



Ethics Review Board for the City of New Orleans

Board Meeting of October 1, 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 A. Brooks.
 - 1.1.2. Elizabeth Livingston de Calderon.
 - 1.1.3. Michael A. Cowan (Chair).
 - 1.1.4. Holly Callia.
 - 1.1.5. Tyrone G. Jefferson, Jr.
 - 1.2. Board members absent:
 - 1.2.1. Monique G. Doucette.
 - 1.2.2. Torin T. Sanders.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. A 3:32 p.m., the Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
 - 1.5. The agenda for the meeting is attached.
2. *Ratification of Prior Written Certification of Emergency Need for Video Conference Meeting.* Pursuant to [State of Louisiana Executive Department Proclamation No. JBE 2020-30 Section 4 \(March 16, 2020\)](#) and subsequent orders and legislation addressing the

COVID-19 state of emergency, 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 September 4, 2020, board meeting.
4. *Introductions.*
 - 4.1. Dr. Cowan noted that this was James Brown's final board meeting. Dr. Cowan thanked him for his service and Mr. Brown departed the meeting.
 - 4.2. Dr. Cowan welcomed Holly Callia to the board as Mr. Brown's replacement for the "UNO" seat. Ms. Callia introduced herself.
 - 4.3. Dr. Cowan welcomed Mr. Jefferson to the board as Dr. Rick's replacement for the "mayor" seat. Mr. Jefferson introduced himself.
 - 4.4. All present board members, staff, OIG staff, and OIPM staff introduced themselves.
5. *Retirement of IG Derry Harper.* Dr. Cowan announced that he had accepted the retirement of Derry Harper effective October 31, 2020. Dr. Cowan thanked Mr. Harper for his service.
6. *Discussion of Monthly Report of the Office of Inspector General.*
 - 6.1. The Office of the Inspector General was represented by IG Derry Harper and Patrice Sullivan. Other OIG staff members were in attendance as well, including Mr. Douglass and Mr. Michel.
 - 6.2. The IG thanked the board for having the opportunity to serve and stated that he was looking forward to his retirement and spending more time with his family.
 - 6.3. Ms. Sullivan reported on the ruling of the Civil Service Commission on the dismissal of former OIG employee Gordy Hyde. The commission found the dismissal of Mr. Hyde to be with cause.
 - 6.4. Mr. Douglass and Mr. Harper discussed the monthly report (attached).
 - 6.5. Mr. Douglass discussed the OIG's annual workplan and noted that the third and final Audubon Institute report was released.
 - 6.6. Mr. Ed. Michel reported on an agreement reached with NOPD to conduct investigations relating to top brass. PIB gets all complaints against NOPD. However, the OIG will assist with investigations for NOPD top brass. NOPD has been transparent and professional.

- 6.6.1. Ms. Calderon clarified that this would not be a significant drain on the office's resources.
- 6.6.2. Ms. Brooks clarified that the source of the complaints would be referrals from PIB.
- 6.7. Mr. Harper noted that the Orleans Parish Sheriff's Office is "high" on the "risk assessment" list and that his office hopes to proceed with some investigations and audits after jurisdictional issues are resolved.
- 7. *Discussion of Monthly Report of the Office of the Independent Police Monitor.*
 - 7.1. IPM Susan Hutson was unavailable. Stella Cziment, Deputy Independent Police Monitor, appeared for the OIPM.
 - 7.2. Ms. Cziment read from and emphasized various portions of the monthly report of the OIPM (attached).
 - 7.3. Ms. Cziment noted that the OIPM provided input on strip search guidelines.
 - 7.4. Dr. Cowan asked about the process for making complaints against NOPD officers. He expressed concern that complaints remain confidential so NOPD insiders will not be reluctant to make complaints.
- 8. *Report of the Ethics Trainer.*
 - 8.1. Ms. Toni Hackett did not attend the board meeting. Mr. Eric Caulfield reported on ethics training.
 - 8.2. Ms. Hackett filed no monthly report.
 - 8.3. Mr. Caulfield noted that an "Ethics Leadership Series" was to launch soon. It will target leaders of various departments.
 - 8.4. Ms. Calderon asked whether the state ethics board permitted online training? Mr. Caulfield did not know.
 - 8.5. Ms. Calderon asked the trainers to share the curriculum for leadership training. Mr. Caulfield agreed to do so. She also asked that those materials be placed on the ERB website.
- 9. *Report of Executive Administrator and General Counsel.*
 - 9.1. Mr. Ciolino reported that no new complaints had been received.
 - 9.2. Mr. Ciolino noted he would reach out to potential search firms to assist with the IG search process. Ms. Calderon discussed the need to amend the City Code of Ordinances to widen the pool of eligible candidates.

- 9.3. Mr. Ciolino discussed the Board's upcoming deadlines and events.
10. *Membership in COGEL.* The board unanimously approved a motion, which was duly seconded, that the City of New Orleans Ethics Review Board become a governmental member of the Council on Governmental Ethics Laws (COGEL). The dues are less than \$500.00/year.
11. *Adjournment.*
- 11.1. A motion was made to adjourn the board meeting. The motion was seconded.
- 11.2. The Board unanimously voted to adjourn.
- 11.3. The meeting was adjourned at 4:58 p.m.

* END *



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

erb@nolaerb.gov

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

BOARD MEETING

Thursday, October 1, 2020

3:30 P.M. – 5:30 P.M.

The board will conduct this meeting via Zoom Video Conference and Telephone Conference

Video Conference Link: <https://loyno.zoom.us/j/5049753263>

Telephone Conference Dial-In Number: 312-626-6799; ID No. 504 975 3263

Certification of Necessity: The board hereby certifies that it is unable to satisfy live-meeting quorum requirements due to the COVID-19 declaration of emergency. *See* [State of Louisiana, Executive Department Proclamation No. JBE 2020-30 § 4](#) (Mar. 16, 2020) (permitting video conference meetings due to gubernatorial declaration of state of emergency); [State of Louisiana, Executive Department Proclamation No. 111 JBE 2020 § 1](#) (August 26, 2020) (providing that “statewide public health emergency is declared to continue to exist”).

AGENDA

1. Ratification of certification of necessity for videoconference/teleconference meeting (Chair).
2. Approval of minutes of previous board meeting (Chair).
3. Report on resignation of IG Derry Harper (Chair).
4. Discussion of monthly report from the Office of Inspector General (Chair).
5. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
6. Discussion of monthly report from the Ethics Trainer (Chair).
7. Report of Executive Administrator and General Counsel (Chair).
8. Discussion of ERB Peer Review.
9. Vote on joining the COUNCIL ON GOVERNMENTAL ETHICS LAWS (COGEL), the leading organization of government ethics bodies and personnel.
10. Adjournment (Chair).

Item 1

HARPER RETIREMENT

Derry Harper <DHarper@nolaoig.gov>

Fri 09/11/2020 12:34 PM

To: Michael Cowan <mcowan@zmail.loyno.edu>

Cc: Elizabeth Calderon (ecaldero@tulane.edu) <ecaldero@tulane.edu>; Joe M. Ricks Jr. <jmricks@xula.edu>; Dane S. Ciolino <dane@daneciolino.com>; Dylan C. Utley <dylan@dylanutley.com>

Dr. Michael Cowan,

Having served 41 years as a licensed attorney and public servant, including over 12 years as an Inspector General for several state and local entities, I have decided to retire in order to spend more time with my family.

Therefore, I hereby inform you of my intent to resign from the position of Inspector General for the City of New Orleans effective October 31, 2020. Thank you for agreeing that I may, at a later time, submit a more formal letter of resignation to the members of the Ethics Review Board.

I am available, at your convenience, to discuss any details that will ensure an orderly transition.

Derry



Monthly Report of OIG

Report to the Ethics Review Board
August 2020

Audit & Review

The Audit & Review division has the following audits underway: Audubon Payroll Internal Controls, Audubon Disbursements, BRASS Purchasing, Orleans Parish Communications District, and the Department of Public Works and Sewerage & Water Board coordination. We anticipate the completion and release of the Audubon reports within a 90-day timeframe.

Please see the attached project status spreadsheet for details.

Inspections & Evaluations

The I&E group also has the following two evaluations underway: Firefighter's Pension Fund and the Job Ordering Contracts.

Please see the attached project status spreadsheet for details.

Administration

The Inspector General and the First Assistant Inspectors General for Audit and Evaluations finalized the OIG 2021 Annual Work Plan and was released as of August 31, 2020 in accordance with the City Ordinance.

Investigations

The Investigations Division received seven (7) complaints in August 2020. All seven (7) 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.

Three former Sewerage and Water Board Employees are awaiting trial for theft of brass and three arrest warrants remain outstanding.

- Administrative Investigations:

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

OIG Information Security Division activities for August 2020:

Recurring Monthly tasks

- Daily backup monitored.
- All backups are working effectively.
- Daily e-mail health check.
- E-mail is working as expected.

Technical Support provided, hardware related

- Printer replacement for remote work.
- Technical equipment installation completed.

Technical Support provided, non-hardware related

- 14 service desk tickets resolved.
- Scheduled several ZOOM meetings for office staff
- Assistance with connecting to webinar software
- Assisted with large file transfers to external entities

Communications

- OIG Annual Work Plan 2021 sent to stake holders via constant contact and posted to the website.
- FRB building UPS maintenance

COX service desk ticket internet and phone outage.

- Office Internet and phone issues occurred on the following dates:
 - 8/7/2020
 - 8/8/2020
 - 8/27/2020
 - 8/31/2020

Purchasing

- IT Cyber Security Training software for office staff license renewed.
- e-mail Spam filter appliance license renewal completed.

Training

- MS Office 365 Fundamentals Exam postponed to Oct 2020

Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Monday, August 31, 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
AD-15-0003	Audubon Disbursements						
AD-19-0002	DPW/SWB Coordination	X					
AD-20-0001	BRASS Purchasing		X				
AD-20-0002	Orleans Parish Comm District (OPCD)+	X					

+ The Current OPCD audit is awaiting a scheduled hearing from The Civil District Court to determine jurisdictional authority to obtain The requisite financial records.

Project Number	Project Name	Project Phase *					
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
IE-19-0001	Firefighter's Pension Governance		X				
IE-20-0001	Job Ordering Contracts		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 First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork 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 interpretation
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 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.

Expected Release Timeline for Report**		
30-45 Days	60 Days	90 Days
		X
X		

ords to proceed.

Expected Release Timeline for Report**		
30-45 Days	60 Days	90 Days

v
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tations

hours and/or phase deadline.

legal and

Monthly Report of OIPM

THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

AUGUST 2020

Community Letter

Dear New Orleans Community,

This month has been one of great collaboration between OIPM and the community and OIPM and NOPD leadership. During August, OIPM amplified the voices of those in our community and those employed by the NOPD to ensure that the concerns that arise from any police interaction – whether it be on the street or in the NOPD workplace – are addressed respectfully.

In August, OIPM received a handful of significant complaints from employees within the NOPD. These complaints brought the OIPM's attention to the possibility of some concerns of culture and supervision that may exist in some departments within the NOPD. OIPM leadership reached out to the Deputy Chief of the Public Integrity Bureau and started a dialog about how to best address these employment concerns that may require a management-based solution rather than allegations of misconduct. OIPM looks forward to continuing these conversations with the NOPD leadership as we work together to explore how to best investigate these unique concerns and resolve the underlying culture complaints that may erode an officer's employment experience within the NOPD and hurt officer retention.

Over the last several months, OIPM leadership made a series of policy recommendations to Captains within the Professional Standards and Accountability Bureau and the Public Integrity Bureau. These recommendations included how to make the retaliation policy more responsive to the needs of the NOPD employees filing complaints, improving the conflict policy to address and eliminate inappropriate relationships initiated by officers with members of the public during calls of service, and enhancing and clarifying the strip search policy to resolve the ongoing confusion regarding visual vs physical inspection by officers. In August, OIPM received copies of policy drafts incorporating our recommendations and addressing our concerns. The OIPM appreciates the proactive and receptive collaboration with the NOPD leadership on changing these policies and looks forward to continuing this valuable work with these departments.

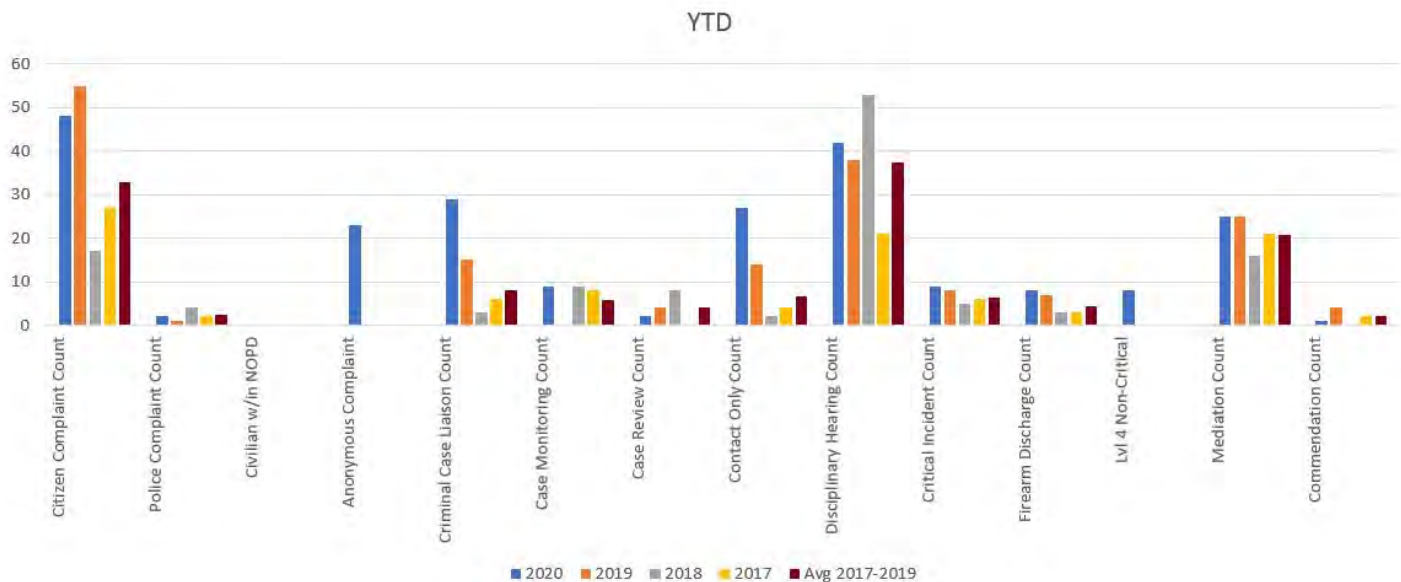
Finally, the OIPM continued to act as a resource in the development of possible city ordinances to address policing and the sharing of policing resources with criminal justice partners. The OIPM participated in community coalitions and provided feedback to various organizations pursuing police reform efforts and access to Body Worn Camera footage, including sharing national best practices and context to NOPD policies. During August and in the coming months, many of these ordinances, incorporating OIPM feedback, may appear before City Council and the New Orleans community for consideration and implementation.

OIPM seeks to continue to serve our community as this summer of pandemic and community protests continue. The OIPM is a resource to all and will continue to demand accountability, fairness, and transparency from the NOPD. We look forward to continuing our work with you.

Thank you,

Susan Hutson

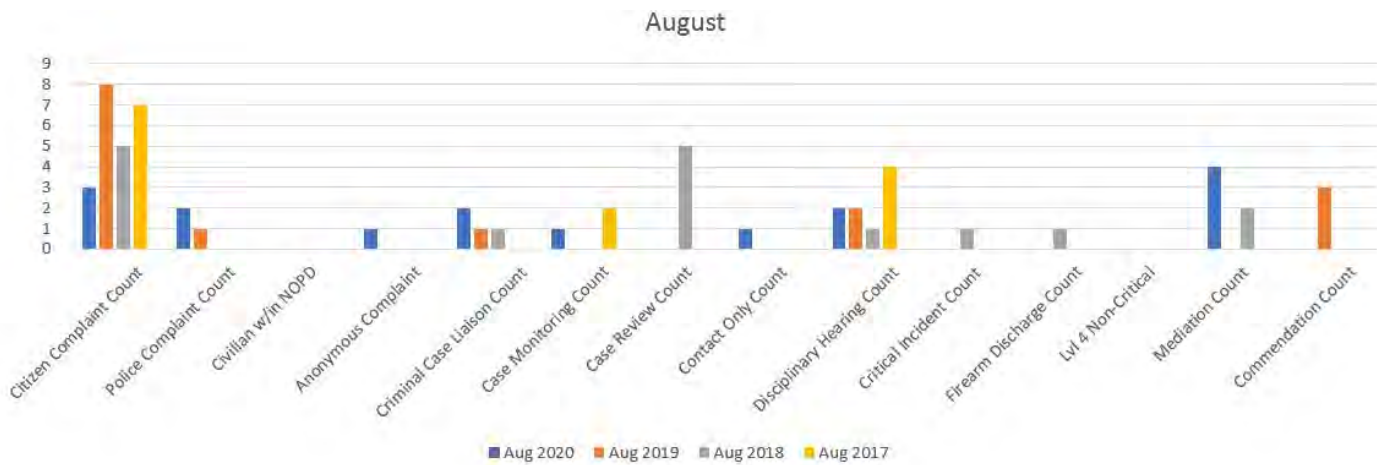
Year to Date Overview



	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	48	55	17	27	33.00
Police Complaint Count	2	1	4	2	2.33
Civilian w/in NOPD*	0	-	-	-	-
Anonymous Complaint*	23	-	-	-	-
Criminal Case Liaison Count	29	15	3	6	8.00
Case Monitoring Count	9	0	9	8	5.67
Case Review Count	2	4	8	0	4.00
Contact Only Count	27	14	2	4	6.67
Disciplinary Hearing Count	42	38	53	21	37.33
Critical Incident Count	9	8	5	6	6.33
Firearm Discharge Count	8	7	3	3	4.33
Lvl 4 Non-Critical*	8	-	-	-	-
Mediation Count	25	25	16	21	20.67
Commendation Count	1	4	0	2	2.00
Grand Total	233	171	120	100	130.33

*indicates a new category

August Overview



	Aug 2020	Aug 2019	Aug 2018	Aug 2017	Avg 2017-2019
Citizen Complaint Count	3	8	5	7	6.67
Police Complaint Count	2	1	-	-	1.00
Civilian w/in NOPD*	0	-	-	-	-
Anonymous Complaint*	1	-	-	-	-
Criminal Case Liaison Count	2	1	1	0	-
Case Monitoring Count	1	0	0	2	0.67
Case Review Count	0	0	5	0	1.67
Contact Only Count	1	0	0	0	0.00
Disciplinary Hearing Count	2	2	1	4	2.33
Critical Incident Count	0	0	1	0	0.33
Firearm Discharge Count	0	0	1	0	0.33
Lvl 4 Non-Critical*	0	-	-	-	-
Mediation Count	4	0	2	0	0.67
Commendation Count	0	3	-	-	3.00
Grand Total	16	15	16	13	14.33

*indicates a new category

August Overview

Citizen Complaints	
CC2020-0070	According to the complainant, after her car was totalled in an accident, the investigating officer made a finding of "no fault" despite the complainant's pictures and other evidence available during the on-scene investigation.
CC2020-0071	Complainant stated she was injured during the June 3rd protest on the Crescent City Connection Bridge by an NOPD officer leaving her with a concussion and torn rotator cuff.
CC2020-0075	The complainant alleges that a Detective has "given her the runaround" and failed to thoroughly investigate the sexual assault of her family member.
Citizen Complaints Count: 3	

Police Complaint	
PO2020-0073	According to a Sergeant within the NOPD, the lieutenant and captain she reported to demonstrated unprofessional behavior, bias, and favoritism.
PO2020-0074	According to a Lieutenant within the NOPD, a subordinate has behaved aggressively towards her and is resistant of her management. When the complainant tried to address concerns she has regarding this employee, she felt Deputy Chiefs and her Captain expressed racial bias and / or favoritism towards that employee.
Police Complaint Count: 2	

Anonymous Complaint	
AC2020-0072	An anonymous complainant works in the NOPD Crime Lab and alleges that another officer frequently makes racist remarks and degrades women while on duty and in the office.
Anonymous Complaint Count: 1	

Criminal Liasion	
CL2020-0029	OIPM assisted an individual with reaching out to the Coroner's Office to learn the status of an investigation.
CL2020-0030	An individual reached out to the OIPM concerning a possible elder abuse issue.
Criminal Liasion Count: 2	

August Overview

Case Monitoring	
CM2020-0009	An individual reached out to OIPM regarding a pending misconduct investigation and concerns the individual is having with PIB and the District Attorney's Office. OIPM is assisting the individual with getting information from PIB and facilitating conversations with various offices.
Case Monitoring Count: 1	

Contact Only	
CO2020-0033	An individual reached out to OIPM and other city government leaders regarding "blue line corruption." OIPM reached out to the individual requesting additional information and did not receive a response.
Contact Only Count: 1	

Disciplinary Hearings	
DH2020-0041	An officer is accused of operating his department vehicle for personal use while not on duty under the influence of alcohol, and getting into a collision. The officer is accused of failing to utilize the city resources or notifying his supervisor of the accident but instead trying to call a private towing company to retrieve the car.
DH2020-0042	Officer is accused of entering a holding cell with a child (juvenile) arrested subject then shoving and slapping the child. The officer is accused of committing the misdemeanor offense of simple battery and using unauthorized force in violation of NOPD policy.
Disciplinary Hearings Count: 2	

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.

3

**CITIZEN
COMPLAINTS**

2

**DISCIPLINARY
PROCEEDINGS**

2

**POLICE INITIATED
COMPLAINTS**

1

**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.

5

MEDIATIONS
REFERRED

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

2

MEDIATIONS
PENDING

Monthly Report of Ethics Trainer

No report received.