

**Ethics Review Board**

**City of New Orleans**

**September 21, 2016**

**3:30 P.M. – 5:30 P.M.**

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

**Minutes**

Present: Mr. Allen Miller, Chair; Rev. Brandon Boutin; Dr. Michael Cowan; Dr. Joe Ricks

Staff: Dane Ciolino, General Counsel

Guest: Toni Hackett Antrum, the Hackett Group, Ethics Education Trainers

At 3:36 p.m., a quorum being present, the Chair called the meeting to order. On a motion by Dr. Cowan seconded by Dr. Ricks, the board unanimously approved the minutes of August 17, 2016.

Inspector General's Report

The Inspector General (IG) Ed Quatrevaux referenced the following reports issued by the Office of Inspector General (OIG) since the ERB's August meeting: a public letter regarding the cost of the Firefighters' Pension and Relief Fund for the City of New Orleans, the 2017-2020 Strategic Plan and a follow-up report on fuel receiving controls.

The IG told the board that the Supplemental Earnings Benefit provides firefighters who become disabled before retirement an additional benefit per year, which is based on the firefighter's highest annual earnings.

The IG told the board that the State of Louisiana's Firefighter System does not offer disabled firefighter's an offset for income earned after certification of disability retirement.

The IG told the board that the OIG will complete funding and inspections of the Criminal Justice entities with reports on the Youth Study Center, Juvenile Court, the District Attorney's Office and the Clerk of Criminal District Court.

The IG told the board that the OIG plans to conduct an inspection of water quality testing by Sewerage & Water Board (S&WB), an audit of inventory controls and an evaluation of S&WB operations.

The IG told the board that the City of New Orleans implemented the recommendations for fuel receiving controls by the OIG and fuel receiving has much improved.

The IG told the board that the OIG provided comments on the ordinances that passed to increase overtime limits to 750 hours per year.

The IG told the board that he was a keynote speaker for the Intergovernmental Audit Forum, which is a GAO sponsored program that consists of federal, state and local auditors.

The IG told the board that he also spoke at the Metropolitan Crime Commission meeting.

The IG told the board that in October the OIG will restart the neighborhood and community meeting sessions. The IG also told the board that The Rotary Club of New Orleans is on the calendar for October.

In response to Dr. Cowan, the IG told the board that State of Louisiana Firefighters' receive a disability rate of about 10%, whereas the New Orleans Firefighters' have received a disability rate as high as 94%. The New Orleans Firefighters' currently receive a disability rate of 80%.

In response to Dr. Cowan, the IG told the board that the Pension Board has cost taxpayers an additional \$150 million for 1999-2015.

The IG told the board that the City's operating budget is approximately \$1 Billion per year, and the City's General Fund is approximately \$600 million per year. The remainder of the budget consists of special fees, fines, and other self-generated income. The City's capital program is approximately \$2 Billion per year. The Sewerage and Water Board's capital program is approximately \$3.6 Billion per year, and its operating budget is \$350-\$400 million per year. The Sewerage and Water Board's capital program is larger than the City government.

#### Independent Police Monitor's Report

The Independent Police Monitor (IPM) Susan Hutson reported the Office of the Independent Police Monitor's (OIPM) year-to-date activities for 2016: 6 case monitoring's, 2 case reviews, 36 complaints, 1 commendation, 3 contacts only, 7 criminal case liaisons, 10 disciplinary hearings, 5 critical incidents, 2 uses of force, 26 mediations and 1 pattern assessment of officers.

The IPM told the board that the OIPM has attended 5 uses of force reviews in 2016.

In response to Dr. Ricks, the IPM told the board that the OIPM will start to analyze the criminal case liaison data to identify patterns early on.

In response to Mr. Miller, the IPM told the board that the OIPM has created the following 3 positions:

- Complaint Intake Specialist
- Police Monitor Auditor
- Chief Monitor

In response to Mr. Miller, the IPM told the board that the OIPM is currently working with Civil Service to complete the final paperwork and start the advertising process for the Chief Monitor's position.

In response to Mr. Miller, the IPM told the board that the OIPM has the following contracts:

- A contract for consultants to review cases.
- A contract for lawyers to review critical incidents and uses of force, to attend the use of force review boards, to write reports and to review cases for disciplinary hearings.
- A contract for a lawyer to write the disciplinary hearing report section of the OIPM Annual Report.

In response to Dr. Ricks, the IPM told the board that the OIPM has identified 4 individuals for the Analyst RFP's. She told the board that 2 of the contracts are near completion and the other 2 are pending additional documentation.

The IPM also told the board that the OIPM has contracted 3 individuals for community outreach and has awarded 1 fellowship for community outreach and education.

### General Counsel's Report

Mr. Dane Ciolino, the ERB's General Counsel advised the board that since the ERB's August meeting no new complaints have been received.

Mr. Ciolino told the board that at the ERB's August meeting the board discussed the importance of the ERB separating the prosecutorial and adjudicative functions.

Mr. Ciolino told the board that he and Dr. Cowan, former Chair of the Ethics Review Board, met with IG Ed Quatrevaux and the OIG General Counsel, Suzanne Lacey almost 2 months ago to discuss the OIG working to transition into performing prosecutorial functions.

Mr. Ciolino told the board that he has drafted the proposed procedures in reference to the OIG implementing the prosecutorial functions.

Mr. Ciolino suggested to the board that a meeting should be set up with the IG to discuss the funding for the prosecutorial functions.

Mr. Ciolino told the board, if approved by voters, he is prepared to work with the ERB, the OIPM and the New Orleans City Council with the transitioning of the OIPM in operational independence and to also ensure that the ERB plays a meaningful role in oversight of the OIPM.

Mr. Miller told the board that the 2017 ERB Budget will be voted on and approved at the ERB's October meeting and discussions of the funding for the prosecutorial functions will be discussed prior to the next meeting in October.

### Ethics Education Report

Ms. Toni Hackett Antrum of the Hackett Group told the board that since the ERB's August meeting the Hackett Group has conducted ethics education training with the Mayor's Office on August 19, 2016 and with the Tax Collectors for the Revenue Department within the Finance Division in September 2016.

Ms. Hackett Antrum told the board that the ethics education training with the Auditors for the Revenue Department will be held on September 27, 2016.

Ms. Hackett Antrum told the board that the Hackett Group is now recognized as “Certified Ethics Trainers” by the Louisiana State Ethics Board. She also told the board that city employees that are trained on behalf of the ERB going forward will receive credit towards the annual ethics education training that is required by the Louisiana State Ethics Board.

Mr. Miller and Dr. Cowan both told the board that they would like to see the Hackett Group continue ethics education with the S&WB.

Mr. Miller and the board agreed to change the remaining ERB meetings to:

- Tuesday, October 18, 2016 at 3:30 P.M.
- Tuesday, November 15, 2016 at 3:30 P.M. (no change needed)
- Tuesday, December 20, 2016 at 3:30 P.M.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statute sections 42:16 and 42:17(4) to discuss an on-going investigative proceeding regarding allegations of misconduct. Dr. Ricks moved and a second was offered by Rev. Boutin at 4:20 p.m.

The board, by an affirmative vote of all members present, held an executive session.

At the conclusion of the executive session, the board reconvened its public meeting. Dr. Ricks moved and a second was offered by Dr. Cowan.

At 4:42 p.m., Dr. Cowan moved that the meeting adjourn, a second was offered by Dr. Ricks. The motion carried unanimously and the meeting adjourned.