing, will also help the Project Director gain an understanding of the work environment and the opportunities and challenges facing the Ethics Review Board.

Recruitment Criteria

The recruitment criteria are those personal and professional characteristics and experiences desired in the Inspector General. The criteria should reflect the goals and priorities of the Ethics Review Board. Mr. Burg will meet via videoconference with key staff in the Ethics Review Board and others, as appropriate, to facilitate the identification and articulation of that criteria.

Subsequent to the development and adoption of the candidate profile, the technical information and recruitment criteria will be documented in an electronic recruitment brochure prepared by the search consultant. The electronic recruitment brochure will be reviewed by the Ethics Review Board in draft format, revised as appropriate, and published for use throughout the search.

Task 3 – Outreach and Recruiting

This task is among the most important of the entire search. It is the focus of the activities of the search consultant and includes specific outreach and recruiting activities briefly described below.

Outreach

An outreach and advertising campaign will be developed. This will include the placement of ads in publications specifically targeted to the position of Inspector General including the Association of Inspectors General and other professional associations. Other Internet sites related to government will be used as a method of extending the specific outreach in a short period of time.

Additionally, the advertisement and the full text of the position profile (the recruitment brochure) will be placed on Ralph Andersen & Associates' website, which is accessed by a large number of qualified candidates. This method of outreach to potential applicants provides a **confidential source** that is monitored by many key level executives on an on-going basis.

Candidate Identification

Ralph Andersen & Associates will use their extensive contacts to focus the recruiting effort. In making these contacts, the search consultant will target those individuals who meet the criteria established. Each of the candidates identified through the recruiting efforts will be sent an electronic recruitment brochure. Candidates will also be contacted directly to discuss the position and to solicit their interest in being considered.

Both the outreach and recruiting activities will result in applications and resumes from interested candidates. As they are received, resumes will be acknowledged and candidates will be advised of the general timing of the search process. The following tasks involve the actual selection process, once all resumes have been received.

Task 4 – Candidate Evaluation

This task will be conducted following the application closing date. It includes the following specific activities:

Screening

All of the applications will be carefully reviewed. Those that meet the recruitment criteria and minimum qualifications will be identified and subject to a more detailed evaluation. This evaluation will include consideration of such factors as professional experience, and size and complexity of the candidate's current organization as compared to the candidate profile.

Preliminary Research and Internet Review

The research staff of Ralph Andersen & Associates, under the direction of the Project Director, will conduct preliminary research and internet review for those candidates identified as the most qualified as a result of the screening process. This level of research will be done on a limited number of candidates to learn more about each candidate's public profile and related information that is available on the internet.

Preliminary Interviews via Video Technology

Mr. Burg will conduct preliminary interviews with the top group of candidates identified through the screening and preliminary research processes. The interviews are extensive and designed to gain additional information about the candidates' experience, management style, and "fit" with the recruitment criteria. Interviews will be conducted using video technology. No consultant travel for preliminary in-person interviews has been included in this proposal.

The screening portion of the candidate evaluation process typically reduces a field of applicants to approximately five (5) to six (6) individuals. Those individuals will be reviewed with the Ethics Review Board prior to proceeding with the individual (video) interviews conducted for finalist candidates.

Task 5 – Search Report

After completing Task 4, all documentation will be supplied to the Ethics Review Board electronically. No hard copies will be supplied to the Ethics Review Board for any phase of this search engagement. Mr. Burg will prepare detailed information for review including resumes uploaded to a file sharing system (i.e., DropBox or ShareFile). Mr. Burg will facilitate a review meeting (using Zoom) with the Board or other designated representative to discuss the top candidates. The report divides all of the candidates into four groups including 1) the top group of candidates

recommended to be interviewed via video; and 2) a backup group to the first group. The search report will include candidate resumes. The results of the preliminary research and interviews will be provided in writing to the Ethics Review Board. This video meeting will result in a confirmed group of top candidates for the Ethics Review Board to further consider.

The results of the Search Report will be a confirmed group of finalist candidates (typically 4 to 5) that the Board will interview.

Task 6 – Selection

The final selection process and the timing of the final selection will vary depending upon the desires of the Ethics Review Board. The typical services provided by Ralph Andersen & Associates in the selection process are described briefly below. Mr. Burg will coordinate the selection process for the finalist group of candidates. This includes handling the logistical matters with candidates and with the Ethics Review Board.

Mr. Burg will coordinate the video selection process for the finalist group of candidates. All finalist interviews will be done via video using Zoom. This includes handling the logistical matters with candidates and with the Ethics Review Board.

Ralph Andersen & Associates will prepare an electronic interview booklet (uploaded to a file sharing program such as DropBox or ShareFile) that includes the resumes and candidate report (with interview comments, preliminary research, and other relevant information about the candidates). In addition, this electronic information will contain suggested questions and areas for discussion based upon the recruitment criteria. Electronic copies of the interview booklet will be provided in advance of the candidate interviews. No hard copies of material will be provided. Should the Ethics Review Board desire hard copies, that will be the responsibility of the Ethics Review Board to produce and distribute.

Mr. Burg will facilitate the Zoom Video Interviews to assist the Ethics Review Board through the selection process. Important to note, all parties will be using this video technology. This includes all candidates, panel members, and the Ethics Review Board. This assistance will include an initial orientation, candidate introductions, and facilitation of discussion of candidates after all interviews have been completed.

Additionally, educational and certificate verifications will be made on the top finalist candidates. More involved verifications will be made with the top one to two candidates including Department of Motor Vehicle check and credit check. Due to the hiring requirements of the City Code, criminal checks (“Ban the Box”) are only permissible when a contingent offer of employment is made. The results of these verifications will be discussed with the Ethics Review Board at the appropriate time.

Reference checks will be conducted on the top candidate. Former co-workers and supervisors will be identified and contacted. The results of these reference checks will be discussed with the Ethics Review Board at the appropriate time.

As needed, Mr. Burg is available to provide assistance to the Ethics Review Board in the final selection as may be desired. This assistance may include providing or obtaining any additional information desired to assist in making the final selection decision. Mr. Burg’s participation will be done using video technology or telephonically.

Task 7 – Negotiation

Mr. Burg is available to assist the Ethics Review Board in negotiating a compensation package with the selected candidate. This may include recommendations on setting compensation levels.

Additionally, working with the Ethics Review Board’s legal counsel, Ralph Andersen & Associates will assist in the preparation of a draft employment agreement and work with Board of Directors on the finalization of this document.

Task 8 – Close Out

After the Ethics Review Board has reached agreement with the individual selected for the position, the Project Director will close out the search. These activities will include advising all of the finalist candidates of the status of the search. Candidates that were not interviewed will also be updated electronically.

Item 2

Peer Review of the Processes and Procedures of the New Orleans Ethics Review Board

October 29, 2021

Review Committee:

Jane T. Feldman, Member, Denver Board of Ethics

Daniel M. Gluck, Executive Director and General Counsel, Hawai'i State Ethics Commission

Jabu M. Sengova, Ethics Officer, City of Atlanta Ethics Division, Office of the Inspector General

I. Introduction

In the spring of 2021, the Review Committee agreed to review the processes and procedures of the New Orleans Ethics Review Board (“ERB”) and make recommendations if necessary. All Review Committee members have extensive experience administering and enforcing government ethics laws at the state and/or local level. All three Review Committee members are active members of the Council on Government Ethics Laws (“COGEL”) and have served on panels at annual conferences and/or in leadership positions at COGEL. Therefore, Review Committee members are knowledgeable and experienced in the field of government ethics and were able to review and comment on the ERB. Review Committee members agreed to conduct this review without pay.

II. Review Committee Process

Pursuant to section 2-720, New Orleans Code of Ordinances, ERB “shall be subject to an independent, external peer review every three years. Such peer review shall be paid for by the ethics review board. When completed, the recommendations and findings of such peer review shall be submitted to the ethics review board and the clerk of the council.”

To conduct this peer review, the ERB Executive Director requested volunteers – via a COGEL message board – to conduct a peer review of ERB. The Review Committee members volunteered to conduct the peer review. None of the Review Committee members has worked for the State of Louisiana or the City of New Orleans.

This Review Committee was not familiar with the history of the ERB, or the statutory or Constitutional provisions that dictate the relations between the ERB and the State Ethics administration. Selection of Review Committee members was rather ad hoc, as Review Committee members were chosen simply by their willingness to perform the work in response to a request for assistance from Dane S. Ciolino, Executive Director of the ERB. The Review Committee had to spend some time coming up to speed on those matters and faced challenges obtaining responses from current and past ERB members. Therefore, although the Review Committee recognizes that there is a benefit to having independent government ethics professionals review the processes and procedures of ERB, there were obstacles to conducting the interviews as members live outside Louisiana, are unfamiliar with the community, and were unable to conduct interviews in person. Some of these issues may be related to the ongoing COVID-19 pandemic. The Review Committee recommends that ERB develop policies and procedures for selecting members of the next peer review, and that at minimum, a few of the members be familiar with the New Orleans community and the work of the ERB.

Review Committee members met by video conference with Executive Director Ciolino. The Review Committee reviewed materials on the ERB website, www.nolaerb.gov, including agendas, minutes, annual reports, and other informational materials. The Review Committee decided to interview all current and several past members of the ERB as well as others who interact with ERB, such as the Ethics Administrator of the Louisiana Ethics Administration

Program and representatives of good government groups. These interviews were conducted over telephone and/or videoconference over several weeks. However, Review Committee members were unable to interview all members of the ERB;¹ in total, the Review Committee was able to interview four members of the ERB, a law professor who does not serve on the ERB, ERB Executive Director Ciolino, and the Ethics Administrator of the Louisiana Board of Ethics, Kathleen Allen. The Review Committee did not speak with the Independent Police Monitor or the Inspector General, as the ERB is currently searching for and/or reviewing applicants for both positions. The Review Committee believes that it developed an adequate, if not comprehensive, picture of the ERB's operations.

III. Analysis of ERB

a. ERB structure

The primary focus of ERB is the management and administration of the activities of Office of the Inspector General and the Office of the Independent Police Monitor. The ERB also coordinates and administers a training program for employees of the City of New Orleans, and the part-time Executive Director provides informal advice to city employees and elected officials, but he does not keep a record of the number or nature of the calls. The City Ethics program comprises in-person training conducted by a contractor and more recently by an employee retained by ERB. The State Ethics Program also provides mandatory online training for all City employees. (The State Ethics program has jurisdiction over all public employees in the State of Louisiana, including public school and charter school teachers, approximately

¹ Several ERB members failed to respond to repeated requests for interviews from the Review Committee, thus impeding the Review Committee's work.

250,000 individuals in all.) All complaints and requests for formal Advisory Opinion received by ERB are referred to the State Board. The State Board estimates that only a small percentage of complaints or advisory requests come from the City of New Orleans; a cursory review of agendas and minutes of the State Board over the past year confirmed this estimate.

Review Committee members were somewhat surprised by the organization and jurisdiction of the ERB. In our experience, city ethics commissions operate separately and independently of the respective state commissions. For example, the Denver Board of Ethics has jurisdiction over employees and officials of the City and County of Denver; the Denver Code of Ethics has different rules for acceptance of gifts, different gift limitations and different nepotism rules than is found in the State Constitution and underlying statutes which apply to state and some local employees and elected officials within the State of Colorado. The State of Hawai'i and the City and County of Honolulu have a similar statutory scheme, as do the City of Atlanta and State of Georgia.

b. ERB Budget

There appears to be consensus that the ERB should continue to receive a set percentage of City revenue for its budget, rather than having the budget decided by (and thus subject to the political whims of) any legislative body.

c. ERB: Effectiveness

i. Overall effectiveness

With one exception, everyone interviewed believed that the current system works well. Most interviewees thought that it was neither important nor necessary for the City of New Orleans to have a complaint or advisory opinion program separate or distinct from the State program. Moreover, most interviewees believed that a more independent system would require

state constitutional and statutory changes and that these changes would be neither politically viable nor financially reasonable. The Director of the State Ethics program also expressed that the consistency provided by a centralized system was beneficial. That said, one ERB member agreed that the current system is functional but expressed that having a more robust ethics advice program (if permitted by statute/ordinance) would be beneficial – though only if the ERB had the resources to conduct such a program. One ERB member described ERB members as engaged and having lively debates and believed that the ERB was effective at promoting transparency and the democratic process; another ERB member agreed that communication among ERB members had improved and that meetings were accessible to members of the public who wanted to engage with the ERB.

In contrast, one interviewee believes that the ERB should be more aggressive and proactive; that the lack of enforcement by the ERB is a problem; and that the number of complaints made about New Orleans officials would increase if ERB enhanced its profile as an agency that addressed alleged misconduct. That interviewee also recommended that there be an anonymous number attached to every investigation and that the ERB report the disposition of each complaint. This interviewee likewise recommended that ERB implement a schedule of fines and expressed disappointment that the City Council has neither created a schedule of fines nor empowered the ERB to levy continuing fines or require disgorgement of profits/gifts.

Several interviewees stated that ethics violations seemed more common elsewhere in Louisiana, particularly in rural areas, compared with the City of New Orleans. In the Review Committee members' experience, however, low numbers of ethics violations in cities tends to be the result of lack of resources for advice and enforcement, rather than an absence of actual violations. Thus, policymakers should consider whether the Louisiana Ethics Administration

Program needs additional resources to focus on the City of New Orleans, and if not, whether the ERB should receive additional resources for a robust advice and enforcement program.

ii. Oversight of the Office of the Inspector General and the Independent Police Monitor

Most interviewees believed that the oversight of the Office of the Inspector General (“OIG”) and of the Independent Police Monitor (“IPM”) was now being handled well, particularly now that the IPM and the IG report directly to the ERB (rather than having the IPM report to the IG). Current ERB members acknowledged that ERB was slow to realize that there were performance problems in those offices, however, they stated that ERB was now taking a more active role in supervising and monitoring those agencies. The ERB now requires more detailed reports, including monthly reporting from the IG and the IPM, and is better prepared to question the leaders of those agencies about their activities. All ERB members interviewed stated that, in their opinions, the operations of the OIG had reduced both the perception of corruption and actual corruption in the City.

There were some concerns about the hiring process for the IG and IPM, some of which were also discussed in detail in the December 21, 2020 report of the Bureau of Governmental Research. One interviewee expressed concern about the length of time needed to review candidates and fill the positions and suggested that changes to City ordinances may be necessary to speed up the process. Another interviewee stated that the hiring process should be more clearly defined and more open to the public, contending that the process should allow for public participation (so that the public can observe the vetting of the candidates). The Review Committee notes that there are certainly benefits in having increased transparency and public participation, but there are potential negative consequences of publicizing the names of applicants. First, some potential candidates may not apply for positions if their names will be

made public (even if they are not selected – or even named as a finalist – for the position); second, publicizing the names of applicants may create an opportunity for city or state officials to pressure ERB to hire – or not hire – certain individuals and/or to second-guess the hiring decision, possibly eroding trust in ERB, OIG, and/or IPM.

After the ERB has filled the positions of IG and IPM, the ERB should promptly evaluate the hiring process to see whether the quality of the candidate pool, the speed of the hiring process, and/or the public's access to the hiring process can be improved.

iii. Training and Ethics Liaisons

Review Committee members were surprised that there was not more coordination and interaction between the State Board and ERB. Several ERB members were unaware of the role of the State Board, and representatives of the State Board did not know that ERB provides training to its employees and officials. The Review Committee recommends that the State Board and ERB should coordinate their work to assure consistency and accuracy. That said, it appears that the ERB's Executive Director coordinates with the State Board on ethics advice: the Executive Director reports receiving requests for ethics advice approximately once a week, though he typically refers the caller to the State Board for binding guidance.

One interviewee suggested that the role of the Ethics liaisons should be expanded and that there should be more regular ethics trainings for those liaisons, though another ERB member believed that the ERB was making strides in its educational efforts.

d. Appointment Process for ERB members

Six members of the ERB are appointed by the mayor from lists of three nominees each submitted by the presidents or chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and

Xavier University. The seventh member is appointed by the mayor. Each appointment is subject to approval by the City Council. Several interviewees stated that the nomination and appointment process is cumbersome, and that vacancies can persist for several months or even as long as a year. One interviewee concurred that the City needs a more rigorous board/commission appointment process to ensure that ERB members serve staggered terms as intended, rather than having all the members being appointed by the same mayor. ERB members can continue to serve pending appointment of a successor, but some ERB members have been unwilling or unable to stay on. No suggestions were made as to how to improve the process other than to set firmer deadlines for appointments.

IV. Recommendations

In conclusion, the Review Committee recommends as follows:

- 1. Improve the process for conducting peer reviews.** The Review Committee recommends that, for future reviews:
 - a. There should be an objective and clearly defined process for selecting members of the peer review committee;
 - b. At least some members of the peer review committee should be familiar with Louisiana and/or New Orleans governmental structure;
 - c. ERB members should be required to cooperate with the peer reviewers as a condition of continued service on the ERB; and
 - d. Funds should be available for peer reviewers to travel and conduct interviews/meetings in person.

- 2. Improve coordination between ERB and the State Board, particularly with respect to training.** The ERB and State Board should consider expanding the role of (and training provided to) ethics liaisons.
- 3. Consider whether there are sufficient resources for ethics advice and enforcement between/among the Louisiana Ethics Administration Program and the ERB.** If enforcement actions against City of New Orleans officials are rare, the cause may be insufficient resources for enforcement – not necessarily the absence of ethics violations by City employees.
- 4. Appoint ERB members in a timely manner.** ERB members should serve staggered terms, allowing both for continuity of operations and political stability – that is, to avoid having a single mayor appoint multiple ERB members at once.
- 5. Maintain independent funding for the ERB.** There appears to be consensus that having a set percentage of the City’s budget allocated for ERB every year, rather than having to request an appropriation, helps to maintain the ERB’s independence and stability.
- 6. Evaluate the hiring process for the IG and IPM.** Once the ERB has concluded its hiring for both the IG and IPM, the ERB should review its processes to determine whether any changes would improve the speed of the process, the quality of the applicant pool, and/or the public’s access to the process.

The Review Committee expresses its sincere thanks to the interviewees for their cooperation with this process; in particular, the Review Committee offers its thanks to ERB Executive Director Ciolino for his efforts in supporting the peer review process.