



## CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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

### BOARD MEETING

Monday, May 10, 2021

3:30 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. Discussion of monthly report from the Office of Inspector General (Chair).
4. Discussion of OIG Annual Report (Doucette) (see attached Item 1)
5. Discussion of leave of absence of Susan Hutson from the Office of Independent Police Monitor (Chair).
6. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
7. Discussion of board officer selection (Chair).
8. Report of Executive Administrator and General Counsel (Chair).
  - a. Report on status of RFP for executive search firm for new Inspector General.
  - b. Report on status of hiring of ethics trainer.
  - c. Report on ERB peer review.
9. Executive Session. Discussion of investigative proceedings regarding allegations of misconduct pursuant to La. Rev. Stat. § 42:17(A)(4).

10. Adjournment (Chair).

**Draft Minutes of  
Previous Board  
Meeting**



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

**Board Meeting of April 12, 2020 at 3:30 P.M.**

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

### **Minutes**

1. *Call to Order.*
  - 1.1. The chair called the meeting to order at 3:32 p.m.
  - 1.2. Board members present:
    - 1.2.1. Elizabeth Livingston de Calderon.
    - 1.2.2. Michael A. Cowan (Chair).
    - 1.2.3. Holly Callia.
    - 1.2.4. Monique G. Doucette.
    - 1.2.5. Torin T. Sanders.
  - 1.3. Board members absent: Wanda A. Brooks; Tyrone G. Jefferson, Jr.
  - 1.4. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.5. The Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
  - 1.6. 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 of the March 8, 2020, Board meeting.
4. *Meeting with Councilmember Giarrusso.* Mr. Cowan reported on a meeting with Mr. Ciolino and Councilmember Joseph I. Giarrusso, III.
  - 4.1. During that meeting, the councilman expressed his interest in proposing ordinances addressing whistleblower protections and permitting fines and restitution as remedies in city ethics enforcement actions.
  - 4.2. The councilman will consult with the Board regarding its views on these topics.
5. *Quality Assurance Review Advisory Committee Appointments.*
  - 5.1. By a unanimous vote, the Board appointed Bill Banta to the QARAC Committee for the OIG after Mr. Banta was duly nominated and his nomination was seconded.
  - 5.2. By a unanimous vote, the Board appointed Marcus Kondkar to the QARAC Committee for the OIPM after Prof. Kondkar was duly nominated and his nomination was seconded.
6. *Report of the Office of Inspector General.*
  - 6.1. The Office of the Inspector General was represented by Interim IG Ed Michel. Other OIG staff members also were in attendance, including Erica Smith and Larry Douglass.
  - 6.2. Mr. Smith discussed the budget for the OIG using the attached slides.
  - 6.3. Mr. Michel discussed the office's efforts to protect the integrity and confidentiality of the office's data.
  - 6.4. Mr. Michel discussed the annual report of the office, which he submitted on March 31, 2021.
    - 6.4.1. Ms. Callia followed up on problems with S&WB billing. Mr. Michel noted that his office has had conferences with S&WB management, and that it is making efforts to improve.
    - 6.4.2. Ms. Callia asked about the status of reforms at the Audubon Commission. Ms. Smith reported that the commission is reworking its cooperative endeavor agreement in response to the OIG's recommendations.

- 6.4.3. Mr. Cowan asked why the OIG personnel need to carry firearms. Mr. Michel responded that the investigators often encounter individuals who are criminal suspects.
- 6.5. Mr. Michel discussed the OIPM monthly report. *See Attached OIG Monthly Report.*
- 7. *Report of the Office of the Independent Police Monitor.*
  - 7.1. IPM Susan Hutson appeared for the OIPM. Ms. Cziment and Ms. Sokunbi were also in attendance.
  - 7.2. Ms. Hutson discussed her office's monthly report. *See Attached OIPM Monthly Report.*
  - 7.3. Ms. Hutson reported that she will file her annual report next month. She noted that there will be some "data issues" because of the cyberattack last year. Mr. Cowan clarified that the data problem was a technical one—not a political problem or one related to lack of cooperation by the NOPD.
  - 7.4. Mr. Sanders asked what the NOPD was doing with regard to victims' services. Ms. Hutson responded that there are social workers at NOPD and domestic violence support agencies who assist, along with Children's Sexual Assault Center.
- 8. *Presentation by BGR.*
  - 8.1. The Bureau of Governmental Research (BGR) was invited to attend the meeting by Mr. Cowan.
  - 8.2. Present on behalf of the BGR were Amy Glovinsky, Stephen Stuart, and Jamie Parker.
  - 8.3. The BGR presented using the attached slides.
  - 8.4. Ms. Calderon noted that she supported the recommendations of the BGR regarding the IG search process. She noted that it is important to widen the pool of eligible candidates.
  - 8.5. Dr. Cowan asked whether it would be appropriate to use executive sessions during the search and evaluation process. Ms. Parker responded that the Board must use its best judgment, but that the more open the process is, the better for the public.
  - 8.6. Ms. Doucette noted that the Board must balance its role providing meaningful oversight with avoiding micromanagement of lower-level OIG employees. She suggested that the Board should focus on issues that could result in the removal of the IG for cause.

- 8.7. Ms. Golvinsky noted that the Board needs to encourage upstream reporting of egregious misconduct by the IG, but that it also needs to be mindful of protecting the independence of the office.
- 8.8. Mr. Sanders noted that the Board should provide meaningful feedback to the IG during his tenure rather than just “giving him an F without warning.”
- 8.9. Ms. Glovinsky noted that there is a need to balance independence with oversight.
- 9. *Vote on Open Meetings Issues.* The Board declined to vote on the extent to which it would use executive sessions during the IG appointment process.
- 10. *Early Warning Surveys of Staff at the OIG and OIPM.*
  - 10.1. The Board discussed the need to monitor whether the agency head at the OIPM and OIG are performing their duties in a satisfactory manner without intruding on the independence of either agency.
  - 10.2. The Board will consider surveying employees at the offices periodically for “early warning signs” of misconduct.
- 11. *Officer Selection Process.*
  - 11.1. The Board discussed how it would appoint new officers at the June 2021 Board meeting.
  - 11.2. The Board discussed the possibility of using seniority or nominations. The Board acknowledged that there presently exist no written policies in this regard.
  - 11.3. Ultimately, the Board made no decisions in this regard.
- 12. *Report of Executive Administrator and General Counsel.*
  - 12.1. Mr. Ciolino reported that the Board had received no new complaints.
  - 12.2. Mr. Ciolino discussed the Board’s upcoming deadlines and events.
  - 12.3. Mr. Ciolino reported on the hiring process for replacing the Inspector General. The matter is in the contracting stage.
  - 12.4. Mr. Ciolino reported on the process of hiring a full-time ethics trainer. The Civil Service Department has approved a classified position and the city personnel department has forwarded applications to Mr. Ciolino for review.
  - 12.5. Mr. Ciolino reported that a peer review committee to evaluate the Ethics Review Board has been formed. The committee will meet in early May to discuss the peer review process.

13. *Miscellaneous.*

- 13.1. Dr. Cowan noted that Board members need to review the monthly reports of the OIG and OIPM very carefully, as well as the annual reports of those agencies.
- 13.2. Dr. Cowan suggested that a Board member should be responsible for leading the discussion of one of these reports at each meeting, and that this position should rotate each month.
- 13.3. There was a consensus among the Board that this would be a good regular practice.

14. *Adjournment.*

- 14.1. A motion was made to adjourn the Board meeting. The motion was seconded.
- 14.2. The Board unanimously voted to adjourn.
- 14.3. The meeting was adjourned at 5:48 p.m.

\* END \*



# **Monthly Report of OIG**

**Report to the Ethics Review Board**  
**April 2021**

**Administration**

On March 31, 2021, we released the 2020 Annual Report in compliance with the provisions outlined in the City Ordinance for the responsibilities for the OIG. The report provides details regarding the audits, inspections, evaluations, and investigative activities performed by the OIG for the 2020 calendar year.

The OIG is in the final stages of initiating and issuing professional credentials for all OIG staff. Office Manager is currently managing the following tasks:

- Coordinating activities with the selected vendor to update the OIG Challenge Coin design – removing the “Construction Fraud Division”
- Posted the Criminal Investigator IV vacancy to various job websites for increased visibility and to generate a potential pool of qualified applicants
- Organizing and securing OIG personnel files, and creating the appropriate filing system
- Coordinating and maintaining the OIG vehicle service records and travel logs
- Coordinating the OIG Records Management activities to ensure compliance, and is schedule to attend the State Records Management Training in Baton Rouge scheduled for May 11<sup>th</sup>.

**Audit & Review**

The Audit & Review division has the following audits underway: BRASS Purchasing, Orleans Parish Communications District, Department of Public Works and Sewerage & Water Board coordination, and the follow-up project for the Sewerage & Water Board’s Internal Audit Performance Audit report originally issued August 2019.

Please see the attached project status spreadsheet for details.

**Inspections & Evaluations**

The I&E group also has the following two evaluations underway in the fieldwork phase: Firefighter’s Pension Fund and the Job Ordering Contracts. We also initiated a short-term inspection project of the City’s Competitive Bidding/selection processes for Invitation to Bid (ITB) and Requests for Proposals (RFP).

Please see the attached project status spreadsheet for details.

### **Investigations**

The Investigations Division received four (4) complaints in April 2021. Three (3) concerned matters outside of the OIG's purview.

OIG Investigations Division activities and cases:

- Criminal Investigations:

James Mohamad and Brian Medus were charged in a 1-count indictment by a federal Grand Jury with violating Title 18, United States Code, Sections 371 and 1952(a)(3), conspiracy to use an interstate facility with intent to carry on unlawful activity.

As outlined in the indictment, Medus, the Assistant Chief Mechanical Inspector for the City of New Orleans, Safety and Permits Department, solicited and accepted bribe money from Mohamad, the Director of the Department of Inspection and Code Enforcement for the City of Kenner, in return for the issuance of fraudulent permits for Mohamad's HVAC jobs. Throughout the course of the conspiracy, Mohamad paid Medus and others approximately \$93,000 to further the bribery scheme. Medus utilized the City of New Orleans' internet-based LAMA system, a facility of interstate commerce, to further the scheme.

The US Attorney press release also included the following quote from Interim Inspector General Ed Michel: *"The New Orleans OIG will continue to ensure employees who utilize their public office for personal gain are held accountable for their actions."*

- Administrative Investigations:

Brian Medus the Assistant Chief Mechanical Inspector for the City of New Orleans, Safety and Permits Department resigned subsequent to his indictment.

Another Safety and Permits department resigned while under investigation by the OIG.

- OIG Information Security Division activities for March 2021:

#### **Recurring Monthly tasks**

Daily backup monitored, and all backups are working effectively.

#### Software updates

Windows Server and various application security updates are completed. Also assisted Investigations Division with database changes to Case Management System.

#### Technical Support provided, hardware related

Installed, configured new network switches, and distributed new computer equipment to staff.

#### Technical Support provided, non-hardware related

17 service desk tickets resolved.

Assisted with public records requests, and new design for new OIG credentials.

#### Communications

Consulted with OIG Executive management on renewing data center infrastructure.

Created support requests via the COX communications to resolve internet access issues.

Communicated with software and hardware vendors to schedule upgrades and implement new services.

Working with vendors to acquire new Staff Credentials

#### Purchasing

Assisted Deputy IG of Audit and Office Manager with purchase renewals for support and licensing expirations.

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Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Friday, April 30, 2021

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**		
Audit/Review		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	30-45 Days	60 Days	90 Days
AD-19-0002	DPW/SWB Coordination		X							
AD-20-0001	BRASS Purchasing		X							
AD-20-0002	Orleans Parish Comm District (OPCD)+	X								
AD-21-0001	SWB Internal Audit Follow Up		X							

+ The Current OPCD audit confirming jurisdictional authority was heard and adjudicated by the Civil District Court on September 29th. We are scheduled for the appellate hearing with the 4th Circuit Court for Wednesday, May 5, 2021 to confirm with ruling initially determined by the Civil District Court.

Project Number	Project Name	Project Phase *						Expected Release Timeline for Report**		
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review	30-45 Days	60 Days	90 Days
IE-19-0001	Firefighter's Pension Governance		X							
IE-20-0001	Job Ordering Contracts		X							
IE-21-0001	Competitive Bidding	X								

Legend	Description
Planning	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
Fieldwork	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Obsevatons 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 procedures, proper conclusions, content, presentation and readability
Legal Review	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpretations
IG Review	Report Review by Inspector General, based on corrections and recommended changes resulting from the Legal Review

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

\*\* Expected Release timeline for the report may be determined based on the start of the legal review process, and may be later reevaluated based on both the legal and 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.



# 2021 OIG Fund Balance & Expenditures

<b>Funding:</b>	<b>\$3,484,529</b>
Expenditures:	Amount
Personnel	\$2,506,214
Operating	\$507,287
Total Expenditures	\$3,013,501
<b>Fund Balance</b>	<b>\$471,028</b>



# 2021 OIG Fund Balance & Expenditures

Operating Expenditure Description	Encumbered Amount	Paid Amount
IT – Audit Software	\$4,400	\$4,400
IT - Communications	\$47,000	\$5,476
IT – Infrastructure	\$7,490	\$7,490
IT – Investigative Software	\$5,511	\$5,511
IT – Research Software	\$13,300	\$4,257
IT - Staffing	\$7,600	\$0
Legal Services	\$350,000	\$0
Rent - Misc	\$5,800	\$0
Travel-Related	\$1,100	\$0
<b>Total</b>	<b>\$442,201</b>	<b>\$27,134</b>





# **Monthly Report of OIPM**

# THE OFFICE OF THE INDEPENDENT POLICE MONITOR



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## **MONTHLY REPORT**

**APRIL 2021**

# Community Letter

Dear New Orleans Community,

April marks an important transition for me that I want to share with the community that I have enjoyed serving these last almost eleven years: I am stepping back as Independent Police Monitor for the City of New Orleans. I have decided to run for Sheriff of Orleans Parish. Words cannot express what the last ten years have meant to me. I have been in constant awe of the power of this vibrant community. All reform, all progress that our office was able to achieve was due to you. There is a different NOPD than when I started ten plus years ago. Use of Force, misconduct, and critical incidents are investigated, the investigations are more transparent, and accountability is consistent and fair. Gone are the days of any rubber stamp. We did that. We did that together. Oversight and building a better police force, one that is representative and responsive to the community it seeks to serve, is a long hard process. It is a road that we are still traveling, and I have complete confidence in this community's ability to keep demanding what they need and this office to continue amplifying your voice. I am excited for the next ten years of police oversight and seeing all you achieve.

During April, the country anxiously watched for the results of the Derek Chauvin trial – waiting to see what this outcome could mean for officer accountability both in Minnesota and nationally. The OIPM shares in the community's relief that accountability won out and that this officer was held responsible for the needless death of George Floyd. While this conviction cannot be confused with justice, it does bring national attention to the power and responsibility held by all officers and the need for us – monitors and community alike – to keep holding all officers accountable for their actions. We will never stop saying his name and will continue our work in honor of him, and all the others, as we work towards police reform.

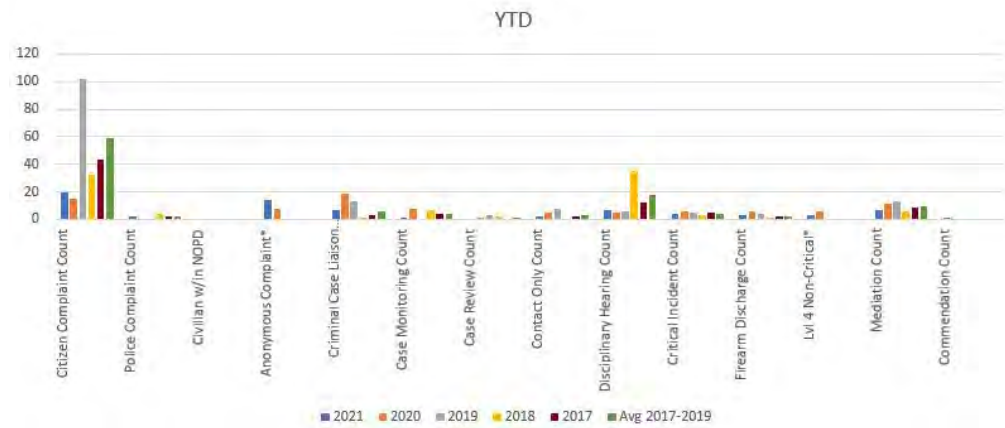
This month, the OIPM monitored the officer involved shooting in the Lower Garden District. The result of the shooting was the death of a puppy, Apollo. OIPM was immediately at the scene and monitored the investigation and all subsequent witness and officer interviews. OIPM also received and processed complaints of misconduct from the community because of this shooting. This is the second police shooting of a pet in the last year and half. OIPM is continuing to work with the leadership at the Public Integrity Bureau to ensure that the families of these pets are treated with respect, given timely access to information, permitted to watch the Body Worn Camera footage of the incident, and provided with an opportunity to ask questions. In the coming year, the OIPM will continue to review NOPD policy and training regarding officer response to animals on premise to ensure their officers are equipped to navigate these encounters so all are safe.

The OIPM secured an important step for musicians and street performers in New Orleans during the month of April. In collaboration with the Music and Culture Coalition of New Orleans (MaCCNO), NOPD leadership, and local musicians, the NOPD agreed to no longer enforce two municipal codes that were being used to arrest and ticket performers. The OIPM appreciates the efforts of MaCCNO, the musicians and performers, and the NOPD leadership that participated in this effort and came to the table to find solutions to keep the community safe but maintains the music in our city.

In the coming months, you will get to know the Acting Independent Police Monitor, Stella Cziment, and the rest of the OIPM team that will continue to serve you in my absence. I have complete faith in their ability to continue our hard-won progress. Thank you for your collaboration, participation, and voice. It has been a pleasure serving you.

Sincerely,  
Susan Hutson

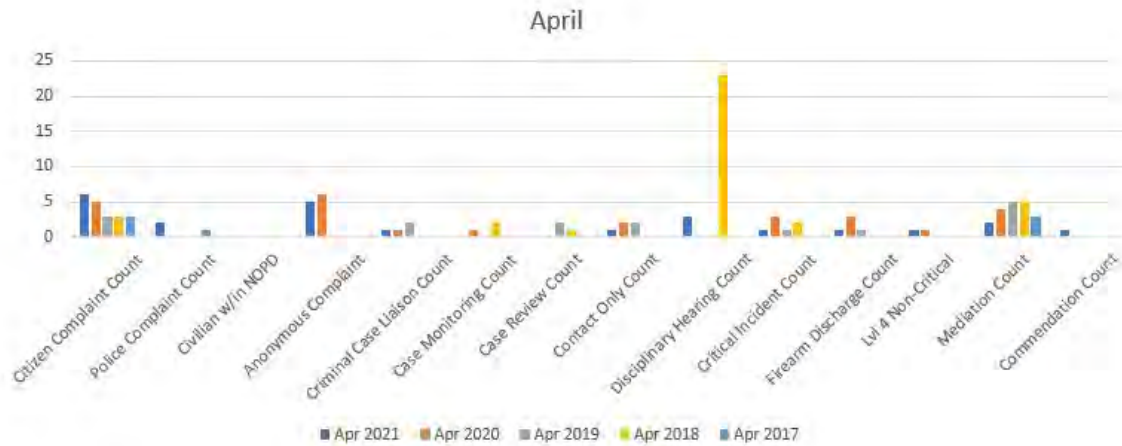
# Year to Date Overview



	2021	2020	2019	2018	2017	Avg 2017-2020
Citizen Complaint Count	20	15	102	32	43	59.00
Police Complaint Count	2	0	0	4	2	2.00
Civilian w/in NOPD	0	0	0	0	0	0
Anonymous Complaint*	14	8	0	0	0	0
Criminal Case Liaison Count*	7	19	13	1	3	5.67
Case Monitoring Count	1	8	0	7	4	3.67
Case Review Count	0	1	3	2	0	1.67
Contact Only Count	2	5	8	0	2	3.33
Disciplinary Hearing Count	7	5	6	35	12	17.67
Critical Incident Count	4	6	5	3	5	4.33
Firearm Discharge Count	3	6	4	1	2	2.33
Lvl 4 Non-Critical*	3	6	0	0	0	
Mediation Count	7	11	13	6	9	9.33
Commendation Count	1	0	0	0	0	0.00
Grand Total	71	90	77	68	50	65.00

\*indicates a new category

# April Overview



	Apr 2021	Apr 2020	Apr 2019	Apr 2018	Apr 2017	Avg 2017-2020
Citizen Complaint Count	6	5	3	3	3	3.50
Police Complaint Count	2	0	0	0	1	0.25
Civilian w/in NOPD	0	0	-	-	-	0.00
Anonymous Complaint*	5	6	-	-	-	6.00
Criminal Case Liaison Count*	1	1	2	-	-	1.50
Case Monitoring Count	0	1	0	2	0	0.75
Case Review Count	0	0	2	1	0	0.75
Contact Only Count	1	2	2	0	0	1.00
Disciplinary Hearing Count	3	0	0	23	0	5.75
Critical Incident Count	1	3	1	2	0	1.50
Firearm Discharge Count	1	3	1	0	0	1.00
Lvl 4 Non-Critical*	1	1	-	-	-	1.00
Mediation Count	2	4	5	5	3	4.25
Commendation Count	1	0	0	-	-	0.00
<b>Grand Total</b>	<b>24</b>	<b>26</b>	<b>16</b>	<b>36</b>	<b>7</b>	<b>21.25</b>

\*indicates a new category



# April Overview

Citizen Complaints	
CC2021-0034	A member of the community alleges that an officer failed to conduct a thorough investigation after she called for assistance regarding a woman waving a gun while holding a baby.
CC2021-0036	A member of the community complained about the allegation of an officer shooting a puppy during a call to service.
CC2021-0037	A member of the community complained about the allegation of an officer shooting a puppy during a call to service.
CC2021-0041	A member of the community alleges the NOPD failed to respond to her call for service regarding a traffic accident with injury despite calling multiple times and driving to the District and seeing what appeared to be available officers outside.
CC2021-0042	A member of the community alleges that he was struck by a vehicle. The complainant alleges that the responding NOPD officer and his supervisor failed to take necessary action and add the complainant to the subsequent accident report.
CC2021-0043	A member of the community alleges an officer used unauthorized force against her and conducted an unlawful arrest without conducting a thorough investigation.
Citizen Complaints Count: 6	

Police Complaint	
PO2021-0032	An officer alleges that a NOPD Sergeant engaged with her unprofessionally by screaming at her in the workplace.
PO2021-0033	An officer alleges that her supervising officer harasses her in the workplace.
Police Complaint Count: 2	

Anonymous Complaints	
AC2021-0031	Officer is accused of being unprofessional during a minor traffic stop.
AC2021-0035	A member of the community complained about the allegation of an officer shooting a puppy during a call to service.
AC2021-0038	An anonymous complainant alleges that two NOPD employees are in violation of City and NOPD policy by operating a podcast that includes foul language and inappropriate content.
AC2021-0039	An anonymous complainant alleges that a NOPD Lieutenant is abusing his power by interfering in a criminal proceeding involving a family member and failing to disclose Brady evidence.
AC2021-0040	An anonymous complainant alleges an officer was not truthful when he issued seatbelt tickets for multiple passengers in a car when only one passenger was not wearing a seatbelt.
Anonymous Complaints Count: 5	

# April Overview

Criminal Liaison	
CL2021-0007	A mother who lost her child in an officer involved shooting contacted OIPM to receive information about the status of the case.
Criminal Liaison Count: 1	

Contact Only	
CO2021-0002	A member of the public reached out to OIPM regarding their concerns about a problematic history of a recent NOPD recruit. OIPM reached out to NOPD rank regarding the concern and asked rank to verify the allegations.
Contact Only Count: 1	

Disciplinary Hearings	
DH2021-0006	NOPD Officer is accused of testing positive for marijuana. This was a Superintendent's Committee Hearing.
DH2021-0007	NOPD Sergeant is accused of misusing social media when he commented under an inappropriate post on Facebook.
DH2021-0008	NOPD Sergeant is accused of failing to take necessary misconduct action after learning of an unauthorized field strip search and for removing his Body Worn Camera while on the scene.
Disciplinary Hearings Count: 3	

Critical Incident	
CI2021-0004	NOPD Sixth District units responded to a disturbance call in the 1400 block of Felicite Street. While attempting to approach the residence, two dogs came toward the officers. One officer fired shots and fatally wounded one of the dogs. The second officer suffered minor injuries to his arm from the firearm discharge.
Critical Incident Count: 1	

Firearm Discharge	
FD2021-0003	See CI2021-0004.
Firearm Discharge Count: 1	

# April Overview

Level 4 Non-Critical Use of Force	
UF2021-000	Officers responded to a call for service regarding simple battery. When officers arrived on scene, the alleged suspect walked away from the officers. The officers ordered him to return. The alleged suspect did not comply and the first officer deployed his taser multiple times, ineffectively. The second officer effectively deployed his taser multiple times and apprehended the alleged suspect without further injury or incident.
Level 4 Non-Critical Use of Force: 1	

Mediation	
Mediation cases are confidential.	
Mediations Held: 2	

Contact Only	
CO2021-0002	A member of the public reached out to OIPM regarding their concerns about a problematic history of a recent NOPD recruit. OIPM reached out to NOPD rank regarding the concern and asked rank to verify the allegations.
Contact Only Count: 1	



# 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.

- 6** CITIZEN COMPLAINTS
- 3** DISCIPLINARY PROCEEDINGS
- 1** POLICE INITIATED COMPLAINTS
- 5** 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.

9

**MEDIATIONS  
REFERRED**

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



2

**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

5

**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.

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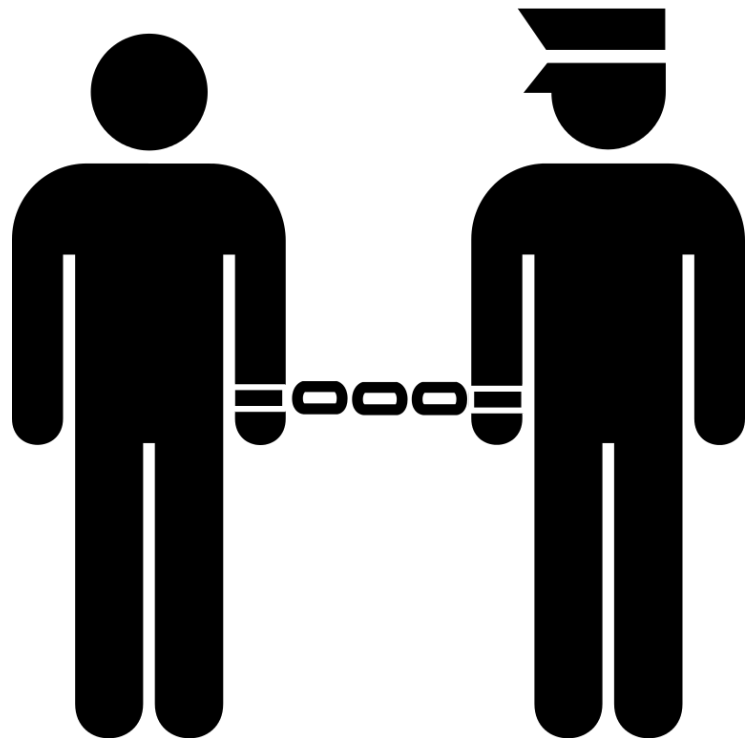
**CRITICAL  
INCIDENT**

1

**FIREARM  
DISCHARGE**

1

**LEVEL 4  
NON-CRITICAL  
INCIDENT**



# Budget

<b>2021 Total OIPM Budget</b>	<b>\$1,013,681.00</b>
Amounts Spent to Date:	(\$342,880.00)
Projected Amounts to be Spent the Rest of the Year:	(\$849,333.34)
<b>Projected Unexpended Funds</b>	<b>\$164,347.66</b>

<b>OIPM Budget Description</b>	<b>Amount</b>
Personnel	\$688,744.00
Operating	\$324,937.00
<b>2021 Total OIPM Budget</b>	<b>\$1,013,681.00</b>

**Item 1**

# 2020 ANNUAL REPORT



NEW ORLEANS  
OFFICE OF INSPECTOR GENERAL





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The OIG identified

**\$3,528,518**

in potential savings to the City in  
2020

**\$101,135,687**

in potential savings to the City  
between 2009 and 2020





March 31, 2021

## Members of the New Orleans Ethics Review Board

Pursuant to the New Orleans Home Rule Charter and applicable ordinances, the Office of Inspector General (OIG) is privileged to submit its 2020 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 Annual Report demonstrates the OIG's achievement in fulfilling our statutory responsibilities including the assessment of risks across various city agencies. Highlights from the Annual Report provide a calculation, which includes potential economic loss prevented (PELP), potential savings, and questioned costs identified by the OIG's findings and recommendations in 2020.

I am also pleased to highlight that in 2020, OIG staff maintained various professional certifications, such as: Certified Fraud Examiner, Certified Information Systems Auditor, Certified Inspector General Investigator, and Certified Public Accountant, which contributed to achieving our mission and objectives.

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

Respectfully,

Edward Michel

Interim Inspector General

## MESSAGE FROM THE INTERIM INSPECTOR GENERAL



On November 1, 2020, I had the honor of being entrusted to serve as the Interim Inspector General for the City of New Orleans. The role of the Inspector General is crucial in ensuring integrity and efficiency in the operations of New Orleans governmental entities. The COVID-19 pandemic continues to have a profound impact on the workplace as well as the personal lives of employees and employers alike. A recent article in Forbes Magazine, "Productivity In Times of Covid" suggests that organizations are downsizing during this pandemic as they spend less money for operating expenses and take fewer risks, which is perhaps a detriment to innovation.

However, we have embraced the art of innovation and collaboration at the OIG. We understand the ability to properly utilize and coordinate our limited resources with our stakeholders will be a critical part to defining our success. Because of the declining revenues realized due to COVID-19, our budget, like other entities, the OIG experienced a significant decrease. In times of increasing threats and decreasing resources, it is incumbent upon us now more than ever to be good stewards of the precious resources we receive from the City of New Orleans.

Instead of retreating and standing down, we decided to embrace the challenges arising from COVID-19 as opportunities upon which we capitalized to secure the efficiency and integrity of New Orleans entities and its operations. While we operate on a reduced budget, we recently released our 2021 City-Wide Risk Assessment which will be the blueprint we utilize to spot, assess and mitigate threats facing our city. We adjusted our budget and improved operating measures which resulted in the strategic utilization of precious resources and ultimately reduced operating costs.

With the cost savings we realized through effective management, we utilized those funds to fill critical vacancies to further promote the integrity of New Orleans operations. Because we live in a digital world where bulk data is targeted constantly by external threats, we significantly improved our infrastructure to secure digital storage and transmission capacity. An agency's ability to continually collect bulk data is directly related to its ability to properly secure the transactions associated with this information. The OIG secured our sensitive information by improving our hardware, software and operating measures. Finally, during this pandemic, we established a new oath of office for our employees that is commensurate with our responsibilities as well as the values we hold as our office transitions to new leadership.

Since the OIG's inception, we routinely saved or recovered millions of dollars for the City each year. The following pages highlight a number of the OIG's accomplishments and show how our efforts are making a difference. I especially want to thank the dedicated staff at the OIG for their diligence and hard work. I am inspired daily by their passion for public service and their commitment to the OIG mission. We are proud to serve the citizens of New Orleans.

# Our Mission

The mission of the OIG is to promote accountability, integrity, and efficiency in city government operations by preventing and detecting fraud, waste, and abuse. We fulfill our mission by conducting audits, inspections, evaluations, and investigations. We provide our reports, findings, and recommendations to the public, the Ethics Review Board (ERB), the City Council, and other interested parties.

In addition, the OIG routinely refers allegations of fraud and employee misconduct to the appropriate federal, state, or local law enforcement agencies. In many instances, the OIG provides further assistance in the investigation of these matters.

The OIG was established by a voter-approved amendment to the Home Rule Charter. The Charter created a unique structural and operational framework that provides autonomy and independence from the City's Executive and Legislative branches. The ERB is responsible for the appointment of the Inspector General to a four-year term. The ERB also serves 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 that all OIG activities are conducted in an objective and independent manner.

# Our Vision

Our vision is to preserve the public trust. These 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 has been to demonstrate we are worthy of the trust placed in us by the people of this community. To maintain this trust, we must strive every day to achieve excellence in the performance of our duties 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 integral to achieving our vision and fulfilling our mission.





# OIG Divisions

The OIG audits, inspects, evaluates, and investigates government programs and operations, and discloses their findings in publicly released reports. OIG work products are judged by their quality, accuracy, objectivity, fairness and usefulness. Our work products must adhere to the highest professional standards and quality controls.

## Administration

The OIG Administration includes executive management, the Office Manager, and the IT Security Specialist. These individuals facilitate the daily administrative operations of the OIG, which include procurement, human resources, information technology, and legal matters.



## Investigations

The Investigations Division conducts criminal and administrative investigations involving City of New Orleans employees, contractors, and vendors that receive City funds. Investigators also work with local, state, and federal partners to conduct joint investigations. The Investigations Division is also available to provide fraud awareness training to City employees and to engage in other outreach programs with businesses and citizens.

## Audit and Review

The Audit and Review Division conducts financial audits, attestations, compliance, and performance audits of City programs and operations. Auditors test for appropriate internal controls and compliance with laws, regulations and other requirements.

## Inspections and Evaluations

The Inspections and Evaluations Division works to increase the efficiency, effectiveness, transparency, and accountability of City programs, agencies, and operations. Evaluators conduct independent, objective, empirically based and methodically sound inspections, evaluations, and performance reviews.

## OIG Professional Staff

## Education

The 16 OIG staff collectively possess 26 undergraduate, graduate, and juris doctorate degrees, making us a recognized leader in recruiting an educated workforce. These degrees include such disciplines as: Accounting, Computer Science, Criminal Justice, Political Science and Public Administration.



## Experience

OIG professional staff have approximately 270 years of combined work experience, ranging from federal law enforcement investigations to auditing Fortune 500 companies. Our staff bring their collaborative expertise to ensure we can effectively engage with city leadership to audit, evaluate, and investigate a multitude of city programs and services.

## Professional Development

In addition to our compliance with the annual Code of Governmental Ethics training mandated by the Louisiana Board of Ethics Administration, OIG staff completed numerous training sessions and participated in online webinars to earn their requisite hours of Continuing Professional Education credits. These credits are required to maintain our professional designations, such as the Certified Public Accountant (CPA), Certified Fraud Examiner (CFE), Certified Information Systems Auditor (CISA), and the Certified Inspector General Investigator (CIGI).

# OIG Funding and Expenditures

<b>2020 Funding:</b>	<b>\$3,992,339</b>
Less: Expenditures	
Personnel	(\$2,391,301)
Operating	(\$485,567)
<b>Total Expenditures</b>	<b><u>(\$2,876,868)</u></b>
<b>Unspent Funds</b>	<b>\$1,115,471</b>

OIG investigations, audits, and evaluations may uncover significant inefficiencies that, if left unresolved, would cause potential economic loss.

Examining public safety and high-risk government entities remain the OIG's top priorities.



# Inspections & Evaluations

## Evaluation - Sewerage & Water Board (S&WB)

### BILLING DISPUTE RESOLUTION PROCESS

The OIG discovered the S&WB program management did not use information collected in the dispute process to inform their executive management to facilitate appropriate operational decisions. Because of irregularities with S&WB customer data, the OIG was unable to perform much of the planned analysis on billing disputes. Rather, the evaluation focused on the process used by the S&WB to resolve billing disputes and did not seek to determine the underlying cause of billing issues at the S&WB. Further, the evaluation was limited to S&WB customer accounts that filed billing disputes between October 2016 and October 2018, with an emphasis on billing disputes resolved after an administrative hearing.

Louisiana law allows the S&WB to adjust water bills in specific circumstances such as an error in reading the meter, faulty equipment, or process failures. At the conclusion of the evaluation, the OIG found that the S&WB improperly donated public funds by approving bill adjustments that were not within the parameters of the law. The utility also violated the Louisiana Administrative Procedure Act by granting unwarranted rehearings to customers. Finally, the utility failed to effectively manage data and information. Because the use of data regarding administrative hearings and billing disputes was not properly evaluated or prioritized, the utility was not aware of the types and magnitude of billing adjustments provided.

### What the OIG Recommended :

1. The S&WB should ensure its policies and procedures for bill adjustments comply with the Louisiana Constitution, are limited to those criteria specified by law, and are applied consistently and transparently to increase public trust and good will toward the agency.
2. The S&WB should design and control the process for scheduling hearings to ensure rehearings comply with the criteria set forth by the Louisiana Administrative Procedure Act.
3. The S&WB should develop and implement a strategic plan for data management to help the agency identify needs related to data collection and control, data retention and retrieval processes, along with system and data storage capabilities. The agency should use this information to create an internal process to accurately and efficiently report and maintain aggregate data on administrative hearings and bill adjustments. The agency should also use the information to proactively monitor and evaluate their process, review adjustment policies, and perform continuous improvement.

View the specific details supporting our findings and recommendations:

<http://www.nolaog.gov/reports/all-reports/s-wb-billing-dispute-resolution>



## Management and Operations of the Traffic Camera Safety Program



### What The OIG Found

OIG evaluators found a lack of appropriate management prevented the program from operating in a manner that would best achieve public safety goals, maintain public trust, and ensure legal compliance. There was no clear ownership of the program, which made it difficult to identify and correct issues within the program, and contributed to a lack of communication and program monitoring. This situation led to improper ticket issuance and payment inconsistencies.

Management breakdowns also contributed to issues regarding the payment of camera tickets. Program managers were aware of but failed to correct an issue in the computer system that prevented tickets from becoming delinquent after drivers did not attend their adjudication hearings. Evaluators also discovered that when people accidentally overpaid on their traffic tickets, the City kept the money and made no attempt to proactively provide refunds, instead relying on citizens to realize they had overpaid before requesting a refund. The key stakeholders within the program were unaware of this issue.

The City of New Orleans accepted, or partially accepted, the six recommendations presented in the report "Management and Operations of the Traffic Camera Safety Program." In 2020, program officials indicated that they had made several improvements to address the findings in the report, including monitoring school zone calendars to reduce the issuance of traffic camera tickets when schools were not in session, revising the New Orleans Police Department's (NOPD) policies to ensure appropriate review of citations, and developing a plan to refund money to citizens who overpaid on traffic camera tickets.



# Audit & Review

The OIG Audit and Review Division released two audit reports on the Audubon Commission (Commission) and Audubon Nature Institute (Institute) regarding its use of funds and payroll practices. Those audits found that the Institute's controls over hiring and terminations as well as the initiation, approval, and execution of the purchasing process were designed properly and implemented and operated effectively.

However, the audits also identified a number of expenditures that may have violated Louisiana Constitution Article VII, Section 14(A) which prohibited the donation of public funds. OIG auditors noted the Institute:

- Expended \$416,261 of Commission funds to pay for lobbying services and did not obtain sufficient documentation to support the services rendered.
- Did not competitively purchase lobbying services, nor did it enter into a written contract with the lobbying firms.
- Used Commission funds to pay \$447,695 in bonuses and on-call pay to employees.
- Paid executives' salaries that were not comparable to other similar sized organizations.
- Paid \$831,461 in additional cash payments to executives, but did not require additional performance or duties in order to receive the fringe benefit payments.

In addition, Auditors noted the Institute:

- Did not seek competitive proposals for professional service contracts, totaling \$416,261, which violated its policy and City Executive Order MJL 10-05.
- May have violated the State of Louisiana Code of Ethics because it paid employees \$579,570 in commissions in addition to their regular salaries.
- Did not comply with best practices because it entered into verbal contracts for lobbying services. The Institute also entered into verbal contracts with its employees.
- Did not comply with its policy because hourly employees did not utilize the time reporting procedures, did not maintain paid time off information for salaried employees, and did not approve hourly and/or salaried employees' time.
- Could not verify all property was returned upon termination and prior to issuing each employee's final paycheck.

Auditors also noted the Commission did not:

- Maintain and administer its funds as required by the Home Rule Charter and the Contract. The Commission failed to exercise authority over its bank accounts because all signatories on the Commission's bank accounts were Institute officers or employees.
- Approve the Institute's annual operating budget as required by the Contract.

View the specific details supporting our findings and recommendations:

Audubon Nature Institute Use of Funds

<http://www.nolaoig.gov/reports/all-reports/audubon-nature-institute-use-of-funds-audit>

Audubon Nature Institute Payroll Audit

<http://www.nolaoig.gov/reports/all-reports/audubon-nature-institute-payroll-audit>

# Investigations

## The OIG In Action... Initiation to Completion

On November 10, 2020, former cultural ambassador and Jazz trumpeter Irvin Mayfield and Ronald Markham pled guilty to defrauding the New Orleans Public Library Foundation out of \$1,316,232. The US Attorney's Office issued a press release regarding the guilty pleas in which they recognized the OIG's efforts that led to this successful prosecution. The press release also included the following quote from Interim Inspector General Ed Michel:

"In these times of increasing threats and limited resources, it is incumbent now more than ever to combine our resources with our local and federal law enforcement partners to spot, assess and mitigate threats in an efficient and effective manner. The City of New Orleans OIG looks forward to continuing our productive partnerships which will ensure the integrity of our operations."



Former Sewerage and Water Board (S&WB) employee Ivery Francis was convicted and sentenced for the theft of brass components from the S&WB.



Kevin Richardson, a former building inspector for the City of New Orleans, Department of Safety and Permits, utilized the internet to facilitate the crime of bribery. He pleaded guilty to one count of a felony charge for utilizing an interstate facility with the intent to carry on unlawful activity. He is awaiting sentencing.

## REPORT FRAUD TO THE OIG

**Hotline: 504-681-3247 Fax: 504-681-3230 Website: [www.nolaoig.gov](http://www.nolaoig.gov)**

A public employee providing information concerning the potential existence of any activities constituting fraud, waste, abuse, or illegal acts may seek to remain confidential.

# Our Work Matters

## 2020 Investigations

### Administrative Actions

6 Terminations or Resignations  
7 suspensions

13

### Criminal Actions

3 Convictions  
1 Sentencing

4

### Complaints Investigated

2 Criminal Complaints  
14 Administrative Complaints

16

### Investigations Completed

3 Administrative

3

Totals

36



The OIG is currently conducting joint investigations with the Louisiana State Licensing Board for Contractors (LSLBC). According to the LSLBC, its purpose is to protect the "health, safety, and general welfare of citizens dealing with persons engaged in the contracting vocation, and affording citizens an effective and practical protection against incompetent, inexperienced, unlawful, and fraudulent acts of contractors with whom they contract. The Board also monitors construction projects to ensure compliance with the statutory and regulatory licensure requirements."



The OIG investigated several complaints concerning residential properties that benefited from improperly applied homestead exemptions and a freeze in their assessed value and subsequently notified the Orleans Parish Assessor's as to our findings. The Assessor's Office took immediate action and promptly reassessed properties to reflect their accurate value.





## **Prioritizing Police and Transparency with a Community Focus**

The OIG continued to focus its efforts on improving NOPD operations and management. Pursuant to a Memorandum of Understanding with the New Orleans Police Department (NOPD), the OIG Investigations Division conducted three administrative investigations regarding complaints filed against NOPD Commanders assigned to the Public Integrity Bureau and the Superintendent.



# OIG Work for 2021

## Proposed Projects

The projects listed below will begin as the OIG completes its ongoing audits and evaluations.

### **Civil Service Commission**

- Efficiencies and Approvals for Hiring Practices

### **Department of Finance**

- Strategies and Protocols for Cybersecurity Management

### **Department of Sanitation**

- Review of Billings and Outstanding Collections

### **Orleans Parish Communications District**

- Use of Funds

### **Orleans Parish Sheriff's Office**

- Management Operational Processes and Procedures for the Orleans Justice Center

### **Sewerage & Water Board**

- Review of Governance Practices and Procedures

### **Public Corruption**

- Conduct Fraud Awareness seminars for employees and contractors
- Conduct investigations and refer evidence to appropriate prosecutors

## Annual Work Plan 2021

September 1, 2020



# Our Renewed Commitment

The OIG is committed to being a valuable resource and trusted adviser in identifying, responding, and aiding in the improvement of city-wide departmental programs, services, and critical activities. The OIG's 2021 Plan focuses on critical risk areas, yet builds in flexibility to allow for special and requested services as deemed important to elected officials, agency executives, and the OIG.



# Acknowledgments

## Federal/State/Local Partners:

The OIG would like to thank our Federal, State, and Local partners for their continued collaboration because we rely on their engagement to accomplish our mission. The OIG greatly appreciates the distinctive expertise they provided to help us ensure the integrity of New Orleans City Government.

During 2020, the OIG made referrals to and worked jointly with the following departments and agencies: Federal Bureau of Investigation; Housing and Urban Development Office of Inspector General; Louisiana Society for the Prevention of Cruelty to Animals; Louisiana Inspector General's Office; Louisiana Legislative Auditor; Louisiana State Police; New Orleans Police Department; Orleans Parish District Attorney's Office; United States Attorney's Office; United States Department of Homeland Security Office of Inspector General; and the Metropolitan Crime Commission.





## Legal References

The following are City Code provisions relating to the purpose and duties of the New Orleans Office of Inspector General:

### Ch. 2, ARTICLE XIII. - OFFICE OF INSPECTOR GENERAL (OIG)

(1) **Creation of the city office of inspector general.** Pursuant to section 9-401 of the Home Rule Charter of the city, this article establishes the city office of inspector general.

(2) **Purpose.** The purpose of this section is to establish a full-time program of oversight to prevent and detect fraud, waste and abuse, and to promote efficiency and effectiveness in city programs and operations. This oversight includes audits, criminal and administrative investigations, inspections and evaluations, and monitoring. The scope of oversight activities includes all entities subject to the jurisdiction of the office of inspector general, as set out in paragraph (12).

\* \* \*

(9) **Annual Reports.** The inspector general shall report annually to the ethics review board on the activities of the office of inspector general for the preceding calendar year.

(a) Such report shall be submitted no later than March 31 and shall include information of all matters undertaken, costs incurred, costs recovered, matters concluded, and any results. The report shall also describe accomplishments of the office of inspector general.

(b) Copies of the report shall be provided to the city council and the office of the mayor upon completion, and to any other entity subject to the jurisdiction of the inspector general upon request.

(c) Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. A copy of the report shall be made available to the public on the office of inspector general's website.



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