



ETHICS REVIEW BOARD
CITY OF NEW ORLEANS

Ethics Review Board
City of New Orleans

Monday, February 29, 2016
3:30 P.M. – 5:30 P.M

City Council Chambers
1300 Perdido Street
New Orleans, LA 70112

AGENDA

1. Approval of minutes: January 25, 2016
2. Inspector General's report
3. Independent Police Monitor's report
4. ERB counsel's report
5. Ethics training update
6. ERB self-evaluation
7. IG and IPM compensation
8. Executive session pursuant to Louisiana Revised Statutes section 42:16 to discuss (1) two investigative proceedings regarding allegations of misconduct; and, (2) the character and professional competence of a person.
9. Adjournment

Ethics Review Board

City of New Orleans

January 25, 2016

3:30 P.M. – 6:00 P.M.

City Council Chambers | 1330 Perdido Street | New Orleans, Louisiana 70112

Minutes

Present: Dr. Michael Cowan, Chair; Mr. Allen Miller, Vice Chair; Mr. James Brown;
Mr. Howard Rodgers; Dr. Joe Ricks; Rev. Brandon Boutin; Rev. Dr. Donald Frampton
Staff: Dane Ciolino, General Counsel
Guest: John Washington, The Hackett Group, ethics education trainers

At 3:32 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Mr. Brown seconded by Mr. Rodgers, the board unanimously approved the minutes of December 16, 2015.

Inspector General's Report

The Inspector General referenced the following report issued by the Office of Inspector General (OIG) since the ERB's December meeting: The follow-up report on the Delinquent Property Tax Collection program. The OIG will release a report on Law Department Funding and the Sewerage & Water Board Fee Collections for comment by March 2016.

The IG told the board that the OIG released a follow-up report on the Delinquent Property Tax Collection program. In 2013, the OIG made five recommendations and the city accepted two of them. The city rejected the recommendation to adjudicate and sell eligible properties and two others. Adjudicating the eligible properties would have saved the city \$2 million. The auctions resulted in more than \$12 million in sales and the city collected an additional \$1.2 million from delinquent accounts.

The IG told the board that the OIG continues to work on sex crime reporting by the NOPD and is currently auditing 4th Quarter, 2015 data. The OIG will audit 2016 data in January 2017.

In response to Dr. Cowan, the IG told the board that the OIG series of analyses of justice system funding is a grant funded project to determine how the components of the local criminal justice are funded and to identify how funds are being spent.

Independent Police Monitor's Report

The Independent Police Monitor (IPM) Susan Hutson reported the Office of the Independent Police Monitor's (OIPM) activities for 2015: 72 complaints have been received, 23 contacts only, 5 commendations, 18 criminal liaisons between a crime victim and their investigator, 21 case monitorings, 14 critical incidents, 26 disciplinary hearings and 23 mediations since the mediation program started.

The IPM reported the OIPM's year-to-date activities for 2016: 4 complaints, 2 case monitorings, 1 law suit monitoring (re: retaliation) and 1 mediation.

The IPM told the board that the OIPM received a copy of the Police Assessment Resource Center (PARC) report. The IPM will have a response to Inspector General Quatrevaux by January 29, 2016.

The IPM told the board that the OIPM will not have their annual report completed by the end of March 2016's deadline due to the OIPM moving to a different location in December 2015. The OIPM does not have access to their IAPRO databases that store complaints and the OIPM is currently having new IT infrastructure and network databases developed.

The IPM told the board that the OIPM is expected to be fully operational by March 2016 and the OIPM is currently taking complaints.

The IPM told the board that the OIPM is in the process of hiring or contracting with an auditor, general counsel, data analyst and community outreach coordinator. She also told the board that the OIPM currently has one attorney who is working with public records requests and that their office is in the process of contracting with another attorney to work with all NOPD involved shooting cases.

The IPM told the board that the OIPM attended their first NOPD Use of Force Review Board meeting.

In response to Mr. Brown, the IPM told the board that the PARC report is a final report that will be released publicly.

In response to Dr. Cowan, the IPM told the board that the OIPM Annual Report will be completed in May 2016.

In response to Dr. Cowan, (OIPM) Deputy Police Monitor Ursula Price told the board that the NOPD Report is compiled by the Compliance Division and the numbers are provided by the Public Integrity Bureau (PIB).

In response to Dr. Ricks, the IPM told the board that the OIPM is following the City's RFP process in hiring the data analyst.

In response to Dr. Ricks, Ms. Price told the board that the RFP selection process is a minimum of 30 days and the OIPM has completed all of the paperwork they are responsible for.

In response to Dr. Cowan, the IPM told the board that the auditor hired will be a full-time employee and the data analyst, the Outreach Team and the General Counsel will be contract workers.

General Counsel's Report

Mr. Dane Ciolino advised the board that he has 3 matters reserved for executive session.

Mr. Ciolino also advised the board that he reviewed the past ERB agendas and meeting minutes as asked to determine if the board has been adequately disclosing matters discussed in Executive Session. As a follow-up, Mr. Ciolino prepared a memorandum of recommendations that describe how "Going into Executive Session" should be documented on the meeting agendas and meeting minutes.

Ethics Education Report

Hackett Group legal counsel Rose Hager with Aaron & Gianni PLC, told the board that the Hackett Group encourages employees to continue to take the required one hour state ethics training in addition to receiving the customized ERB.

Ms. Hager told the board that the Hackett Group has received positive feedback from the inspectors in the Department of Safety and Permits that have attended the ethics education training.

Ms. Hager told the board that the ethics education training sessions for the Mayor's Office, Sewerage and Water Board and the City Council will start in the first quarter of 2016.

Ms. Hager told the board that that the Hackett Group is working to restructure the training sessions to have stronger ethics education training specific to "receiving gifts," "whistle blowers" and "rules employment with Safety and Permits after retirement from the city."

Mr. John Washington of Hackett told the board that the Sewerage and Water Board is preparing to have 30-40 employees attend the ethics education training session with an expected start date of February 15, 2016 to February 19, 2016.

Mr. Washington told the board that after speaking with Inspector General Quatrevaux, in reference to the high interest in "whistle blowers", the Hackett Group has decided to include a pamphlet from the OIG's Office in the ethics education training packet.

Mr. Washington told the board that the ethics education trainings will include concepts and scenarios tailored to specific issues that employees face internally in each department.

Ms. Hager told the board that Mr. Dorian Nunez resigned from the Hackett Group.

Mr. Washington told the board that Mr. Norman Foster, The Director of Finance, requested ethics education training for employees in the Retirement and Finance departments to focus on pension-related issues due to recent publicity about accusations of inappropriate spending.

Dr. Ricks told the board that all department heads and senior level employees of each department participating in the ethics education training are expected by the ERB to attend the sessions.

In response to Dr. Cowan, Ms. Hager told the board that the Hackett Group will need the assistance of the ERB in encouraging departmental heads and senior level employees to attend the ethics education training.

Dr. Cowan told the board that the ERB does not have a role in the decision of the IPM's compensation until the amendment passes; the decision remains the responsibility of Inspector General Quatrevaux.

Dr. Cowan raised the possibility of a cost of living raise for the IG.

Dr. Ricks told the board that the Bureau of Labor Statistics using the urban consumer price index was 234.81 in December 2014 and 236.52 in December 2015, a difference of 1.71%.

Board agreed to gather additional information and return to the matter at its next meeting.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statutes section 42:16 to discuss an investigative proceeding regarding allegations of misconduct. Mr. Brown moved and a second was offered by Rev. Dr. Frampton, at 4:15 p.m.

The board, by an affirmative vote of all members present, held an executive session. Mr. Ciolino recused himself from the discussion of Complaint No. 2014-08.

At the conclusion of the executive session, the board reconvened its public meeting. Mr. Brown moved for the board to dismiss Complaint No. 2014-08. The motion carried by a second offered by Dr. Ricks.

At 5:02 p.m., Mr. Miller moved that the meeting adjourn, a second was offered by Mr. Brown. The motion carried unanimously and the meeting adjourned.

7. Review city ethics code for possible changes

If you have suggestions for improving board meetings, please note them below.

If you have thoughts or creative ideas for improving the overall performance of the board, please note them below.

If you have feedback and/or suggestions on the performance of the board chair, please note them below.

If you have feedback and/or suggestions on the performance of staff, please note them below.

Member Tasks

1. Preparation for board meetings
2. Attendance at board meetings
3. Participation in board meetings
4. Service on working groups or in special assignments

Considering the four tasks above and anything else you deem to be relevant:

- a. How would you assess your performance as a board member in 2015?*

- b. Are you functioning at your intended level on the ERB? If not, how would you like to change your participation in the coming year?*

Is there information you need to function more fully and effectively as an ERB member? If so, what is it?

If you have other observations, concerns, suggestions or requests as an ERB member, please note them below.

Thank you!