



**Ethics Review Board  
City of New Orleans**

**Board Meeting**

**November 14, 2018  
3:35 P.M. – 5:08 P.M.**

**Norman Mayer Public Library | 3001 Gentilly Blvd. | New Orleans, Louisiana 70122**

**Minutes of Board Meeting**

1. *Call to order.*
  - 1.1. Board members present:
    - 1.1.1. Brandon Boutin.
    - 1.1.2. James Brown, Chair.
    - 1.1.3. Elizabeth Livingston de Calderon.
    - 1.1.4. Michael Cowan
    - 1.1.5. Howard Rodgers, Vice-Chair.
  - 1.2. Staff member present: Dane S. Ciolino, General Counsel.
  - 1.3. At 3:38 p.m., a quorum being present, the Chair called the meeting to order.
  - 1.4. The agenda for the meeting is attached.
2. *Approval of minutes.* The board unanimously approved the minutes of the October 24, 2018, board meeting.
3. *Report of the Office of Inspector General.*
  - 3.1. The OIG's monthly report is attached.

- 3.2. William Bonney appeared and spoke directly from the office's monthly report.
  - 3.3. Mr. Brown inquired into when the two audits into the Department of Public Works would be delivered. Mr. Bonney responded that they should be delivered in the next few months.
  - 3.4. Mr. Brown requested that the OIG would exclude any confidential information from its monthly reports. Mr. Bonney confirmed that this would be done.
4. *Report of the Office of Independent Police Monitor*
- 4.1. The OIPM monthly report is attached.
  - 4.2. Stella Cziment, Tonya McClary, and Jules Griff appeared and reported that Ms. Hutson was attending a conference.
  - 4.3. Ms. Cziment spoke directly from the office's monthly report.
  - 4.4. Mr. Rodgers inquired about the critical incident reported with a death. The OIPM reported that the police were called to a burglary in progress. The victim was found to have had illegal drugs in his system, and the police apparently did not cause his death.
  - 4.5. Ms. Griff reported that the office has submitted recommendations to NOPD PIB regarding changes to the mediation program. The goal is to increase the number of mediations. Officers agree to mediate 90% of the time, which citizen consent is approximately 40%.
    - 4.5.1. The first recommendation is to increase the number of days to get consent from 10 to 15 days. Mr. Brown asked whether more days could be added. Ms. Griff was not optimistic but reported that she would make an effort to get an agreement from NOPD for more time.
    - 4.5.2. Ms. Calderon asked how many days were allowed under the police officers' bill of rights. Ms. Griff reported that the process must be completed within 120 days and PIB does not want to be "jammed" if mediation does not resolve the issue.
    - 4.5.3. Ms. Calderon asked how often mediations "fail." Ms. Griff said it depends on how you define "fail." These are voluntary mediations. If the officer does not cooperate, the matter is referred back to PIB.
    - 4.5.4. Ms. Griff noted that typically officers agree; civilians are slow to respond often.
    - 4.5.5. The second recommendation is to increase the number of incidents that are eligible. This is a bigger and more important recommendation. For example, discriminatory or bias policing issues should be eligible for

mediation but now they are not. In other jurisdictions, these issues are “eligible.” Mr. Brown encouraged the office to work to expand the category of “eligible” incidents and offered the ERB’s assistance if necessary.

- 4.5.6. Ms. Griff said that her office would work with PIB and Chief Westbrook to try and implement this change. The matter also needs to be considered by Judge Morgan and the DOJ.
  - 4.6. Ms. Calderon asked whether mediation “takes load off of the NOPD.” Ms. Griff responded that it does ease the burden of sergeants.
  - 4.7. Mr. Rodgers asked why mediations could not be conducted regarding alleged civil rights violations. Ms. Griff explained that such matters could be criminal and are not eligible. Ms. Calderon raised the issue of whether purely civil civil-rights matters could be made “eligible.”
  - 4.8. Ms. Griff noted that one problem with eligibility issues is that there are often multiple violations alleged. Some of these may be eligible and others not. At present, none would be eligible for mediation. The office is looking into the possibility of bifurcating these matters to make more matters eligible.
  - 4.9. Ms. Griff noted that some matters that are eligible are not being mediated. The office needs to get a better understanding as to why this is the case.
  - 4.10. Mr. Brown noted that he liked the plans for increasing mediations.
  - 4.11. Mr. Boutin asked about the timeline for agreeing to mediation. Ms. Griff responded that it was 10 days.
  - 4.12. Mr. Cowan asked about the Community Mediation Report for 2017 on the website. He noted problems with the pie charts and other data that did not make sense. The office said it would be fixed.
  - 4.13. Ms. Cziment stated that by next meeting, the OIPM hopes to have all technology problems solved.
  - 4.14. Mr. Brown asked whether the office was “fully staffed,” and Ms. Cziment reported that it was (since it was not replacing an auditor).
5. *Report of the Ethics Trainer.*
- 5.1. Toni Hackett appeared.
  - 5.2. Ms. Hackett reported that her regular contract period ended in mid-October.

- 5.3. Ms. Hackett noted that all trainees receive an annual certificate and that she reports the training to the state. She also receives reviews from attendees as required by the state.
  - 5.4. Ms. Hackett reported that she would welcome the board soliciting and receiving independent feedback from trainees.
  - 5.5. Ms. Hackett reported that, to date, her ratings have been very good. Mr. Brown asked whether she would share a compilation of her reviews with the board. Ms. Hackett agreed to do so by the next meeting.
  - 5.6. Ms. Calderon inquired into the number evaluations that are available from Ms. Hackett's training sessions. Ms. Hackett responded that she has data from 11 sessions, including 128 survey responses.
  - 5.7. Ms. Hackett noted that training is the easiest part of her work; the hardest part is to get trainings scheduled.
  - 5.8. Ms. Hackett noted that the cost for training was approximately \$700/participant.
  - 5.9. Mr. Cowan noted that there is real value in getting relationships with critical decision makers.
  - 5.10. Ms. Hackett noted that she is focusing on liaisons and managers. She also noted that several high-level trainings have occurred in the mayor's office and city attorney's office.
  - 5.11. Mr. Brown asked if she was still changing the trainings and the hypos. Ms. Hackett responded that she was doing to and tailoring the trainings to the particular agency at issue.
  - 5.12. Ms. Hackett committed to having her "special project" report to the board within the next 30 days.
  - 5.13. Mr. Rodgers moved to undertake to get direct feedback from trainees. Ms. Calderon seconded. The board voted and unanimously approved the motion.
6. *Ethics Awards Program.*
    - 6.1. Mr. Rodgers discussed the creation of a "Torch Award" and the other items in the attached proposal. He also discussed the possibility of an luncheon and awards ceremony.
    - 6.2. A vote on any proposal, however, would be deferred until a future meeting.
7. *EBR Budget for 2019.*

- 7.1. The board discussed the attached template for the ERB 2019 budget. That template allocated \$186,407 to “other operating” and \$92,864 to “personal services.”
  - 7.2. Mr. Ciolino explained the allocations and budgeting process.
  - 7.3. Mr. Cowan moved to adopt the template as presented. Mr. Rodgers seconded the motion. The board unanimously approved the motion.
8. *Quality Assurance Review Committees.*
- 8.1. The board unanimously approved Mr. William Banta as the board’s representative to the Quality Assurance Review Committee for the OIG.
  - 8.2. Mr. Brown reported that he is awaiting 2 appointees from the City Council and one from the Mayor’s office.
  - 8.3. Mr. Brown confirmed that Marcus M. Kondkar, Ph.D., will serve as the ERB appointee to the QAR for the OPIM.
  - 8.4. Mr. Cowan inquires as to when the ERB will conduct its triennial peer review. Mr. Brown reported that it would occur in 2020.
9. *Meeting Dates for 2019.*
- 9.1. The board selected meeting dates for 2019, with the locations to be determined.
  - 9.2. The dates are as follows:
    - 9.2.1. Monday, January 28, 2019 at 3:30 p.m.
    - 9.2.2. Monday, February 25, 2019 at 3:30 p.m.
    - 9.2.3. Monday, March 25, 2019 at 3:30 p.m.
    - 9.2.4. Monday, April 29, 2019 at 3:30 p.m.
    - 9.2.5. Wednesday, May 29, 2019 at 3:30 p.m.
    - 9.2.6. Monday, June 24, 2019 at 3:30 p.m.
    - 9.2.7. Monday, August 26, 2019 at 3:30 p.m.
    - 9.2.8. Monday, September 23, 2019 at 3:30 p.m.
    - 9.2.9. Monday, October 28, 2019 at 3:30 p.m.
    - 9.2.10. Monday, November 25, 2019 at 3:30 p.m.

9.2.11. Monday, December 16, 2019 at 3:30 p.m.

10. *Adjournment.*

10.1. Mr. Cowan moved to adjourn the meeting. Mr. Boutin seconded the motion.

10.2. The board unanimously passed the motion and the Chair declared the meeting adjourned at 5:21 p.m.

\* END \*



**ETHICS REVIEW BOARD**  
*CITY OF NEW ORLEANS*

**BOARD MEETING**

**Wednesday, November 14, 2018**  
**3:30 P.M. – 5:30 P.M.**

**Norman Mayer Public Library**  
**3001 Gentilly Blvd.**  
**New Orleans, LA 70122**

**AGENDA**

1. Approval of minutes of previous board meeting (Chair).
2. Report from the Office of Inspector General (Chair).
3. Report from the Office of Independent Police Monitor (Chair).
4. Report from the Ethics Trainer (Chair).
5. Report from the General Counsel (Chair).
6. Discussion of collection of training program reviews directly from ethics training participants (Chair).
7. Discussion and vote to ratify 2019 ERB budget submitted to City Council on November 9, 2018 (Chair).
8. Discussion and vote on ERB meeting dates for 2019 (Chair).
9. Vote to appoint William Banta as member of the Quality Assurance Review Committee (Chair).
10. Discussion of ethics award program (Mr. Ricks).
11. Adjournment (Chair).

**Draft Minutes of  
Previous Board  
Meeting**



**Ethics Review Board  
City of New Orleans**

**Board Meeting**

**October 24, 2018  
3:35 P.M. – 5:08 P.M.**

**City Council Chambers | 1300 Perdido Street | New Orleans, Louisiana 70112**

**Minutes of Board Meeting**

1. *Call to order.*
  - 1.1. Board members present:
    - 1.1.1. James Brown, Chair.
    - 1.1.2. Elizabeth Livingston de Calderon.
    - 1.1.3. Michael Cowan.
    - 1.1.4. Joe Ricks.
    - 1.1.5. Howard Rodgers, Vice-Chair.
  - 1.2. Staff member present: Dane S. Ciolino, General Counsel.
  - 1.3. At 3:35 p.m., a quorum being present, the Chair called the meeting to order.
2. *Approval of minutes.* The board unanimously approved the minutes of the September 12, 2018, board meeting with corrections by Ms. Calderon.
3. *Discussion and vote on proposal to create new part-time, unclassified Executive Administrator and General Counsel position and to appoint Dane S. Ciolino.*
  - 3.1. Mr. Cowan moved to create a new part-time, unclassified position to be entitled “Executive Administrator and General Counsel” and to appoint Dane S. Ciolino at

a salary of \$70,000 plus regular pension benefits. Mr. Rodgers seconded the motion.

3.2. Ms. Calderon inquired as to what the total cost to the board would be for the position with pension benefits. Because the pension-cost information was not readily available, Mr. Brown committed to obtain the information from the City's Chief Administrative Office, to provide it to Ms. Calderon, and to give her an opportunity to address any concerns at a future board meeting.

3.3. The board voted on the motion and it passed unanimously.

4. *Discussion and vote on renewal of Hackett Group contract.*

4.1. Mr. Ricks moved to renew the Hackett Group training contract on the same terms as the previous contract. Mr. Cowan seconded the motion.

4.2. Mr. Ricks praised the work done by the Hackett Group under the prior contracts.

4.3. Mr. Cowan noted that the liaison program has been a successful effort by the Hackett Group.

4.4. Mr. Rodgers noted that he hoped that the Hackett Group would continue their "good work" under a new contract.

4.5. The board voted on the motion and it passed unanimously.

5. *Review of annual work plan of OIG.*

5.1. Erica Smith, Deputy Inspector General of Audit and Review appeared for the OIG. She reported that IG Derry Harper was out of town at a conference.

5.2. She provided an overview of the IG work plan (attached).

5.3. Mr. Brown asked Ms. Smith to explain in more detail how the risk assessment process worked in practice. She explained that the factors bearing on risk assessment include the dollars at risk, operational risk, internal knowledge, inherent risk, and the impact or consequence of failure.

5.4. Ms. Smith explained that the OIG has developed a questionnaire and distributed it to city departments and will follow up with interviews. Thereafter, each department will be assigned a risk score of 1-5. Then, the OIG will issue a public report ranking projects.

5.5. Mr. Ricks asked when this report will be issued. She "does not have a month" as to when it will be issued, but stated that it will be in next years' OIG work plan.

5.6. Mr. Brown noted that the S&WB, Public Works, Revenue Collection, and Fiscal Management are already on the list of departments to be investigated.

- 5.7. Mr. Brown noted that the S&WB has had serious personnel difficulties and that public confidence in the agency is at a low point, particularly in the wake of the 2017 flooding. He asked whether the risk assessment process would consider the staffing problems at the agency. Ms. Smith assured him that it would. She said that many people fail the pre-employment drug testing, making it difficult to staff the agency.
- 5.8. Mr. Brown asked whether the risk assessment process would consider problems at the S&WB relating to revenue generation, and the problems with the billing software, which have led to problems with bond issuances to fix drainage systems. Ms. Smith assured him that it would.
- 5.9. Mr. Brown asked about personnel problems at the Department of Public Works and its problems in coordinating with the S&WB and whether that would factor into the risk assessment process. Ms. Smith assured him that it would.
- 5.10. Mr. Brown asked whether the Department of Finance has a “red flag system” to identify those underpaying sales tax and asked whether that was an issue to be included in the OIG’s future work. Ms. Smith assured him that those issues would be addressed.
- 5.11. Mr. Brown asked about the status of a new computer system at the Department of Finance. Ms. Smith noted that the system was supposed to go live this month but that she was unsure whether it has occurred. The plan of the OIG is to audit the system once it is up and running in March of 2019.
- 5.12. Mr. Brown asked for deliverable dates for S&WB audits and other work. He expressed concern that the Quality Assurance Review Committee will meet next year and he hopes that there will be a sufficient body of work for the committee to review.
- 5.13. Ms. Calderon noted that it was good that the OIG’s work plan includes a risk-assessment program to formulate future work plans. She inquired into how this was done. Ms. Smith responded that the risk-modeling and planning process was done this way in other locations, including Jefferson Parish and the City of Chicago.” Ms. Calderon complimented the OIG on using this process.
- 5.14. Ms. Calderon asked whether the focus on risk assessment modeling was time consuming. Ms. Smith noted that there is one auditor dedicated to full-time risk assessment. Given that the city has more than \$7 billion in assets and \$1 billion in revenue, this is “real work.” Also, risk assessment includes surveys and interviews with more than 40 boards, commissions and departments.
- 5.15. Mr. Rodgers asked when will the risk assessment project be completed. Ms. Smith responded that it should be completed by the end of December 2019, although this depends on getting cooperation from departments and city personnel.

- 5.16. Mr. Ricks noted that a common theme in some of the problems experienced by city departments is “staffing.” Ms. Smith responded that the operational risk assessment includes personnel issues.
  - 5.17. Mr. Ricks noted that quality control has been an objective of seminars and awareness campaigns and commented that further training could be a solution. Ms. Smith noted that she would discuss the issue with Mr. Harper.
  - 5.18. Mr. Ricks asked why \$100,000 was to be spent screening for new projects. Ms. Smith did not know how that figure was calculated.
  - 5.19. Mr. Cowan asked about the questionnaire that would be used for risk assessment. He noted that this requires self-reporting and that the information obtained in this manner should be carefully considered. Ms. Smith acknowledged the problem and clarified that the questionnaires are “just a starting point.”
  - 5.20. Mr. Cowan asked what other sources the OIG would use to identify targets for future audits and investigations. Ms. Smith responded that the OIG gets information from numerous sources including whistleblower hotlines, the media, and internal knowledge, including past experience.
  - 5.21. Mr. Cowan questioned the logic of “corruption” as a risk assessment factor. Ms. Smith acknowledged that “corruption” is an issue not an entity and that the wording was awkward.
  - 5.22. Mr. Cowan asked when the OIG performed its last risk assessment. Ms. Smith responded that it performs risk assessment informally every year, but that the last formal risk assessment occurred in 2011. The current risk assessment process is different and more thorough given the use of questionnaires and new categories for assessment.
  - 5.23. Mr. Brown thanked Ms. Smith for appearing and for the OIG’s good work in preparing the work plan.
6. *Discussion on ethics award proposal.*
- 6.1. Mr. Ricks noted that ethics compliance efforts often involve “sticks” but no “carrots.” He suggested that the board should create awards and rewards to encourage compliance with ethical standards and to create a better culture for ethics in the city.
  - 6.2. Mr. Ricks suggested both awards and rewards. For example, a liaison may receive a certificate as a reward if certain criteria were satisfied. The board also may create larger awards to present to leaders and organizations for longer-term ethical compliance.
  - 6.3. Mr. Brown complimented Mr. Ricks on the idea. He noted that it is good to be able to give awards and rewards to both people and departments.

- 6.4. Mr. Ricks agreed and noted that there should be an award (like the Lantern Award) that could be given that symbolizes ethical compliance. He suggested that the board needs to consider it in more detail. Ms. Calderon agreed.
- 6.5. Mr. Ricks agreed to take the lead in developing ideas on ethics awards and rewards. Mr. Rodgers encouraged him to consult with the Hackett Group in developing these ideas. In developing ideas, Mr. Ricks will be mindful of the Open Meetings Laws.
- 6.6. Mr. Ricks will present further information and ideas on ethics awards and rewards at a future board meeting.
7. *Discussion of 2019 ERB Annual Budget.*
  - 7.1. Mr. Brown noted that it is premature to vote on the budget for 2019 because we are waiting on the city's proposed budget to provide the amount of revenue that the ERB will receive.
  - 7.2. Mr. Brown will present an internal ERB budget to the board at the November board meeting.
8. *Report of the OIPM.*
  - 8.1. Ms. Hutson appeared for the OIPM.
  - 8.2. Although not on the agenda, the OIPM provided a brief report on its activities. Ms. Hutson noted that she would email ERB members with more detailed information.
  - 8.3. Mr. Brown asked how the number of mediations could be increased. Ms. Hutson said that the office is working on that by trying to make more cases eligible for mediation. Mr. Cowan noted that there are problems imposed by legal deadlines and timetables and with complying with the Police Officers' Bill of Rights. The IPM noted that she is trying to work around these problems.
9. *Report on status of appointments to the 2019 Quality Assurance Review Advisory Committees for the OIG and OIPM.*
  - 9.1. Mr. Brown reported that the QAR committees are citizen checks on the work of two powerful offices. They are important committees that must generate brief reports and serve as a check on the offices. He suggested that a "higher level" review by these committees might be more appropriate than lower level audits. Mr. Cowan was not certain that was the proper approach.
  - 9.2. Mr. Brown proposed Bill Banta for the OIG QAR committee. He noted that he would put Mr. Banta's name on the November agenda for consideration by the board.

- 9.3. Mr. Brown also noted that the Mayor's office would appoint Ashley Barriere to the OIG QAR committee, but that an appointee was still needed for the OIPM QAR committee.
- 9.4. Mr. Brown has sent letter to the Council and the Mayor regarding appointees.
10. *Discussion and vote on proposal to receive brief monthly reports from the OIG, OIPM, and Ethics Trainer to be due on the first of each month.*
  - 10.1. Mr. Rodgers moved to require the OIG, OIPM, and Ethics Trainer to provide the ERB with brief reports on the first of each month. Ms. Calderon seconded the motion.
  - 10.2. Mr. Cowan noted that he liked the idea of brief statements reflecting the work of each entity and their priorities for the month.
  - 10.3. Mr. Rick's noted that the reports could serve as a "dashboard" to check on activities of the entities.
  - 10.4. Mr. Brown wants to see the deliverables being provided by the entities, although what each entity might include in the reports would be a work in progress.
  - 10.5. Mr. Ricks noted that these monthly reports will further educate the public about the work done by the ERB and the entities that report to it.
  - 10.6. Ms. Calderon noted that the monthly reports will make each entity's annual report better and easier to prepare.
  - 10.7. The board unanimously passed the motion.
11. *Adjournment.*
  - 11.1. Mr. Ricks moved to adjourn the meeting. Mr. Rodgers seconded the motion.
  - 11.2. The board unanimously passed the motion and the Chair declared the meeting adjourned at 5:08 p.m.

\* END \*

**Monthly Report of  
OIG**

**Office of Inspector General Report to the Ethics Review Board**  
**October 2018**

**Audit & Review**

The Audit & Review division continued working on the system-wide risk assessment. The Audit group substantially completed fieldwork on the Sewerage & Water Board (S&WB) Internal Audit and is drafting the report. The Audit group also continued fieldwork on Department of Public Works Catch Basin audit.

**Inspections & Evaluations**

In October, the Inspections & Evaluations division continued work on the Traffic Camera project and the S&WB Billing Dispute Resolution Process project. It is also working on the inquiry into the S&WB Bill Under-Crediting issue as requested by S&WB leadership. The I&E group is also assisting Audit with the system-wide Risk Assessment.

**Investigations**

The Investigations Division received complaints in October. Some of them were matters outside of OIG's purview.

Two OIG Investigations Division cases are in prosecution:

- The case alleging misappropriation of city funds by Tonnette "Toni" Rice during her time as president of the New Orleans Multi-Cultural Tourism Marketing Network (NOTMN) is in the discovery phase in state court.
- The case alleging misappropriation of funds from the New Orleans Public Library Foundation by Irvin Mayfield and Ronald Markham is also in the discovery phase. A trial is scheduled in federal court for April 2019.

In the NOTMN case, Ms. Rice turned herself in to authorities on May 7, 2018, after an arrest warrant was issued charging her with theft of more than \$70,000 from NOTMN and filing false public records. The arrest warrant was the result of OIG's investigation.

OIG investigators and auditors contend that Ms. Rice took more than \$70,000 in public funds by writing checks to herself from NOMTN. According to the OIG investigation, Ms. Rice wrote 85 checks to herself between 2013 and 2015 but recorded them as being paid to NOMTN vendors on the agency check registers.

In the Library Foundation case, Mr. Mayfield and Mr. Markham were charged by a federal grand jury on Dec. 17, 2017, with 19 counts of conspiracy, wire fraud, mail fraud, money laundering, and obstruction of justice.

According to the indictment, Mr. Mayfield and Mr. Markham transferred approximately \$1,382,971 from the New Orleans Public Library Foundation between August 2011 and January

2013 to unlawfully enrich themselves, and pay the operating costs of the New Orleans Jazz Orchestra without approval. All the while, they misled the Library Foundation and others about the purpose of the transfers.

The indictment further states that Mr. Mayfield and Mr. Markham obstructed justice in November 2013 by altering and falsifying Library Foundation Board meeting minutes with the intent to impede, obstruct, and influence the federal investigation that was underway.

### **Training**

All three I&E members have attended training this fall to expand their skills: two people attended Certified Fraud Examiner training, and one person is studying to become a Certified Internal Auditor.

Four people – the Inspector General and three members of the Investigations Division -- attended the Association of Inspectors General Fall Training Conference in Chicago in October.

### **Staff/General Office**

OIG is currently searching for a General Counsel and a Deputy IG for Audit & Inspections.

Former OIG staff attorney and Interim General Counsel Lance Cardwell left OIG in October to join the City Attorney's office.

A member of I&E made a presentation to the Committee for a Better New Orleans on behalf of the office in October.

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**Monthly Report of  
OIPM**



OCTOBER

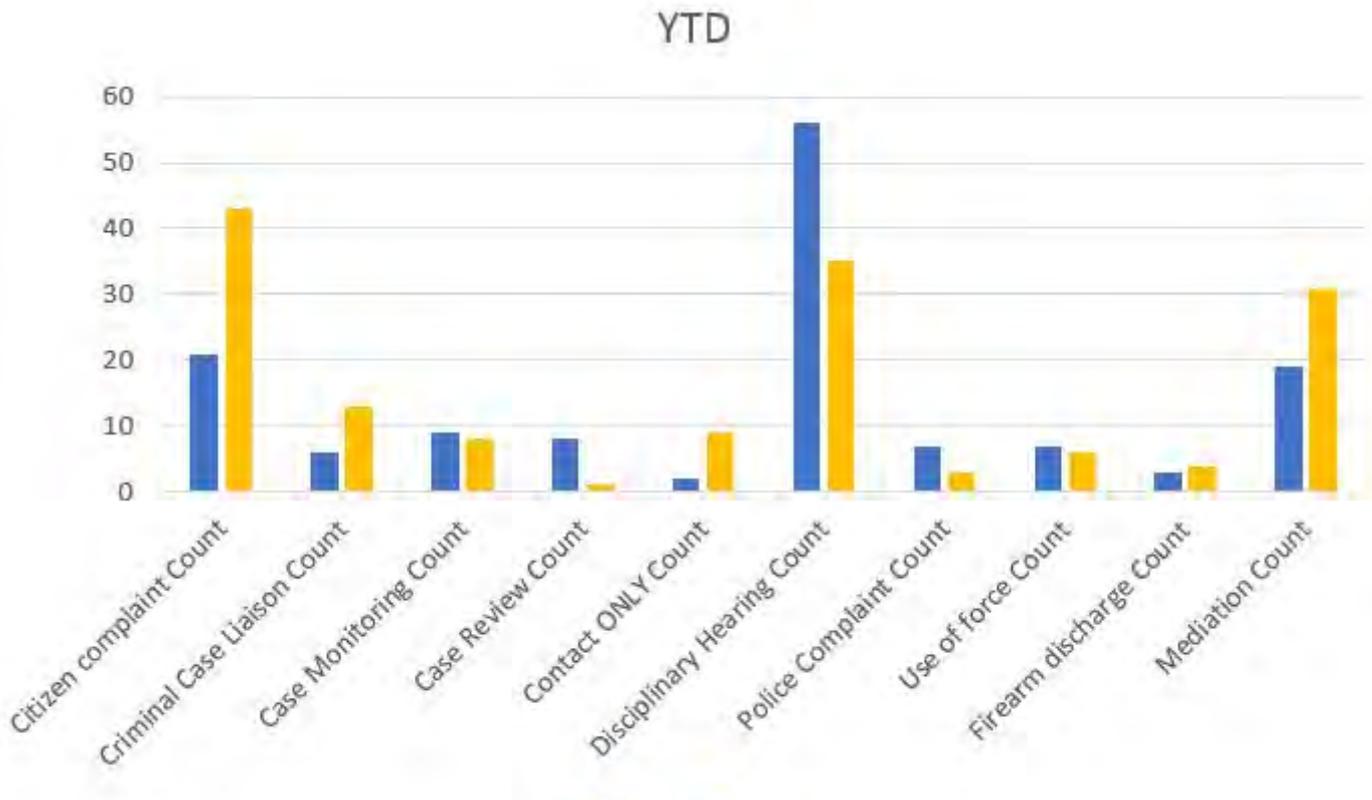
# Monthly Report

THE OFFICE OF THE INDEPENDENT  
POLICE MONITOR

Susan Hutson  
Independent Police Monitor

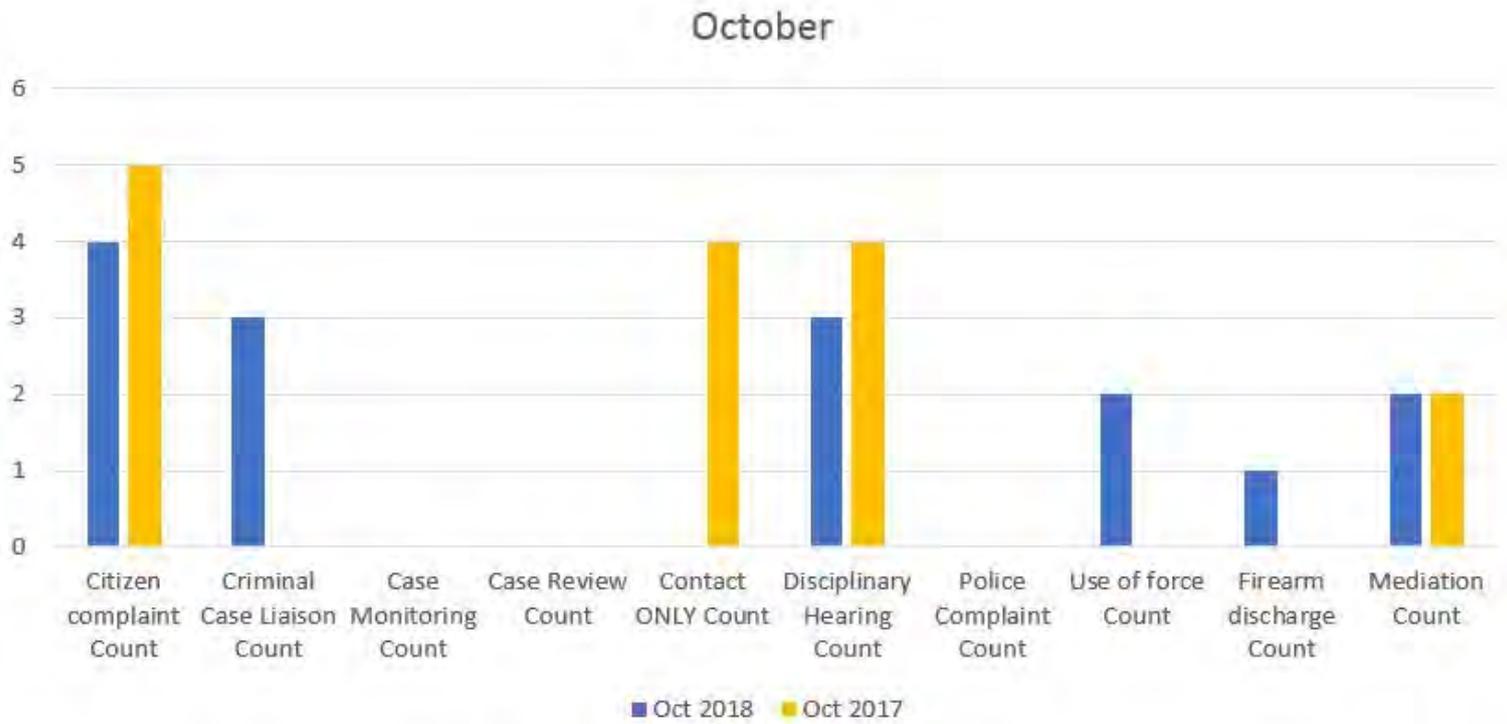
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# Year to Date Overview



	2018	2017
Citizen complaint Count	21	43
Criminal Case Liaison Count	6	13
Case Monitoring Count	9	8
Case Review Count	8	1
Contact ONLY Count	2	9
Disciplinary Hearing Count	56	35
Police Complaint Count	7	3
Use of force Count	7	6
Firearm discharge Count	3	4
Mediation Count	19	0
<b>Grand Total</b>	<b>138</b>	<b>122</b>

# October Overview



	Oct 2018	Oct 2017
<b>Citizen complaint Count</b>	4	5
<b>Criminal Case Liaison Count</b>	3	0
<b>Case Monitoring Count</b>	0	0
<b>Case Review Count</b>	0	0
<b>Contact ONLY Count</b>	0	4
<b>Disciplinary Hearing Count</b>	3	4
<b>Police Complaint Count</b>	0	0
<b>Use of force Count</b>	2	0
<b>Firearm discharge Count</b>	1	0
<b>Mediation Count</b>	2	2
<b>Grand Total</b>	<b>15</b>	<b>15</b>

# October Overview

Use of Force		
CI2018-0004	Use of force	An officer was checking his equipment prior to his duty. While checking his secondary handgun, he unintentionally discharged one round into the ground. There were no injuries or property damaged as a result of the discharge.
CI2018-0005	Use of force	Officers were dispatched to a residential burglary in progress. Officers encountered an individual in residence's driveway. After being taken into custody, the individual stopped breathing. Officers rendered aid and EMS arrived, however the individual died after being transported to the hospital.
Use of Force Count: 2		

Criminal Case Liaison		
CL2018-0011	Criminal Case Liaison	Requested to speak with the detective investigating.
CL2018-0012	Criminal Case Liaison	NOPD Cold Case: Hollygrove killing remains unsolved after 10 years.
CL2018-0013	Criminal Case Liaison	Assistance on behalf of a complainant. The complainant has a history with the 7th District.
CL2018-0014	Criminal Case Liaison	The Complainant and her husband have been involved in an ongoing criminal investigation into incidents involving another family, and in which the Complainant's husband was shot and shot at. The Complainant wants to provide information regarding these incidents to the NOPD investigator and learn if there is any progress in the investigation of the shootings from last year. The Complainant requested the OIPM's assistance with facilitating that communication with the investigator.
Criminal Case Liaison Count: 4		

Disciplinary Hearings		
DH2018-0056	Disciplinary Hearing	Accused allegedly was involved in a domestic incident with his girlfriend.
DH2018-0057	Disciplinary Hearing	A higher ranking officer learned an officer failed to notify the N.O.P.D. Communications Division he was working Paid Detail. The officer also failed to enter the detail into the "Paid Detail Log" located in N.O.P.D. web application.
DH2018-0058	Disciplinary Hearing	Unprofessional behavior
Disciplinary Hearing Count: 3		

# October Overview

## Firearm Discharge

FD2018-0004	Firearm discharge	
Firearm discharge Count 1		

## Mediation

Mediation cases are confidential.

Mediation Count: 2

## Citizen Complaints

2018-12	Complaint Manager	According to the complainant, two white NOPD officers violated NOPD manual, policies, and / or practices when they: stopped the complainant while he was repairing a car in his work capacity of a mechanic with no reason.
2018-17	Complaint Manager	Complainant alleges that she was assaulted and treated unprofessionally by an officer while a higher ranking officer allowed it. The complainant also alleges that four demonstrators were unlawfully arrested.
2018-14	Complaint Manager	Complainant (civilian) alleges her supervisor (police officer) has transferred her and retaliated against her -- severely affecting her employment with the NOPD. The complainant alleges this officer has a history of this behavior.
2018-16	Complaint Manager	Complainant is concerned about an incident that happened in March 2016 regarding the 1st District stating there was "nothing they could do" about an intruder who stood on the complainant's home and damaged the gutter during a second line.

Citizen Complaint Count: 4

# Complaints and Discipline

OIPM serves as an alternative site for civilians and police officers alike to file complaints of misconduct against the NOPD. These complaints and allegations are compiled into referrals by the OIPM and provided to the Public Integrity Bureau (PIB) for them to investigate. The OIPM monitors and reviews the classification and investigation conducted by PIB. If the complaint continues into a disciplinary proceeding, the OIPM will continue to monitor and reviews the disciplinary process. OIPM monitors and review disciplinary proceedings conducted by NOPD to ensure accountability and fairness. The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

**4**

**CITIZEN COMPLAINT  
COUNT**

**3**

**DISCIPLINARY HEARING  
COUNT**

**0**

**POLICE COMPLAINT COUNT**



# 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 officer and civilian to be fully heard and understood in a non-judgmental way.

**6**

**REFERRALS FOR  
MEDIATION**

**3**

**MEDIATION OFFER  
DECLINED**

**2**

**MEDIATIONS COMPLETED**



**1**

**MEDIATION PENDING**

# Use of Force

Staff of OIPM were notified of two critical incidents and responded to the scenes to monitor the activities of NOPD. OIPM is continuing to monitor these cases and will do so until they are closed by NOPD.

## 2

### **CRITICAL INCIDENTS**

- In Custody Death
- Negligent Discharge of a Firearm

#### **In Custody Death**

On October 2, 2018, officers were dispatched to a residence burglary in progress regarding an individual, under the influence of narcotics. Upon arrival Officers encountered an individual in the residence's driveway armed with a knife. The individual complied with officer commands by relinquishing the knife and walking towards the officers. Officers noticed him bleeding from his lower lip / mouth area. Officers attempted to hold the individual's arms for the additional officer to handcuff the individual. The individual was able to wiggle away from the officers' grasps before he lay on the ground and attempted to kick the officers. Approximately one minute after the individual was handcuffed, he stopped breathing. One officer retrieved his Narcan from his vehicle and administered it to the individual, but it was not effective. The two other officers began CPR on the individual after requesting EMS to the scene. A registered nurse, who resided in the neighborhood, arrived prior to EMS' arrival and also assisted the individual. The individual was transported to Tulane Hospital and died on Wednesday, October 3, 2018.

#### **Negligent Discharge of a Firearm**

On October 18, 2018 an officer unintentionally discharged one round into the ground in the parking lot of the 4th District. There were no injuries or property damaged as a result of the discharge.

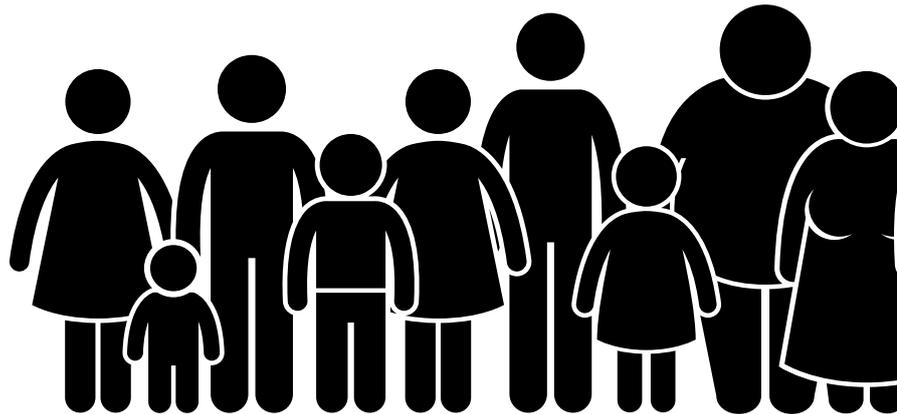
# Community Relations

OIPM participates in community events to help extend the message the of OIPM and participates in activities to impact the nature of the relationships the community has with police officers. OIPM is committed to being present in the community, but also presenting helpful information to the public.

## 2

### KNOW YOUR RIGHTS TRAINING

- St. Augustine High School
- Liberty Kitchen



## 1

### PANELIST

- Southern Christian Leadership Council's "Justice for our Girls" Symposium

## 2

### EVENT ATTENDANCE

- Night Out Against Crime
- National Day Against Police Brutality Vigil

# Policy Recommendations

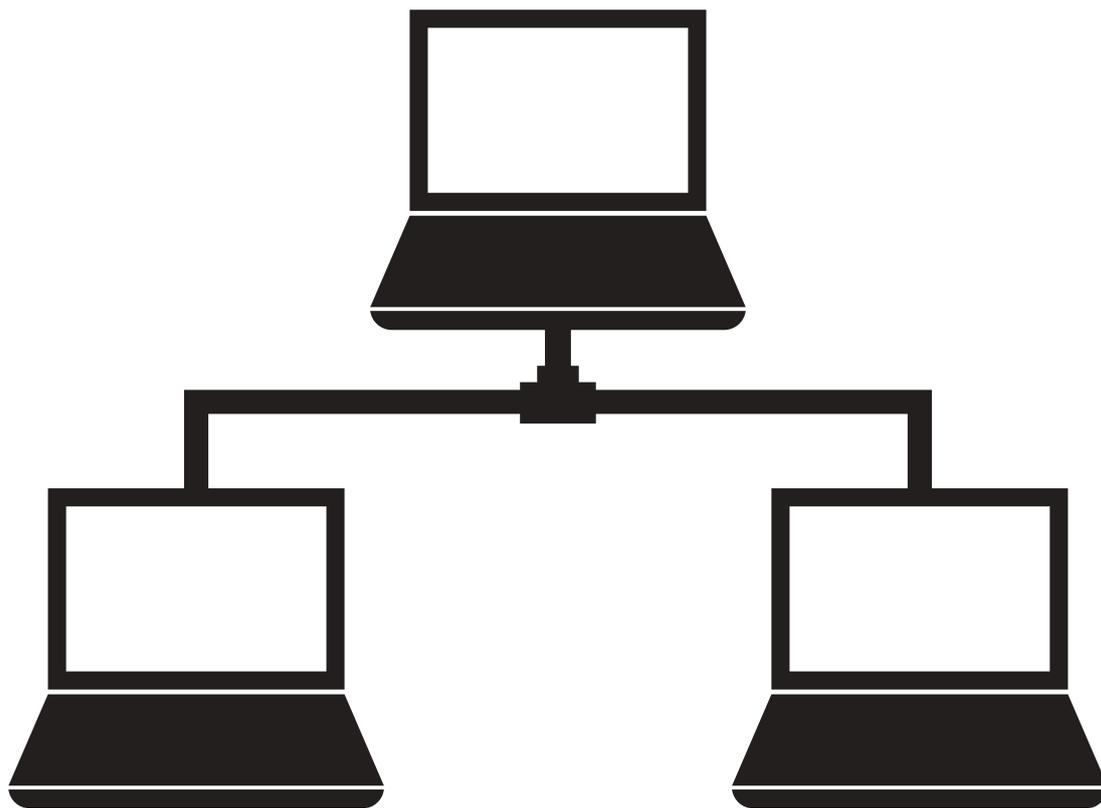
The following are recommended updates to Chapter: 24:2 – Community-Police Mediation, of the New Orleans Police Department Operations Manual. These recommendations were developed through meetings between OIPM and PIB and are currently in the process of being reviewed by leadership of OIPM and PIB.

The following changes are recommended:

- Increase the number of days from 10 days to 15 days that OIPM must receive consent from the officer and civilian.
- Increase the number of days that the mediation must take place from 25 days to 45 days
- Allow allegations of Discriminatory or Bias-based policing to be eligible for mediation
- Bifurcate allegations for complaints with one allegation that is eligible for mediation and another allegation that does not require extensive investigation
- Establish regular weekly process for OIPM to review with PIB new cases that could potentially be referred to mediation
- Establish quarterly meetings between OIPM and PIB to review mediation program procedures, evaluate what is working/not working and troubleshoot challenges
- Establish annual review of mediation program with OIPM and PIB leadership
- Offer 2 mediations per NOPD district per year that are outside of the complaint system for community problem solving of ongoing issues in the community
- Offer a few mediations per year for rank-initiated complaints
- Explore new possibilities for mediation, including offering mediation as an alternative to discipline for complaints that have been investigated and found “Sustained;” and/or offering mediation for complaints that have been determined “Not Sustained” in an effort to give citizens and officers who are unsatisfied with the outcome of their investigation an opportunity to be heard and seek resolution.

# Access to Systems

We are working with New Orleans Police Department and the City's Information Technology department to address OIPM's daily access to NOPD systems. OIPM had a productive telephone conference with IT and progress is being made. We are also working on access that will allow us to up date our systems with NOPD data quicker.



**Monthly Report of  
Ethics Trainer**



Training Update  
October 2018

October marked the end of the contract period. Over the contract period, we trained 11 groups and received 128 surveys or evaluations. While we are compiling the specifics, the responses overwhelmingly rated the sessions as excellent or very good – with few outliers. The specific statistics will be tabulated and provided to the Board. The evaluations along with our deep dive study which includes meetings with liaisons and best practice research will inform our 2018/19 work.

A highlight for this year was our opportunity to train new Board members, commissioners and members of the new administration Senior Staff. The sessions were held in September and October

The feedback from these groups were particularly revealing. They included;

- HOPING SESSION MAY HAVE BEEN A LITTLE LONGER
- ANY ADDITIONAL TRAINING WOULD BE WELCOMED
- ENJOYED TALKING THOUGH THE NUIANCES
- WOULD LIKE MORE INFO ON THE GRAY AREAS FOR THOSE THAT REPRESENT THE PRIVATE SECTOR ON BOARDS
- REAL WORLD SCENARIOS ARE VERY HELPFUL EXAMPLES
- HANDS ON TRAINING WITH REAL LIVE TRAINERS

Toni Hackett Antrum

**Item 7**



**ETHICS REVIEW BOARD**  
*CITY OF NEW ORLEANS*

November 9, 2018

New Orleans City Council  
1300 Perdido Street  
New Orleans, LA 70112

Dear Councilmembers:

Please find attached the 2019 ERB City Council Budget templates.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Brown", with a long horizontal flourish extending to the right.

James Brown  
Chairman

## Template 1 – Proposed Annual Budget

Please state all projected revenues and expenditures for the upcoming fiscal year. The organization's 2019 budget should be presented alongside the Mayor's proposed budget in order to highlight potential differences. The figures in the "Mayor Proposed" column should reflect the budget that is proposed in the Mayor's Executive Budget. Please delete all revenue and expenditure categories that are not appropriate for your organization, and add others that are not shown in order to best reflect your organization's structure.

### Ethics Review Board

#### Proposed Budget of Revenues for FY2019

#### Org. Proposed

State Revenue	\$0
State Grants	\$0
Federal Revenue	\$0
Federal Grants	\$0
City Revenue	\$279,271
City Grants	\$0
separately)	\$0
Self-Generated	\$0
Interest	\$0
Donations	\$0
Other (specify)	\$0
<b>TOTAL REVENUE</b>	<b>\$279,271</b>

#### Proposed Budget of Expenditures for FY2019

##### Personal Services

Salaries	\$70,644
Mun. Ret. Plan	\$16,516
FICA SS Tax	\$4,380
Medicare	\$1,024
Worker's Comp. Insurance	\$300
Life Insurance	\$0
Health Insurance	\$0
Unemployment Insurance	\$0

##### Other Operating

Professional Services	\$173,307
Office Supplies	\$3,100
Advertising	\$10,000

#### TOTAL EXPENDITURES

**\$279,271**

#### TOTAL REVENUE

**\$279,271**

#### TOTAL EXPENDITURES

**\$279,271**

Revenues over (under) Expenditures

**\$0**

## Template 2 – Year to Year Comparison

The City Council is interested in understanding the longitudinal budgeting trends of your organization. Expenditures and revenues should be presented for five years (including proposed).

The budget proposed by your organization to the Mayor/CAO (if it differs from that being presented to the Council) can be included in the column, "Organization Proposed." If there is no difference, or your organization does not receive funds from the City, you may delete the "Org. Prop." column.

### Columns Definitions:

**Actual** - should include audited figures for previous years' revenues and expenditures.

**Adopted** - should include figures for present year's budget as approved by Council, and/or other authorization authority.

**Revised** - should include revised estimates for the current fiscal year based on year-to-date revenue and expenditure figures as of the end of the Third Quarter of current year.

**Organization Proposed** - (Org. Prop.) should be a reflection of the budget submitted to the Mayor/CAO for the coming fiscal year. This column may be deleted if it does not apply to your organization, or if it is the same as the "proposed" column.

**Proposed** - should be a reflection of the Mayor's proposed budget for your organization to the Council for consideration for the coming fiscal year.

## Ethics Review Board

REVENUE	Actual FY 2015	Actual FY 2016	Actual FY 2017	Adopted FY 2018	Revised FY 2018	Proposed FY 2019
State Revenue	\$0	\$0	\$0	\$0	\$0	\$0
State Grants	\$0	\$0	\$0	\$0	\$0	\$0
Federal Revenue	\$0	\$0	\$0	\$0	\$0	\$0
Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
City Revenue	\$148,199	\$120,000	\$258,954	\$258,521	\$258,521	\$279,271
City Grants	\$0	\$0	\$0	\$0	\$0	\$0
Intergov/Pass-through (if mult sources, list separately)	\$0	\$0	\$0	\$0	\$0	\$0
Self-Generated (fines, fees, collections)	\$0	\$0	\$0	\$0	\$0	\$0
Interest	\$0	\$0	\$0	\$0	\$0	\$0
Donations	\$0	\$0	\$0	\$0	\$0	\$0
Other (specify)	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL REVENUE</b>	<b>\$148,199</b>	<b>\$120,000</b>	<b>\$258,954</b>	<b>\$258,521</b>	<b>\$258,521</b>	<b>\$279,271</b>
<b>EXPENDITURES</b>						
Personal Services						
Salaries	\$24,174	\$0	\$72,420	\$107,770	\$107,770	\$70,643
Mun. Ret. Plan	\$0	\$0	\$16,352	\$25,197	\$25,197	\$16,516
FICA SS Tax	\$0	\$0	\$4,345	\$6,466	\$6,466	\$4,380
Medicare	\$0	\$0	\$1,036	\$1,541	\$1,541	\$1,024
Worker's Comp. Insurance	\$0	\$0	\$300	\$300	\$300	\$300
Life Insurance	\$0	\$0	\$74	\$74	\$74	\$0
Health Insurance	\$0	\$0	\$9,000	\$9,000	\$9,000	\$0
Unemployment insurance	\$0	\$0	\$90	\$90	\$90	\$0
Other Operating						
Professional Services	\$38,061	\$51,939	\$136,968	\$100,706	\$100,706	\$173,308
Office Supplies	\$0	\$0	\$2,010	\$2,810	\$2,810	\$3,100
Advertising	\$0	\$0	\$3,000	\$5,000	\$5,000	\$10,000
Training	\$0	\$0	\$0	\$0	\$0	\$0
Dues & Subscriptions	\$0	\$0	\$0	\$0	\$0	\$0
Rents & Leases	\$0	\$0	\$0	\$0	\$0	\$0
Information Technology	\$0	\$0	\$0	\$0	\$0	\$0
Miscellaneous/Credit Card	\$0	\$70	\$0	\$0	\$0	\$0
Printing & Binding	\$0	\$0	\$0	\$0	\$10	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$62,235</b>	<b>\$52,009</b>	<b>\$245,595</b>	<b>\$258,954</b>	<b>\$258,964</b>	<b>\$279,271</b>

### **Template 5 – Professional Services Matrix**

The Council is interested in seeing a full list of the professional service contracts that each entity has, or plans to have, in the forthcoming budget year. Each entry should have the name of the professional service provider, a brief description of the scope of services for each contract, the compensation permitted under the contract, and the number of years/times that the contract has been in place/renewed going back five, years.

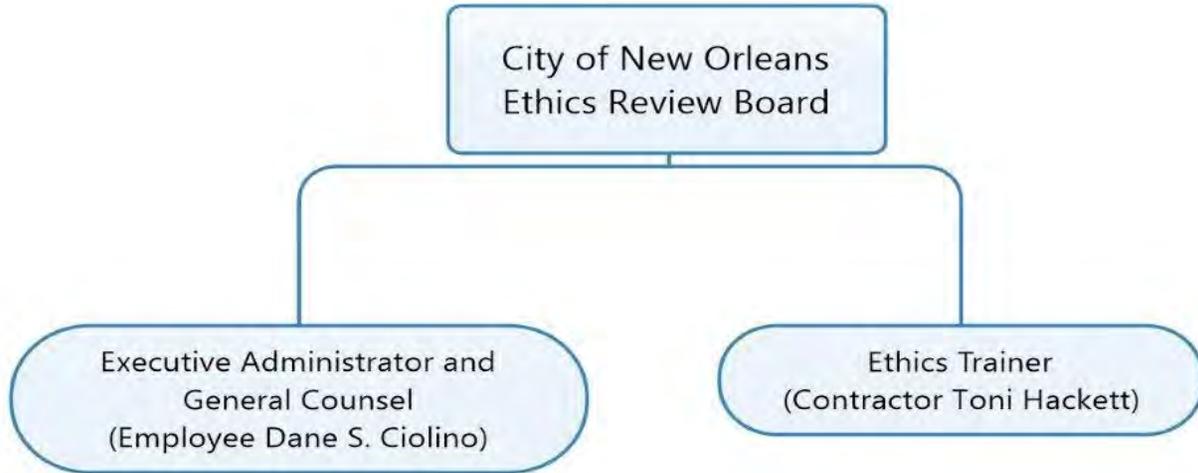
### **Ethics Review Board**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Dane Ciolino, LLC	ERB General Counsel	\$10,000	\$30,000	\$40,000	\$40,000	\$0
The Hackett Group	ERB Ethics Education	\$28,061	\$21,939	\$50,000	\$100,000	\$100,000
The Slavin Group	IG Search Consultants	\$0	\$0	\$14,999	\$0	\$0
<b>TOTAL PROFESSIONAL SERVICES</b>		<b>\$38,061</b>	<b>\$51,939</b>	<b>\$104,999</b>	<b>\$140,000</b>	<b>\$100,000</b>

**Template 6 – Organizational Chart**

The Council is interested in seeing an organizational chart for each agency coming before it. An organizational chart is a diagram that shows the structure of an organization and the relationships and relative ranks of its parts and positions/jobs. Accordingly, each chart should include all budgeted positions (filled and vacant), including position title and the number employees filling each position. *Please feel free to submit the organizational chart in an alternate format such as a powerpoint slide.*

**Ethics Review Board**



### **Template 7 – In-Kind Budget**

Which subsidized, or in-kind, services does your agency/organization, etc. receive from the City of New Orleans, and/or any City Board/Commission/Other? To the extent possible, please complete each category with as much detail as is available. For services that warrant a “yes” response, but where your organization has no further information, be advised that this is an area where your organization should work to increase its monitoring.

### **Ethics Review Board**

<b>SERVICE</b>	<b>YES</b>	<b>NO</b>	<b>Comments</b>
Hosp.		X	
Water		X	
Security		X	
Fuel		X	
Vehicles		X	
IT/Tech		X	
Building Space		X	
Other (specify)	X		The ERB will rent a mailbox from the City of New Orleans in 2019.

**Template 8 – DBE Matrix**

Section 70-462 of the Municipal Code requires that:

(b) All city departments, agencies, corporations, as well as all attached and unattached boards and commissions to which this division applies shall prepare and submit an annual report to the City Council by October 15th of each year identifying their DBE participation goals and attainment rates for the prior two years.

The DBE report shall include the following information:

- a. The total number and value of all contracts awarded during the reporting period;
- b. The total number and value of all contracts awarded to DBEs as prime contractors expressed as a percentage and dollar value of (a);
- c. The total number and value of all contracts awarded by non-DBE prime contractors to DBEs as subcontractors (expressed as a percentage and dollar value of (a));
- d. The overall number and value of all contracts awarded to DBEs during the reporting period (the sum of (b) and (c)); and
- e. Whether the contract is a procurement, professional services, personal services or construction contract.

For the purposes of reporting in the Council Templates, the types of contracts in subsection e) above are being interpreted as follows:

- Procurement contracts are being interpreted as "Bid Contracts (equipment and/or non-professional services)" and "Bid Contracts (construction)";
- Personal Services, is being included in the "Professional Services" contracts category.

Adoption of this differing terminology is being done in order to align better with existing CAO and Law Department contracting policy.

**Ethics Review Board**

AWARDS MADE DURING REPORTING PERIOD (October, 2016 - October, 2018)	Number of Contracts	Dollar Value of Contracts	Percentage of Total Value	Number of Bid Contracts (equipment and/or non- professional services)	Number of Bid Contracts (construction)	Number of Professional Services Contracts
All Contracts (prime and sub) Awarded to non-DBEs	2	\$134,999	40.20%	1	0	2
All Contracts (prime and sub) Awarded to DBEs	1	\$100,000	29.90%	0	0	1
» Contracts awarded to DBEs as Prime	» 1	\$100,000	29.90%	» 0	» 0	» 0
» Contracts awarded to DBEs as Sub	» 0	\$0	0.00%	» 0	» 0	» 0
<b>Totals of Contracts Awarded During Reporting Period</b>	<b>3</b>	<b>\$334,999</b>	<b>100.00%</b>	<b>1</b>	<b>0</b>	<b>3</b>

**Template 9 – Board Structure, Membership & Terms**

If your agency is run by a board or commission, the Council is interested in understanding the authorization behind, composition of, and terms of service of the board and its membership.

***Insert or attach enabling legislation, charter authorization, articles of incorporation, and/or by-laws as appropriate for your agency's respective board of commission here.***

- Board/Commission Member:** Name of currently serving member. If the seat is vacant or expired, indicate in blank with the term "VACANT," or "EXPIRED" next to the name.
- Vice:** Name of the person who has been replaced by the appointment of the current member.
- Appointing Authority:** Position that can appoint a member of a board or commission to serve on said board or commission.
- Requisite Qualifications:** The qualifications required for the seat as enumerated in authorizing legislation/instrument.
- Appointment Date:** First day of term.
- Expiration Date:** Last day of term.
- Motion #:** The series number for the motion or appointing instrument that appointed the member to service.

**Ethics Review Board**

Board/Commission Member	Vice	Appointing Authority	Requisite Qualifications	Appt. Date	Exp. Date	Motion #
James Brown, J.D.	Donald Frampton	Nominee of University of New Orleans	N/A	07/11/2013	06/30/2019	M-13-230
Howard L. Rodgers, III	Antoine Barriere	Nominee of Southern University at New Orleans	N/A	09/12/2013	06/30/2017	M-13-315
Rev. Brandon Boutin	Reappointed	Nominee of Dillard University	N/A	09/03/2015	06/30/2022	M-15-416
Elizabeth Livingston de Calderon, J.D.	Donald Frampton	Nominee of Tulane University	N/A	07/13/2017	06/30/2023	M-17-353
Michael Cowan, Ph.D.	Reappointed	Nominee of Loyola University	N/A	09/03/2015	06/30/2022	M-15-425
Allen Miller, J.D.	Okyeame Haley	Nominee of Xavier University	N/A	07/11/2013	06/30/2018	M-13-231
Joe Ricks, Jr., Ph.D.	Edward Paul Cohn	Nominee of former Mayor Mitch Landrieu	N/A	07/11/2013	06/30/2020	M-13-232