



## CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

### BOARD MEETING

Friday, May 22, 2020

3:30 P.M. – 5:30 P.M.

Zoom Video Conference: <https://loyno.zoom.us/j/98671292918> or dial (312) 626-6799 and enter meeting identification number 986 7129 2918.

### AGENDA

1. Approval of minutes of previous board meeting (Chair).
2. Discussion of monthly report from the Office of Inspector General (Chair).
3. Discussion of 2019 Annual Report of the Office of Inspector General (Chair).
4. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
5. Vote on NACOLE peer review MOU (Chair).
6. Discussion of monthly report from the Ethics Trainer (Chair).
7. Report of Executive Administrator and General Counsel (Chair).
8. Report on officer nominations for 2020-2021 (Mr. Brown).
9. Adjournment (Chair).

**Draft Minutes of  
Previous Board  
Meeting**



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

**Board Meeting of April 22, 2020 at 3:30 P.M.**

**Conducted via Zoom Teleconference Due to COVID-19 Emergency**

**Minutes**

1. *Call to Order.*
  - 1.1. Board members present:
    - 1.1.1. Wanda Brooks.
    - 1.1.2. James Brown.
    - 1.1.3. Elizabeth Livingston de Calderon.
    - 1.1.4. Michael Cowan.
    - 1.1.5. Monique G. Doucette.
    - 1.1.6. Joe Ricks (Chair).
    - 1.1.7. Torin Sanders.
  - 1.2. Board members absent: None.
  - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.4. At 3:30 p.m., the Chair declared that a quorum of the board was present and commenced the meeting via Zoom teleconference.
  - 1.5. The agenda for the meeting is attached.
2. *Certification of Emergency Need for Video Conference Meeting.* Pursuant to [State of Louisiana Executive Department Proclamation No. JBE 2020-30 Section 4 \(March 16, 2020\)](#), the ERB unanimously agreed to conduct this meeting by video conference and

audio conference after certifying that the ERB would not otherwise have been able to operate due to quorum requirements due to the ongoing COVID-19 emergency.

3. *Approval of the Minutes.* The Board unanimously approved the minutes for the January 23, 2020 Board Meeting.
4. *Welcome to New Board Members.* The Board welcomed newly appointed Board members Wanda Brooks and Torin Sanders to their first Board meeting. Ms. Brooks and Mr. Sanders introduced themselves to the Board.
5. *Departure of Board Member Howard Rodgers.* The Chair and ERB recognized that Mr. Rodgers term expired and that his position has been filled. The Chair and Board thanked Mr. Rodgers for his service. Mr. Rodgers left the meeting.
6. *Discussion of Monthly Report of the Office of Inspector General.*
  - 6.1. The Office of the Inspector General was represented by staff members Larry Douglass, Ed Michel, and Patrice Sullivan. Mr. Harper did not attend due to the recent death of his son. The Board expressed its condolences to Mr. Harper.
  - 6.2. Mr. Douglass reported that the OIG annual report was timely filed on March 31, 2020. The report will be discussed in more detail at the next Board meeting.
  - 6.3. Mr. Douglass discussed the monthly report (attached).
  - 6.4. Mr. Douglass reported that a report regarding the S&WB is in draft form and will be published after the S&WB has an opportunity to respond.
  - 6.5. Mr. Michel discussed recent prosecutions arising from OIG investigations, including the *Mayfield* case involving the New Orleans Library Foundation, and the theft-of-copper cases involving the S&WB.
  - 6.6. Mr. Michel reported that the office investigated abuse of overtime pay at the Property Management Department. Several employees retired or were reduced in rank. The department has implemented new procedures to avoid similar issues in the future.
    - 6.6.1. Ms. Calderon inquired as to whether this issue could be monitored using the ADP payroll system.
    - 6.6.2. Mr. Michel responded that new reporting capabilities now exist to make such monitoring feasible.
    - 6.6.3. Mr. Ricks inquired whether such monitoring could be done in other city departments. Ms. Sullivan said there is little need for that since overtime is not permitted in most departments. Mr. Michel agreed that this was an anomalous situation due to parking management for special events.

- 6.7. Mr. Ricks inquired about the OIG's investigation into Hard Rock related matters. Mr. Michel confirmed that the OIG was involved in such investigations but he could not discuss further.
7. *Discussion of Monthly Report of the Office of the Independent Police Monitor.*
  - 7.1. IPM Susan Hutson, Deputy IPM Stella Cziment, and Acting Chief Monitor Bonycle Sokunbi appeared for the OIPM.
  - 7.2. Ms. Hutson discussed the monthly report of the OIPM (attached).
  - 7.3. Ms. Hutson explained the function of the OIPM for the new ERB Board members.
  - 7.4. Ms. Hutson discussed how her office's operations have been modified due to COVID-19.
  - 7.5. Ms. Hutson noted that officer involved shootings had increased. There are no obvious "red flags" in these incidents, but her office continues to investigate.
  - 7.6. Ms. Hutson's office is working on its annual report, which is due in May.
  - 7.7. Ms. Hutson and Ms. Cziment noted that there are still problems with data sharing with NOPD as a result of the city cyberattack. However, the OIPM has adequate data to report on the work of its office.
  - 7.8. Ms. Brooks and Mr. Cowan requested additional clarification on these data issues, including the problems with IAPro and related functions. Ms. Hutson explained and clarified.
  - 7.9. Ms. Hutson noted that NOPD is going to start doing checkpoints related to COVID-19. Her office is concerned about possible constitutional issues and will monitor what NOPD is doing in this regard.
  - 7.10. Mr. Ricks thanked Ms. Hutson for providing the ERB with enhanced data and reporting.
  - 7.11. Ms. Cziment noted that her office has received 16 complaints this year and continues to process them despite COVID-19.
  - 7.12. Ms. Hutson reported that she and Mr. Ciolino were coordinating the retention of NACOLE to provide a peer review of her office. A vote on the NACOLE proposal will be scheduled at the next board meeting.
8. *Report of the Ethics Trainer.*
  - 8.1. Ms. Hackett attended the board meeting.
  - 8.2. Ms. Hackett did not submit a monthly report for March or April 2020.

- 8.3. Ms. Hackett reported that she has done no trainings because of COVID-19.
- 8.4. Ms. Hackett reported that she will reach out to liaisons to “check in” during this emergency period.
- 8.5. Ms. Hackett explained her role to the new board members.
- 8.6. Ms. Calderon asked whether Ms. Hackett could move more training online. Ms. Hackett responded “yes,” but wanted to provide different content than what was available online.
- 9. *Report of the Executive Administrator and General Counsel.*
  - 9.1. Mr. Ciolino reported that no new complaints were received.
  - 9.2. Mr. Ciolino reported on the ERB’s COVID-19 response, including update to the website, Zoom conferencing, and the like.
  - 9.3. Mr. Ciolino reminded the board members that Tier 2.1 Financial Disclosures are due to be filed in May.
  - 9.4. Mr. Ciolino discussed the Board’s upcoming deadlines and events.
- 10. *Officer Elections.* Mr. Brown reported that he will present a slate of proposed officers at either the May or June meeting.
- 11. *Awards.*
  - 11.1. Mr. Ricks explained the available ethics awards for the benefit of the new board members.
  - 11.2. Mr. Ricks discussed that a letter will be sent to heads of departments, boards, and commissions in May or June; nominations will be accepted through July; the ERB will vote on awards recipients in September; and, the ERB will host an awards event in September.
  - 11.3. Mr. Cowan noted that the ERB should conduct the awards event by Zoom if the COVID-19 emergency persists through the late fall. Mr. Ricks agreed.
- 12. *Adjournment.*
  - 12.1. A motion was made to adjourn the meeting. The motion was seconded.
  - 12.2. The Board unanimously voted to adjourn.
  - 12.3. The meeting was adjourned at 4:52 p.m.

\* END \*

# **Monthly Report of OIG**

**Report to the Ethics Review Board**  
**April 2020**

**Audit & Review**

The Audit & Review division has the following audits underway: Audubon Payroll Internal Controls, Audubon Disbursements, BRASS Purchasing, and the Department of Public Works and Sewerage & Water Board coordination. We also initiated an audit of the Orleans Parish Communications District as of late April.

Please see the attached project status spreadsheet for details.

**Inspections & Evaluations**

The I&E group also has the following evaluations underway: Firefighter's Pension Fund and the Job Ordering Contracts. The proposed final evaluation report of the Dispute Resolution process has been submitted to the Sewerage & Water Board (S&WB) for content concurrence and management responses.

Please see the attached project status spreadsheet for details.

**Investigations**

The Investigations Division received five (5) complaints in April 2020. Three (3) were matters outside of the OIG's purview.

OIG Investigations Division activities and cases:

- Criminal Investigations:

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 scheduled in federal court has been postponed until September 2020.

- Administrative Investigations:

A City employee was recently suspended subsequent to the issuance of an OIG Report of Investigation concerning his conduct while he performed his official duties as a City of New Orleans employee.

Pursuant to a Memorandum of Understanding with the New Orleans Police Department, the OIG Investigations Division initiated an administrative investigation concerning a complaint filed against NOPD employees.

The OIG Investigations Division concluded an administrative matter concerning potential overtime anomalies at the New Orleans Property Management Division.

OIG Information Security Division activities:

- 2020 Staff Augmentation for Exchange Migration

The Information Security Division (ISD) will migrate to the Windows Server 2016 with Microsoft Exchange 2016 or Exchange 2019, beginning mid-May. To achieve this goal, ISD has purchased additional staff augmented services to assist ISD in completing the project in an efficient and effective manner.

The staff augmentation technician will assist ISD staff in confirming the key infrastructure (hardware and software) is in place before converting over to the new system. Services provided will include onsite consultation and remote support as staff work through the project. Assistance will be provided by storage and exchange industry experts.

## Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Thursday, April 30, 2020

Project Number	Project Name	Project Phase *					
Audit/Review		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
AD-15-0001	Audubon Payroll Internal Controls				X	X	
AD-15-0003	Audubon Disbursements				X	X	
AD-19-0001	Short-term Rentals <b>Suspended 1/31/2020</b>						
AD-19-0002	DPW/SWB Coordination	X					
AD-20-0001	BRASS Purchasing	X					
AD-20-0002	Orleans Parish Comm District (OPCD)	X					

Project Number	Project Name	Project Phase *					
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
IE-18-0003	S&WB Billing Dispute Resolution						
IE-19-0001	Firefighter's Pension Governance	X					
IE-20-0001	Job Ordering Contracts	X					

Legend	Description
<b>Planning</b>	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
<b>Fieldwork</b>	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Obsevatons and/or Physical Inspections
<b>Draft Report</b>	Data/Statistical Reviews, Documentaries of Fieldwork Results, Initial Report Writing, Revisions and Internal QAR prior to supervisory review
<b>Supervisory Review</b>	Review by both Division Director and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork presentation and readability
<b>Legal Review</b>	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpretation
<b>IG Review</b>	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 phases. 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 reviews, and the 30-day timeline of the proposed final report to the client and the subsequent receipt of management responses.



# **Monthly Report of OIPM**

# THE OFFICE OF THE INDEPENDENT POLICE MONITOR



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## **MONTHLY REPORT**

**APRIL 2020**

# Community Letter

Dear New Orleans community,

In the last two months, the Office of the Independent Police Monitor has continued to expand our work to respond to the changing needs of the community and the New Orleans Police Department during this Covid19 pandemic. As part of our police oversight work, we are monitoring how the New Orleans Police Department interacts with the public during this pandemic and through any transition we make as a city. During the month of April, the OIPM focused on three major tenets of work during this pandemic: new NOPD policing strategies during the Shelter in Place order, accounts of police misconduct, and officer involved shootings.

First, the OIPM continued our work with community-based coalitions concerned about the policing strategies being enforced during the Shelter in Place mandate. Policing tactics such as effecting arrests instead of issuing summons and the use of informational checkpoints were of particular concern to the coalition and the community since it could increase the exposure to Covid19 for officers and the public. The OIPM responded to these concerns through a series of meetings with NOPD leadership, contributing to public letters, co-authoring a Letter to the Editor / OpEd for the Advocate, and requesting feedback from the public and the police. As a result, there has been a decrease in arrests and the informational checkpoints have since ceased. OIPM commends the NOPD on these efforts. Moving forward, the OIPM will continue to monitor policing tactics and looks forward to working with NOPD leadership to eventually review and audit data collected during this pandemic.

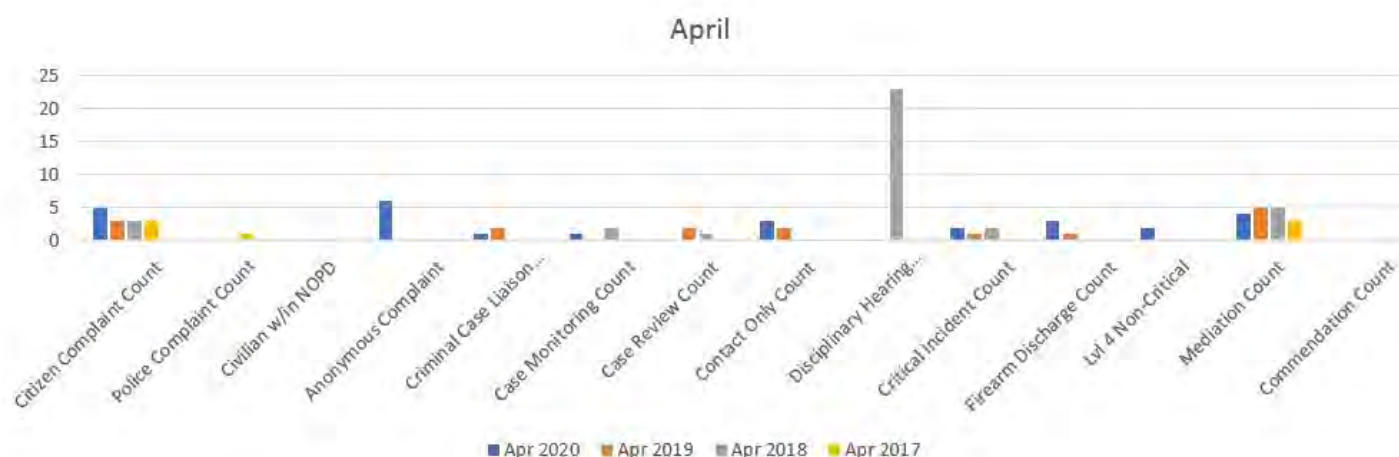
Second, the OIPM received eleven (11) complaints of alleged misconduct from the community this month. These accounts ranged from interactions the public had with the NOPD during calls of service to arrests that the public deemed unnecessary and dangerous during Covid19. Though the increase in complaints is always concerning, the OIPM is comforted that our connection to the community has remained intact during this remote work period and the public can still notify us of their concerns.

Third, there were three (3) officer involved shootings during the month of April and one (1) in the first weekend of May, resulting in the OIPM attending and monitoring the NOPD investigations at the scene. The OIPM will continue to prioritize the monitoring of these shootings and the investigations while working remotely – attending officer statements and reviewing BWC footage. As the city government transitions out of the Shelter in Place Mandate, the OIPM will continue to monitor these investigations and remain on call for any critical incident that may arise.

During this time, the health and safety of our community, the public and the officers, is our first priority and we will continue to serve everyone by ensuring all police interactions are both necessary and safe. The OIPM will continue to serve our community through monitoring, complaint intake, mediation, and policy recommendations. Please follow all public health mandates and we look forward to continuing our work for the people of New Orleans.

Sincerely,  
Susan Huston

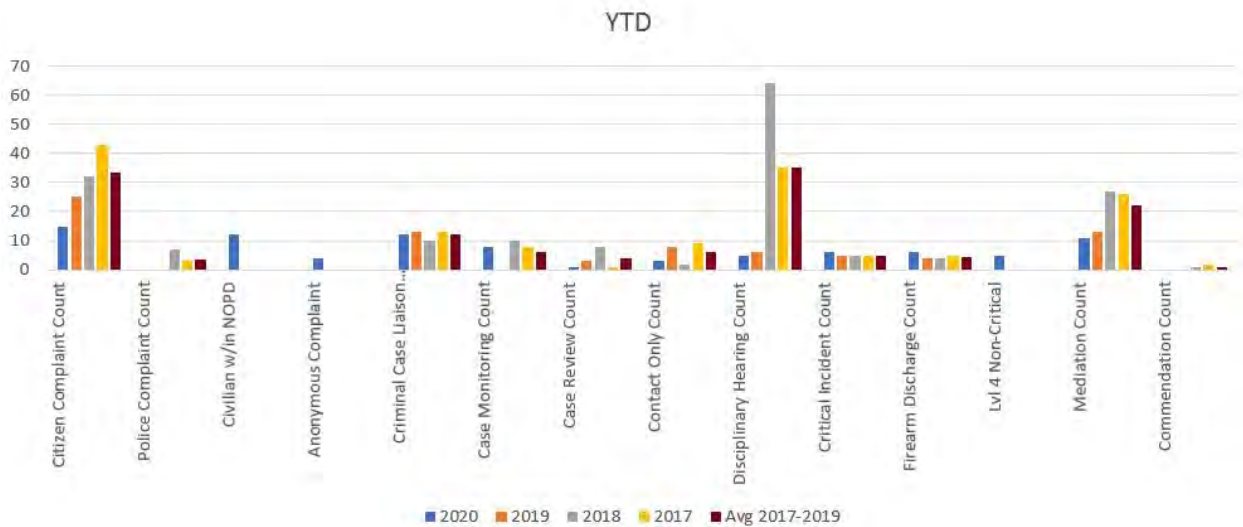
# April Overview



	Apr 2020	Apr 2019	Apr 2018	Apr 2017	Avg 2017-2019
Citizen Complaint Count	5	3	3	3	3.00
Police Complaint Count	0	0	0	1	0.33
Civilian w/in NOPD*	0	-	-	-	-
Anonymous Complaint*	6	-	-	-	-
Criminal Case Liaison Count	1	2	-	-	-
Case Monitoring Count	1	0	2	0	0.67
Case Review Count	0	2	1	0	1.00
Contact Only Count	3	2	0	0	0.67
Disciplinary Hearing Count	0	0	23	0	7.67
Critical Incident Count	2	1	2	0	1.00
Firearm Discharge Count	3	1	0	0	0.33
Lvl 4 Non-Critical*	2	-	-	-	-
Mediation Count	4	5	5	3	4.33
Commendation Count	0	0	-	-	0.00
<b>Grand Total</b>	<b>27</b>	<b>16</b>	<b>36</b>	<b>7</b>	<b>14.33</b>

\*indicates a new category

# Year to Date Overview



	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	15	25	32	43	33.33
Police Complaint Count	0	0	7	3	3.33
Civilian w/in NOPD*	12	-	-	-	-
Anonymous Complaint*	8	-	-	-	-
Criminal Case Liaison Count	12	13	10	13	12.00
Case Monitoring Count	8	0	10	8	6.00
Case Review Count	1	3	8	1	4.00
Contact Only Count	3	8	2	9	6.33
Disciplinary Hearing Count	5	6	64	35	35.00
Critical Incident Count	6	5	5	5	5.00
Firearm Discharge Count	6	4	4	5	4.33
Lvl 4 Non-Critical*	5	-	-	-	-
Mediation Count	11	13	27	26	22.00
Commendation Count	0	0	1	2	1.00
<b>Grand Total</b>	<b>88</b>	<b>77</b>	<b>170</b>	<b>150</b>	<b>132.33</b>

\*indicates a new category

# April Overview

Mediation	
Mediation cases are confidential.	
Mediations Held: 3	

Level 4 Non-Critical Use of Force	
UF2020-0004	The officer was escorting an individual with a mental health crisis in handcuffs. The individual places his mouth on the officer's arm and the officer pushed the individual with an open hand. No injuries were reported.
UF2020-0005	The reserve officer stated he observed two (2) suspicious subjects at a residential location. The officer fired one (1) round in to the ground.
Level 4 Non-Critical Use of Force: 2	

Firearm Discharge	
FD2020-0004	Same as CI2020-0005
FD2020-0005	Same as CI2020-0006
FD2020-0006	Same as UF2020-0005
Firearm Discharge Count: 3	

Contact Only	
CO2020-0009	Individual spoke to OIPM regarding her experience of stopping at a NOPD informational checkpoint and the officer not wearing PPE and leaning into her car.
CO2020-0010	Individual reached out to OIPM to discuss a NOPD checkpoint on St. Charles and State.
CO2020-0011	OIPM reached out to NOPD leadership on behalf of an individual seeking information regarding the training academy.
Contact Only Count: 3	

# April Overview

Critical Incident	
CI2020-0005	Officers responded to a call for service for subjects pulling on door handles. When officers attempted to make contact with subjects, the subjects fired shots at the officers & the officers returned fire. Two officers and one perpetrator were struck. One perpetrator was arrested and the other is still at large.
CI2020-0006	Officers were conducting a wanted subject check at the location. Upon entry, the officers made contact with the wanted subject. He fired shots at the officers and the officers returned fire. One officer was struck and transported to an area hospital. The wanted subject was taken into custody without further incident.
Critical Incident Count: 2	

Citizen Complaints	
CC2020-0013	Complainant alleges that the officer accosted him and threatened to arrest him for wearing a protective mask while the complainant was delivering meals to residents.
CC2020-0014	Complainant states that she has been trying to retrieve her firearm from NOPD evidence since July 15, 2019 and they continue to give her "the run around."
CC2020-0015	Complainant alleged NOPD did not thoroughly investigate her complaint of simple battery. The complainant also alleges the officer was rude in his communication with the complainant.
CC2020-0018	The complainant alleges that a member of her family was sexually
CC2020-0019	The complainant alleges that three NOPD officers conducted an illegal stop which led to the search of his vehicle and a summons for possession of marijuana when the officer found a small amount of marijuana.
Citizen Complaints Count: 5	

# April Overview

Criminal Liasion	
CL2020-0019	Individual reached out to OIPM for assistance with getting information regarding a recent experience with NOPD and two other law enforcement agencies.
Criminal Liasion Count: 1	

Case Monitoring	
CM2020-0008	Complainant reached out to OIPM for a status update regarding the 6th District investigation of his allegation of misconduct.
Case Monitoring Count: 1	

Anonymous Complaint	
CC2020-0013	According to the complainant, the NOPD officers are rude to individuals experiencing housing instability in the CBD during the Shelter in Place Public Health mandate.
CC2020-0014	Complainant alleges a police officer engaged in a sexual relationship with members of his family which began while on duty and his communications and actions after the incident violated NOPD policy.
CC2020-0015	Complainant stated she witnessed the NOPD surround, stop, and search a young black male for rolling a blunt. The complainant also stated that none of the officers had on any PPE.
CC2020-0018	An anonymous complainant alleges an officer violated Chief Ferguson's order to reduce arrests by arresting an individual for possession of a small amount of marijuana instead of issuing a summons. It is unknown if the officer was wearing PPE at the time of
CC2020-0019	An anonymous complainant alleges an officer violated Chief Ferguson's order to reduce arrests by arresting an individual for misdemeanor warrant (the individual received a ROR from court). It is unknown if the officer was wearing PPE at the time of the interaction.
AC2020-0010	An anonymous complainant alleges an officer violated Chief Ferguson's order to reduce arrests by arresting an individual for misdemeanor warrant (the individual received a ROR from court). The arrested individual has extensive health risks and resides with an elderly grandmother. The anonymous complainant alleged this arrest put both at unnecessary risk. It is unknown if the officer was wearing PPE at the time of the interaction.
Anonymous Complaint Count: 6	

# Complaints and Discipline

The 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.

**5**

**CITIZEN  
COMPLAINTS**

**0**

**DISCIPLINARY  
PROCEEDINGS**

**0**

**POLICE INITIATED  
COMPLAINTS**

**6**

**ANONYMOUS  
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.

## 3

REFERRALS  
FOR  
MEDIATION

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



## 4

MEDIATIONS  
HELD

“ 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

## 3

MEDIATIONS  
PENDING

# Use of Force

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.

**2**

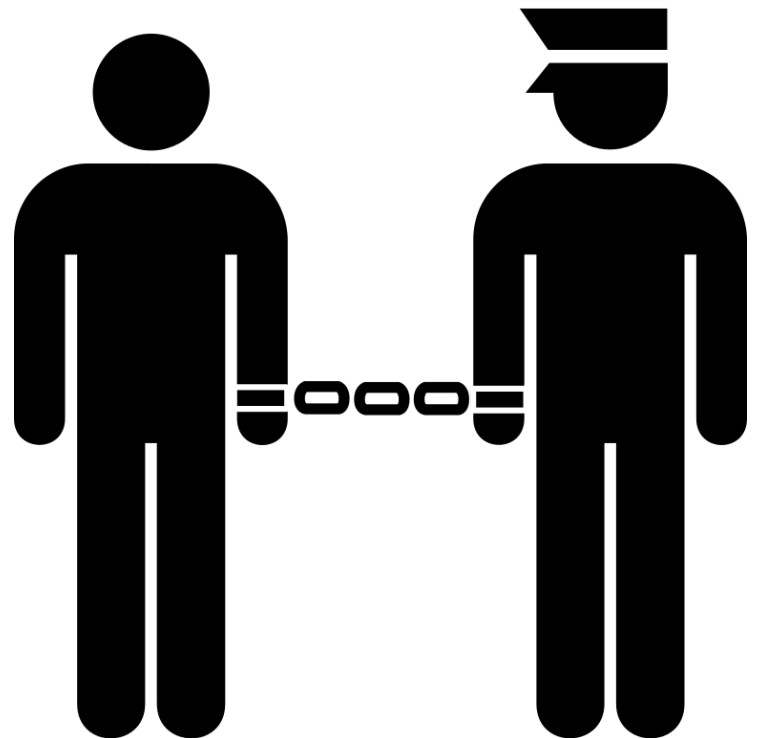
**CRITICAL  
INCIDENTS**

**3**

**FIREARM  
DISCHARGES**

**2**

**LEVEL 4  
NON-CRITICAL  
INCIDENT**



# Community Relations

OIPM participates in community events to help extend the message of the 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.

## **Louisiana Fair Housing Action Center Tenant Rights Webinar**

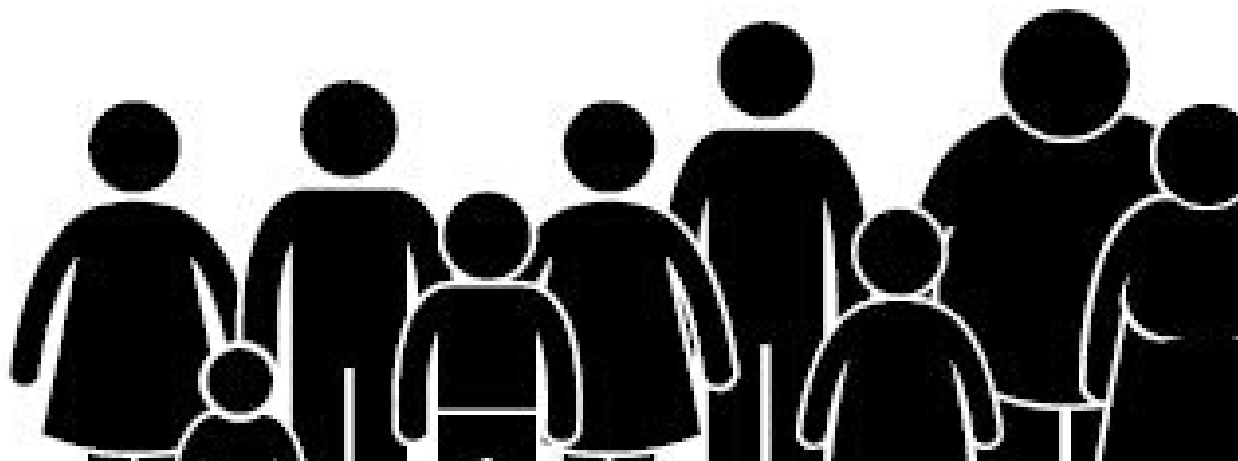
The OIPM participated in a webinar regarding tenant rights in landlord tenant disputes and illegal eviction during Covid19. We discussed the role of OIPM and how to provide feedback regarding police interactions with tenants – good or bad – to our office and how to file a complaint if needed.

## **Louisiana Fair Housing Action Center Landlord Informational Webinar**

The OIPM participated in a webinar regarding landlord laws and obligations in Louisiana particularly during Covid19. We discussed the role of OIPM and how we monitor police involvement in housing disputes to ensure it is consistent with policy. We also explained how to report police misconduct to our office.

## **The Advocate OpEd regarding Arrest Reduction During the Pandemic**

Independent Police Monitor Susan Hutson co-wrote an OpEd / Letter to the Editor for The Advocate regarding the necessity of reducing arrests during the pandemic in order to slow the rate of exposure for officers and public.



# **Monthly Report of Ethics Trainer**

No report received.

**Item 1**

# **2019 Annual Report**

**Derry Harper, CIG, Esq.**  
**Inspector General**



Derry Harper Esq., CIG  
Inspector General

March 31, 2020

Dear Members of the New Orleans Ethics Review Board:

Pursuant to New Orleans Home Rule Charter and applicable ordinances, the Office of Inspector General (OIG) is privileged to submit its 2019 Annual Report. The Annual Report summarizes the full scope of work and other activities engaged in by the OIG during the previous calendar year.

The Annual Report highlights the professionalism, dedication, and the quality of the reports prepared by the OIG staff. In addition, the Report demonstrates the OIG's achievement in fulfilling our statutory responsibilities including the assessment of risks across the various city agencies. Highlights from the Report include a calculation of potential savings realized by City government based upon findings and recommendations in the audits, evaluations and investigation reports issued in 2019.

I am also pleased to point out that in 2019 OIG staff acquired and maintained various professional certifications which enhance performance and contribute to achieving our mission and objectives. The certifications include: Certified Fraud Examiner, Certified Forensics Computer Examiner, Certified Inspector General Investigator, and the Certified Public Accountant.

Thank you for your support and the work that you do. I also extend our sincere appreciation to the city agencies, boards and commissions, and other external stakeholders that support our efforts.

Respectfully,

Derry Harper, CIG, Esq.  
Inspector General

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# Inspector General's Message

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As I write this, Louisiana Governor John Bel Edwards is holding a press conference updating the citizens of New Orleans and the State on the latest developments in the battle against the Coronavirus (COVID-19). At this time the City of New Orleans has suffered the highest number of confirmed cases and deaths in Louisiana and the second highest per capita confirmed COVID-19 cases nationwide. Orleans Parish is under a voluntary stay-at-home order and social distancing is strongly encouraged. Many City employees, including the Office of Inspector General (OIG) staff, and myself, are following this guidance and are working from home.

To some the release of this report may be criticized as an ill-timed self-congratulatory act, or even worse, an inappropriate exaggeration of the Office's value. Any such criticism would be unwarranted. The New Orleans Inspector General Act requires the OIG to publish an annual report summarizing its activities from the preceding year. Doing so promotes transparency and is necessary to demonstrate accountability in achieving our mission.

The 2019 Annual Report, released in the midst of a crisis the likes of which I have not seen in my lifetime, is indicative of why essential functions performed by the OIG must continue in order to assure New Orleanians we, as public servants, remain focused on doing our job. In addition, it is my hope this routine act of normalcy will raise awareness, not only of our accomplishments last year, but demonstrate the OIG's commitment to doing our job the very best we can, no matter the circumstances. We can do no less in the midst of this crisis as so many other City employees, like first responders and health care workers, are literally putting at risk their health and wellbeing every time they report to work.

The creation of the OIG was one response by the residents of this community to the devastation of Hurricane Katrina. In the aftermath of that crisis, local governmental and private sector leaders insisted something be done to ensure government met its heavy burden to protect the lives and wellbeing of the residents of this community free from a pervasive environment of corruption and fraud. Good government, they concluded, required an entity dedicated to preserving the public trust and effectively respond to allegations to waste and abuse.

The OIG is dedicated to doing just that. Because most OIG activities are conducted outside of public view, it is appropriate to inform the community we are here today, just like we were last year, doing our job. The 2019 Annual Report describes audit, evaluation, and investigation projects that advanced our mission. In several instances, we estimate the economic impact of these reports, as determined by the dollar value of identified questioned costs, and/or the potential savings that would result, if government entities accepted OIG findings and implemented our recommendations for corrective actions.

In 2019, we filled key vacancies in the OIG Executive Team with the addition of Larry Douglas, First Assistant Inspector General for Audit and Evaluations. Patrice Harris Sullivan, First Assistant Inspector General for Legal Affairs, and Ed Michel, First Assistant Inspector General for Investigations. A brief professional biography for both Ms. Sullivan and Mr. Michel can be found on Page seven. These individuals, both individually and collectively, bring a wealth of knowledge and professional experience to the OIG.

Our job in 2020, just as it was in 2019, and for years to come, is to do our very best in the performance of each and every task. We constantly strive to get better at everything we do by working harder, obtaining specialized training and credentials, and actively participating in national organizations such as the Association of Inspectors General, all of which must be accomplished while maintaining a steadfast commitment to integrity, fairness, and professional standards.

I am confident the people of New Orleans, as they have in the past, will overcome the current coronavirus health crisis with the same courage, perseverance, and resiliency as the world saw on full display after Hurricane Katrina. As citizens of this community, the OIG is privileged to contribute to this effort by continuing to identify and prevent fraud, waste and abuse. That is our mission. That is who we are and what we do.

# OIG Mission and Vision

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## Mission

The OIG mission is to promote accountability, integrity, and efficiency in city government operations by preventing and detecting fraud, waste, and abuse. We do so by conducting audits, inspections, evaluations, and investigations. We provide our reports, findings, and recommendations to the public, the Ethics Review Board, the City Council, and other interested parties. Additionally, the OIG routinely refers fraud or misconduct allegations that may be criminal in nature to the appropriate federal, state, or local law enforcement agencies, and in many instances, assists in the investigation of the matters.

The OIG, as established in 2007 by City Ordinance, created a unique structural and operational framework to provide autonomy and independence from the City's Executive and Legislative branches while encouraging working cooperatively with the other government branches. The Ethics Review Board (ERB) is responsible for the appointment of the Inspector General to a four-year term but has no authority over OIG operations, including the selection and execution of audits, evaluations, inspections, and investigations. However, the ERB does serve the critical function of providing oversight by meeting regularly to review OIG reports and activities. This organizational structure was designed to provide the public with reasonable assurance all OIG activities are conducted in an objective and independent manner

## Vision

Our vision is to preserve the public trust. These four words embody who we are and reinforce our commitment to the citizens of New Orleans and to the community as a whole. To fulfill this vision, all activities and reports issued by the OIG meet the highest professional and ethical standards. For more than a decade, the OIG's prime objective was to demonstrate we were worthy of the trust placed in us by the people of this community. To earn this trust in the future, we must strive every day to achieve excellence in the performance of all of our duties and at all times do so with a steadfast commitment to integrity and accountability. By fulfilling this pledge, the OIG will continue to have a positive impact in the lives of the people we serve and preserve the bond of trust that is the foundation of achieving our vision and mission.

## **Completion of the Executive Team**

During the 2019 calendar year, Inspector General Harper continued his quest to recruit two top-notched candidates to complete his Executive Team. In addition to the earlier hiring of Mr. Larry Douglas, First Assistant Inspector General of Audit and Evaluations, he hired these career professionals with impeccable credentials.

### **Patrice Harris Sullivan, First Assistant Inspector General for Legal Affairs & General Counsel**



Ms. Sullivan began with the New Orleans OIG in April 2019, after a 32-year career as an Assistant United States Attorney in the Eastern District of Louisiana, and a clerkship with Federal Judge Lansing Mitchell. She was Deputy Criminal Chief and Criminal Chief at the United States Attorney's Office from November 2015, until September 2018, and was the Health Care Fraud Coordinator since 1997, proactively identifying and prosecuting health care fraud, including many multi-week trials. From 1987 through 1997, Ms. Sullivan focused on financial institution recovery cases. Ms. Sullivan taught at the United States Attorney General's Advocacy Institute, acted as an EEO investigator, and frequently presented for the American Bar Association and the Louisiana State Bar Association. She received several awards including the United States Attorney General's Award for Fraud Prevention and the United States Department of Health and Human Services, Inspector General's Integrity and Cooperative Achievement Awards.

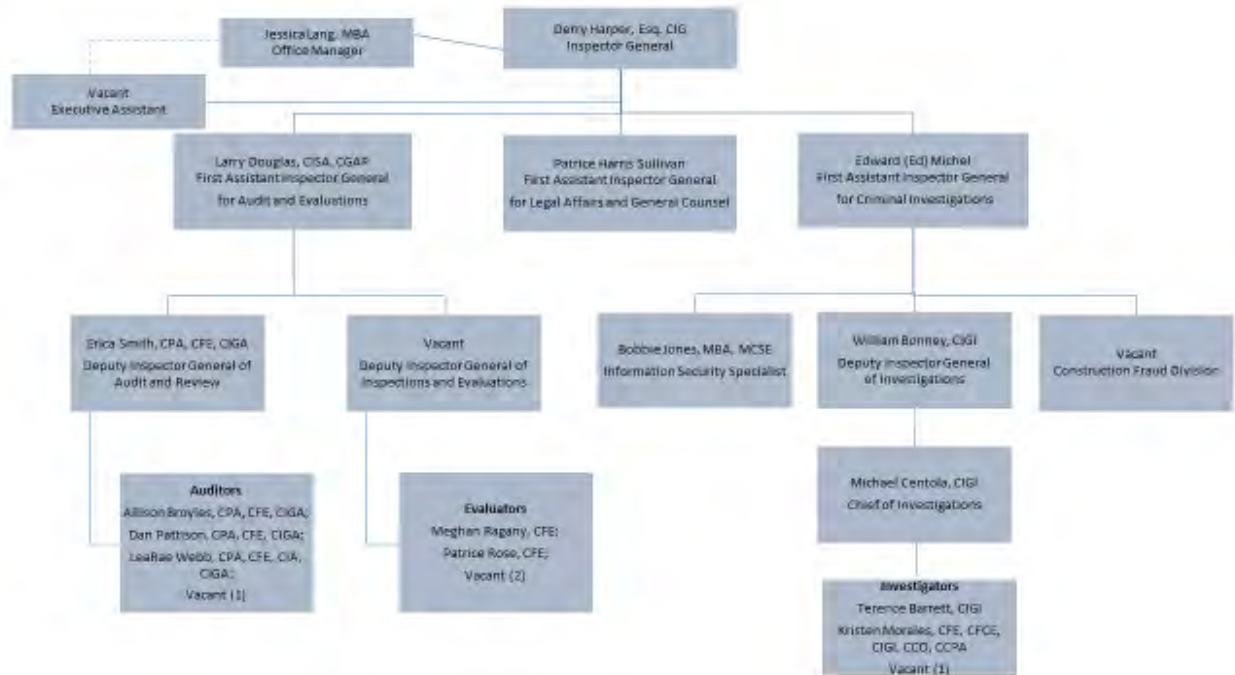
### **Edward Michel, First Assistant Inspector General for Criminal Investigations**



Edward Michel was an FBI Special Agent specializing in public corruption investigations which resulted in the convictions of numerous public officials. He also served as the Unit Chief of the Foreign Terrorist Tracking Task Force and Special Assistant to the Assistant Director. He created an Internal Control Standard and National Training Agenda to protect the integrity of Indian Gaming, a \$28 billion dollar a year industry. Mr. Michel also served as an Assistant Special Agent in Charge where he mitigated significant threats abroad and in the United States. He was a Media Spokesperson and led the Community Outreach and Diversity Inclusion Programs. Mr. Michel currently leads Criminal Investigations as well as Information Technology efforts for the OIG. Mr. Michel attended Tulane University where he received a Masters of Professional Studies. Mr. Michel received the Integrity Award for his pursuit of fraud, waste, and abuse and the Spirit of Courage Award from the NAACP.

# OIG Organizational Chart

(as of March 31, 2020)



## **Public Outreach and Presentations**

In 2019, Inspector General Derry Harper responded to several invitations from various civic organizations to make presentations about his vision for the Office of Inspector General. In addition, Inspector General Harper responded to requests for comments from numerous local media outlets requests about the audit and evaluation reports issued during the year.

### **International Legislative Drafting Institute Tulane University School of Law**

For the second time in as many years Inspector General Harper was asked to make a presentation at Tulane University School of Law's International Legislative Drafting which was celebrating its 25<sup>th</sup> year anniversary.

IG Harper shared the podium with Susan Hutson, the City of New Orleans Independent Police Monitor, for a presentation about their respective Offices to a record number of participants coming from Albania, Ghana, India, Kenya, Singapore, Sri Lanka, Uzbekistan, who were attending the Institute which provides training on the technical aspects of legislative drafting.

### **WBOK Radio**

Inspector General Harper appeared several times in response to interview requests from the local AM radio station WBOK (pictured with Oliver Thomas, morning talk show host) the only minority owned news and talk station in New Orleans. IG Harper discussed, among other things, the OIG findings and recommendations in audit reports related to the Sewerage & Water Board, the Audubon Commission/Audubon Institute and the report issued by the Evaluations Division which identified numerous operational deficiencies in the NOLA Traffic Cameral Safety program.



In addition, IG Harper responded to requests for interview from local print and broadcast outlets about several reports issued during 2019.

## **Media Inquiries**

### **WVUE FOX 8**

#### **“OIG questions whether Audubon Nature Institute used public funds for parties and Saints tailgating”**

<https://www.fox8live.com/2019/12/18/oig-questions-whether-audubon-nature-institute-used-public-funds-parties-saints-tailgating/>

#### **Major issues in New Orleans’ traffic camera program revealed in a new report, city responds**

<https://www.fox8live.com/2020/01/30/over-k-owed-refunds-management-issues-traffic-camera-program-issues-revealed-new-report/https://>

### **NEW ORLEANS ADVOCATE**

#### **Past New Orleans S&WB management dictated what auditors should — and shouldn't — investigate, report says**

[www.nola.com/news/article\\_ef9d6a08-bef1-11e9-a1c2-f37a504d6592.html](http://www.nola.com/news/article_ef9d6a08-bef1-11e9-a1c2-f37a504d6592.html)



## Report: New Orleans collected \$730,000+ in traffic camera ticket overpayments

<https://www.wdsu.com/article/report-new-orleans-collected-more-than-dollar730000-in-overpayments-on-traffic-camera-tickets/30720906#>

### **Professional Development**

The following professional development activities were conducted to enhance and further promote the New Orleans OIG's mission and purpose:

- Deputy Inspector General (DIG) for Audit and Review Erica Smith, participated on a peer review team for the Miami-Dade Office of the Inspector General's triennial Quality Assurance Review. She also conducted presentations at the Association of Inspectors General (AIG) trainings in March and August 2019.
- DIG William Bonney and Chief Michael Centola, both from the Investigations Division, and DIG Erica Smith, presented a Case Study: Theft of Brass Fittings Discovered - Conducting Parallel Criminal and Administrative Investigations at the 2019 AIG Training Conference.
- Investigator Kristen Morales was awarded the Certified Forensic Computer Examiner (CFCE). With this valuable certification, Investigator Morales is able to explain the forensic process from beginning to end and is reason enough to be allowed as an expert witness in any court of law. This credential is a sought after and industry-recognized certification requiring hours of dedication, peer review, and examinations.
- All OIG staff members completed their annual Code of Governmental Ethics training mandated by the Louisiana Board of Ethics Administration.

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## **Audit and Review Division**

The Audit and Review Division is responsible for conducting financial, compliance, and operational audits of City agencies and component entities. Collectively, those entities own approximately \$7.8 billion in assets and generate over \$1.6 billion in program revenues.

During the 2019 calendar year and under the direction of the newly appointed leader, the division worked in concert with the Inspections and Evaluation Division and completed the risk assessment framework and methodology. It was the first time since 2011 the OIG conducted a citywide risk assessment. The results of the Systemwide risk assessment identified entities with the highest risk and the most significant impact on the public.

The 2020 Audit Work Plan was completed in late August and is based upon the results of the System-wide risk assessment methodology. A major objective of the Work Plan is to communicate OIG priorities and strategies to the public, the Mayor, the City Council, the Ethics Review Board, and all interested parties.

While conducting and completing the Systemwide risk assessment and the annual work plan, the Audit and Review division finalized and released the following reports:

- Sewerage and Water Board – Internal Audit Performance Audit<sup>1</sup>  
<http://www.nolaoig.gov/reports/all-reports/s-wbno-internal-audit-department-performance-audit>
- Department of Public Works – Catch Basin Cleaning Project  
<http://www.nolaoig.gov/reports/all-reports/dpw-emergency-catch-basin-cleaning-project-performance-audit>
- Audubon Commission and Audubon Nature Institute – Purchase Cards and Expense Reimbursements  
<http://www.nolaoig.gov/reports/all-reports/audubon-commission-and-audubon-nature-institute-purchase-cards-and-expense-reimbursements-audit>

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<sup>1</sup> Although the S&WB Performance audit did not specifically identify cost savings, it provided a significant intangible benefit to executive management and the public because it demonstrated the need to create a functioning Internal Audit department to ensure effective and efficient operations. Moreover, the recommendations allow the S&WB to reestablish an Internal Audit Department help for the S&WB to help themselves. A properly functioning internal audit department can detect issues before they become significant problems that adversely impact S&WB operations and ultimately the public.

The Audit Division is comprised of well-credentialed professionals with over 70 years of combined audit experience. These professional credentials include: Certified Public Accountant (CPA), Certified Fraud Examiner (CFE), Certified Government Auditing Professional (CGAP), Certified Inspector General Auditor (CIGA), Certified Information Systems Auditor (CISA), and Certified Internal Auditor (CIA).

## **Inspections and Evaluations Division**

The Inspections and Evaluations Division (I&E) initiates and performs inspections, evaluations, and performance reviews within the jurisdiction of the OIG and in accordance with the Principles and Standards for Offices of Inspector General. Upon the hiring of Mr. Douglas as the new First Assistant Inspector General to manage both Audit and Review and Inspections and Evaluations Divisions, the I&E staff (Evaluators) equally assisted in the completion of the risk assessment framework and methodology. Further, the evaluators conducted extensive research and provided consultative advice to varying external stakeholders to promote efficiency and accountability within city government.

The I&E staff embraced this leadership transition as an opportunity to forge ahead and overhaul its working processes and procedures. The division continues to evaluate its approach to planning and executing projects based on specific training and best practices shared among industry and professional groups, as well as the experiences shared among employees from the past decade.

Despite the limited staffing, the evaluators worked diligently to complete the following project:

- Management and Operations of the Traffic Camera Safety Program <sup>2</sup>  
<http://www.nola.oig.gov/reports/all-reports/traffic-camera-safety-program-report>

In addition to being licensed attorneys with the State of Louisiana, the two evaluators are each credentialed as a Certified Fraud Examiner (CFE). The collective number of staff in both divisions holding this specific certification demonstrates the OIG's commitment to the prevention and detection of fraud, waste, and abuse within the City of New Orleans.

In 2019, the OIG identified approximately \$1,487,169 in project savings and/or questioned costs<sup>3</sup>

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<sup>2</sup> The evaluation work and initial report were completed as of December 2019. The citywide cyberattack delayed coordination with city officials to finalize and release the report on January 30, 2020.

<sup>3</sup> The \$1,487,169 total of the OIG projected savings/questioned costs was calculated as follows:

- \$744,696 – PELP costs identified from the Audubon Purchase Cards and Expense audit;
- \$730,000 – Collections retained as unclaimed property from the Traffic Camera Safety evaluation; and
- \$12,473 - Costs avoided in paid overtime to SWB employees from the administrative investigation

## **Investigations Division**

The OIG Investigations Division identifies, assesses and mitigates fraud, waste, and abuse associated within City departments, agencies, boards and commissions, including providers of City services. Individuals intent upon engaging in fraudulent activities are constantly evolving their tradecraft and frequently utilize technological advancements to facilitate illegal or unethical behavior. Through advanced training of OIG Investigation Division staff, the OIG was diligent in utilizing existing and emerging techniques to ensure operational integrity in New Orleans City Government. In 2019, the Investigations Division incorporated intelligence and bulk data analysis to become more agile in how fraud, waste, and abuse is identified and eliminated.

In 2019, the OIG Investigations Division investigated 32 complaints. Twelve complaints remain open and 27 have been closed. The Investigations Division also processed 56 complaints consisting of matters outside the jurisdiction of the New Orleans OIG, 30 of which were OIG Hotline complaints. By the end of 2019, the OIG had 21 active investigations.

2019 Administrative Actions		
Suspensions	Resignations	Admonishments/ Reprimands
14	1	3

2019 Criminal Actions			
Subjects Arrested	Indictments/Bill of Information	Convictions	Sentencings
2	2	4	3

2019 Complaints Investigated			
Criminal Complaints	Administrative Complaints	Ethical Violations	Other
7	21	1	3

2019 Investigations Initiated	
Criminal Complaints	Administrative
4	7

## **Noteworthy Cases**

In times of increasing threats and limited resources, the OIG will continue to build vibrant partnerships with local, state, and federal regulatory and law enforcement agencies to spot, assess and mitigate the threats our citizens face in an efficient and effective manner.

### **Criminal prosecutions:**

1. Former cultural ambassador and Jazz trumpeter Irvin Mayfield was indicted on December 14, 2017, and made his initial appearance on January 4, 2018. Mayfield was criminally charged with using his position as a New Orleans Library Foundation leader to funnel money to his jazz orchestra and another nonprofit bank account he controlled. He also spent \$15,000 in library donations to buy a gold-plated trumpet and spent \$23,000 at Saks Fifth Avenue and \$2,000 at Harrah's Casino. Mayfield is scheduled for trial in summer 2020.
2. The OIG received a request from the New Orleans District Attorney's office to assist in obtaining and reviewing videotape recorded on April 27, 2017, obtained from murdered United Cab taxicab driver, Ahsan Khan Ali, better known as Ali Khan. The OIG was knowledgeable about the video equipment found in New Orleans taxicabs, since the City mandated that taxi drivers install security cameras, video recording equipment, and GPS systems in their vehicles. OIG Investigator Kristen Morales, downloaded the video and, using special skills for which she was credentialed, identified a second suspect who was previously unknown. On January 31, 2019, an Orleans Parish grand jury returned an indictment charging Tyrone Jones, 25, with the robbery and shooting death in 2017 Ali Khan.
3. On April 2, 2019, Tonnette "Toni" Rice, the former leader of a New Orleans Multi-Cultural Tourism Marketing Network pleaded guilty to misdemeanor theft and was ordered to pay more than \$70,000 in restitution to the nonprofit group. The OIG's investigation found that between August 7, 2015, and March 16, 2017, while Rice was president of the nonprofit, she "misappropriated in excess of \$70,000" from the nonprofit for her personal benefit.
4. On October 29, 2019, Kevin Richardson pleaded guilty to one count of violating Title 18, United States Code, Sections 1952(a)(3) and 2, aiding and abetting the use of an interstate facility with intent to carry on unlawful activity. Richardson was employed as a building inspector for the City of New Orleans and utilized the internet to facilitate the crime of bribery. He solicited and accepted bribe money from individuals seeking favorable inspection reports and certificates of completion for properties that did not comply with the city and state building codes and for uninspected properties. He also paid bribe money to a City of New Orleans permit analyst for the issuance of permits without proper documentation and plan review.

5. On July 25, 2019, a former Sewerage and Water Board employee charged with theft of brass components pleaded guilty and was sentenced to 120 days at Orleans Parish Prison.
6. In coordination with federal authorities the Criminal Investigations Division obtained City emails for City of New Orleans employee Pascal Calogero, III. On September 26, 2018, Calogero was charged in a one-count Bill of Information with conspiracy to commit sex trafficking of a minor, in violation of 18 U.S.C. 1594(c). On February 6, 2019, Calogero pleaded guilty to this charge. On August 7, 2019, he was sentenced to 121 months imprisonment, five (5) years of supervised release, a \$5,100 special assessment fee, and restitution to the victim. Additionally, Calogero was required to register as a sex offender.

## **Administrative Investigations**

- In October 2019, the OIG asked the Safety & Permit department to review GPS vehicle logs to determine if their employees were using city owned vehicles to conduct personal business. The department responded by reviewing the logs and suspending 11 employees for failing to work for the full time periods for which they were paid. Only one of the 11 employees contested his suspension.
- On September, 18, 2019, the OIG published the results of an investigation concerning the use of compensatory time within the Department of Health. The OIG determined that two Department of Health employees violated the terms of CAO Policy Memorandum No. 14, Prohibition Against Use of Compensatory-Time, which prohibits City employees whose job classification is not included in the Executive, Administrative and Professional Pay Policy from earning compensatory time off in lieu of overtime payment.
- On October, 18, 2019, the OIG published a Follow-up report regarding the Hot Mix Asphalt contract. The OIG recommended that the City consider the transportation costs that it will incur to haul large amounts of Hot Mix Asphalt in future procurements. The OIG also found that the City could reduce the unexpected costs and the product quality issues associated with transporting 6,000 tons of Hot Mix Asphalt by inverting the terms of the present contract to specify that the contractor furnish and haul the 6,000 tons of Hot Mix Asphalt while the City retrieves and transports only 1,000 tons.
- On November 04, 2019, the OIG published a Report of Investigation concerning an allegation that Health Department employee Mara Hahn personally benefited from the submission of a \$4,000 invoice dated May 26, 2017. The OIG determined that Hahn may have violated La. R.S. 42:1112, Participation in Certain Transactions Involving the

Governmental Entity by purchasing food for the Hollygrove Family Festival and arranging with the Conrad Park Booster Club (CPBC) to be reimbursed once the CPBC received payment from the City.

- On November 26, 2019, the OIG issued a Report of Investigation to the Coroner's Office concerning a former employee accepting monetary compensation from one or more forensic psychiatrists employed by the Coroner's Office in exchange for handling their after-hours and weekend mental health related duty calls, known as Orders of Protective Custody.

In 2020 and throughout, we will utilize the extensive experience held by our investigators as we also continue to improve our workforce development and the recruitment of future personnel. An educated public is a safe public and as such we will develop and highlight interactions with city employees and Stakeholders to inform them of the potential indicators to fraud.

The Investigations Division will also provide a mechanism where everyone can report these possible violations in a format which is respectful to their privacy while enabling the OIG to receive relevant information in a timely manner. These interactions will ultimately ensure the limited resources of the City of New Orleans are being utilized in a most ethical, effective and efficient manner, facilitating good stewardship of revenue provided to New Orleans.

## **Construction Fraud Unit**

The overall mission of the Office of Inspector General, Construction Fraud Division (OIG-CFD) was to deter and detect fraud, waste, and abuse as it related to the design and construction projects at Louis Armstrong New Orleans International Airport (LANOIA). From 2013, until the completion of the airport in 2019, focus was centered on the construction of the new \$1billion dollar North Terminal Project (NTP).



Through a Memorandum and agreement between the Office of Inspector General (OIG) and the New Orleans Aviation Board (NOAB), the OIG-CFD was embedded at the airport and funded by the NOAB. The CFD served as an early warning system designed to deter fraud, waste, and abuse. The OIG-CFD implemented a full fraud detection and prevention program that acted as a central hub for the public, airport employees, contractors, and vendors to report fraud. Since its inception, the CFD reviewed over 920 invoices valued at approximately \$960 million. On Wednesday, Nov. 6, 2019, the new terminal at Louis Armstrong New Orleans International Airport (MSY) opened to the public.

The following photographs were taken December 16, 2019





**New Orleans Office of Inspector General**

**525 St. Charles Street, Suite 300**

**New Orleans, LA 70130**

**Distribution**

**Ethics Review Board**

Joe Ricks, Jr., Ph.D., Chair

Howard Rodgers III, Vice Chair

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**Office of the Mayor**

LaToya Cantrell

**Chief Administrative Officer**

Gilbert Montaña

**Item 2**

**EXTERNAL PEER REVIEW**  
**MEMORANDUM OF UNDERSTANDING (MOU) REGARDING**  
**THE NEW ORLEANS OFFICE OF THE INDEPENDENT POLICE MONITOR**

**I. PURPOSE**

The purpose of this MOU is to ensure a mutual understanding Between the National Association for Civilian Oversight Of Law Enforcement (NACOLE), Review Team Russell Bloom and Nicholas Mitchell (Review Team), the Ethics Review Board for the City of New Orleans (ERB), and the New Orleans Office of the Independent Police Monitor (OIPM) regarding the external peer review of the OIPM and to establish the terms and conditions of the review.

**II. AUTHORITY**

The parties enter into this MOU pursuant to the authority in Section 9-405 of the Home Rule charter for the city of New Orleans, which provides for independent external evaluation procedures for review of the operations and performance of the Office of Independent Police Monitor.

**III. SCOPE**

The recommended external peer review of an office of law enforcement oversight (OLEO) is designed to assess whether an OLEO's policies, procedures, and written work product comply with NACOLE's *Thirteen Principles for Effective Oversight and Recommendations for Effective Practices* (Principles and Practices) and the reviewed entity's related internal policies and procedures.

The Thirteen Principles include:

1. Independence;
2. Clearly Defined Adequate Jurisdiction and Authority;
3. Unfettered Access to Records and Facilities;
4. Access to Law Enforcement Executives and Internal Affairs Staff;
5. Full Cooperation;
6. Sustained Stakeholder Support;
7. Adequate Funding and Operational Resources;
8. Public Reporting and Transparency;
9. Policy and Patterns in Practice Analysis;
10. Community Outreach;
11. Community Involvement;
12. Confidentiality, Anonymity, and Protection From Retaliation; and
13. Procedural Justice and Legitimacy.

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NACOLE's related Recommendations for Effective Practices include recommendations for:

1. A Complaints Process;
2. Communication With Complainants;
3. Independence;
4. Boards And Commissions;
5. Access to Information;
6. Staffing;
7. Training;
8. Investigations;
9. Auditing;
10. Monitoring;
11. Reviewing Investigations;
12. Data and Policy Analysis;
13. Issuing Recommendations;
14. Reporting and Transparency;
15. Retaliation and Confidentiality;
16. Community Outreach and Inclusion; and
17. Evaluation.

The review will include a review of selected reports, public letters, and other work product issued between January 1, 2017 and December 31, 2019 to assess the work products' compliance with NACOLE's Principles and Practices and the OIPM's internal policies and procedures.

#### **IV. STAFFING OF REVIEW TEAM**

The Review Team is comprised of individuals from NACOLE's national membership who will perform an external peer review of the OIPM. The Review Team members collectively possess the appropriate training and experience to perform the peer review. The Review Team Leader is the point of contact for interactions between OIPM, ERB, and the Review Team, including requests for documents. Review team members and their respective agencies should plan on team members spending approximately five (5) to seven (7) days on the external peer review over a three (3) to four (4) month period.

The Review Team members are:

1. Russell G. Bloom, Independent Police Auditor, Bay Area Rapid Transit Office of the Independent Police Auditor, Oakland, California, (510) 874-7477
2. Nicholas Mitchell, Independent Monitor, Office of the Independent Monitor, Denver, Colorado, (720) 913-3306

The Review Team will meet and select a Team Leader.

#### **V. REVIEW APPROACH**

The NACOLE'S Guide to Conducting Peer Reviews will be used to conduct the review. As set forth in the Guide:

- i. During the review, the Review Team will exercise professional judgment in all

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matters relating to planning, performing, and reporting the results of the external peer review.

- ii. The Review Team will assess the adequacy of the OIPM's internal policies and procedures in relation to the Principles and Practices listed in the Scope section of this MOU;
- iii. The Review Team will select the reports, public letters and other work product it believes are necessary to meet the review objectives;
- iv. The Review Team will evaluate the selected reports' compliance with Principles and Practices listed in the Scope section of this MOU and the OIPM's associated internal policies and procedures.
- v. The Review Team will discuss with the OIPM and ERB in advance, any appropriate changes to the checklist, scope, or methodology of the review.

## **VI. ROLES AND RESPONSIBILITIES**

OIPM agrees to:

- i. Designate an individual to facilitate administrative support and provide the Review Team with the appropriate office space, desks, telephone service, and access to copying facilities;
- ii. Provide the Review Team access to and training on all required information technology (IT) systems, e.g. OIPM intranet, SharePoint, or electronic working paper software, needed to conduct the review;
- iii. Provide the Review Team access to all requested OIPM personnel. Requests for access to personnel will be made by the Review Team Leader to the designated OIPM point of contact;
- iv. Allow Review Team access to all documents, operational manuals, and other files of the OIPM deemed necessary by the Review Team to conduct the external peer review;
- v. Provide the Review Team with appropriate information and training regarding document security requirements at the start of the review;
- vi. E-mail non-sensitive data and files to a designated Review team member, if requested by the Review Team; and
- vii. Retain possession of all storage media used to transfer authorized files to the Review Team's equipment.
- viii. Provide reasonable costs incurred by the peer review team members related to the review, which includes airfare and/or mileage for travel, hotel, and per-diem rates (based on the policies and procedures of the agency under review).
- ix. Provide NACOLE with administrative fees in the amount of \$500/peer review team member, for performing the needed logistical, administrative and project management activities required by the external peer review process.
- x. Provide personnel to conduct an external peer review of another NACOLE member organization within the next five years.

Review Team agrees to:

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- i. Only obtain sensitive OIPM documents by accessing information by means agreed upon with the OIPM (e.g., delivery server);
  - ii. Not accessing the internet, VPN, or any other external systems on OIPM provided laptops;
  - iii. Not print, save, or otherwise transfer any sensitive data to its own equipment unless explicitly authorized by OIPM;
  - iv. Assert that sensitive data, such as Personal Identifiable Information is protected against unauthorized access or use;
  - v. Not duplicate, re-type, etc., any OIPM sensitive information onto Review Team equipment; and
  - vi. Assume responsibility for possession of any OIPM documents it receives, and will safeguard sensitive data, including, but not limited to, complying with all breach reporting, as well as OIPM breach notification procedures.
  - vii. Be willing to conduct the peer review without compensation, except for the provision of reasonable costs incurred by the peer review team members related to the review, which includes airfare and/or mileage for travel, hotel, and per-diem rates (based on the policies and procedures of the agency under review).
  - viii. Sign the final external peer review report on NACOLE letterhead and issue it to the ERC and OIPM head;

NACOLE agrees to:

- i. Perform the overall management of the external peer review, including ensuring that the external peer review complies with this Guide;
- ii. Perform the needed logistical, administrative and project management activities required by the external peer review process;
- iii. Store and maintain the documents created by the Review Team members to support the review's findings, conclusions and recommendations;

## VI. EXTERNAL PEER REVIEW MILESTONES

The OIPM represents that the following is the Review Team's estimated timeline for its review:

Milestone	Date to be Completed
Review Team and OIPM hold entrance conference	[To Be Determined]
Review Team members complete their review, summarize results (findings, conclusions, and recommendations)	[To Be Determined]

Exit Meeting Held	[To Be Determined]
Review Team provides draft report to OIPM	[To Be Determined]
OIPM provides Review Team with written comments on the draft report	[To Be Determined]
Final report delivered to OIPM and New Orleans Ethics Review Board	[To Be Determined]

## **VII. DISPOSITION OF REVIEW DOCUMENTS**

- i. For purposes of this MOU, the term “document” or “documents” means all writings and recorded material in any form or medium including, but not limited to, records, writings, data, information, files, recordings, and communications, either provided to the Review Team by the OIPM or created by the Review Team during its review.
- ii. The OIPM and ERB shall have access to the Review Team’s original supporting documents upon request during the comment period and after the issuance of the final report.
- iii. NACOLE shall maintain all supporting and original documents created and used by the Review Team after issuance of the final report and in accordance with their record retention procedures, or at least until a subsequent peer review of the OIPM is performed.
- iv. The OIPM shall maintain all supporting and original documents used by the Review Team in accordance with their agency record retention procedures and Louisiana state law, but at least until a subsequent peer review of the OIPM is performed.
- v. The NACOLE, Review Team, ERB, and the OIPM agree that public records laws, other legal demands, and third party requests for external peer review documents will be handled in accordance with applicable state law and each entity’s internal policies.

## **VIII. OIPM POINTS OF CONTACT**

Main Contact: Susan Hutson, Independent Police Monitor, Office of the Independent Police Monitor, City of New Orleans, (504) 900-1222.

Alternative Contact: Stella Cziment, Deputy Independent Police Monitor, Office of the Independent Police Monitor, City of New Orleans, (504) 309-9799.

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## IX. SIGNATURES:

The undersigned are in agreement with the conditions contained in this MOU.

NACOLE:

\_\_\_\_\_  
Cameron McIlhenny, NACOLE Director of  
Training and Education

Date \_\_\_\_\_

Office of the Independent Police Monitor:

\_\_\_\_\_  
Susan Hutson, Independent Police Monitor,  
City of New Orleans

Date \_\_\_\_\_

Ethics Review Board of New Orleans:

\_\_\_\_\_  
Dane S. Ciolino, General Counsel, Ethics  
Review Board

Date \_\_\_\_\_

Review Team Member:

\_\_\_\_\_  
Russell G. Bloom, Independent Police  
Auditor, Bay Area Rapid Transit Office of the  
Independent Police Auditor

Date \_\_\_\_\_

Review Team Member:

\_\_\_\_\_  
Nicholas Mitchell, Independent Monitor,  
Office of the Independent Monitor

Date \_\_\_\_\_