



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

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

BOARD MEETING

Monday, June 24, 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. Acknowledgment of receipt of 2018 Annual Report of Office of Independent Police Monitor. (Chair)
3. Discussion of the May 16, 2019, report by the Quality Assurance Review Advisory Committee for the OIG, and the May 30, 2019, response of the Office of Inspector General. (Chair)
4. Discussion of monthly report from the Office of Inspector General with Inspector General. (Chair)
5. Discussion of monthly report from the Office of Independent Police Monitor with 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 and vote on awards committee members. (Ricks)
9. Adjournment (Chair).

Monthly Report of OIG

Report to the Ethics Review Board
May 2019

System-wide Risk Assessment

Auditors and evaluators are reviewing information provided by various city departments and entities and are scoring them at the appropriate risk levels. Auditors and evaluators are also conducting interviews when necessary to clarify or solicit additional information.

Audit & Review

In addition to the risk assessment, the Audit & Review division has the following audits underway: Sewerage & Water Board Internal Audit Function, Department of Public Works Catch Basins, Audubon Payroll Internal Controls, Audubon Purchase Cards and Expenses, and Audubon Disbursements. Please see the attached project status spreadsheet for details.

Inspections & Evaluations

In addition to the risk assessment, the Inspections & Evaluations group has the following evaluations underway: Automated Traffic Enforcement Management and Operations, and S&WB Billing Dispute Resolution Process. Please see the attached project status spreadsheet for details.

Investigations

The Investigations division received six complaints in May.¹ Five were matters outside of OIG's purview.

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 May, an investigator attended training for computer forensics. The office is assessing training needs and requirements for all staff for the remainder of the calendar year.

Other

In May, the New Orleans Aviation Board extended the services of the OIG's Construction Fraud Unit until the New Terminal at the Louis Armstrong New Orleans International Airport opens in the fall. The OIG's Construction Fraud Unit works on site at the airport and provides fraud deterrence and detection services. The Construction Fraud Unit's work had been expected to end in May when the terminal was previously scheduled to open. The Construction Fraud Unit will stay on site until the completion of the construction project, which is now scheduled for fall 2019.

¹ As of May 28, 2019.

Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Friday, May 31, 2019

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**		
Audit/Review		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	30 Days	60 Days	90 Days
AD-15-0001	Audubon Payroll Internal Controls					X				X
AD-15-0002	Audubon Purchase Cards and Expenses					X				X
AD-15-0003	Audubon Disbursements					X				X
AD-17-0002	DPW Catch Basin Project			X						
AD-18-0002	S&WB Internal Audit						X		X	

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**		
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	30 Days	60 Days	90 Days
IE-17-0005	Automated Traffic Enforcement Safety			X						
IE-18-0003	S&WB Billing Dispute Resolution		X							

Legend	Description
Planning	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
Fieldwork	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Observations and/or Physical Inspections
Draft Report	Data/Statistical Reviews, Documentaries of Fieldwork Results, Initial Report Writing, Revisions and Internal QAR prior to supervisory review.
Supervisory Review	Review by both Division Director and Deputy Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork procedures, proper conclusions, content, presentation and readability.
Legal Review	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpretations
IG Review	Report Review by Inspector General, based on corrections and recommended changes resulting from the Legal Review

* Project phase determination is based on the objective(s), scope, and methodology for each audit/evaluation project, and is not determined by a standard set of hours and/or phase deadline. This phase will be decided based on the nature of work to be performed, and at the discretion of OIG management.

** Expected Release timeline for the report may be determined based on the start of the legal review process, and may be later reevaluated based on both the timing of the IG review, and the 30-day turnaround timeline for the release of the draft report to the client and the receipt of management responses.

Monthly Report of OIPM

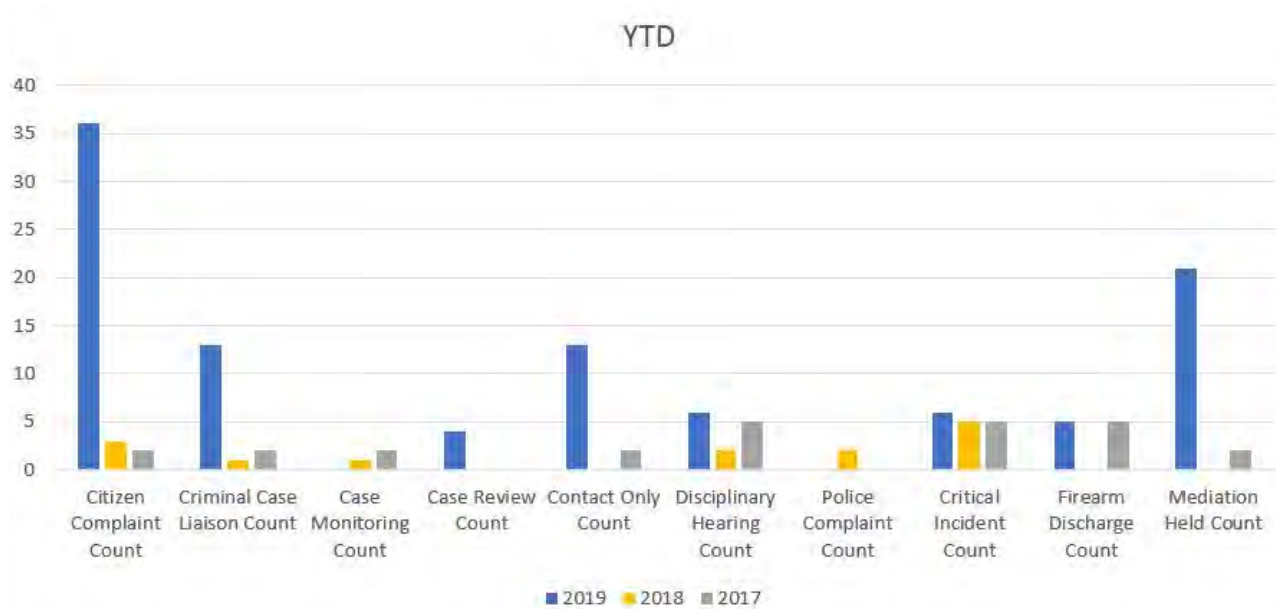
THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

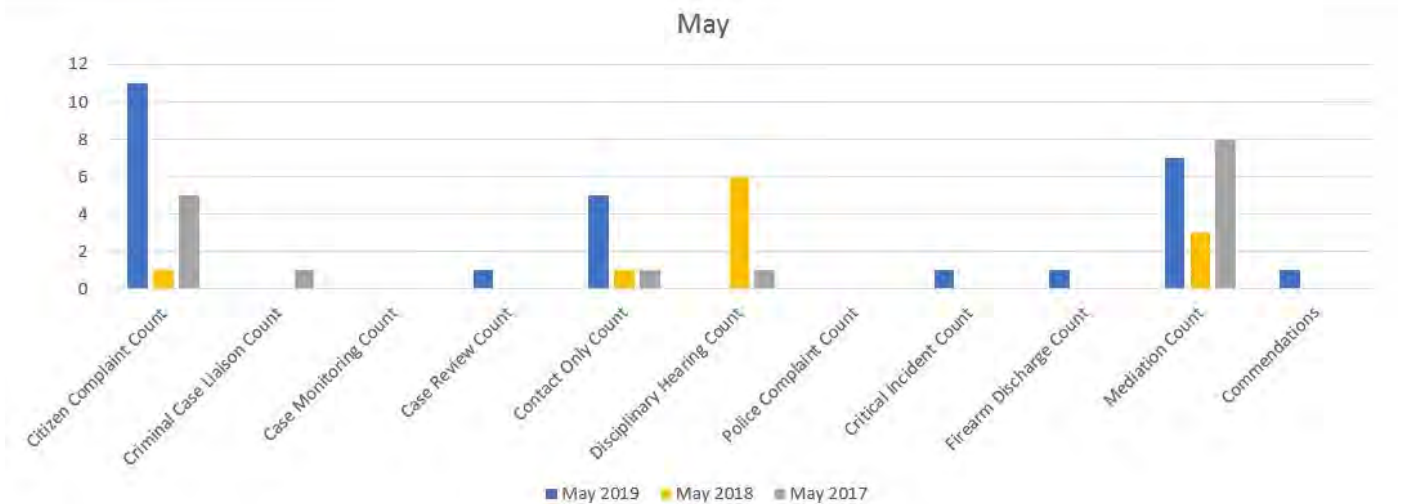
MAY 2019

Year to Date Overview



	2019	2018	2017
Citizen Complaint Count	36	3	2
Criminal Case Liaison Count	13	1	2
Case Monitoring Count	0	1	2
Case Review Count	4	0	0
Contact Only Count	13	0	2
Disciplinary Hearing Count	6	2	5
Police Complaint Count	0	2	0
Critical Incident Count	6	5	5
Firearm Discharge Count	5	0	5
Mediation Held Count	21	0	2
Commendation Count	1	2	2
Grand Total	104	11	21

May Overview



	May 2019	May 2018	May 2017
Citizen Complaint Count	11	1	5
Criminal Case Liaison Count	0	0	1
Case Monitoring Count	0	0	0
Case Review Count	1	0	0
Contact Only Count	5	1	1
Disciplinary Hearing Count	0	6	1
Police Complaint Count	0	0	0
Critical Incident Count	1	0	0
Firearm Discharge Count	1	0	0
Mediation Count	7	3	8
Commendations	1	0	0
Grand Total	27	11	16

May Overview

Mediation	
Mediation cases are confidential.	
Mediations Held: 3	

Firearm Discharge	
FD2019-0004	Officers responded to a call for service for a 37/Aggravated Assault. Resulting in a 108/Officer needing assistance, Life in Danger
Firearm Discharge: 1	

Contact Only	
CO2019-0009	Civilian called interested in filing a complaint on an individual (not an officer) she believed was stealing public benefit funds from a minor. Directed civilian to the non-emergency NOPD number and online submission process.
CO2019-0010	Civilian submitted a complaint through the OIPM online submission process regarding a noise complaint during Jazz Fest, not related to NOPD. The OIPM responded and directed the civilian to the non-emergency NOPD number and online
CO2019-0011	Civilian called OIPM asking about how to file a complaint against Jefferson Parish Sheriff's Office. Directed the civilian to the criminal and non-criminal complaint process for Jefferson Parish and answered general questions regarding the complaint process.
CO2019-0012	Civilian contacted OIPM via website to file a complaint. OIPM reviewed BWC and was unable to reach the complainant regarding next steps. Filed as Contact Only.
CO2019-0013	Attorney contacted OIPM on behalf of client wanting information about police reports and complaint options for a traffic accident related investigation.
Contact Only Count: 5	

May Overview

Citizen Complaints	
CC2019-0034	Complainant believes the NOPD is working alongside the Gretna Police Department to harass the complainant and when the complainant tried to complain to the NOPD, she was given a stack of papers and no direction on how to complete the complaint
CC2019-0035	Complainant called 911 to report a burglary to NOPD four (4) times and no one from NOPD responded to the call.
CC2019-0037	According to the complainant, the police failed to fully investigate an alleged unlawful entry into the complainant's home and talked to the complainant in a manner that was unprofessional and
CC2019-0038	Complainant alleges that police failed to take police action and investigate call for service when child was reported taken from school.
CC2019-0039	The Complainant accuses the Officer of failing to take necessary police and thoroughly investigate. According to the complainant, the Officer was unprofessional and showed bias.
CC2019-0040	Complainant's car was stolen and he does not believe proper procedure was conducted in order to recover his vehicle which resulted in the complainant's vehicle being totaled.
CC2019-0041	Complainant alleges that she was arrested for assault for a fight, but was never contacted by NOPD to get her side of the story when she called 911.
CC2019-0042	According to the complainant, the police have been following and harassing the complainant, culminating in two police officers approaching the complainant and confiscating his cell phone without cause.
CC2019-0043	Complainant believes the police failed to fully investigate a threat with a weapon and then wrongfully arrested the complainant.
CC2019-0044	According to the complainant, the NOPD did not honor her ADA status in the taxi line at a festival.
CC2019-0045	The complainant would like to supplement an open PIB investigation of misconduct against officers that conducted a search in the complainant's home.
Complaints: 11	

May Overview

Commendations	
PC2019-0001	OIPM reviewed BWC related to a domestic violence response and observed effective and thorough on-scene police response worthy of a commendation.
Commendations: 1	

Case Review	
CR2019-0005	Complainant requests the OIPM review the PIB investigation into his complaint of misconduct caused by a failure to respond to his call for assistance and failure to investigate, which the complainant believes resulted in his false arrest.
Case Review: 1	

Upcoming Reports

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.

11

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.

13

**REFERRALS FOR
MEDIATION**

1

**INELIGIBLE FOR
MEDIATION**

8

PENDING CONSENT

3

MEDIATIONS HELD

1

**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

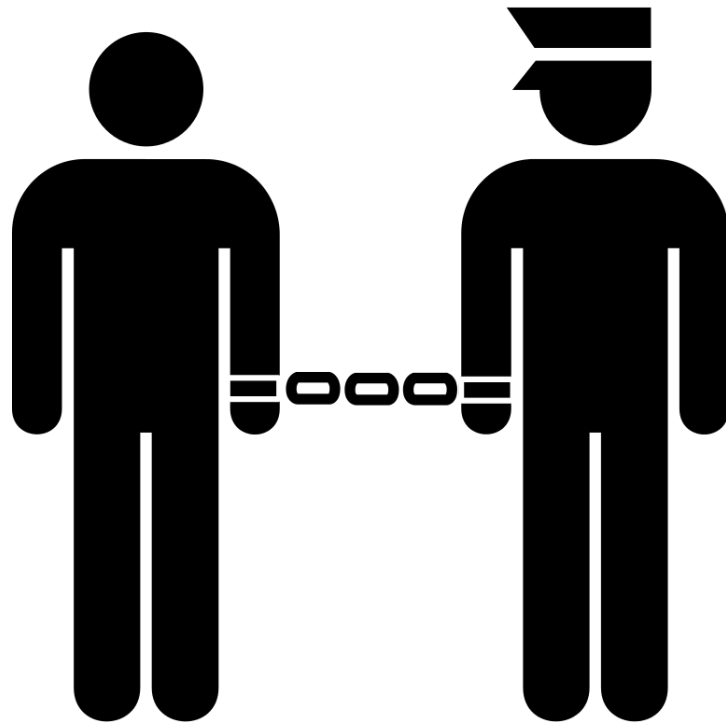
Critical Incidents

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 an 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 hearings.

1

Critical Incident

- On May 17th, officers responded to an aggravated assault call for service on a Code 1 priority response at an apartment complex. While relocating to the suspected person's apartment, the suspected person appeared and produced a firearm, then discharged it at the officers. The officers returned fire, striking the suspected person. The suspected person expired on scene.



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

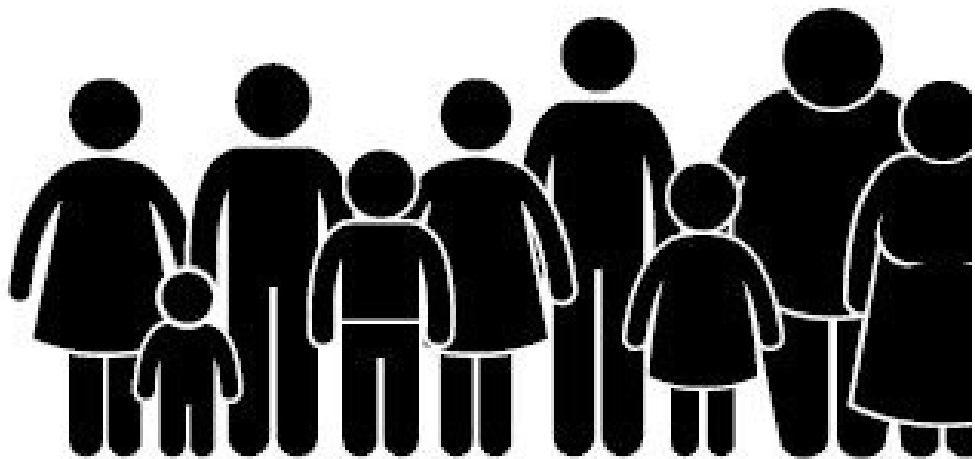
KNOW YOUR RIGHTS TRAINING

- Liberty's Kitchen
- Day Reporting Center

4

POLICE COMMUNITY ADVISORY BOARD MEETINGS

- 5th District
- 4th District
- 8th District
- 3rd District



Monthly Report of Ethics Trainer



June 20, 2019

ERB May/June Period (June 2019 report)

2018/2019 FOCUS

- *Training focus: Departmental liaison, Boards and Commissions, Senior Staff/Management*
- *Implementation of recommendations based on the 2018 “deep dive” study*
- *Ten to twelve sessions*

Implementation of Recommendations

1. During this period, The Hackett Group continued to support the efforts of the Liaison Awards and the Torch Award. The Hackett Group communicated with the liaisons, answered questions and reminded them about the award and the deadlines. This effort would fall under the implementation of the “deep dive” study.
2. Conducted two Liaison Convenings during this period May 8th and 9th with 23 participants over the period. This effort is also a part of the “deep dive” recommendations.
3. Several trainings were scheduled tentatively. We remain in a holding phase with regard to trainings because of the requirement to have presentation approved by the Ethics Board. We anticipate the approval shortly and will resume scheduling the trainings.

Pipeline

Trainings for the following. Date TBD

- Mayor’s, and Mayor’s Staff,
- Law Department
- NOLA BA
- Finance (Procurement)

Item 1

**Quality Assurance Review Advisory Committee
for the Office of Inspector General**

Written Report of Activities for 2018

Harry Blumenthal, Ashley Barriere, and Bill Banta

At the outset, we would like to express our gratitude to the Inspector General, Derry Harper, and the staff of the Office of the Inspector General (“OIG”) for taking the time to meet with us on February 28, 2019 and for quickly responding to our questions throughout this process. The OIG’s willingness to promptly provide information has been incredibly helpful to us as we have undertaken our review. We hope this good working relationship between the Quality Assurance Review Advisory Committee (“QAC”) and the OIG will continue, as this cooperation is crucial to the QAC’s ability to do an effective review as called for by the Municipal Ordinance.

I. Background: Purpose, Rules, Duties, and Powers

Article XIII of the Municipal Ordinance (hereafter, the “Ordinance”) establishes the OIG and states its purpose is “is to establish a full-time program of oversight to prevent and detect fraud, waste, and abuse, and **to promote efficiency and effectiveness in city programs and operations.**” (Section 2-1120(2), emphasis added). In terms of organizational structure, the Ordinance mandates the OIG to include, but is not limited to, a division of criminal investigations, a division of audit, a division of inspections, and a division of performance review. (Section 15(b)).

The Ordinance requires the OIG to produce an annual report to the Ethics Review Board. (Section 2-1120(9)). According to Section (9), the OIG’s annual report “shall include information on all matters undertaken, **costs** incurred, **costs** recovered, matters concluded, and any results. The report shall also describe accomplishments of the Office of Inspector General.” (emphasis added). The extensive Authority, Duties, and Powers of the OIG, contained in Sections (10), (11), and (12), of the Ordinance are set forth as attachment 1 to this report.

Section 2-1120(16) of the Ordinance calls for a third-party advisory committee, the QAC, to undertake an annual quality assurance review of the OIG. That section provides that the QAC shall consist of a representative appointed by the City Council, who serves as chair of the committee, a representative appointed by the Office of the Mayor, and a representative appointed by the Ethics Review Board. To undertake the assurance review for the year 2018, the City Council appointed Harry Blumenthal, the Mayor appointed Ashley Barriere, and the Ethics Review Board appointed Bill Banta.

The Ordinance tasks the QAC with reviewing “[c]ompleted reports of audits, inspections and **performance reviews.**” (Section 2-1120(16) (emphasis added)). The Ordinance requires the QAC to hold a public meeting where the QAC presents its written review. (Section 2-1120(16)(2)(ii)). The QAC must present its written review to the Inspector General at least fifteen calendar days before the public meeting.

II. Overview of the Report and Published Documents

The QAC summarizes the OIG's 2018 Annual Report as follows:

- The Inspector General perceives the OIG as serving as “Guardians of Accountability” and that the OIG’s “prime directive” is “to aggressively identify processes and procedures that failed to achieve an entity’s mission and objections and making recommendations that will help fix the problems by conducting audits and evaluations.” (Report, p. 4). The Inspector General further views “accountability” as “a core value central to everything an inspector general does” and defines accountability as “to demonstrate by **empirical evidence** an organization or entity is achieving its mission and goals.” (Report, p. 4) (emphasis added).
- The OIG budget is set at a percentage of the City’s general fund operating budget, as opposed to a flat fee. Specifically, the City Charter calls for the OIG to receive .55 percent of City’s General Fund operating budget. In 2018, this amounted to an OIG budget of **\$3,554,657.00**. (Report, p. 6).
- Mr. Harper (the Inspector General) did not assume his role as Inspector General until February 2018, and faced with numerous staff vacancies, he dedicated significant time to reorganizing, interviewing, hiring, and training the OIG team. Despite these efforts, of the 22 positions listed in the Report, there remained 8 vacant positions at the end of 2018.¹ (Report, p.7)
- In New Orleans, the Inspector General gave 21 presentations and held 50 meetings with government officials and members of the community in 2019. The OIG staff gave various speeches or presentations about OIG work during the year to audiences in New Orleans, Jacksonville, Florida, Ohio, and New York. These totaled approximately 7 presentations. Further, a member of the OIG team assisted in evaluating the District of Columbia OIG. (Report, pp.8-9).
- OIG staff received training and additional education in areas involved in the OIG work.
- Investigation results:
 - The OIG designed and developed a risk assessment framework;
 - The OIG issued two public reports/letters (one report and one letter):
 - December 2018: OIG released a seventeen (17) page Report, with voluminous attachments, on its investigation into city department heads and managers receiving free tickets to Jazz Fest. The date on the Report the QAC received was March 9, 2018 (not December 2018), and we have no explanation for the discrepancy between the dates.

¹ As the Report notes, the Inspector General did not offer the newly-created position of Deputy Inspector General of Audit and Evaluation to Larry Douglas until December 2018. (Report, p. 6). The OIG’s monthly report to the Ethics Review Board reported that Mr. Douglas would not assume the position until March 2019, so the undersigned do not consider that to be a filled position for the year 2018.

- April 2018: OIG issued a letter to the Department of Public Works regarding the OIG’s finding that Sewage & Water Board employees had improperly used handicap hand-tags to park for free in metered spaces on Saint Joseph Street. The OIG informed the Department of Public Works that this practice may have cost the city as much as \$197,000 in revenue. The date on the letter received by the QAC is November 27, 2017. Again, there is no explanation for the discrepancy in the dates between what is recorded in the report and the underlying documents received by the QAC.
 - The OIG recorded thirty-nine (39) complaints.
 - Again, the OIG completed one (1) investigation (Jazz Fest free ticket investigation, detailed above).
 - At the end of 2018, the OIG had twenty-six (26) pending, active investigations.
- The OIG did not undertake any performance reviews in 2018.

III. Concerns and Questions

1. **Completed Investigations:** In 2018 there was only one completed investigation (city managers received free tickets to Jazz Fest) and only one published letter (Sewerage & Water Board employees using handicap hang tags to park for free on the street in front of their office). (Report, p. 13). The results of the two published investigations, both the number and gravity of the topics, do not seem to meet the “purpose” standard set forth in the Ordinance to “promote efficiency and effectiveness.” We also question whether the breadth and volume of the OIG’s work product in completing investigations was sufficient and whether it was “reflective of the OIG’s annual budget” of \$3.5 million. Our concern is partially based on comparisons with work undertaken in prior years—the 2017 Annual Report noted 7 completed investigations and the 2016 Annual Report noted 16 completed investigations—and the 2018 report of the Jefferson Parish office of inspector general, which published two position papers and issued four reports in 2018.

As an illustration, see the chart of completed investigations taken from the OIG’s 2018 Annual Report as compared to the chart taken from the OIG’s 2017 Annual Report:



- General Productivity:** Similar to the issue raised above, we have an overall concern for the productivity of the OIG in 2018. For the two published documents, the Jazz Fest investigation report and the Sewerage & Waterboard handicap hang tag letter, both underlying investigations seemed to have been substantially completed by April 2018. Specifically, we received a Jazz Fest Report dated March 9, 2018 and the letter regarding the Sewerage & Waterboard issue dated November 27, 2017. **Those dates suggest the OIG failed to publish—or fully complete—any investigations after March 9, 2018.** We recognize that the OIG undertook substantial work on the risk assessment project, but that work does not seem to explain the lack of output for the last eight months of the year. We also appreciate there have been personnel issues within the office that required time and effort in 2018, and we hope that in 2019, Mr. Harper's first full year, the OIG will ramp up its efforts and output.

- 3. Violations of the Ordinance:** The OIG failed to include specific information that the Ordinance requires to be included in the Annual Report. We noted the following material omissions:
- The Ordinance compels the OIG’s Annual Report to present information on “costs incurred” and “costs recovered” (Section 2), but the OIG failed to include such information.
 - The Ordinance directs the QAC to review the OIG’s “performance reviews” (Section 16(a)), but we detect no such information about work on performance reviews in the 2018 Report.
 - Similarly, the Ordinance requires the OIG to include “a division of criminal investigations, a division of audit, a division of inspections, and a division of performance review,” but the 2018 Report fails to mention a performance review section. (Section 15(b)). We can only conclude that no such division exists, which is in violation of the Ordinance.
- 4. Reorganization of the Staff/Vacancies:** As noted above, the Inspector General began work in February 2018, facing several vacancies in his staff. Time over the next 10 months was expended in reorganizing and hiring; however, at the end of the year, of the 22 positions listed in the Report, 8 were still open or unfilled. We question whether these personnel efforts, in the context of few completed investigations, justifies the \$3.5 million budget and whether the work standards for efficiency and effectiveness imposed by the Ordinance were met.
- 5. Utilization of Time:** The OIG devoted significant time on matters other than audits, investigations, and inspections/evaluations. These include meetings with community groups and others in Jacksonville, Florida, Ohio, New York, and Washington, D.C. We fully understand the value of meeting in the New Orleans community with various groups, but we question out-of-state group expenditures of time and costs. This is particularly true in 2018, when again, there were a large number of vacancies and only two published reports. We also note the number of educational and training events attended by team members and wonder whether this detracted from time that should have been devoted to completing audits, investigations, and inspections.
- 6. Overall Format and Content of the Report:** We found that the report was not as informative or as accessible as in prior years. The Report did not include basic definitions or descriptions of the OIG sections such that citizens could easily comprehend and assess the OIG’s work in 2018. For instance, on page 11 of the Report, it noted that the Inspections & Evaluations Division “ceased work on its long-running Justice Funding projects in the fourth quarter of 2018, and [that] this initiative was cancelled in 2018.” The Report fails to provide any explanation as to what the Justice Funding projects were or why the OIG cancelled them. Such

background information would be essential to a civilian who has no institutional understanding or insight into the OIG.

IV. Recommendations

1. We have serious concerns that the OIG did not undertake any performance reviews in 2018 and urge the OIG to evaluate its plan to carry out this crucial function in 2019.
2. We think it would be informative for the OIG to include a section on how the OIG establishes the priority for investigations. At first blush, it seems odd that so many resources were devoted to the Jazz Fest ticket investigation when the offenders immediately acknowledged their violations. That being said, we may not appreciate why the OIG made the decision to focus on that issue and such a section may clarify these questions.
3. We think it would be useful for the OIG to include in its Annual Report a high-level breakdown of how its budget was allocated during the year.
4. In order for New Orleans citizens to fully understand the breadth of the work done by the OIG, we recommend that the OIG include more information in the Report. This should include background information to educate the citizens about the structure and work of the OIG, but this additional information should also include—without divulging any confidential work—unfinished investigations or rejected complaints so that the citizens can better appreciate the scope and gravity of the work undertaken by the OIG.
5. We recommend the OIG include more definitions and detail in the Report, similar to what the OIG did in years prior.
6. Overall, we recommend that the City Council amend the Ordinance to endow the QAC with authority to review unpublished reports/work undertaken by the OIG. It is the QAC's mission to act as a civilian check on the OIG, and part of that mission is to assess the efficiency and the scope of work carried out by the OIG. Since a significant amount of OIG's work does not become published, the QAC is unable to effectively assess the true scope of OIG's work through the QAC's limited review. For instance, we formulated the following questions that were impossible to address with the limited information available to us:
 - How many complaints and tips regarding possibly corrupt practices or misconduct were submitted to OIG?

- Of that number, how many investigations were dismissed for lack of merit or other reasons?
- How much total time (an estimate) was devoted to investigating complaints and tips that were dismissed?

As these questions illustrate, the QAC review provides an incomplete picture of the OIG's work. We nevertheless recognize the confidential nature of OIG's work and do not want to undermine that confidentiality, so we urge the City Council to amend the Ordinance to require the OIG to share unpublished information with the QAC without divulging any confidential work.

V. Conclusion

Overall, we have serious concerns about the lack of productivity at the OIG in 2018. Based on our review of the 2018 Annual Report, it seems there is an emphasis on process and procedure to the detriment of productivity. We also have concerns about omissions in the 2018 Report of certain items that the Ordinance requires to be included (see § III(3)). Finally, we urge the OIG to include more information in the 2019 Annual Report to allow New Orleans laypersons to effectively assess the OIG's work. In closing, we want to re-emphasize our recognition that the OIG was an office in transition in 2018, and we hope the OIG improves upon the issues outlined herein in 2019.

ATTACHMENT 1

Sec. 2-1120. - Office of inspector general.

- (1) *Creation of the city office of inspector general.* Pursuant to section 9-401 of the Home Rule Charter of the city, this article establishes the city office of inspector general.
- (2) *Purpose.* The purpose of this section is to establish a full-time program of oversight to prevent and detect fraud, waste and abuse, and to promote efficiency and effectiveness in city programs and operations. This oversight includes audits, criminal and administrative investigations, inspections and evaluations, and monitoring. The scope of oversight activities includes all entities subject to the jurisdiction of the office of inspector general, as set out in paragraph (12).
- (3) *Appointment.*
 - (a) *Appointing authority and procedure.*
 1. In the case of a vacancy in the position of inspector general, the ethics review board shall be responsible for appointing a new inspector general.
 - a. The appointing authority shall convene within 60 days of a vacancy in the position of inspector general to initiate the selection process for a new inspector general.
 - b. The appointing authority shall conduct a nationwide search to fill the position of inspector general.
 - c. Appointment of an inspector general shall be by an affirmative vote of a majority of all the authorized membership of the appointing authority.
 - d. The chairperson of the appointing authority may appoint an interim inspector general to serve until such time as a successor inspector general is appointed.
 - i. The eligible candidates for interim inspector general are: an existing first assistant inspector general, deputy inspector general, or other office of inspector general management personnel.
 - ii. The appointing authority may, by a majority vote of all of its members, overrule the chairperson's appointment and appoint an alternative eligible candidate as interim inspector general.
 2. The appointing authority shall approve the inspector's general's annual salary each year at a meeting of its board.
 - (b) *Qualifications for appointment.*
 1. In considering a candidate for the position of inspector general, the appointing authority shall evaluate and consider any and all qualifications that are relevant to the position of inspector general, including, but not limited to:
 - a. The candidate's integrity;
 - b. The candidate's potential for strong leadership;
 - c. The candidate's demonstrated experience and/or ability in accounting, auditing, finance, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields;
 - d. The candidate's demonstrated experience and/or ability in working with local, state and federal law enforcement agencies and the judiciary; and
 - e. Any other qualifications deemed relevant by the appointing authority.
 2. The appointing authority's decision to appoint a particular candidate shall not under any circumstances be based in any part upon the candidate's age, gender, race, sexual orientation, religious affiliation or political affiliation.
 3. A qualified candidate for inspector general shall be a person who:

- a. Holds a bachelor's degree from an accredited institution of higher education;
 - b. Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and
 - c. Has at least five years of experience in any one, or a combination, of the following fields:
 - i. As an inspector general;
 - ii. As a federal law enforcement officer;
 - iii. As a federal or state court judge;
 - iv. As a licensed attorney with experience in the areas of audit or investigation of fraud, mismanagement, waste, corruption, or abuse of power;
 - v. As a senior-level auditor or comptroller; or
 - vi. As a supervisor in an office of inspector general or similar investigative agency.
4. A highly qualified candidate shall be a qualified candidate who:
- a. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception or conspiracy; or
 - b. Holds an advanced degree in law, accounting, public administration, or other relevant field.
5. The inspector general shall obtain professional certification as a certified inspector general within one year of appointment. Such certification shall be paid for by the office of inspector general.

(c) *Term of office.*

- 1. The inspector general shall be appointed for a term of four years, which term shall begin when the inspector general begins employment with the city.
- 2. The inspector general may be reappointed to subsequent four year terms at the discretion of the appointing authority.

(d) *Restrictions on appointment.*

- 1. A former or current elected official or employee of New Orleans city government, including a former or current elected official or employee of governmental entities that receive funds directly or indirectly from the city or its citizens, may not be appointed inspector general within four years following the end of such individual's period of service. This restriction shall not prohibit the reappointment of an inspector general currently holding the position of New Orleans Inspector General.
 - a. Notwithstanding the foregoing restriction, employees of the office of inspector general who have served in the office for two or more years may be immediately eligible for appointment to the position of inspector general.
- 2. A former or current elected official or employee of the state or its political subdivisions may not be appointed inspector general within four years following that individual's period of service.
- 3. The inspector general shall not hold, nor be a candidate for, any elective office while inspector general, or for four years thereafter. The inspector general shall not hold office in any political party or political committee, nor shall he/she participate in any political campaign of any candidate for public office, nor make any campaign contribution or campaign endorsement, while inspector general.
 - a. An officer or employee of the office of the inspector general shall not hold, or be a candidate for, any elective office while an officer or employee, or for four years

thereafter. An officer or employee of the office of the inspector general shall not hold office in any political party or political committee, or participate in any political campaign of any candidate for public office, or make any campaign contribution or campaign endorsement, while an officer or employee of the office of inspector general.

- (4) *Removal from office.* Following a public hearing by the appointing authority, the inspector general may be removed from office for cause by an affirmative vote of two-thirds of the entire authorized membership of the ethics review board, which must then publicly report the reasons for removal to the city council.
 - (a) Causes for removal may include abuse of power or authority; conviction of a state or federal felony [charge]; entry of a guilty or nolo contendere plea to a state or federal felony charge; discrimination; ethical misconduct in office; unprofessional conduct; or other acts tarnishing the integrity of the office of inspector general.
- (5) *Resources.*
 - (a) Pursuant to section 9-404 of the Home Rule Charter of the city, the office of inspector general shall be funded by an annual appropriation by the city council as part of the city's operating budget.
 - (b) The office of inspector general shall prepare and transmit an annual operating budget to the chief administrative officer, identifying in the budget all proposed expenditures for the following fiscal year.
- (6) *Organizational placement.*
 - (a) The office of the inspector general shall be considered a city law enforcement agency for the purposes of this chapter, but shall not be a police force.
 1. Pursuant to section 4-502(2)(a) of the Home Rule Charter of the city, upon the request of the inspector general, the superintendent of police shall deputize investigative employees of the office of inspector general with limited police powers. Such deputies shall not be granted arrest power, and shall be deputized solely for the purpose of carrying out the duties of the office of inspector general and only in connection with the investigation of a matter within the purview of the office of inspector general.
 - (b) The office of inspector general shall be at all times operationally independent from the legislative and executive branches of the city government, including the Council of the City of New Orleans, and the office of the mayor.
 1. "Operationally independent" shall be defined as "not prevented, impaired, or prohibited from initiating, carrying out, or completing any audit, investigation, inspection or performance review."
 2. Pursuant to section 9-401(3) of the Home Rule Charter of the city, the office of inspector general may retain special counsel to provide legal advice and representation on its behalf, notwithstanding the provisions of section 4-403 of the Charter.
 - (c) The office of inspector general is authorized and encouraged to work cooperatively with the ethics review board in carrying out its functions and duties as laid out in this section.
 1. Upon request of the ethics review board, the office of inspector general may conduct preliminary inquiries or investigations on behalf of the ethics review board.
- (7) *Records disclosure.* All records of the office of inspector general shall be exempt from public disclosure and shall be considered confidential, unless it is necessary for the inspector general to make such records public in the performance of his or her duties. Unauthorized disclosure of information by the inspector general or any employee of the office of inspector general is subject to review and disciplinary action by the appointing authority. The office of inspector general is subject to all state laws concerning public records.

- (8) *Reporting the results of inspector general findings.*
- (a) Upon completion of any audit, evaluation or investigation, the office of inspector general shall report the results of its findings and any recommendations to the ethics review board.
 - (b) Prior to concluding an audit or evaluation report, which contains findings as to the person or entity which is the subject of the audit or evaluation, the office of inspector general shall provide the affected person or entity with an internal review copy of the report. Such person or entity shall have 30 days from the transmittal date of the report to submit a written explanation or rebuttal of the findings before the report is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report.
 - (c) This section shall not apply when the inspector general, in conjunction with a district attorney, attorney general, or United States Attorney, determines that supplying the affected person or entity with such report would jeopardize a pending criminal investigation.
 - (d) This section shall not apply when, upon completion of any audit, evaluation or investigation, the inspector general determines that:
 - 1. There was no criminality, but rather employee misconduct;
 - 2. The affected individual was presented with the allegations, and had an opportunity to rebut; and
 - 3. Making the report public could jeopardize confidentiality of sources and means.
- (9) *Annual reports.* The inspector general shall report annually to the ethics review board on the activities of the office of inspector general for the preceding calendar year.
- (a) Such report shall be submitted no later than March 31 and shall include information on all matters undertaken, costs incurred, costs recovered, matters concluded, and any results. The report shall also describe accomplishments of the office of inspector general.
 - (b) Copies of the report shall be provided to the city council and the office of the mayor upon completion, and to any other entity subject to the jurisdiction of the inspector general upon request.
 - (c) Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. A copy of the report shall be made available to the public on the office of inspector general's website.
- (10) *Authority .* The office of inspector general is authorized to engage in the following specific functions:
- (a) Audit, evaluate, investigate, and inspect the activities, records, and individuals with contracts, subcontracts, procurements, grants, agreements, and other programmatic and financial arrangements undertaken by city government and any other function, activity, process, or operation conducted by city government.
 - (b) Audit the efficiency and effectiveness of city government operations and functions and conduct reviews of city government's performance measurement system.
 - (c) Review the reliability and validity of the information provided by city government performance measures and standards.
 - (d) Initiate such investigations, audits, inspections, and performance reviews of city government as the inspector general deems appropriate.
 - (e) Receive complaints of fraud, waste, abuse, inefficiency, and ineffectiveness from any source and investigate those complaints that the inspector general deems credible.
 - (f) Engage in prevention activities, including, but not limited to, the prevention of fraud, waste, abuse, and illegal acts; review of legislation; review of rules, regulations, policies, procedures,

and transactions; and the supplying, providing, and conducting of programs for training, education, certification and licensing.

- (g) Conduct joint investigations and projects with other oversight or law enforcement agencies, including, but not limited to, the district attorney, attorney general, and the United States Attorney.
 - (h) Issue reports and recommend remedial actions to be taken by the city council, the office of the mayor, or municipal departments or agency heads to overcome or correct operating or maintenance deficiencies and inefficiencies identified by the office of inspector general.
 - (i) Issue public reports as set forth in subsections (8) and (9).
 - (j) Monitor implementation of recommendations made by the office of inspector general and other audit, investigative, and law enforcement agencies.
 - (k) Establish policies and procedures to guide functions and processes conducted by the office of inspector general.
 - (l) Require reports from the office of the mayor, city council, or city departments, agencies, boards, commissions, or public benefit corporations regarding any matter within the jurisdiction of the office of inspector general.
 - (m) File a complaint with the ethics review board or state board of ethics upon detecting a potential violation of any state ethics law or city ethics ordinance or code.
 - (n) Attend all city meetings relating to the procurement of goods or services by the city, including meetings involving third-party transactions.
 - 1. The office of inspector general may pose any questions and raise any concerns at such meetings consistent with its functions, authority and powers of the office of inspector general.
 - 2. The office of inspector general shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services. The required notice shall be given as soon as possible after a meeting has been scheduled, but in no event later than 24 hours prior to the scheduled meeting.
 - a. An audio recorder or court stenographer may be utilized to record any selection or negotiation committee meetings attended by the office of the inspector general.
 - (o) Assist any city department, agency, board, commission, public benefit corporation, the office of the mayor, the city council, any city council member, or the governing body of any agency, board, commission, or public benefit corporation, upon request, with implementation of any suggested legislation or legislative policy. In such an event, the inspector general may assign personnel to conduct, supervise, or coordinate such activity.
 - (p) Do all things necessary to carry out the functions and duties set forth in this section, including promulgate rules and regulations regarding the implementation of responsibilities, duties and powers of the office of inspector general.
- (11) *Duties.*
- (a) When efficiency problems are noted, the inspector general has an affirmative duty to provide a standard of efficient practice to the unit in question, and assess whether adequate resources are available for implementation of a program. This may be done in the form of a public letter or other appropriate vehicle.
 - (b) The office of inspector general shall maintain information regarding the cost of investigations and cooperate with appropriate local, state, and federal administrative and prosecutorial agencies in recouping such costs from nongovernmental entities involved in willful misconduct. The office of inspector general shall also work with state and federal prosecutorial agencies to maximize the recovery of the costs of investigation and funds lost as a result of willful misconduct by nongovernmental authorities.

- (c) Upon discovering credible information of corruption, fraud, waste, abuse or illegal acts in carrying out his duties and responsibilities as inspector general, the inspector general shall report to the district attorney, or the United States Attorney, or other appropriate law enforcement agency.
- (d) Duties to refer matters.
 - 1. Whenever the inspector general has reasonable grounds to believe there has been a violation of federal or state law, the inspector general shall refer the matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.
 - a. After referring the matter to an appropriate law enforcement agency, the office of inspector general may assist the law enforcement agency in concluding any investigation.
 - 2. When the inspector general has reason to believe he must recuse himself from a matter, because of a potential conflict of interest, the inspector general shall refer such matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.
 - 3. The inspector general shall refer audit, investigative, inspection, or performance review findings to the ethics review board, the state board of ethics, or to any other federal, state or local agency he deems appropriate.
- (e) The office of inspector general shall submit any proposed changes to its governing policies to the city council for review and acceptance.

(12) *Powers.*

- (a) The office of inspector general shall have access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, and any other material of the city council, office of the mayor, all city departments, agencies, boards, commissions, public benefit corporations or of any individual, partnership, corporation, or organization involved in any financial capacity or official capacity with city government that the inspector general deems necessary to facilitate an investigation, audit, inspection, or performance review. This includes any and all information relative to the purchase of supplies and services or anticipated purchase of supplies and services from any contractor by any city department, agency, board, commission, or public benefit corporation, and any other data and material that is maintained by or available to the city which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities.
- (b) The inspector general may request information, cooperation, and assistance from any city department, agency, board, commission, or public benefit corporation. Upon receipt of a request for such information, cooperation, and assistance from the inspector general, each person in charge of any city department, or the governing body of any city agency, board, commission, or public benefit corporation shall furnish the inspector general or his authorized representative with such information, cooperation, and assistance.
- (c) The office of inspector general shall have direct and prompt access to all employees of the city, including, but not limited to, any elected official, deputy mayor, or head of any city department, agency, board, commission, or public benefit corporation.
- (d) At all times, the office of inspector general shall have access to any building or facility that is owned, operated or leased by the city or any department, agency, board, commission or public benefit corporation of the city, or any property held in trust to the city.
- (e) No subpoena is required for the information or documents mentioned in this paragraph. All information and documents are to be provided upon written request from the office of inspector general.

- (13) *Professional standards.* Standards for initiating and conducting audits, investigations, inspections, and performance reviews by the office of inspector general will conform to the Principles and Standards for Offices of Inspectors General (Green Book) promulgated by the Association of Inspectors General. The office of inspector general shall develop an operations manual available to the public that contains principles based on these standards.
- (14) *Physical facilities.* The city shall provide the ethics review board and the office of inspector general with office space, which shall be located in close proximity to, but not within, City Hall. The city shall also provide the ethics review board and the office of inspector general with sufficient and necessary equipment, office supplies, and office furnishings to enable the ethics review board and the office of inspector general to perform their functions and duties.
- (15) *Organizational structure.*
- (a) The office of inspector general and the ethics review board shall have the power to establish personnel procedures and procurement procedures for their respective offices. The office of inspector general and the ethics review board shall have the power to appoint, employ, contract, and remove such assistants, employees, consultants, and personnel, including legal counsel, as deemed necessary for the efficient and effective administration of the activities of their respective offices.
 - (b) The office of inspector general shall include, but not be limited to, a division of criminal investigations, a division of audit, a division of inspections, and a division of performance review.
- (16) *External review of the office of inspector general.*
- (a) Completed reports of audits, inspections and performance reviews, and public reports of investigation, shall be subject to an annual quality assurance review by a third-party advisory committee, known as the quality assurance review advisory committee for the office of inspector general.
 - 1. The quality assurance review advisory committee for the office of inspector general shall include a representative appointed by the city council, who shall serve as chair of the committee; a representative appointed by the office of the mayor; and a representative appointed by the ethics review board.
 - a. The committee shall be renewed annually, although representatives may be reappointed at the discretion of the appointing entities.
 - b. The chair shall be responsible for:
 - i. Providing each committee member with materials for the annual review;
 - ii. Setting a public meeting at which the committee will present its written review. The public meeting shall take place after the publication of the OIG's annual report mandated by subsection (9), but before May 31;
 - iii. Presenting the committee's written review to the office of inspector general at least 15 calendar days prior to the date of its public meeting.
 - c. Committee members must be domiciled in Orleans Parish.
 - d. A committee member may not hold any elective or appointed position with the city nor any other government or political party office, nor be employed by any entity that is subject to review by the office of inspector general. Additionally, a member may not have held any of these positions within two years before appointment to the committee.
 - 2. As the entity being reviewed, the office of inspector general does not participate on the committee, but will provide full cooperation, including access to all completed reports. The inspector general will appear before the committee at its annual public meeting.

- (b) The office of inspector general shall be subject to an independent, external peer review by the Association of Inspectors General every three years. Such peer review shall be paid for by the office of inspector general. When completed, the Association of Inspectors General shall submit its recommendations and findings of such peer review to the inspector general. The office of inspector general shall comply with the recommendations of the peer review within 90 days, provided that the recommendations and findings are accepted and approved by the ethics review board. Copies of the final report resulting from this peer review shall be furnished to the ethics review board, the clerk of the council, the city attorney, and the office of the mayor. The final report shall also be made available to the public.
- (17) *Annual work plan.* The inspector general shall present to the ethics review board an annual work plan for the ensuing calendar year. The plan shall be submitted no later than September 1 of each year and shall include:
- (a) Risk assessment criteria used in establishing the work plan;
 - (b) A schedule of projects and anticipated completion dates; and
 - (c) Quality assurance procedures planned for implementation.
- (18) *Subpoena power.*
- (a) For purposes of an investigation, audit, inspection, or performance review, the office of the inspector general may administer oaths and affirmations, subpoena witnesses, compel their attendance and testimony under oath, take evidence, and require the production of any records which the Inspector General deems relevant or material to an investigation, audit, inspection or performance review.
 - (b) In the performance of its duties, the office of the inspector general may compel the attendance of witnesses to be deposed under oath or the production of public and private records by issuing a subpoena. The subpoena may be served by certified mail, return receipt requested, at the addressee's residence or business address, or by representatives appointed by the Office of Inspector General.
 - 1. The procedure for obtaining approval of such a subpoena shall be in accordance with the requirements of state law.
 - 2. Any subpoena for production of private records shall be in compliance with all applicable constitutionally established rights and processes.
 - 3. Any request for financial records in the possession or under the control of a bank pursuant to this chapter is subject to and shall comply with the requirements and procedures of R.S. 6:333.
 - (c) Any person or entity that is the subject of a subpoena issued by the office of inspector general may challenge the sufficiency or scope, or both, of the subpoena by filing a protective order or motion to quash in the Orleans Parish Civil District Court.
 - (d) If a person or entity refuses to comply with a subpoena issued by the office of inspector general, the Orleans Parish Civil District Court may issue an order requiring the person or entity to appear before the court to show cause why an order should not be issued ordering such person to comply with the subpoena.
 - 1. Any costs and attorney's fees incurred [by] the office of inspector general may be taxed against the person who failed or refused to comply with the terms of the subpoena.
- (19) *Reserved.*
- (20) *Cooperation.*
- (a) It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, licensee of the city, and applicant for certification of eligibility for a city contract or program, to cooperate with the office of inspector

general in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter.

(b) It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, and licensee of the city to report to the office of inspector general any instance of fraud or abuse.

(c) With the exception of those contracts specified in subsection (1) of this paragraph, every city contract and every contract amendment where the original contract does not include this statement, and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain the following statement:

"It is agreed that the contractor or applicant will abide by all provisions of City Code § 2-1120, including, but not limited to, City Code § 2-1120(12), which requires the contractor to provide the Office of Inspector General with documents and information as requested. Failure to comply with such requests shall constitute a material breach of the contract. In signing this contract, the contractor agrees that it is subject to the jurisdiction of the Orleans Parish Civil District Court for purposes of challenging a subpoena."

1. The provisions of subparagraph (c) shall not apply to contracts with other government agencies or to contracts where the city is the recipient of funds.

(d) Any employee, appointed officer or elected official of the city who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement, in addition to any other penalty provided in the City Charter or ordinances.

(21) *Allegations by public employees.* The office of inspector general may receive and investigate allegations or information from any public employee concerning the possible existence of any activity constituting fraud, waste, abuse, and illegal acts. The office of inspector general shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the written consent of said employee, unless the inspector general determines such disclosure is necessary and unavoidable during the course of the investigation. In such event the employee shall be notified in writing at least seven days prior to such disclosure. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the office of inspector general, unless the complaint was made or information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(M.C.S., Ord. No. 22444, § 1, 11-2-06; M.C.S., Ord. No. 22553, § 1, 3-1-07; M.C.S., Ord. No. 22888, § 1, 11-1-07; M.C.S., Ord. No. 24395, § 1, 4-28-11; M.C.S., Ord. No. 24950, § 1, 7-12-12; M.C.S., Ord. No. 27309, § 1, 3-9-17; M.C.S., Ord. No. 27745, § 1, 4-19-18)

Item 2

Response of the City of New Orleans
Office of Inspector General To the
Quality Assurance Review Advisory Committee Report
Written Report of Activities for 2018

EXECUTIVE SUMMARY

After careful consideration of the Quality Assurance Review Advisory Committee Report (hereinafter “QARC” or “the Report”) submitted on May 16, 2018, to the Office of Inspector General (OIG), we conclude that the findings and conclusions in the Report are not supported by sufficient evidence. In addition, the QARC’s failure to interview OIG staff regarding several issues was a fundamental flaw in the methodology and approach utilized to conduct the review.

As detailed in the OIG’s response, the QARC met with OIG staff on only one occasion (February 28, 2019) and declined to speak to OIG staff on May 20, 2019, regarding several misstatements contained in the Report. For example, if asked regarding “performance reviews” we would have confirmed several projects meeting that description were undertaken in 2018, including two reviews of operations at the Sewerage and Water Board. Both these matters have been discussed at several Ethics Review board meetings and are listed in the March 2018 Annual Work Plan.

More troubling is the QARC’s recommendation that information regarding investigations or reviews be made available to them or any other City agency, elected official, or employee. To do so would violate professional standards, the right of the OIG to operate autonomously, and potentially cause irreparable harm to persons who had allegedly committed acts of misconduct or criminal offences. Even a cursory review of the OIG ordinance, and professional standards make it abundantly clear the release of “draft reports” not released during an investigation, audit, or evaluation would result in the piecemeal release of information, which would cause confusion and harm to the public. OIG reports are not final and cannot be released until there is a thorough review for legal sufficiency.

For these reasons and others detailed in our Response, the vast majority of the QARC’s findings, conclusions, and recommendations lack sufficient supporting evidence. In addition, the QARC’s failure to gather additional information by interviewing OIG staff was a fundamental flaw in the methodology and approach of their review. As confirmed by the Peer Review Assessment conducted by the Association of Inspectors General in 2018, the OIG complied with all professional standards in compliance with the Ordinance that established the OIG.

The Office of Inspector General appreciates the opportunity to review and respond to the report prepared by the QARC. We thank the members of the QARC for their commitment to public service.

I. Overview of QARC Duties and Responsibilities as Interpreted in the QAR:

Section 2-1120(16)(a) of the Office of Inspector General Code of Ordinances vests in the QARC the authority to review completed reports of audits, inspections, and performance reviews, and public reports of investigation. The Report's conclusions, among other things, address § 2-1120(9) which requires the OIG to issue an annual report including, among other things, information on all matters undertaken, costs incurred, costs recovered, matters concluded, any results, and accomplishments of the office. The QAR's criticisms relate to matters addressed in the OIG 2018 Annual Report, other matters not addressed in that report, the lack of reports, the quality of issued reports, and the OIG's utilization of resources. Finally, the QARC seeks to expand its jurisdiction by amendment to the Ordinance to permit review more akin to that currently authorized by § 2-1120 16(b) in an independent external peer review organization. The QARC also concludes an amendment to the Ordinance to permit examination and review of unpublished and incomplete OIG reports or work undertaken by the OIG. For the reasons set forth below, the OIG respectfully opposes any amendments to the existing OIG Charter expanding review parameters set forth in § 2-1120(16) and addresses the concerns raised by the QARC.

II. Vacancies, Staffing, Reorganization, and Utilization:

A. Personnel Matters:

According to the QAR, personnel changes made by the Inspector General are not sufficient to justify the office's budget. As explained in our entrance conference meeting with the QARC, and herein, the OIG is making strategic personnel changes to correct several organizational deficiencies in the office, and to enhance operations.

Meanwhile, we believe comparisons to OIG work in prior years and to other agencies is an inappropriate benchmark. Based on the nature of work performed, some projects will come to fruition in one year, and then the next will have a smaller number of work products completed as new ones are undertaken. Comparisons to other agencies are not appropriate because they depend on staffing, the complexity of work products undertaken, and the ability of the agency under review to respond to requests for data and interviews.

While we acknowledge the QARC's observations that impacted pace of filling staff vacancies, the OIG strongly disagrees with the report's conclusions as they relate to personnel matters or utilization of time. In 2018, the OIG had approximately 8 vacant positions that required extensive work by the staff to fill. Some of these vacancies arose from retirements or resignations. Available positions included both classified and unclassified job descriptions that required complying with the Civil Service System rules and knowledge of position classifications and research of viable candidates to determine whether they possessed the required skill sets to perform any given position or would need training necessarily impacting OIG budgetary and time concerns. The OIG staff encountered the same procedural difficulties as any government entity obtaining approval for the allocation of unclassified positions.

The OIG engaged in a nationwide search for the best qualified candidate to fill the position of Deputy Inspector General over the Audit and Evaluation Division by engaging an

executive search group. A candidate was found in June of 2018, interviewed in October and November of 2018, and eventually offered the job in December 2018. Completion of this process was delayed due to the time consumed obtaining approval of the contract with the professional search group. The position was not filled until February 2019 – about an 8-month process – because of delays encountered in contract approval process.

The most significant vacancy was that of the General Counsel, a position that remained vacant since April 17, 2018. The General Counsel position was advertised and approximately 40 candidates applied. These candidates were extensively vetted by the Inspector General and management to select an individual with the institutional experience, discretion, and maturity to hold a position necessitating a high level of governmental responsibility and ethics. As the candidates were evaluated, the Inspector General learned that the announcement for the General Counsel position inadvertently remained posted. Nevertheless, because additional applications were submitted, the Inspector General properly considered those applications in accordance with appropriate Civil Service Commission guidelines. At the end of the process, including interviews, a General Counsel was hired.¹

During that vacancy, internal quality control procedures, including jurisdictional determinations that required the legal opinion of OIG General Counsel for released reports, were unavailable. However, the investigations and audits continued without delay based upon the exigency of the matter presented to the OIG. One such report was not completed based upon faulty jurisdictional foundations and evidentiary conclusions.² Therefore, the OIG was unable to seek advice on the final states of pending reports, and was unable to release other reports that were underway.³

Historically, the OIG employed at least two staff members to manage the business of the office. Those duties included, among other things, some IT matters, and public records requests. Since October 2017, because of attrition, those responsibilities were delegated to one person creating an extremely heavy work load. That employee has had to tend to the traditional duties of an administrative assistant responsible for facilities management, Civil Service interactions, procurement, and any other administrative tasks. The office manager's time has been further stressed by the absence of the General Counsel to provide advice and counsel on human resource issues, including hiring, firing, disciplinary matters, and employee complaints.

Claims in the QAR related to the OIG's efforts to hire staff are unfortunately based upon events about which no explanation was sought. Had that information been considered, along with events too numerous and obstructive to list herein, we submit the QARC's conclusions would be different.

¹ Although not within the timeframe of 2018, note that the General Counsel eventually hired had an initial interview on February 19, 2019, an offer letter on March 21, 2019, a subsequent interview on April 2, 2019, and a start date of May 22, 2019, resulting in a period of time from first interview to first day on job of about 13 weeks.

² This report will be addressed again in the discussion relating to the attempt to expand the Committee's jurisdiction.

³ It is important to note that the public disclosure of this report, handled in violation of OIG regulations prior to the IG's hiring, if released, would be detrimental to the people and organization involved as well as to the public. This demonstrates the correctness of the Charter provision that only completed reports be subject to public disclosure.

B. Utilization (Productiveness):

Credentialing and Continuing Education: Expenditures of time and cost – professional service is required and is normal in the inspector general world as in other professions. The OIG takes specific exception with the phrase “significant time on matters other than audits, investigations, and inspections/evaluations.” First, it is noteworthy that the QAC did not quantify the time it believes was spent on other matters. Had the QARC inquired, context would have been provided about matters for which the QARC was unaware.

The OIG and staff are actively sought after by the AIG to make presentations at training programs. A staff member was invited by the Association of Inspectors General (AIG) to make two professional presentations to the AIG in Jacksonville, Florida, and New York, New York. Both out-of-town travels were paid for the by AIG and totaled 6 days of 260 days in 2018.

The Inspector General Ordinance mandates that a triennial peer review be conducted by the AIG to assess compliance with professional standards. OIG offices “must provide staff to conduct similar reviews for other AIG member agencies.” To fulfill that obligation, the OIG provided a staff member to conduct the peer review in Washington, D.C. Had the QARC inquired, we would have provided them with the publically available requirement on the AIG’s website.⁴ Also noteworthy, the DC peer review was paid for by the Washington DC OIG. Please refer to the footnoted link regarding expenses.

Generally Accepted Government Auditing Standards and the Principles and Standards for Offices of Inspector General require continuing professional education. The OIG is required to adhere to both sets of standards to ensure the OIG releases complete, accurate, and credible reports. Had the QARC inquired, we would have informed them that training is required by our standards and training records are also “audited” by the triennial peer review team to ensure compliance with the standards.⁵ Additionally, OIG management and staff hold various licenses and certifications. These licensing and governing boards also require each person to obtain a certain number of continuing professional education. Specifically, we have four Certified Public Accountants (CPA) employed by the OIG. As a condition of employment, the staff is required to have a minimum of 20 hours per year to maintain their licenses. Those continuing professional education requirements are publically available at <http://cpaboard.state.la.us/cpe-continuing-professional-education/>.

Public Records Requests: The General Counsel vacancy required the Inspections & Evaluations (I&E) Division to assume the responsibilities for several large-scale public records requests that routinely take a significant amount of time away from our other duties. Additionally, the OIG could not respond effectively to public records requests, which must be addressed in three days, or deal swiftly with human resource issues. Because this position was

⁴ For reference, it is located at: <http://inspectorsgeneral.org/about/peerreview/>.

⁵ See requirements at: <https://www.gao.gov/assets/700/693136.pdf> (p.63); <http://inspectorsgeneral.org/files/2014/11/AIG-Principles-and-Standards-May-2014-Revision-2.pdf>

vacant or held by an interim general counsel who was not interested in the permanent job, many key issues were unresolved or delegated to other OIG staff.

LA R.S. § 44:31-32 states that it is the responsibility and duty of the appointive or elective office of a custodian and his/her employees to provide access to public records to any person of the age of majority who so requests. Further, the custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person. New Orleans, City Code, Article XIII, §2-1120(7) prohibits the OIG from the unauthorized disclosure of certain documentation:

All records of the Office of Inspector General shall be exempt from public disclosure and shall be considered confidential, unless it is necessary for the Inspector General to make such records public in the performance of his or her duties. Unauthorized disclosure of information by the Inspector General or any employee of the Office of Inspector General is subject to review and disciplinary action by the appointing authority.

Pursuant to LA Rev. Stat. § 33:9614 B:

Any material, records, data, and information compiled by an office of inspector general in an investigation, examination, audit, inspection, or performance review under this Chapter is confidential and privileged and not subject to R.S. 44:1 et seq., until the investigation, examination, audit, inspection, or performance review **is complete**. The investigation, examination, audit, inspection, or performance review **is not deemed complete if the office of inspector general has submitted material, records, data, and information from or the results of such investigation, examination, audit, inspection, or performance review to any other law enforcement or regulatory agency for further investigation..., and if such investigation ... has not been completed or become inactive**.

(Emphasis added). Through the interpretation of these provisions, the OIG responds to public records requests through a laborious, manpower intensive examination of paper and electronic records to determine what records the OIG are permitted to disclose. Throughout 2018, the OIG was responsible for responding to these requests. These tasks, indeed this extensive utilization of OIG resources, was not considered in the QAR.

Community Relations: The QAR also criticized the OIG's utilization of time spent on matters other than audits, investigations, and inspections and evaluations. As a new New Orleans resident it was reasonable, prudent, and expected that the Inspector General meet with public officials, such as city, state, and federal criminal prosecutive offices, with the expectation that the OIG's Investigations Division continue to work together with those offices. Furthermore, in a City rich with a colorful past, the IG must interact with the public in order to obtain feedback from all segments of the community and learn about the concerns and needs of the City and the office as he formulated his agenda and plan for action. It is undisputed that an OIG must be engaged with the community we serve to be involved in public relations. The Inspector General must maintain a visible presence in the community to remind residents to reach out to the office if they see something unusual. The IG's job is to ensure that they feel confident about doing so.

Therefore, service in the form of public presentations is widely accepted as normal in a variety of professions.

Additionally, the NOLA OIG is part of the Inspector General community through the active membership and participation of the national Association of Inspectors General (AIG). During the 2018 calendar year, two members of our staff were sought out to participate and present to the IG community at the Inspectors General Institute in Jacksonville, Florida, and in New York. Further, one staff member was selected and participated in a week-long Quality Assurance Review (peer review) team in Washington, D.C. These efforts result in fruitful networking opportunities, and further allowed the office to obtain the required peer review through a reciprocity agreement. These reviews are required by national standards. Seemingly unaddressed by the QAR were the favorable and complimentary conclusions of the peer review team complementing our office practices and finding that the New Orleans OIG complies with national standards, conclusions made by the team without the need to expand the parameters of their review provided by the OIG charter. Moreover, this peer review and those in which OIG employees participated encourages the IG community to obtain and provide an exchange of information and best practices.

The OIG suggests to the QARAC that its well-intended conclusions related to the OIG's general productivity did not consider many factors that, while time-consuming and inherent in the running of this office, should realistically be considered.

Training: Annual professional training is required by AIG standards and professional affiliations, based on the professional designation held by OIG staff. OIG wisely selects some of the resources available because of unfilled positions for high-quality professional training, such as pursuing certifications that will help staff perform more effectively and efficiently. For example, the Director of the evaluation group took review classes for the Certified Internal Audit exams because the new Inspector General sought to have the audit and evaluation groups working more closely together. Further, the professional training has been extremely helpful in updating our procedures and approach to projects. These are important considerations when hiring staff that correctly impacts the Inspector General's selection of valuable candidates.

III. REPORTS/INVESTIGATIONS/COMPLAINTS/QUALITY

The most concerning comments and conclusions by the QAR involve the criticisms of the reports issued by the OIG, the lack of reports, and the quality of reports particularly in light of the history most recent to IG Harper's appointment to the position. The corrections suggested by the QAR include the improper, unprecedented expansion of their area of review which would cause immeasurable damage to this office and to the City of New Orleans. As the Ordinance states, only completed reports are subject to review by not only the QARC but also the Peer Review organization. Importantly, the public records laws also restrict disclosure to completed reports, examinations and audits. The release or examination of any incomplete, unsubstantiated, unproven, or jurisdictionally infirm product by the OIG exposes the OIG and like organizations – District Attorney's offices, United States Attorney's Offices, and any other oversight or law enforcement agency – and ultimately the public to information that is unsupported by fact that could be libelous, defamatory, and damaging to individuals and/or organizations. Such incomplete and unsubstantiated information could cause untold harm to the public under certain

circumstances. It is for this reason, examination of anything but a complete, factually and legally supported report, audit, examination, or investigation should be the only reports examined by any entity or person. Secondarily, such disclosures would abrogate the laws regulating disclosures of publicly held documents. Finally, the OIG is prohibited by State law from divulging information about unfinished, incomplete and/or inactive audits, examinations or rejected complaints.

Risk Assessment – During the 2018 calendar year, the OIG staff initiated a framework for a risk assessment designed to produce a system-wide plan for how to implement the assessment of risk at city agencies, and began soliciting information. This effort is part of the work performed by the Audit/Review and Inspections & Evaluations groups, and is not an investigation or work of the Investigations Division. The primary objective of the risk assessment process is to determine and set priorities for the engagements to be performed, based on the results of the risk scoring. The Audit & Review and Inspections & Evaluations Divisions began conducting a risk assessment over \$2 Billion in revenues and over \$2 Billion in expenditures. This effort will determine future audits, reviews, inspections, and evaluations in the years to come. The risk assessment is on-going and is expected to be completed in 2019, resulting in a new list of priorities and potential projects for OIG going forward. It will also ensure that the OIG is working on the right projects that provide the most value and benefit to the City of New Orleans.

The risk assessment has been a major initiative, but it is one that is necessary and also a good professional development experience for staff. Regular work on projects has been on-going while the risk assessment has been underway. Although the staff was very productive in 2018 the OIG was unable to complete the reports in time to demonstrate the work that was accomplished. And in cases where we did have reports that were substantially complete, they could not be released because they had not been reviewed by General Counsel. This aspect may be part of the QARC's misunderstanding as to the types of work performed by the various divisions within the OIG.

- A. Investigation Results: The OIG issued two public reports/letters (one report and one letter):
 - 1. OIG published a Report of Investigation (ROI) concerning the New Orleans Jazz and Heritage Festival tickets in December 2018, rather than in March 2018 because we were waiting for a response from the City. The Landrieu administration did not issue a written response. The Cantrell administration issued their response to the ROI on August 8, 2018. On August 21, 2018, the OIG submitted a Request for Documents to the Chief Administrative Officer (CAO) asking for the dates upon which employees completed the Louisiana Board of Ethics Online Code of Ethics Training for Public Servants for the years of 2016 and 2017. The CAO responded on August 28, 2018 regarding Ethics Training completed. On November 30, 2018, the OIG replied that 2016 completion dates occurred sometime prior to the date upon which Festival Productions, Inc. distributed free admission tickets to the 2017 Jazz Festival to City Departments Heads and Managers. The OIG informed the CAO that this information was being

provided as a supplement to the previous report the CAO received and for any action the CAO deemed appropriate.

2. On April 4, 2018, the OIG published a letter issued to the Department of Public Works on November 27, 2017 concerning OIG's findings related to S&WB's employees' use of handicap placards. The letter was published on April 4, 2018, rather than in November 27, 2017, because the City did not provide a written response until March 9, 2018. The OIG published the letter along with the City's response on April 4, 2018.

The QAR's contention that the two reports above do not meet the "purpose" standard set forth in the Ordinance to promote efficiency and effectiveness ignores the first half of the sentence in the "Purpose," which reads: "to establish a full-time program of oversight to prevent and detect fraud, waste and abuse. The report concerning the Jazzfest tickets and the letter concerning the abuse of handicap parking tags address matters that fall within the parameters of "prevent and detect fraud, waste and abuse." The recommendations made in these reports also demonstrate the IG's efforts to promote "efficiency and effectiveness in city programs."

Under Section 10, paragraph (d) and (e), of the Ordinance, the Office of Inspector General is authorized to:

(d) Initiate such investigations, audits, inspections, and performance reviews of city government as the inspector general deems appropriate.

(e) Receive complaints of fraud, waste, abuse, inefficiency, and ineffectiveness from any source and investigate those complaints that the inspector general deems credible.

The QARC's selective reading of our ordinance is unfortunate and leaves the impression that these two investigations were too insignificant to merit the respect of the Committee. All organizations handling investigations of fraud, waste and abuse will encounter cases that do not necessarily have the appeal warranted by large criminal investigations such as those involving noted local musician Irvin Mayfield, a criminal case for which the OIG provided and still provides invaluable assistance but merited no mention in the QAR. The OIG's handling of these matters informed the citizenry of New Orleans that fraud, waste, abuse, and cronyism will not be tolerated. The OIG respectfully submits that the QARC's concerns related to these two products could have satisfactorily been addressed with the QARC and are an insufficient basis for the level of criticism levied at the OIG.

B. Performance Reviews and Work Outputs:

The OIG strongly disagrees with the findings of the QAR related to performance reviews and work output.⁶ Although the OIG did not *release* any performance reviews in 2018, several projects were initiated during the year, the fieldwork for three products was completed, and all were, at year's end, awaiting the appropriate legal review. The inability to complete those reviews based upon unavailable legal advice has been established. During the review, the OIG provided ample context to the QARC which adequately informed it that OIG provides monthly

⁶ "Work output" has been more fully addressed above.

reports to the Ethics Review Board (ERB). This material misstatement and omission raises doubts about the full accuracy and integrity on the reporting on the OIG's work products.⁷

C. Completed Investigations:

Because 2018 was a transition year for the OIG, we recognize the level of effort that was required to redirect the operations from some of the issues that became apparent at the end of the previous OIG administration. As participants in the local community, the OIG likewise expected the QARC to recognize that objectives for a number of active projects established by the previous administration were re-evaluated and ultimately cancelled, resulting in work and valuable time expended on nonviable projects. Starting and completing new projects takes time. This OIG is optimistic that with a newly hired General Counsel, work product anticipated by the Charter and the QARC will be expediently released. Meanwhile, the anticipated completion of the risk assessment in 2019 will enable us to embark on a new round of projects that have emerged from a logical, rational framework.

D. Violations of the Ordinance:

The QARC obviously confused cost incurred with the "Potential Economic Loss Prevented" (PELP) that measured impact of investigations, PELP was not applied to audits, reviews or evaluations in 2018 or in any previous Annual Report.

A former OIG employee brought the concept of PELP (Potential Economic Loss Prevented) from the FBI to the OIG. The OIG used that formula for many years to estimate the economic value of the office's work. Inspector General Harper has reservations about the PELP concept, and would like to implement yardsticks used in other IG offices, the concepts of "questioned costs" and "potential cost savings." However, because the OIG had no reports with financial savings and nothing to list in the annual report, the question of which formula to use was irrelevant for 2018.

The QAR's statement, "...we detect no such information about work on performance reviews in the 2018 Report" is troubling given the purpose of the QAR. Both the Audit & Review group and the Evaluation group have undertaken projects in 2018. These projects are listed in the annual work plan which was provided to the QAR Committee in February. Additionally, the OIG provides the ERB with monthly reports with a status update on these projects. Inspector General Harper asked that the QARC members feel free to reach out to OIG department heads if they had any questions. No one on the QARC inquired about whether performance reviews were underway. We provided copies of completed reports as required by the generally accepted provisions of the City Charter.

E. Division of Performance Review:

As noted in a section header in the 2018 report, one of the OIG's divisions is called the Audit & Review division, as in performance review. Much of the work performed by the Inspections & Evaluations division could also be considered performance reviews. The three divisions of the office – Investigations, Audit & Review, and Inspections & Evaluations – have been unchanged since the office was founded. No previous QAR committee has misunderstood the office's organization. It is unfortunate that the QARC failed to understand the structure of the

⁷ See September Annual Work Plan.

office and did not inquire of management before declaring OIG in violation of its own ordinance. Past performance audits/reviews are publically available on the OIG's website.
<http://www.nolaoig.gov/reports/all-reports>.

F. Overall Format and Content of the Report

Justice System Funding projects – Previous annual reports provided to the QAR and available on the OIG website provided information relating to the Justice System Funding projects. The QARC had the responsibility to ensure their full understanding of these projects by requesting further details. It is also worth noting that priorities change from one administration to another. Inspector General Harper has taken the steps to protect the integrity and independence of the office, and ensure that staff concentrate on projects that are viable and well-conceived.

The QARC's comments suggest that its mission was to critique the annual report rather than seek to understand the functioning and goals of the office and evaluate it on those criteria. Perhaps this result arises from the narrow parameters of the Charter for the QARC to critique only completed reports. Although the QARC did seek the permission from the OIG to review incomplete reports because there were few reports available for them to review, the OIG properly and legally restricted access to only those jurisdictional limits provided by the Charter.

IV. OIG RESPONSES TO THE RECOMMENDATIONS OF THE QARC:

The statement that "OIG did not undertake any performance reviews in 2018" is false. It undermines the credibility of the QARC to make such unsubstantiated claims.

A. The QAR conclusion that "it seems odd that so many resources were devoted to the Jazz Fest ticket investigation when the offenders immediately acknowledged their violations" fails to recognize the scope of the investigation. In addition to conducting interviews of 12 City employees and documenting their responses in a Memorandum of Interview, OIG Investigators also:

- Gathered material to determine the number of free tickets that had been distributed;
- Complied and analyzed documents that described how the Jazz Festival Foundation rented City bleachers;
- Complied and analyzed documents that described how the Parks and Parkways Department "loaned" three gazebos to the Jazz Festival in 2017;
- Recommended in the ROI that the City discontinue the practice of accepting free admission tickets because City employees may be prohibited from doing so under Louisiana Revised Statute §§ 42:1111 and 42:1115;
- Cited Louisiana Board of Ethics opinions in the ROI concerning the acceptance of free admission tickets;

- Recommended in the ROI that the City discontinue the practice of loaning City property to the Jazz Festival, which is prohibited by Article 7, § 14(A) of the Louisiana Constitution of 1974; and
- Recommended in the ROI that the City should issue credentials to approved City employees that must enter the Jazz Festival to conduct official City business.

With utmost respect to the voluntary efforts of the QARC, this conclusion is especially troublesome to any investigative body by suggesting that the successful efforts of the OIG were wasted on inappropriate conduct that would be considered offensive in any governmental organization. Furthermore, suggesting that investigatory efforts were foolhardy in part because of the excellent techniques utilized by OIG investigators that promptly lead to admissions of liability is unconscionable.

B. Budget in annual report:

Information about the OIG's budget can be found in the Adopted City Budget available on the City's website. The OIG will consider the committee's request.

C. More detail in annual reports:

In 2015, the OIG began producing more elaborate annual reports because it had the services of a communications director. For the 2018 report, the OIG made the decision to return to a simpler style of report because we did not think it was an appropriate use of staff time to produce a more polished annual report, especially when we had few published work products. Producing a more elaborate report would have distracted staff from their work on projects; deciding not to do so was a prudent call. Our top priority is to complete reports; we do not see ourselves producing a fancier annual report until our normal workflow has been reestablished and we have the staff to competently do so.

D. Amending the ordinance:

Amending the OIG ordinance to allow the QARC access to unpublished reports is, as discussed above, solidly rejected. To do so would violate state law about our duty to safeguard the information captured by the office, and would put our independence and confidentiality at risk. This suggestion by the QARC leads the OIG to conclude that the QARC has misunderstood its mission to evaluate the quality of work products that have been released. Moreover, even the AIG peer review team made up of credentialed, nationwide IG professionals is not permitted to examine unpublished work products and did not seek such examination.

G. Process and procedure:

The QARC's statement that "it seems there is an emphasis on process and procedure to the detriment of productivity" is completely inappropriate and demonstrates a fundamental lack of understanding about the scope of responsibilities our office. We are required by all professional standards to follow detailed and documented procedures in conducting our work. Following these rigorous standards takes time, but ensures that the work produced by the OIG is accurate, reliable, and credible. We categorically believe had the QARC followed the same standards in its work, its report would not have lacked full context and perspective.

V. CONCLUSION

The OIG understands the concerns of the QARC regarding productivity. Indeed, that is also a concern of the OIG. However, it takes time and thoughtful effort to get an office back on track. Having a General Counsel on staff addresses a roadblock to the release of reports.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of May 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. Michael Cowan.
 - 1.1.5. Howard Rodgers, Vice-Chair.
 - 1.2. Board member absent:
 - 1.2.1. Joe Ricks.
 - 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.*
 - 2.1. Mr. Rodgers moved to approve the minutes from the last board meeting held on April 29, 2019. Mr. Cowan seconded the motion.
 - 2.2. The board unanimously approved the minutes.

3. *QARAC for OIG and OIPM Status Report.*
 - 3.1. Mr. Brown reported that the Quality Assurance Review Advisory Committee for the OIG will publicly post a report tomorrow on the ERB website. A public meeting on the report will be held at the Mid-City Library on June 10, 2019, at 3:30 p.m. The ERB has no role in the issuance of the report or in the meeting, but all members are invited to attend.
 - 3.2. Mr. Brown reported that the Quality Assurance Review Advisory Committee for the OIPM is working on its report and will be released in July.
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, along with Larry Douglas.
 - 4.3. Mr. Harper noted that the "pipeline report" would not include matters that are confidential. The minutes of the last board meeting confirm same. Mr. Harper promised to include a pipeline report in the next monthly report.
 - 4.4. Mr. Douglas briefly discussed the risk-assessment process. Noted that the intent is to complete this system-wide assessment in August. This will be included as a "deliverable" in the "pipeline report." In short, this will make the work plan based in part on perceived risk.
 - 4.5. Mr. Harper noted that at least three reports are coming, including a report on the Audubon Institute, which is now in final legal review.
 - 4.6. Mr. Rodgers asked about the Jazz Fest investigation and report and any follow up. Mr. Harper responded that the focus is on training city workers to avoid similar problems in the future.
 - 4.7. Mr. Cowan asked about how many entities were on the list to be considered in risk assessment process. Mr. Harper responded that there were approximately 38 entities. A majority had responded to the request for risk assessment information and approximately 22 did not. As to some of these, there is a question as to whether they fall within the OIG's jurisdiction.
 - 4.7.1. Mr. Cowan expressed concern that so many had not responded. Mr. Harper noted that his office will follow up with additional requests for information.
 - 4.7.2. Ms. Calderon also wanted to know more about why entities might claim "lack of jurisdiction." Mr. Harper agreed to follow up on this.

- 4.8. Mr. Harper noted that a S&WB report is completed and in legal review. This report will go first in draft form to the S&WB, and then it will have 30 days to respond.
 - 4.9. Mr. Cowan asked Mr. Harper about the *Mayfield* case and why it was included in the monthly report. Mr. Harper responded that the OIG was listed as “cooperating” in the investigation by the United States Attorney. He also noted that the case was set for trial in federal court next month. As a result, he declined further comment.
 - 4.10. Ms. Calderon asked about whether the OIG was looking into issues with “traffic cameras.” Mr. Harper noted that these cameras were installed to detect speeding.
 - 4.11. Mr. Cowan asked whether the new administration was encouraging employee cooperation with OIG investigations. Mr. Harper responded that his office has had no problems and that, so far, cooperation is generally good. He will report at future meetings if there are any problems with cooperation.
5. *Report of the Ethics Trainer.*
- 5.1. Ms. Toni Hackett appeared before the board.
 - 5.2. Ms. Hackett reported that her May report will be based on a new template.
 - 5.3. Mr. Brown noted that her year end report was a good one and that she needs to “keep up the good work.”
 - 5.4. Ms. Hackett reported that on May 8-9, 2019, she conducted two liaison meetings. At these meetings, the liaisons shared information and discussed awards. Mr. Ricks attended and discussed the awards program. The meetings were very good. The liaisons were also given information about their roles.
 - 5.5. Ms. Hackett noted that her May report will include a “pipeline” report.
 - 5.6. Ms. Hackett discussed her contract status with Mr. Brown. Noted that it was “signed” and at the purchase-order stage.
 - 5.7. Ms. Calderon asked about whether the liaisons were now posted on the web page. Mr. Ciolino and Ms. Hackett both responded “yes.” Ms. Hackett agreed to give Mr. Ciolino additional information to post on the website regarding liaisons.
 - 5.8. Ms. Calderon asked to be informed about future training sessions. Ms. Hackett agreed to post all future training sessions on the website.
 - 5.9. Mr. Cowan asked about the liaisons’ effectiveness. Ms. Hackett responded that they are doing good work and improving ethics culture. She reported that the awards program should help this as well and that, in a perfect world, all liaisons will get an award.

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

- 6.1. The OIPM's monthly report is attached.
- 6.2. Ms. Susan Hutson, IPM, and Bonycle Sokunbi, Executive Director for Community Relations, appeared for the OIPM.
- 6.3. Ms. Hutson noted that her office's annual report is almost complete and will be published on May 30, 2019.
- 6.4. Ms. Hutson reported that she is in contact with the QARAC for the OIPM and will focus on their work after her annual report is complete.
- 6.5. Mr. Brown encouraged the OIPM to cooperate with the QARAC and get it all necessary information.
- 6.6. Ms. Calderon asked about citizen complaints. Ms. Sokunbi responded and explained that the monthly report is accurate about the complaints but that there are some issues with "categorization."
- 6.7. Mr. Brown asked about federal consent decree issues. Ms. Hutson noted that her office hopes to shadow the monitors eventually. After her annual report is submitted, these consent decree issues will become a big focus of her office, including the integration of "compliance checkpoints."
- 6.8. Mr. Cowan asked what her plans are for the future as to oversight of the NOPD post-consent decree. She noted that she has not met with the Chief on these issues yet, although she has had frank discussions with him about other issues.
- 6.9. Mr. Cowan asked about how public liaisons work. Ms. Sokunbi responded that they work with NOPD and citizens to facilitate conversations and communications.
- 6.10. Ms. Calderon noted that she informed a recent crime victim about the liaison program and was pleased that the program exists. She noted that this is important work for the OIPM.
- 6.11. Ms. Hutson reported on and reiterated some of the statistics from her monthly report (attached).
- 6.12. Mr. Brown asked about including a "pipeline report" in monthly reports. Ms. Hutson responded that she will do so.

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 the status of the Hackett contract, namely, that it was signed by the Mayor.
- 7.3. Mr. Ciolino reported that he and Ms. Calderon had sent to the OIG proposed changes to the the policies and procedures for disciplinary enforcement. This project will move forward with input from the OIG over the summer and fall.
- 8. *Report on Ethics Award Program.*
 - 8.1. Mr. Ricks provided written information to the board on the program (attached).
 - 8.2. Mr. Brown noted that the board should discuss and vote on committee members for the awards committee soon, perhaps in June.
- 9. *Adjournment.*
 - 9.1. Ms. Calderon moved to adjourn the meeting. Mr. Cowan seconded the motion.
 - 9.2. The board unanimously passed the motion to adjourn and the Chair declared the meeting adjourned at approximately 4:38 p.m.

* END *