



## CITY OF NEW ORLEANS ETHICS REVIEW BOARD

525 St. Charles Avenue New Orleans, LA 70130-3409

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

### BOARD MEETING

Wednesday, May 29, 2019

3:30 P.M. – 5:30 P.M.

City Council Chamber, New Orleans City Hall  
1300 Perdido Street, New Orleans, Louisiana 70112

### AGENDA

1. Approval of minutes of previous board meeting. (Chair)
2. Report on the work of the Quality Assurance Review committees for the OIPM and OIG, including the upcoming June 10, 2019, public meeting of the QAR Committee for the OIG. (Chair)
3. Discussion of monthly report from the Office of Inspector General with Inspector General. (Chair)
4. Discussion of monthly report from the Office of Independent Police Monitor with Independent Police Monitor. (Chair)
5. Discussion of monthly report from the Ethics Trainer with Ethics Trainer (Chair)
6. Report of Executive Administrator and General Counsel. (Chair)
7. Report on ethics awards program. (Ricks)
8. Adjournment (Chair).

# **Monthly Report of OIG**

**Report to the Ethics Review Board**  
**April 2019**

**System-wide Risk Assessment**

The OIG received a majority of surveys back from entities that generate revenue about their revenue-related processes. Auditors and evaluators are reviewing these submissions and other information provided by various city departments and entities in preparation for risk scoring and ranking. They are also conducting interviews when necessary to clarify or solicit additional information.

**Audit & Review**

The Audit & Review division requested necessary additional information from the S&WB for inclusion in the S&WB Internal Audit draft report. The draft report is expected to undergo legal review in May. The Department of Public Works Catch Basin audit is in management review. Auditors are also working on the risk assessment.

**Inspections & Evaluations**

The Evaluation group's public letter to the Sewerage & Water Board about the billing refund processes awaits legal review. Evaluators held their first "Why" Meeting with city officials on the Traffic Camera project and will soon begin drafting the report. Evaluators are performing data collection and analysis on the S&WB Billing Dispute Resolution Process project. Meanwhile, evaluators have been assigned various departments or entities in the risk assessment. They are reviewing the materials that have been collected and will solicit additional material or schedule interviews as needed for risk scoring and ranking.

**Investigations**

The Investigations division received two complaints in April.<sup>1</sup> Both were matters outside of OIG's purview.

One OIG Investigations Division criminal case was concluded in April:

On April 2, the former president of the New Orleans Multicultural Tourism Network (NOMTN) pleaded guilty to misdemeanor theft from her former employer in Orleans Parish Criminal District Court. Tonnette "Toni" Rice was required to repay the \$70,682 to the NOMTN, as well as pay the office an additional \$10,000. Ms. Rice also received a sentence of six months of probation. As part of the plea deal, District Attorney Leon Cannizzaro reduced the original charge of felony theft to misdemeanor theft and dropped a count of computer fraud.

The NOMTN case resulted from an OIG investigation which found that Ms. Rice "misappropriated in excess of \$70,000" for her personal benefit between Aug. 15, 2015, and March 16, 2017, while she was president of the NOMTN.

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<sup>1</sup> As of April 22, 2019.

Another OIG Investigations Division case remains in prosecution:

The case alleging misappropriation of funds from the New Orleans Public Library Foundation by Irvin Mayfield and Ronald Markham is in the discovery phase. A trial is set in federal court for September 2019.

**Training**

In April, an evaluator passed the first of three exams to become a Certified Internal Auditor. We are also assessing training needs and requirements for all staff for the remainder of the year.

**Staff/General OIG developments**

General Counsel Patrice Harris Sullivan started work at OIG on April 22. Ms. Harris Sullivan is a 32-year veteran of the U.S. Attorney's Office in New Orleans, where she most recently served as Chief of the Criminal Division.

# **Monthly Report of OIPM**

# THE OFFICE OF THE INDEPENDENT POLICE MONITOR

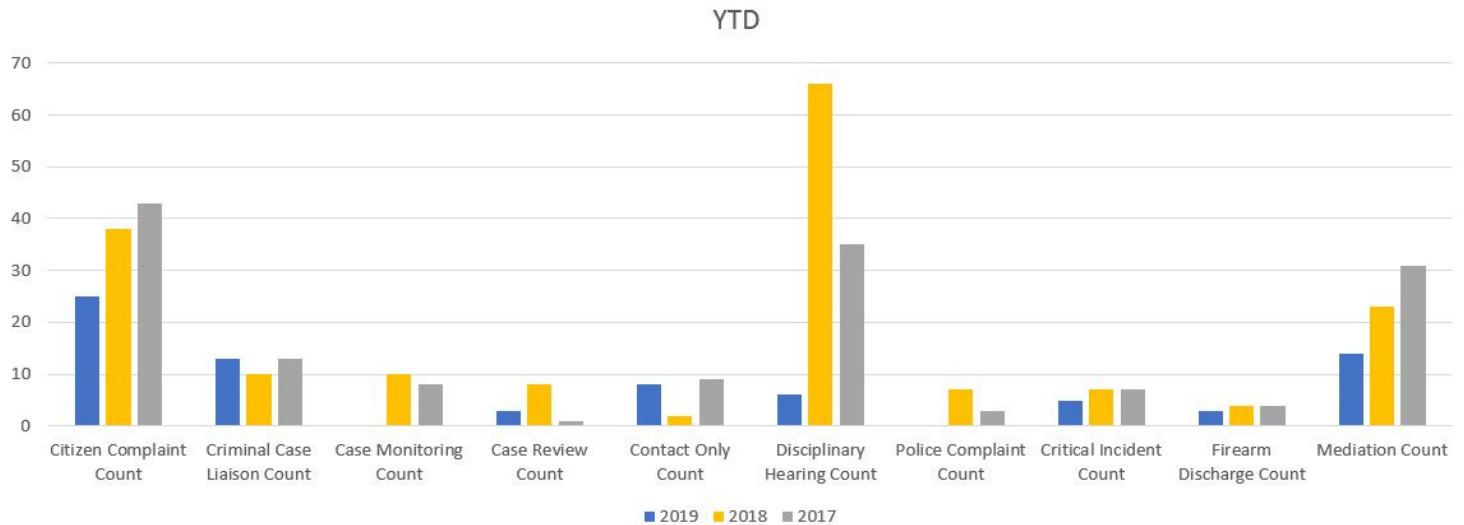


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## **MONTHLY REPORT**

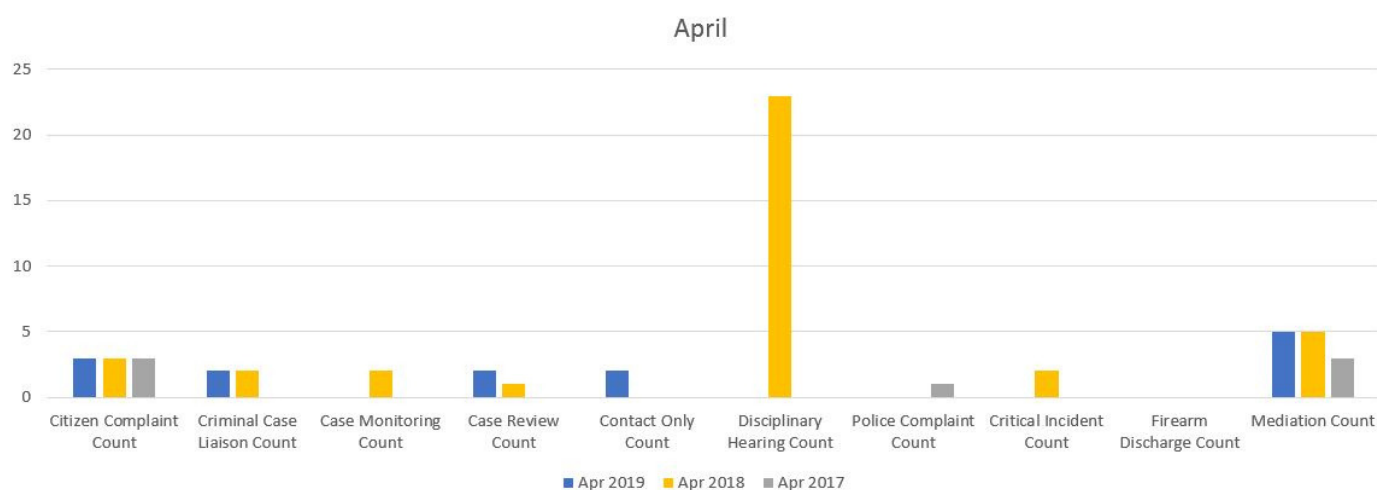
APRIL 2019

# Year to Date Overview



	2019	2018	2017
Citizen Complaint Count	25	38	43
Criminal Case Liaison Count	13	10	13
Case Monitoring Count	0	10	8
Case Review Count	3	8	1
Contact Only Count	8	2	9
Disciplinary Hearing Count	6	66	35
Police Complaint Count	0	7	3
Critical Incident Count	5	7	7
Firearm Discharge Count	3	4	4
Mediation Count	14	23	31
<b>Grand Total</b>	<b>77</b>	<b>175</b>	<b>154</b>

# April Overview



	Apr 2019	Apr 2018	Apr 2017
<b>Citizen Complaint Count</b>	3	3	3
<b>Criminal Case Liaison Count</b>	2	2	0
<b>Case Monitoring Count</b>	0	2	0
<b>Case Review Count</b>	2	1	0
<b>Contact Only Count</b>	2	0	0
<b>Disciplinary Hearing Count</b>	0	23	0
<b>Police Complaint Count</b>	0	0	1
<b>Critical Incident Count</b>	0	2	0
<b>Firearm Discharge Count</b>	0	0	0
<b>Mediation Count</b>	5	5	3
<b>Grand Total</b>	14	38	7



# April Overview

Citizen Complaints	
CC2019-0030	Complainant alleges the NOPD arrested the complainant in a manner meant to embarrass her and it was unprofessional.
CC2019-0032	The complainant alleges that he was falsely arrested without Miranda when he was taken to a different hospital then he requested. The complainant also alleges that he was mishandled and thrown in the back of the police vehicle despite having a bad back, which was the reason for his need for medical services.
CC2019-0033	Complainant alleges that NOPD officer cut him off in traffic and mouthed "watch yourself" to him. The complainant stated that the officer was in uniform in non-police vehicle, presumably the officer's personal vehicle.
Complaints: 3	

Criminal Liaison	
CL2019-0013	Civilian requested assistance with discussing her repeated arrests with the 7th District.
CL2019-0014	Civilian requested assistance navigating NOPD investigations and the criminal justice processes.
Criminal Liaison: 2	

Case Review	
CR2019-0002	Complainant alleges the NOPD discriminated against her. The complainant believes the UOFRB decision to send her back to training and field officer training was excessive and based on her gender
CR2019-0003	Complainant believes she was arrested with no investigation into the allegation made against her by another woman. The complainant would like a case review to determine if the NOPD fully investigated the allegations before arresting her.
Case Review: 2	

# April Overview

Mediation	
Mediation cases are confidential.	
Mediations Held: 1	

Disciplinary Hearings	
DH2019-0005	Officer is accused of failing to inform a civilian of her Miranda rights, activate his body worn camera, or to thoroughly investigate and collect evidence related to a domestic violence incident.
DH2019-0006	OCDM and the DOJ raised concerns regarding a strip search of a civilian and the search of the civilian's child. The officer is accused of violating NOPD policy regarding necessary probable cause to conduct searches of the body and minors.
Disciplinary Hearings Count: 2	

## Upcoming Reports

OIPM Annual Report, May 30, 2019

Two-Pager Reports on Disciplinary Hearings, June 2019

Two-Pager Reports on Use of Force Review Board, June 2019

Data is subject to review until Annual Report is submitted.

# 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 review the disciplinary process. OIPM monitors and reviews disciplinary proceedings conducted by NOPD to ensure accountability and fairness. The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

## 3

**CITIZEN COMPLAINTS**

## 0

**DISCIPLINARY  
PROCEEDINGS**

## 0

**POLICE INITIATED  
COMPLAINTS**



# Community-Police Mediation

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation is a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the civilian and officer to be fully heard and understood in a non-judgmental way.

11

REFERRALS FOR  
MEDIATION

3

PENDING CONSENT

5

MEDIATIONS HELD  
OR SCHEDULED

5

MEDIATION OFFER  
DECLINED

“ This was a good opportunity to express my concerns of how things were handled with the officer. I learned not to categorize the entire department because of one officer’s mistake. The officer learned to take time to listen before acting. This program should continue. Please don’t stop!”

-Civilian Participant



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

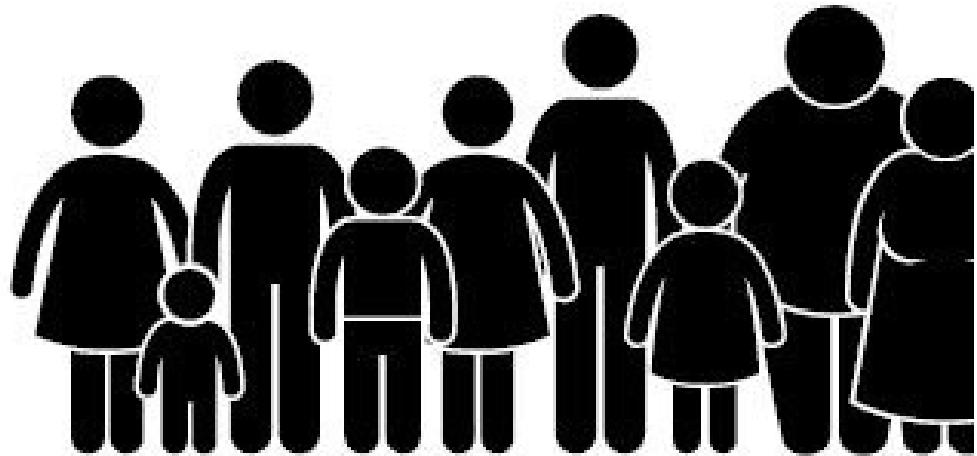
# Community Relations

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.

## 1

### KNOW YOUR RIGHTS TRAINING

- Liberty's Kitchen



# **Monthly Report of Ethics Trainer**



ERB March/April Period (April 2019 report)

Special project

Internal meeting to discuss changes to current curriculum integrating the strategies outlined in the report. Participated in the meeting with Awards Group to discuss the liaisons and torch awards – the timeline, the application etc.

Regular Training

During this period, we conducted three trainings including two for members of Boards and Commissions and also the Mayors' Office of Neighborhood Engagement. Contacted several department heads to schedule future trainings including the Mayor's Office, NOLA BA and S&WB.

In addition attended 2 hour training at the Louisiana Board of Ethics to maintain status of Certified Ethics Trainor.

**Draft Minutes of  
Previous Board  
Meeting**





**Ethics Review Board for the City of New Orleans**

**Board Meeting of April 29, 2019 at 3:30 P.M.**

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

**Minutes**

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. Joe Ricks.
    - 1.1.5. Howard Rodgers, Vice-Chair.
  - 1.2. Board member absent:
    - 1.2.1. Michael Cowan.
  - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.4. At 3:31 p.m., a quorum being present, Mr. Brown called the meeting to order.
  - 1.5. The agenda for the meeting (without the voluminous attachments) is attached.
2. *Approval of minutes.* Mr. Rodgers moved to approve the minutes from the last board meeting. Mr. Ricks seconded the motion. The board unanimously approved the minutes of the March 25, 2019, board meeting.
3. *"Pipeline Report" Requirement.* The board discussed the content of the monthly reports currently submitted by the OIG, the OIPM, and the Ethics Trainer. The board is generally

pleased with the reports but thought that the reports could be improved by including a list of pending issues, items, reports, and other “deliverables,” including anticipated delivery dates. This would give the board a broad overview of what matters were in the “pipeline” for each office reporting to the board.

3.1. The board asked the OIG, OIPM, and Ethics Trainer if this requirement would present a problem. All agreed to provide the information, excluding confidential matters and pending litigation.

3.2. Mr. Ricks moved to request each reporting office/group to include a “pipeline report,” as part of each monthly report submitted to the board. This “pipeline report” would include future deliverables and anticipated dates, but would exclude information on confidential, nonpublic matters and pending litigation. Mr. Rodgers seconded the motion. The board unanimously adopted the motion.

4. *Report of the Office of Inspector General.*

4.1. The OIG’s monthly report is attached.

4.2. IG Derry Harper appeared for the OIG with Patrice Harris.

4.3. Mr. Harper introduced Patrice Harris as the new “General Counsel” for the OIG. Mr. Harper reported that Ms. Harris began work one week ago.

4.4. Mr. Brown thanked Mr. Harper for forwarding to the board the system-wide risk-assessment methodology, and asked Mr. Harper to discuss it in more detail at the next board meeting.

5. *Report of the Office of Independent Police Monitor.*

5.1. The OIPM’s monthly report is attached.

5.2. Ms. Hutson, IPM; Jules Griff, Community-Police Mediation Director; and Bonycle Sokunbi, Executive Director for Community Relations, appeared for the OIPM.

5.3. Ms. Hutson advised that the office’s annual report will be published on May 30, 2019.

5.4. Ms. Hutson reported that her office is working out the process to finalize software and access to NOPD data. She will provide a more detailed report at the next board meeting.

5.5. Ms. Sokunbi went over the OIPM monthly report.

5.6. Mr. Ricks noted that he wanted to hear more about the office’s efforts to facilitate conversations. Ms. Hutson noted that complaints take a long time to process. She noted that Ms. Sokunbi spends a good bit of time dialoging with crime victims

and officers. Ms. Hutson noted that her office is trying to track and report these efforts more. Mr. Ricks noted that she should advertise to the public that these services are being provided.

- 5.7. Ms. Sokunbi noted that there were three critical incidents in March. She also noted that the number of mediations had increased.
- 5.8. Ms. Griff reported on mediations using a PowerPoint slide show. She reported that new policies are being approved up the chain of command and the DOJ. She noted that case referrals and mediations are “up significantly.”
- 5.9. Mr. Brown commended the OIPM on increasing mediations.
- 5.10. Ms. Sokunbi reported on several changes in the mediation process. Among others: the timelines have been revised to allow more time for review and consent; allegations of discrimination or bias-based policing are now eligible; mediation is now allowed in cases with multiple allegations; mediation is allowed even when PIB wants to close the case through body-worn camera evidence; mediation is allowed for a few rank-initiated complaints. Public feedback has been positive. Ms. Sokunbi reported that 88% of civilians and a higher percentage of officers believe the experience is positive.
- 5.11. Mr. Ricks noted that the OIPM should continue the good work.
- 5.12. Mr. Boutin thanked the OIPM for good work. He also clarified the distinction between investigation and mediation, which is an alternative to investigation.
- 5.13. Ms. Calderon also complimented the OIPM. She asked more about how proceedings are resolved and whether the results were positive.
- 5.14. Federal consent decree issues.
  - 5.14.1. Mr. Brown pressed the OIPM on whether the OIPM would be able to step in and handle monitoring when the federal consent decree runs its course and is dissolved.
  - 5.14.2. Ms. Hutson noted that this is a principal goal of her office and she is working with her team to do this work. She said there is no timeline. Mr. Brown asked for frequent reports on how the process is going along.
  - 5.14.3. Mr. Brown asked whether taking over from the federal monitor was part of the strategic plan of the OIPM. She said that in June this plan will become a primary focus. She did note that her staff is far less extensive than the federal monitor has so she will have to be “more efficient.”

6. *Report of the Ethics Trainer.*

- 6.1. The ethics trainer’s monthly report is attached.

- 6.2. Toni A. Hackett and R. Erich Caulfield appeared for the ethics trainer.
- 6.3. Ms. Hackett reported that since the last board meeting there have been 3 regular trainings for boards and commissions.
- 6.4. Ms. Hackett reported that she has met to discuss ethics awards.
- 6.5. Ms. Hackett reported that she will meet with the liaisons next week and will pitch the ethics awards.
- 6.6. Ms. Hackett reported that trainings will take place next week for the Mayor's office.
- 6.7. Ms. Calderon asked Ms. Hackett to keep the board informed regarding trainings.
- 6.8. Mr. Brown asked Ms. Hackett to include in each monthly report a report on the status of implementing ideas presented in the December 2018 special report. Ms. Hackett agreed to do so.
- 6.9. Mr. Ricks asked Ms. Hackett to include in her monthly "pipeline report" her leadership training and development project.
- 6.10. Ms. Hackett promised to update the board at the next meeting on the progress of leadership training.
- 6.11. Ms. Calderon and Mr. Ricks asked for more information about the liaisons and their work. Ms. Hackett noted that she would post the liaisons on the ERB website.
- 7. *Report of the Executive Administrator and General Counsel.*
  - 7.1. Mr. Ciolino reported on all upcoming events and deadlines on the master ERB calendar.
  - 7.2. Mr. Ciolino reported on a request for an informal advisory opinion and on his suggestion to the requestor to call the state ethics board.
  - 7.3. Mr. Ciolino reported on the ethics inquiries received during the last month, as well as on the current status of all pending matters, including complaints and public records requests.
  - 7.4. Mr. Ciolino reported on the status of the Hackett contract, namely, that it was awaiting the Mayor's signature.
  - 7.5. Mr. Ciolino reported that Ms. Calderon was reviewing the policies and procedures for disciplinary enforcement.

8. *Status of QAR Committee Work*

- 8.1. Mr. Brown reported that both Quality Assurance Review committees are now fully constituted and their work is underway.

9. *Ethics Award Program.*

- 9.1. Mr. Ricks noted that Mr. Ciolino sent a letter to all boards and departments of the city to inform them of the awards.
- 9.2. Mr. Ricks noted that the new deadline for awards nominations would be June 30, 2019.
- 9.3. Mr. Ricks noted that he is developing portfolio requirements for nominations for awards.

10. *Adjournment.*

- 10.1. Ms. Calderon moved to adjourn the meeting. Mr. Ricks seconded the motion.
- 10.2. The board unanimously passed the motion to adjourn and the Chair declared the meeting adjourned at approximately 4:45 p.m.

\* END \*



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1. Approval of minutes of previous board meeting. (Chair)
2. Discussion of content of monthly reports. (Chair)
3. Discussion of monthly report from the Office of Inspector General with Inspector General. (Chair)
4. Discussion of monthly report from the Office of Independent Police Monitor with Independent Police Monitor. (Chair)
5. Discussion of federal consent decree issues with Office of Independent Police Monitor. (Chair)
6. Discussion of monthly report from the Ethics Trainer with Ethics Trainer (Chair)
7. Report of Executive Administrator and General Counsel. (Chair)
8. Report on ethics awards program. (Ricks)
9. Adjournment (Chair).