



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

City Hall, City Council Chamber, New Orleans, Louisiana

Monday, March 13, 2023

12:00 P.M.

AGENDA

1. Call to order.
2. Approval of the minutes of January 30, 2023, board meeting.
3. Monthly report of Office of Inspector General.
4. Reports of Office of the Independent Police Monitor.
 - a. Report and discussion regarding proposed ordinance on investigatory functions.
 - b. Report and discussion of funding requests made to City Council.
 - c. Monthly report.
5. Discussion and vote on board resolution to require OIG and OIPM to share with ERB all correspondence with mayor and members of the city council regarding (1) funding requests, and (2) proposed amendments to the City Code of Ordinances and City Home Rule Charter.
6. Monthly report of Ethics Trainer.
7. Monthly report of General Counsel and Executive Administrator.
 - a. Report on ERB budget.
 - b. Report on ERB staff organization, office, telephone, website, and employee review.
 - c. Report on role of ERB in overseeing OIPM and OIG.
8. Report on appointments to Quality Assurance Review Advisory Committees.
9. Discussion of onboarding plan for new board members, including the ERB, mission, board member responsibilities, board structure, board officers, board staff, open meetings law, annual training requirements, and annual financial disclosure requirements.
10. Discussion of board mission and objectives for 2023.

11. Call for agenda items for future board meetings.
12. Adjournment.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of January 30, 2023, at 3:30 P.M. in New Orleans City Council Chambers

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 12:13 p.m.
 - 1.2. ERB members present:
 - 1.2.1. Holly Callia, Chair.
 - 1.2.2. Elizabeth Livingston de Calderon.
 - 1.2.3. Monique G. Doucette
 - 1.2.4. Tyrone G. Jefferson, Jr.
 - 1.3. ERB members absent:
 - 1.3.1. Wanda A. Brooks.
 - 1.3.2. Michael A. Cowan.
 - 1.4. Staff members present:
 - 1.4.1. Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.5. Staff members absent:
 - 1.5.1. Jordy Stiggs, Ethics Trainer (ill).
 - 1.6. The agenda for the meeting is attached.
2. *Approval of Minutes.* Upon a duly made and seconded motion, the ERB unanimously approved the minutes of the regular ERB meeting of December 22, 2022.

3. *Monthly Report of the Office of the Inspector General.*

- 3.1. Ed Michel appeared on behalf of the Office of the Inspector General.
- 3.2. Mr. Michel presented his office's monthly written report (attached). He also reported orally to the ERB and responded to ERB members' questions.
- 3.3. The OIG's new website is live and up to date.
- 3.4. The OIG conducted a swearing-in ceremony for its new employees.
- 3.5. The OIG now has 19 employees. The office has funds to hire two more. It is difficult to find qualified candidates.
- 3.6. The OIG evaluations division is looking into EMD fuel issues, NOPD response to crime, and other evaluations.
- 3.7. The OIG sent a letter to the mayor and council making recommendations on the NOPD search for a new superintendent.
- 3.8. The OIG sent a letter to the mayor regarding short-term rental violations and lack of enforcement. A large number of fines are not being collected.
- 3.9. The OIG sent a letter to Safety and Permits regarding possible conflicts involving inspectors who might have conflicts.
- 3.10. The OIG is looking into S&WB billing processes and will recommend improvements.
- 3.11. The OIG drafted letter to university presidents in the city informing them of the role and responsibilities of the office. The OIG has prepared a slide show for the university presidents; will share with the board at its next meeting. Ms. Calderon suggested posting the presentation on a video for the board members to watch asynchronously.
- 3.12. Ms. Calderon asked about the S&WB investigation, more particularly, whether the S&WB is doing anything to prevent fresh, potable water from just running into the streets through leaks and other issues. Mr. Michel responded that the DPW is not communicating and collaborating with S&WB. The S&WB is a large blind spot.
- 3.13. Mr. Cowan noted that it is critical for the well-being of the city for the S&WB to do an adequate job. How do we go at the S&WB strategically to improve the board? Mr. Michel noted that S&WB has more than 4,000 employees. Also, the S&WB is in danger of losing a lot of grant money because of its failure to spend money. There has been talk of privatizing the board. But Mr. Michel noted that there must be a better way for the office to work and coordinate with other city departments and agencies. The office needs holistic change. Mr. Cowan asked

whether any member of the S&WB board has reached out to the OIG. Mr. Michel reported “no.”

4. *Monthly Report of the Office of Independent Police Monitor.*

- 4.1. Stella Cziment and Boncyle Sukunbi appeared on behalf of the Office of the Independent Police Monitor.
- 4.2. Ms. Cziment discussed the monthly report (attached).
- 4.3. Discussed a complaint submitted by the family of a suicide victim who wanted to see the surveillance video of the suicide. The OIPM arranged a meeting with the NOPD and the family and a social worker to view the video even though NOPD typically does not share such videos. The office has set up many of these types of meetings.
- 4.4. In January, met with new NOPD leadership, including the chief and deputy chiefs regarding transparency, and working together going forward. OIPM has “high hope” for the leadership.
- 4.5. As to the funding ordinance:
 - 4.5.1. No updates from Mr. Morrell’s office.
 - 4.5.2. Will send over another draft of the ordinance in February. Need to emphasize subpoena power. May remove investigation responsibility from ordinance until funding issues are resolved.
 - 4.5.3. Will keep the ERB posted as to new developments with the ordinance.
 - 4.5.4. Mr. Cowan reported that he and Ms. Callia met with JP Morrell, councilman, last week. It was a long meeting. The case for subpoena power and confidentiality are likely strong. The case for investigatory powers is more questionable.
 - 4.5.5. Ms. Callia reported that the communication and meeting were very good. She looks forward to having more communications about preserving the independence of the office. She noted that there were no real differences between what Mr. Morrell wants for the city and the importance of independence.
 - 4.5.6. Mr. Cowan noted that independence is very important and that Mr. Morrell likely understands that.
 - 4.5.7. Mr. Jefferson asked about the amendments that are being considered. Ms. Cziment responded that there are amendments being considered to the charter regarding funding. Also, discussing amendments to the OIPM

ordinance regarding the types of investigations the office could do. Will likely seek to do administrative investigations only.

- 4.5.8. Ms. Calderon asked why subpoena power was necessary. Ms. Cziment responded that her office often needs to get NOPD records; now, it is purely a consensual basis for responding to OIPM requests for information. The subpoena power is not intended for investigations, but it is possible in the future that there may be a need for subpoena power to conduct investigations. Ms. Calderon noted that it is important to think through when subpoena power is appropriate.
- 4.5.9. Ms. Callia noted that the meeting with JP Morrell was at a very high level. They did not get into the drafting of documents and language. The discussion at this point is preliminary. Ms. Calderon thanked Ms. Callia and Dr. Cowan for having that meeting. She also thanked Ms. Cziment for the work of her office.
- 4.5.10. Mr. Cowan noted that all of the work done through the consent decree process will be lost unless the OIPM staffs up to do much of that work. Mr. Cowan further noted that the OIPM has a lot to do and not enough staff at present. Ms. Cziment agreed. Mr. Cowan noted that if all goes as planned, the office will have more responsibilities after the end of the consent decree. He asked, “how will your office do this?” Ms. Cziment responded that it is prioritizing the work product to address the most “impactful” work and deemphasizing other work. Her office is changing the direction of where it is focusing its work. For example, her office no longer summarizes discipline in memos; few people were reading the reports. So, her office has eliminated the disciplinary memos and pivoted to do other things with her office’s limited resources.
- 4.6. Ms. Cziment shared her 2023 Work Plan with the board and discussed the contents (attached). Focused ERB’s attention on major projects set forth in the report. For example, Ms. Cziment noted that her office will release a report in February regarding the Office of Secondary Employment.
- 4.7. Plans to archive lots of information on the website regarding NOPD issues. Will also improve the content of the website.
- 4.8. Ms. Calderon noted that she is impressed with the work plan.
- 4.9. Mr. Cowan asked about how subpoena power was obtained by the OIPM. Ms. Cziment noted that she will work with the city council, but also would consider getting state legislation too. This would make it harder for any responsibilities to be taken away. This would preserve independence of the office.
- 4.10. Mr. Cowan asked how the OIPM started looking at secondary employment issues. Ms. Cziment responded that the Office of Secondary Employment (OSE) is a

product of the federal consent decree (in 2012 or 2013). Thereafter, the OIPM started to oversee the work of the OSE.

- 4.11. Mr. Cowan asked why the OIG would not be involved in overseeing the OSE. Ms. Cziment noted that her office only looks at administrative issues—not criminal issues. The OIG would handle any criminal investigations.
 - 4.12. A dispute arose about the respective roles of OIG and OIPM regarding investigations. Ms. Callia pretermitted the discussion for a future time.
 - 4.13. Ms. Sukunbi presented the “informational tool” regarding the NOPD superintendent selection process (attached). The office wants to facilitate the search process by giving information to the city about the processes used in the past. Also, discussed the role of a search committee in past and present superintendent searches. Mr. Cowan noted that there should not be two search committees. Right now, there is no search committee. There is a search firm. The mayor may change this in the future.
5. *Monthly Report of Ethics Trainer.*
- 5.1. Mr. Jordy Stiggs presented his monthly written report (attached).
 - 5.2. Noted that all board members must do their 2.1 form disclosures regarding finances.
 - 5.3. Noted that every board member took their required sexual-harassment and ethics training for 2022.
 - 5.4. During 2022, Mr. Stiggs trained 571 people during live trainings. He also trained around 30 people through online training. This is a large increase over the number of individuals trained by the Hackett Group during a three-year period.
 - 5.5. Discussed the desire to print out materials and posters to promote his training programs. The board expressed its view that this is a good idea.
 - 5.6. Mr. Stiggs is working with liaisons to develop training and materials.
 - 5.7. Mr. Stiggs would like to establish a more collaborative relationship with the CAO’s office. He believes that this is coming along well.
 - 5.8. As to awards, Mr. Stiggs would like to increase the number of nominations for ethics awards, perhaps by more outreach and by prodding of the liaisons.
 - 5.9. Mr. Stiggs discussed questions regarding training on issues related to collecting money for employees who lose a loved one to death.
 - 5.10. Mr. Stiggs is working on the ERB website to turn it into an online archive or library for training materials.

6. *Report of the Executive Administrator and General Counsel.*
 - 6.1. Mr. Ciolino presented his oral report.
 - 6.2. Mr. Ciolino reported that the ERB has received no new complaints.
7. *Report on QARAC Appointments.*
 - 7.1. Mr. Ciolino reported that the ERB is awaiting QARAC nominations from the city.
 - 7.2. Mr. Ciolino also reported that the ERB is awaiting a nomination from the mayor as to the Loyola, SUNO, and Dillard ERB positions.
8. *Call for Agenda Items for Future ERB Meetings.*
 - 8.1. Discussion of OIPM ordinance and charter amendments.
 - 8.2. Discussion of mayorial and council appointments.
9. *Adjournment.*
 - 9.1. A motion was made to adjourn the ERB meeting.
 - 9.2. The motion was seconded.
 - 9.3. The ERB unanimously voted to adjourn. The meeting was adjourned at 1:43 p.m.

* END *

Monthly Report of OIG

MONTHLY REPORT

FEBRUARY 2023



OIG

**NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

ADMINISTRATION DIVISION



1,905

Number of registered Twitter followers

ADMINISTRATION

The Office Manager is responsible for the following ongoing tasks:

- Human Resources
 - Coordinating the hiring process
- Finance
 - Managing and refining the OIG budget
- Procurement Process
 - Communicating with OIG vendors
 - Processing requisitions to create purchase orders
 - Overseeing the timely payment of OIG expenditures
- Operations
 - Coordinating with the OIG's landlord and various City departments on administrative matters

INFORMATION SECURITY

The OIG Information Security Specialist is responsible for the following tasks to maintain the OIG's information technology (IT) integrity

- Technical Support
- Hardware and Software Updates
- Communication and Coordination
- Consultation for IT Purchases

AUDIT & REVIEW DIVISION

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.



The Audit and Review Division has the following projects in process:

- Orleans Parish Communications District (OPCD) Expenditures
- Wisner Fund
- Orleans Parish Sheriffs Office
- Short Term Rentals

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

AUDIT AND REVIEW DIVISION

The following information provides a summary of the Audit Division's project phase and a summary of the audit objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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Orleans Parish Communications District	30 Day Comment Period	March 2023
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Summary of Objectives: To determine if management's internal controls are designed properly and implemented and operating effectively to ensure expenses and disbursements were business-related and allowed by law.

Wisner Fund	Draft Report	Ongoing
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Summary of Objectives: The OIG will be releasing a letter explaining why the 2020 Extension of the Wisner Trust was not proper, violating City Code and prior court rulings concerning the Trust.

Orleans Parish Sheriffs Office	Planning	Ongoing
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Summary of Objectives: The purpose of the audit is to evaluate the operating effectiveness of the Orleans Parish Sheriff Office's controls and expenditures related to payroll and paid details.

Short-Term Rentals	Fieldwork	Ongoing
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Summary of Objectives: The OIG will be releasing a letter suggesting that the City increase its efforts to levy fines on illegal short-term rentals.

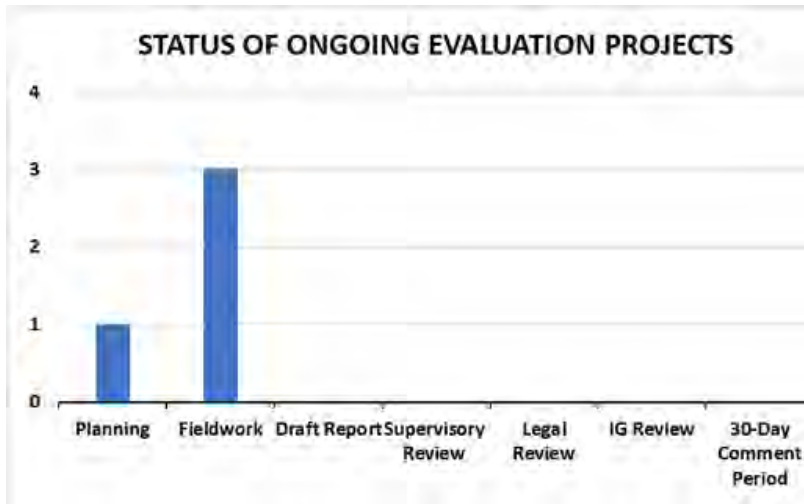
Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INSPECTIONS & EVALUATIONS DIVISION

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.



The Inspections & Evaluations Division has the following projects in process:

- New Orleans Police Department (NOPD) Violent Crime Response Analysis
- City of New Orleans Employee Time and Attendance Reporting
- EMD Fuel Dispensing Follow-Up
- Sewerage and Water Board Water Loss Control

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

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MEASURING PROGRESS

INSPECTIONS AND EVALUATIONS DIVISION

The following information provides a summary of the Inspections and Evaluations Division's project phase and a summary of the each project's objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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City of New Orleans
Employee Time and
Attendance Reporting

Fieldwork

Ongoing

Summary of Objectives: To determine whether the City has policies, procedure, and controls to ensure that Time and Attendance is reported accurately.

NOPD Violent Crime
Response Analysis

Fieldwork

Ongoing

Summary of Objectives: To assess the NOPD's response to violent crimes in the City in relation to best practices and industry standards.

EMD Fuel Dispensing
Follow-Up

Fieldwork

Ongoing

Summary of Objectives: This follow-up evaluation seeks to determine if the City implemented the corrective actions to which it agreed in June 2016 in response to the OIG's initial evaluation, and whether the deficiencies identified in the original report still exist.

Sewerage & Water Board
Water Loss Control

Planning

Ongoing

Summary of Objectives: To assess Sewerage and Water Board policies and controls for the loss of treated water due to infrastructure failures.

Footnotes:

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2 - The completion date may be re-evaluated if necessary.

INVESTIGATIONS DIVISION

ADMINISTRATIVE INVESTIGATIONS (FEBRUARY HIGHLIGHTS)

One City employee resigned in lieu of suspension for having outside employment without written approval and for refusing to admit that he had outside employment when asked.

Issued three Requests for Documents to NOPD.

Issued a Request for Documents to the Chief Administrative Office.

Issued a Request for Document to the Personnel Director.

Issued a letter and related documents to the Assessor's Office concerning ten (10) residential properties which continued to receive a homestead exemption and senior freeze reduction despite the listed homeowner reportedly being deceased. The total number of residential properties submitted for 2023 is 20. Assessor's Office acknowledged receipt of the letter.

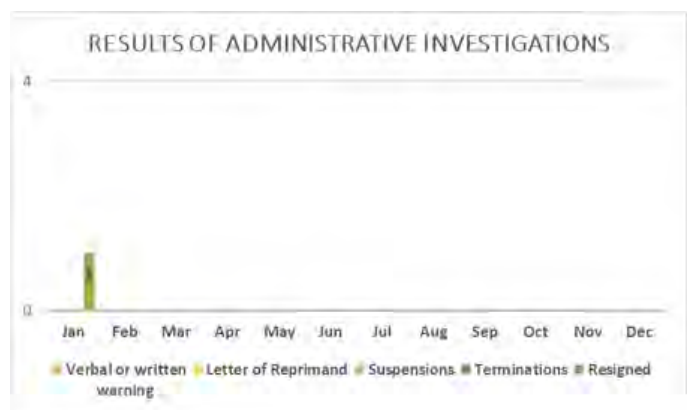
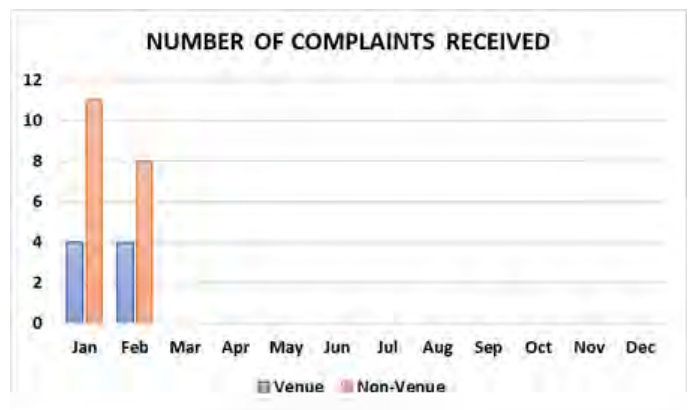
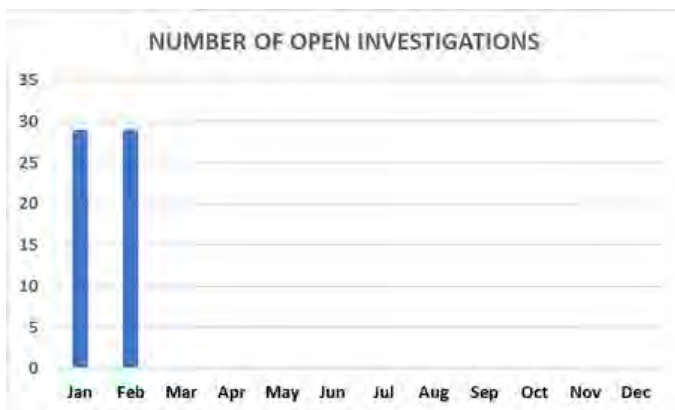
Issued a letter to the Assessor's Office concerning a homeowner receiving a homestead exemption who does not occupy the residence.

On February 3, 2023, the OIG Issued a Request for Documents to the City asking for verification that monies held by Forward Together New Orleans (FTNO) had been returned to the city. On February 9, 2023, the City responded to this request and acknowledged receiving a cashier's check dated January 27th, 2023 from FTNO in the amount of \$1,063,410.40. The OIG subsequently issued a news release concerning the recovery of these funds.

MEASURING PROGRESS

INVESTIGATIONS DIVISION

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.



Venue: Matters that the OIG has the jurisdiction to investigate

Non-Venue: Matters outside of the OIG's jurisdiction

2023 BUDGET

TOTAL APPROPRIATION FOR 2023: \$4,020,437

Expenditures	Spent YTD
Personnel	\$ 376,911
Operating	\$ 92,640
Total	\$ 469,551
Remaining Balance	\$ 3,550,886

As of 3/01/2023

OIG ON SOCIAL MEDIA



New Orleans OIG @NOLAOIG · Feb 28

The Office of Inspector General sent a letter to S&WB Executive Director Ghassan Korban regarding Delinquent Accounts and Collection Efforts.

files.constantcontact.com/1b8199d3201/ac...

**OIG** NEW ORLEANS OFFICE OF INSPECTOR GENERAL



FOR EMBARGOED RELEASE: 2/28/2023

MEDIA CONTACT: communications@nolaog.gov

S&WB Delinquent Accounts

The New Orleans Office of Inspector General released a Public Letter to S&WB

The Office of Inspector General sent a letter to S&WB Executive Director Ghassan Korban regarding Delinquent Accounts and Collection Efforts. Please review the attached communication, [transmittal letter](#). The S&WB letter is attached here for your review. [Click here to read the entire public letter.](#)

OIG reports and letters are published on its website nolaog.gov

Edward Michel, Inspector General



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OIG ON SOCIAL MEDIA




Letter to Director of Safety & Permits – Third-Party Inspectors

December 21, 2022

The City of New Orleans Office of Inspector General (OIG) believes that the following Third-Party Inspectors, registered with Safety and Permits, are currently in violation of Section 110.10(1) of the Building Code because they appear to have current and active commercial and residential contractor's licenses issued by the State as described below:


- Randy Farrell Sr, Commercial License Certificate number (CL.) 61365; Residential License Certificate number (RL.) 885794 doing business as (dba) Global Technical Solutions
- Christopher Marino Jr., CL. 10337; RL. 81638, dba Roman Builders Inc.
- Hoang Trong Do, CL. 75203; RL. 888862 (Pending) dba AMM Contractor LLC

OIG ON SOCIAL MEDIA



New Orleans OIG @NOLAOIG · Feb 14

...
FORWARD TOGETHER NEW ORLEANS RETURNS MONIES TO THE CITY

**NEW ORLEANS OFFICE OF
INSPECTOR GENERAL**

**EDWARD MICHEL
INSPECTOR GENERAL**

IMMEDIATE RELEASE
MEDIA CONTACT: Elizabeth Foreman

February 14, 2023
Phone Number: 504-681-3200

FORWARD TOGETHER NEW ORLEANS RETURNS MONIES TO THE CITY

On April 27, 2022, the New Orleans City Council adopted Resolution No. R-22-203 requesting that the Office of Inspector General (OIG) investigate monies being awarded to nongovernmental agencies through one-year Cooperative Endeavor Agreements, including public monies diverted to Forward Together New Orleans (FTNO). On that same date, the City Council also adopted Resolution No. R-22-202 freezing the disbursement of proceeds from the Wisner Trust, the source of funds to FTNO, among other organizations, without Council approval pending resolution of the issues being litigated in the *City Council of City of New Orleans vs. Edward Wisner Donation, et al* lawsuit.

On September 2, 2022, the OIG subpoenaed records regarding the aforementioned FTNO financial transactions.

On October 20, 2022, a hearing was held in Orleans Parish Civil District Court in a lawsuit filed by the Board of FTNO against its former executive director Shaun Randolph. During the hearing, Allen Miller, attorney for FTNO, advised the Court that FTNO intended to return all City funds in its possession once a final judgment is issued.

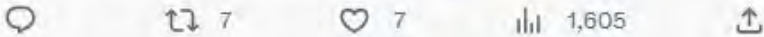
After a final judgment was rendered in the FTNO lawsuit, the OIG requested verification from the City that funds received from the City and held by FTNO had been returned to the City. On February 9, 2023, the City responded to this request and confirmed that a cashier's check dated January 27, 2023, in the amount \$1,063,410.40 was received from FTNO.

OIG QUOTE

The mission of the Office of Inspector General is to identify and mitigate fraud, waste and abuse. In times of limited resources and increasing threats, the City must ensure proper Stewardship of its limited resources. The OIG is an independent agency and will continue to facilitate the efficient and effective utilization of the City's limited resources as we identify and mitigate risks facing the City.

-Edward Michel, Inspector General

For information on OIG initiatives and work products to include OIG Monthly and Annual Reports, please visit the newly re-designed OIG website at www.nolaoug.gov.



MONTHLY REPORT

JANUARY 2023



OIG

**NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

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1,893

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District

Draft Report

Ongoing

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Office

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Ongoing

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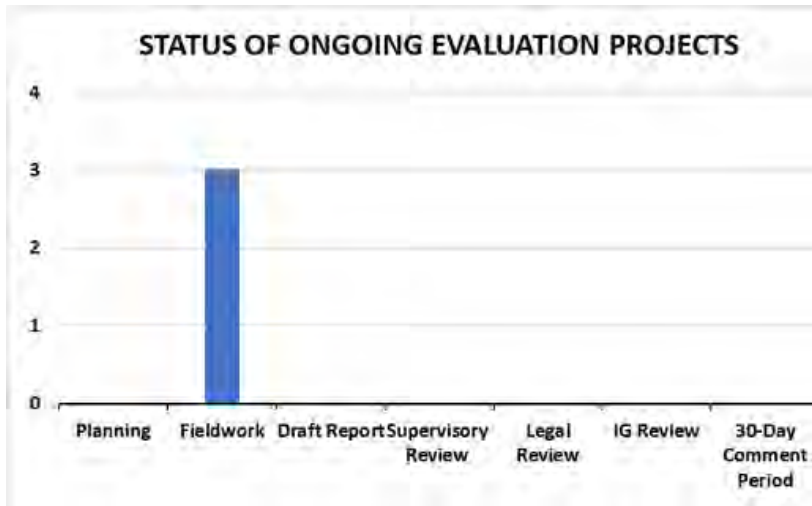
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Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

INSPECTIONS AND EVALUATIONS DIVISION

The following information provides a summary of the Inspections and Evaluations Division's project phase and a summary of the each project's objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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CNO Employee Time and Attendance Reporting

Fieldwork

Ongoing

Summary of Objectives: To determine whether the City has policies, procedure, and controls to ensure that Time and Attendance is reported accurately.

NOPD Violent Crime Response Analysis

Fieldwork

Ongoing

Summary of Objectives: To assess the NOPD's response to violent crimes in the City in relation to best practices and industry standards.

EMD Fuel Dispensing Follow-Up

Fieldwork

Ongoing

Summary of Objectives: This follow-up evaluation seeks to determine if the City implemented the corrective actions to which it agreed in June 2016 in response to the OIG's initial evaluation, and whether the deficiencies identified in the original report still exist.

Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INVESTIGATIONS DIVISION

ADMINISTRATIVE INVESTIGATIONS (JANUARY HIGHLIGHTS)

Issued a Requests for Documents to the Real Time Crime Center

Issued a two Requests for Documents to NOPD

Issued two Requests for Documents to the Information Technology and Innovation Department

Issued a letter and related documents to the Assessor's Office concerning ten (10) residential properties which continued to receive a homestead exemption and senior freeze reduction despite the listed homeowner reportedly being deceased. Assessor's Office acknowledged receipt of the letter.

In December 2022, the OIG issued a letter to the Director of Safety and Permits regarding three Third-Party Inspectors with active residential and commercial contractors licenses issued by the State. As per Section 110.10(1) of the Building Code, under City Code Section 26-15, "Any Company or individual holding a Louisiana license as a building, residential, or home improvement contractor is prohibited from registering as a Third-Party inspection service provider." As a result of the letter, the City notified the three Third-Party Inspectors that their registration with the City of New Orleans was being revoked as of January 13, 2023.

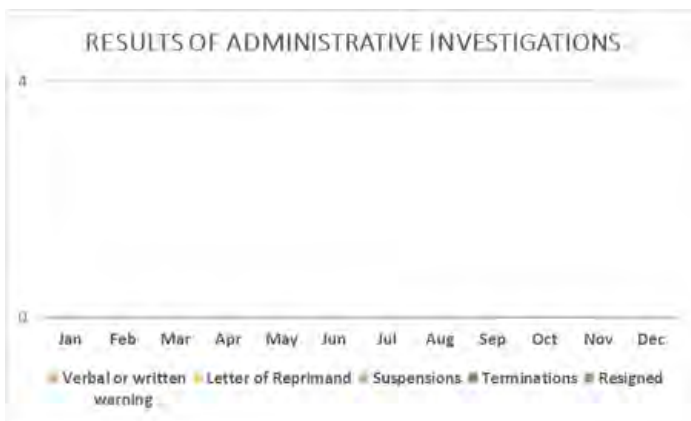
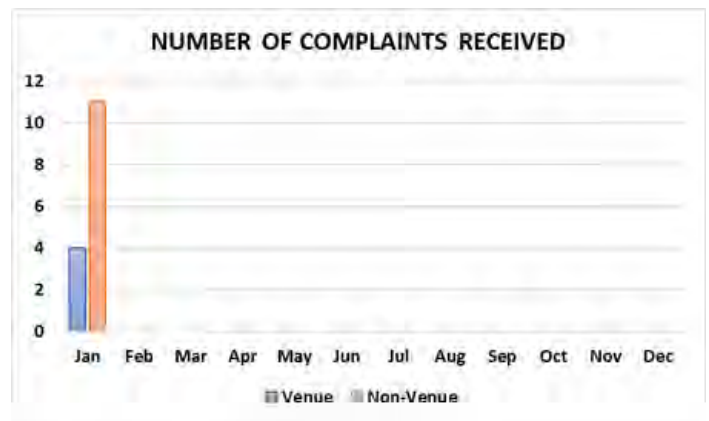
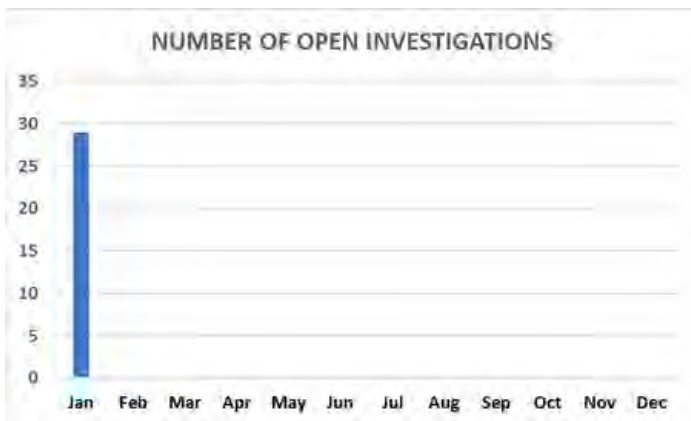
INVESTIGATIONS DIVISION

CRIMINAL INVESTIGATIONS (JANUARY HIGHLIGHTS)

MEASURING PROGRESS

INVESTIGATIONS DIVISION

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.



Venue: Matters that the OIG has the jurisdiction to investigate

Non-Venue: Matters outside of the OIG's jurisdiction

2023 BUDGET

TOTAL APPROPRIATION FOR 2023: \$4,020,437

Expenditures		Spent YTD	
Personnel		\$ 140,066	
Operating		\$ 18,669	
Total		\$ 158,735	
Remaining Balance		\$ 3,861,702	

As of 2/01/2023

OIG ON SOCIAL MEDIA



New Orleans **OIG** @NOLAOIG · Jan 12

New Orleans **OIG** December, 2022 monthly report:

nolaoig.gov/wp-content/upl...

MONTHLY REPORT

DECEMBER 2022



OIG

NEW ORLEANS
OFFICE OF INSPECTOR GENERAL



107



OIG ON SOCIAL MEDIA



Monthly Report of OIPM

OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

February 2023



LETTER TO THE COMMUNITY

Dear New Orleans Community,

On behalf of everyone at the OIPM, I hope you had a happy, safe, and joyful carnival season! While you sort your beads and throws, put away costumes, and go back to life before parades, we ask that you reflect on any interactions you had with the NOPD or law enforcement during Mardi Gras and you let us know about how those interactions went for you. Were you treated respectfully? Were you helped? Did you feel profiled? Were you harmed? Let us know about the good, the bad, and how you wish the NOPD would improve. This feedback is valuable to measuring how the NOPD is doing, how this collaborative law enforcement strategy went over Mardi Gras, and will help determine what should change or stay for next year.

During the month of February, the OIPM released a new report for the community, our organizational partners, stakeholders, and city leaders about all the actions taken over the last year regarding the allegations of misconduct in the secondary employment system. Since the media first reported of the possibility of payroll fraud and misconduct in the timekeeping of officers working secondary employment, the OIPM has been working closely with the NOPD, the federal monitors, and the Office of Police Secondary Employment to close loopholes, identify and address systemic problems in timekeeping software and training. The OIPM closely monitored the misconduct investigations that occurred and the subsequent disciplinary proceedings. Now, the OIPM seeks to share all that was done to ensure accountability occurred and policies were changed so this type of misconduct won't happen again. At the end of the report are the recommendations we propose for moving forward and the NOPD's response to the report and commitment to continuing to prioritize this serious matter. This report is available now on the OIPM website and we strongly encourage you to check it out.

In February, the OIPM was featured in the news for a handful of complaints received and monitoring being conducted but one story captured our concern and I wanted to address some misinformation now. In December, the OIPM shared out the allegations raised against officers and employees of the NOPD as it's done previously for years. However, the news reported on one of those summaries and questioned the handling of that information – that the OIPM possibly released information that should have been confidential or could damage an ongoing misconduct investigation. This was not the case. In that situation, the investigation was already closed by the time the OIPM made the report and all information, including the allegations provided, were public. The next day there was a retraction, however, the media still questioned if it was improper to release the allegations without stating that the concern was determined to be unfounded. The OIPM wants to address this by stating that there is a fear to come forward about misconduct. By sharing allegations made against officers, the OIPM is able to make the public aware of what is being alleged, and give space and courage to those who want to come forward. It's an immediate and transparent way to inform the community of what is being alleged against the NOPD – which is our responsibility as oversight. Any allegation that should result in covert operations or confidentiality is never shared in any of our materials - and is often used to arrest officers for criminal actions. Now, after some reflection, the OIPM is concerned about our monthly reports being wrongfully weaponized against the work this office is doing and the needs of the NOPD and community.

From public forums to public letters, the OIPM had a busy month in February. You can read more about all we achieved and relevant updates in this report. Looking forward, we are co-hosting a lunch on March 15th with the organization Families Overcoming Injustice to recognize the International Day Against Police Brutality. This is a great opportunity to learn from partner organizations that share in the goal of continuing police reforms that end officer involved violence.

Thank you,



Stella Cziment

Independent Police Monitor

WHO WE ARE

The OIPM is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. Its mission is to improve police service to the community, community trust in the NOPD, and officer safety and working conditions. Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and assisting in the reforms required under the Federal Consent Decree.

The OIPM is protected and required by City Charter and Ordinance. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department and has distinct responsibilities outlined by ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department to improve the way our community is policed.

Ensuring Compliance and Reform

- The OIPM reviews the NOPD's policies, practices, and investigations to ensure that every action taken is compliant with local, state, and federal law, and Consent Decree reforms.
- The OIPM advises on policy, tactics, training, and supervision to ensure that the NOPD is adopting national best practice and building a nondiscriminatory, safe, effective, and respectful police department that is responsive to the needs of the community and their employees.
- The OIPM does this through monitoring, case reviews, audits, and policy recommendations.

Amplifying the Needs of the Community

- The OIPM engages with the community to ensure that they both know about our services and understand how the police department works. Through providing information, the OIPM is equipping and empowering the community to navigate police encounters safely and demand what they need.
- Provides Complaint Intake.
- Operates the Community-Police Mediation Program.
- Partners with Families Overcoming Injustice.
- Coordinates public forums and outreach opportunities for the community to provide vital input on the way they are policed.

Making the NOPD a Safer and Nondiscriminatory Workplace

- The OIPM provides recommendations and assessments to ensure that the NOPD is a safe and nondiscriminatory work place for all employees.
- The OIPM assesses supervision and training to ensure that employees are being equipped and supported.
- The OIPM meets with police associations to hear concerns from their membership.
- The OIPM monitors disciplinary hearings to ensure that discipline is consistent and nonretaliatory.
- The OIPM receives commendations and accounts of positive policing from the community.



WHAT DO WE DO?

Mission, Vision, Work

We serve the community, ensure police transparency, compliance, and accountability, and make policing a safer and more rewarding employment experience.

WHAT WE DO



Misconduct Complaints



Disciplinary Proceedings



Data Analysis



Community Outreach



Use of Force



Community-Police Mediation Program



Audits and Policy



Commendations

The OIPM is the oversight body for the New Orleans Police Department (NOPD). The OIPM provides oversight through monitoring, reviewing, and auditing police activity and data. The OIPM is responsible for conducting complaint and commendation intake, on-scene monitoring of critical incidents and uses of force, overseeing the community-officer mediation program, reviewing investigations, providing assessments, identifying patterns, and making recommendations for improved practice, policy, resource allocation, and training. There are three components to the OIPM's work and mission:

The OIPM envisions a police force where the community is a valued and respected partner in public safety and law enforcement. This is achieved through:

- Assurance of transparency, accountability, and fairness within the NOPD and in all policing practices
- Community-driven policing policy that reflects the changing and dynamic needs of New Orleanians
- Continued efforts to engage the community and collaborate with community partners
- Recruitment and retention of a police force that is representative of and responsive to the community it serves
- Utilization of de-escalation techniques and methods when responding to calls of service
- Conducting only lawful and necessary arrests free of discriminatory practices
- Thorough and effective investigations resulting in appropriate arrests and prosecutions
- Clear and professional communication with victims and witnesses of crime and all that come into contact with the NOPD
- Responsible utilization of equipment and allocation of resources
- Development of highly trained supervisors and organizational leadership
- Interactions with the public and internally within the police force that are based in mutual trust and respect

The OIPM seeks to amplify the voice of the community to ensure that all within the city – visitors and residents alike – can access police services equally and have a positive experience with officers.

RELEVANT UPDATES; WORK

Goal: Wrote and Released Report on Systemic and Policy Changes Recommended and Adopted regarding the Secondary Employment System

On February 10, 2023, the OIPM released a report for the community, organizational partners, and all stakeholders regarding the response to the allegations of misconduct in the secondary employment system including the changes, accountability, and monitoring that occurred over the last year. This report showcased the collaboration and actions taken together and separately between the OIPM, the Office of the Consent Decree Monitors (OCDM), the Office of Police Secondary Employment (OPSE), and the New Orleans Police Department (NOPD) to address the allegations of misconduct, time cap violations, and payroll fraud.

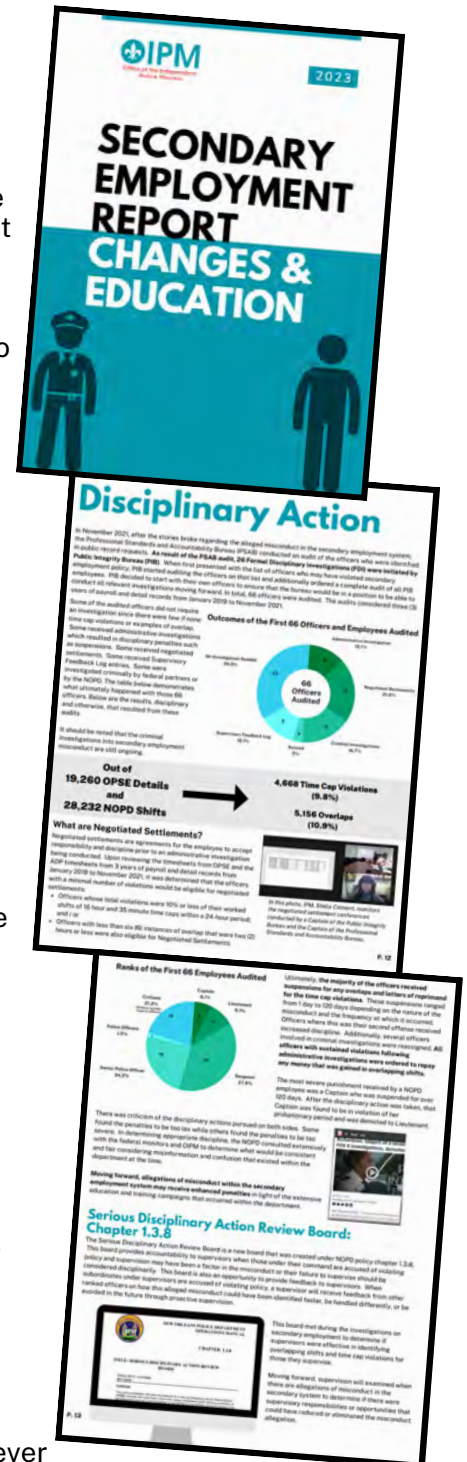
OIPM designed this report to communicate to the public what steps were taken to response to the allegations of misconduct that were raised in 2021. This report explains that multiple agencies worked together to address the problematic behavior, create new policy to address confusion and gaps, retrain and inform officers of the requirements around secondary employment, prepare supervisors for how to identify potential abuses within the system, and integrate different timekeeping systems to ensure that officers could not and would not be able to work a secondary employment shift at the same time as their required duty shift. This report provides background information regarding the creation of the Office of Police Secondary Employment, a timeline of events regarding the allegations of misconduct and the response and identified obstacles that contributed to the secondary employment violations.

The OIPM also highlighted the disciplinary action taken, the use of the newly developed Serious Disciplinary Action Review Board under NOPD Chapter 1.3.8, training improvements, system integration, policy changes and how those changes were implemented and communicated to the department, still open OIPM recommendations, and new monitoring measures. The Independent Police Monitor, Stella Cziment, stated regarding the new monitoring measures put into place, "Together, these bureaus along with OPSE and OIPM are working to ensure there are manageable and realistic ways to identify potential misconduct in the secondary employment system. Though ultimately there may always be bad actors, the new integrations, policy, and monitoring will make it harder for the system to be manipulated and any violation will be identified and addressed faster and better."

The NOPD submitted a formal response responding to recommendations, discussing recent findings of an audit, and recommitting to working with the OIPM and other city agencies on these issues. Chief Woodfork wrote: "As this letter demonstrates, we stand ready to work with your office to identify areas we can improve our department's response to misconduct and solidify our policies to give our officers clear directions."

Goal: Completed Recommendation - Transcription Services in Misconduct Investigations Conducted Outside PIB

In February, the OIPM submitted a formal recommendation to NOPD leadership regarding misconduct investigations conducted outside of PIB. Currently, whenever a Captain within the Field Operations Bureau is assigned a misconduct investigation regarding another ranked officer, that Investigation Captain must transcribe all the recorded interviews themselves. This is extremely time consuming and creates a possible incentive to keep interviews short. The OIPM worked with the Professional Standards and Accountability Bureau on this issue and ultimately recommended waiving the requirement supervisors transcribe statements for disciplinary investigations which result in a level C or lower sustained allegation except for accused officers ranked lieutenant or higher or / and when the where the penalty matrix allows for a possible demotion or dismissal (for example: Level B 3rd offense the penalty is 2-5-10/D).





Update: OIPM Letter Regarding Conflict of Interest

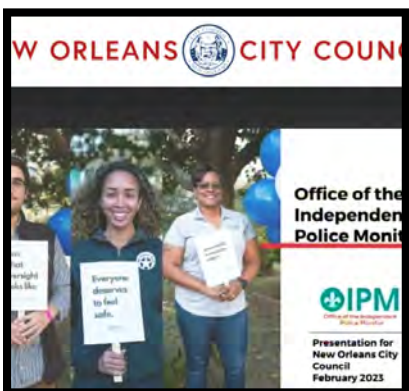
The OIPM sent a letter of concern to the City Council President and the City Attorney regarding a potential conflict of interest in a misconduct case that the OIPM is monitoring. The OIPM in collaboration with the Office of the Consent Decree Monitor (OCDM) is responsible for monitoring the investigation and providing technical assistance to the NOPD through the investigation process. While completing these oversight responsibilities, the OIPM has identified the appearance of a legal conflict of interest. In the letter, the OIPM, as oversight for the NOPD, outlined concerns that had developed regarding a potential conflict of interest or the appearance of a conflict of interest of the City Attorney's Office both representing and advising the NOPD and the Mayor's Office. The OIPM stated that Mayor Cantrell may be a material witness in the allegations of misconduct and additionally, that the Mayor's Office had released a statement recommending that law enforcement officers remain silent as to her executive protection. In combination, this created the potential for the Mayor to be considered in an adversarial position from the NOPD. The OIPM stated the concern that even the appearance of a conflict of interest in this matter will compromise the integrity of the investigation and cast doubt on any investigatory dispositions. The OIPM sought assurance that the NOPD has the independent legal counsel it requires to complete this investigation. During the month of February, this was an ongoing matter.

Goal: Designed Process and Form to Request Supervisory Interventions During Disciplinary Proceedings

In the past, there was no implemented practice for how the OIPM could address possible misconduct, training, or policy issues identified during disciplinary proceedings. In response to a series of conversations with NOPD leadership and the Police Association of New Orleans, the OIPM decided to address this gap through the creation of the Post-Hearing Recommendation Form. In this form the OIPM representative can write any requested follow up tasks, policy recommendations, or referrals for formal disciplinary investigations and immediately provide that material to NOPD leadership on the spot. This form was used for the first time in February and is resulting in a policy clarification on the use of the disposition: "moot" in disciplinary proceedings.

Goal: Continue to Comply with Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee of City Council

In February, the OIPM and the Deputy PM appeared before the Criminal Justice Committee of City Council to update them on recent projects and to advise them on the "sensitive" complaint protocol and how the OIPM protects information and decides what information to release. This presentation is an opportunity to address City Council and the community and continue to inform all of our role, responsibilities, and operations.



CONSENT DECREE PUBLIC FORUM

We are including in our monthly report some of the feedback that our office and the Office of the Consent Decree Monitor received during the November public forums that were held on the Consent Decree. These public forums are an opportunity for the community to ask questions about the Consent Decree, voice concerns, and give feedback on the performance of the NOPD. In February, there was one public forum held at night at the Ashe' Cultural Arts Center in Central City.

As requested by the public, at the public forums, the monitors provided recaps of what happened at court and at the previous public forums. Here are some of the key points that the community reported to the federal and local monitor offices:

- Discussed upcoming consent decree status meetings and public forums. Discussed the pending release of the OCDM annual report.
- Asked to describe what the consent decree is. This led to a discussion about how those in attendance felt the NOPD was doing. Discussed the feeling that the NOPD is going backwards. Discussed that the consent decree doesn't come with teeth requiring compliance.
- Discussed PCABs in detail. Here is some of the information shared about PCABs:
 - Members of PCABs in attendance discussed difficulties with the PCABs they were facing from the inside including difficulties in finding members ("it feels like PCAB members are not locals"), holding meetings ("my district didn't hold meetings for two years"), and funding (to be able to post fliers about meetings in the neighborhoods).
 - Overall, there was a consensus that though PCABs were not everything that everyone in the room hoped they would be when they were first designed, it "wasn't something that I want to get rid of, it's a community to government action that gives the community a voice." There was a request that the PCABs include some type of parental guidance on the board for each district – so parents and community leaders could consider policing in the context of what helps the youth succeed.
 - There was frustration that the membership and selection process for PCABs was not transparent since it moved to being coordinated by the Office for Neighborhood Engagement. It was suggested that PCABs instead report to the monitors and provide recommendations directly to the monitors to be included in the reports made to City Council and the Judge.
 - Discussion around the line regarding how PCABs do not hold decision making power. As a result, "PCABs just feel like a concession." Some in attendance who were part of the original People's Assembly stated that initially these bodies were envisioned to be independent community boards that have subpoena power. This led to discussion around the ordinance to give the IPM subpoena power and investigatory power.
- There was discussion about facial recognition and the new partnership with Ring. Fear was expressed that this would turn into "what happened in Atlanta." There was the opinion expressed that the money for this project should be redirected since facial recognition relates to "anti-blackness" and "we do not need to police each other."
- The public forum asked about the Mardi Gras safety plans. The monitors discussed how these different law enforcement agencies would be subject to the supervision of NOPD and if anything happens, it will be investigated by NOPD. There was still concern about accountability and safety from other law enforcement agencies. The monitors reminded the group that Jefferson Parish and other agencies from out of parish do not have authority to police in Orleans.
- Discussed the Cop Watch / Umbrella Coalition report. The monitors confirmed that Judge Morgan did receive a copy. The IPM stated that we are going to be looking into the data that was released.
- There was discussion about how good police officers "sit in silence" and that doesn't help the public.



IPM, Stella Cziment, and Deputy Federal Monitor, David Douglas, listened to the concerns expressed at the Consent Decree Public Forum. The community, members of PCABs, and NOPD's leadership team were in attendance.

DATA OVERALL: YEAR TO DATE AND MONTH

	Feb-23	Feb-22	Feb-21	Feb-20	Feb-19	Feb-18	Feb-17	Avg 2017-2022
Citizen Complaint Count	13	5	3	4	7	1	2	3.67
Police Complaint Count	0	0	0	0	0	2	1	0.50
Civilian w/in NOPD*	0	0	0	0	-	-	-	0.00
Anonymous Complaint*	2	1	6	1	-	-	-	2.67
Criminal Case Liaison Count	3	1	1	9	2	0	1	2.33
Case Monitoring Count	1	4	0	1	0	1	1	1.17
Case Review Count	0	1	0	0	0	0	0	0.17
Contact Only Count	9	3	0	0	3	0	0	1.00
Disciplinary Hearing Count	3	7	0	3	2	7	4	3.83
Critical Incident Count	0	2	1	0	1	0	2	1.00
Firearm Discharge Count	0	4	1	0	1	0	1	1.17
Level 4 Non-Critical*	0	2	1	2	-	-	-	1.67
Force Monitoring*	1	-	-	-	-	-	-	-
Mediation Count	0	0	2	2	2	0	2	1.33
Commendation Count	0	0	0	0	0	0	0	0.00
Grand Total	32	30	15	22	18	11	14	18.33

	2023	2022	2021	2020	2019	2018	2017	Avg 2017-2021
Civilian Complaint Count	22	8	9	9	11	4	4	7.5
Police Complaint Count	0	0	0	0	0	4	1	0.83
Civilian w/in NOPD	0	0	0	0	0	0	0	0
Anonymous Complaint	2	1	7	2	0	0	0	1.67
Criminal Case Liaison Count	7	3	3	16	5	1	3	5.17
Case Monitoring Count	2	4	1	6	0	2	3	2.67
Case Review Count	0	1	0	0	1	0	0	0.33
Contact Only Count	13	6	1	3	3	0	2	2.5
Disciplinary Hearing Count	7	7	3	3	4	9	9	5.83
Critical Incident Count	1	3	1	3	2	0	5	2.33
Firearm Discharge Count	1	4	1	3	2	0	2	2
Level 4 Non-Critical*	2	4	1	3	0	0	0	1.33
Force Monitoring*	1	0	0	0	0	0	0	0
Mediation Count	0	0	3	5	2	0	4	2.33
Commendation Count	0	0	0	0	0	0	0	0
Grand Total	58	41	30	53	30	20	33	34.5

*indicates a new category or a category that was not always captured by OIPM

CURRENT BUDGET

OIPM Budget Description	Amount
Personnel	\$769,582.00
Operating	\$400,000.00
2022 Total OIPM Budget	\$1,169,582.00
2022 Total OIPM Budget	\$1,169,582.00
Amounts Spent to Date:	(\$164,584.00)
Unexpended funds	\$1,004,998.00

MISCONDUCT WORK

Relevant Definitions

Complaint

A complaint is an allegation of misconduct filed against a NOPD officer(s) by a member of a public or civilian (external) or another officer (internal). A complaint may concern an action or lack of action taken by a NOPD officer(s), an interaction with a NOPD officer, or a witnessed interaction with a NOPD officer.

Complainant

A complainant is the individual who files a complaint against a NOPD officer(s). A complainant may be generated internally (by another officer or a supervisor) or externally (by a member of a public). The complainant does not need to be personally affected by the incident.

OIPM Complaint Codes

When the OIPM receives a complaint referral, the OIPM organizes the complaint according to the source of the complaint.

- Civilian based complaints are classified as: CC.
- Complaints from police officers are classified as: PO.
- Complaints from civilians working within the NOPD are classified as: CN.
- Anonymous complaints are classified as: AC.

Misconduct

Officer action or failure to take action that violates any rule, policy, procedure, order, verbal or written instruction of the NOPD or is a violation of any city ordinance, state or federal criminal law. Misconduct includes, but is not limited to:

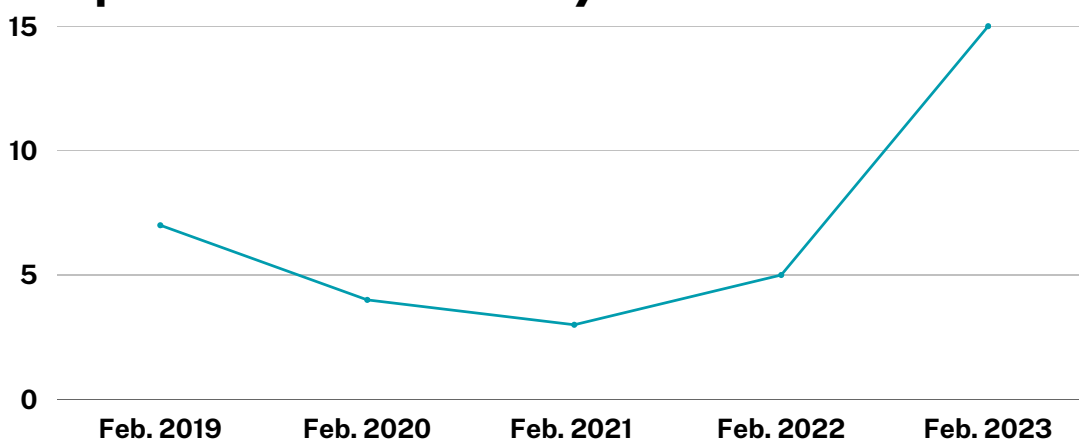
- Use of Force
- Abuse of Authority such as unlawful searches and seizures, premises enter and search, no warrant, threat to notify child services, threats to damage of property, etc., refusal to take complaint, refuse to identify themselves, damages to property seized
- Failure to supervise
- Falsification of records
- Inappropriate language or attitude
- Harassment
- Interference with Constitutional rights
- Neglect of duty
- Discrimination in the provision of police services or other discriminatory conduct on the basis of race, colors, creed, religion, ancestry, national origin, gender, sexual orientation
- Theft
- Retaliation for filing complaint with NOPD or the OIPM

Complaint Procedures

The OIPM does not verify the statements made during complaint intake or agree with the statements provided by the complainant. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. OIPM personnel may review information in NOPD systems regarding the interaction complained of, including body worn camera video, in car camera video, electronic police reports and field interview cards. The OIPM may include information obtained from NOPD information systems in the complaint referral.

The OIPM assesses whether in the information provided should be provided confidentially or if the OIPM would recommend covert operations conducted by the Special Investigation Squad (SIS). Anything shared in this report is public information.

Complaint Totals - February



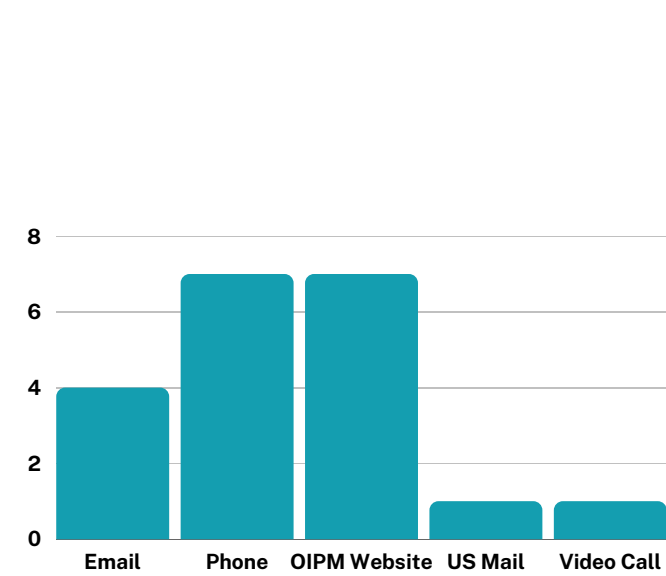
15

**Total Complaints
Received in
February**

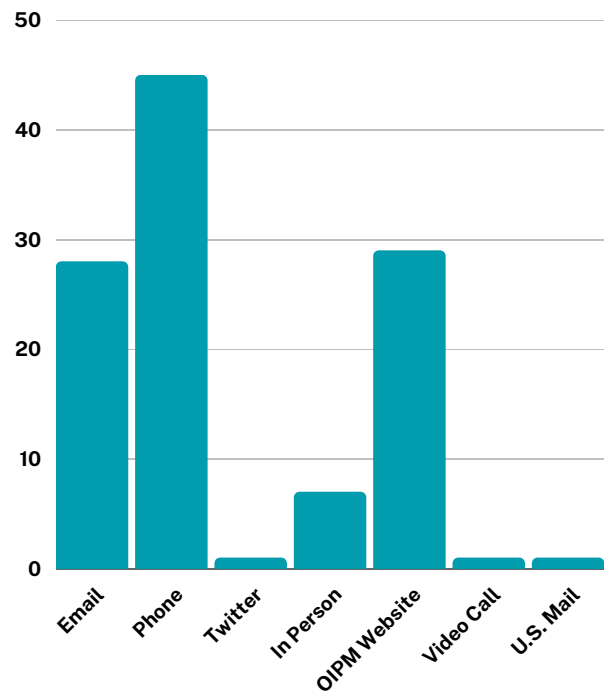
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**Total Complaints
Received in
the Past 12
Months**

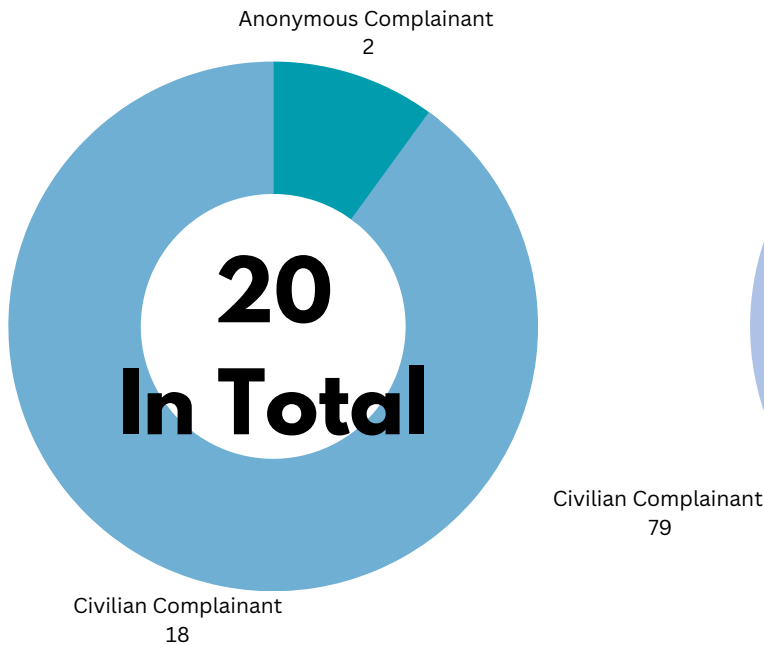
Complaint Intake Source - 2023



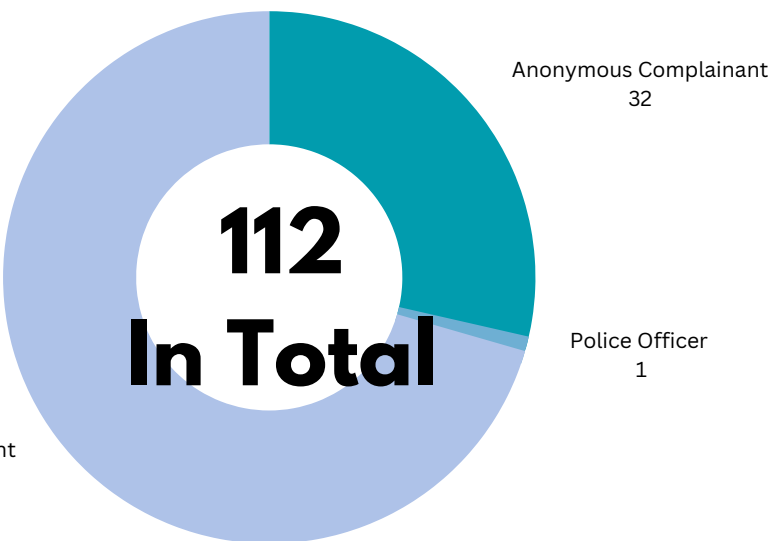
Complaint Intake Source - Past 12 Months



Complainant Type - 2023



Complainant Type - Past 12 Months



Anonymous Complainant: 10%
Civilian Complainant: 90%

Anonymous Complainant: 28.6%
Civilian Complainant: 70.5%
Police Officer Complainant: 0.9%

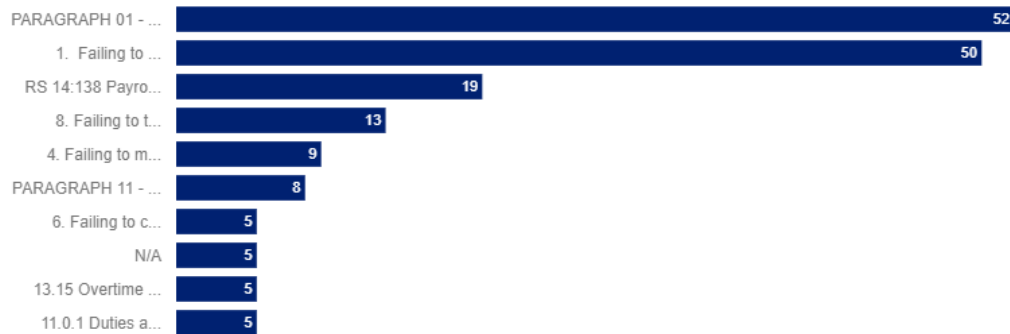
Complainant Type - Past 12 Months



Top Allegations - Past 12 Months

This chart captures the top allegations are proposed by the OIPM in the referral letters submitted to the Public Integrity Bureau. This chart is limited since it will only include the allegations that the OIPM entered into our database and has not yet been updated. The OIPM hopes to work on this issue with the NOPD in order to ensure accuracy in the proposed allegations.

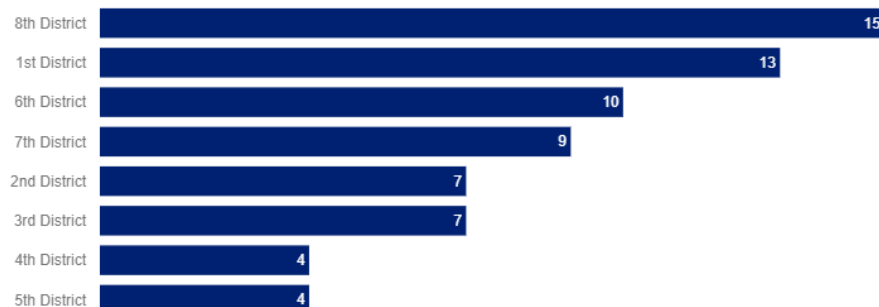
Top Allegations
Past 12 Months



Districts - Past 12 Months

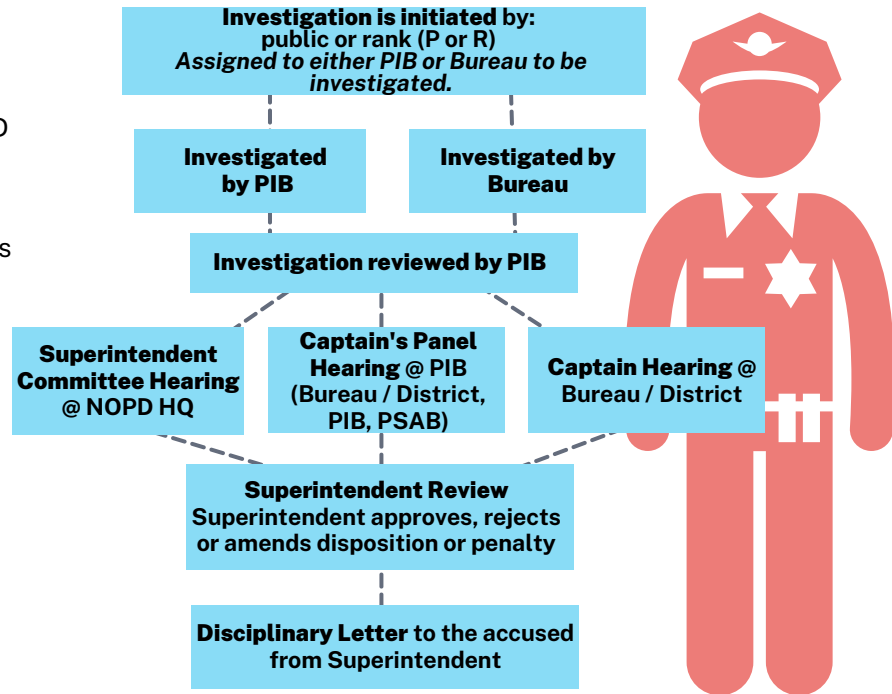
This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information through electronic police reports, body worn camera footage, and field identification cards.

District
Past 12 Months



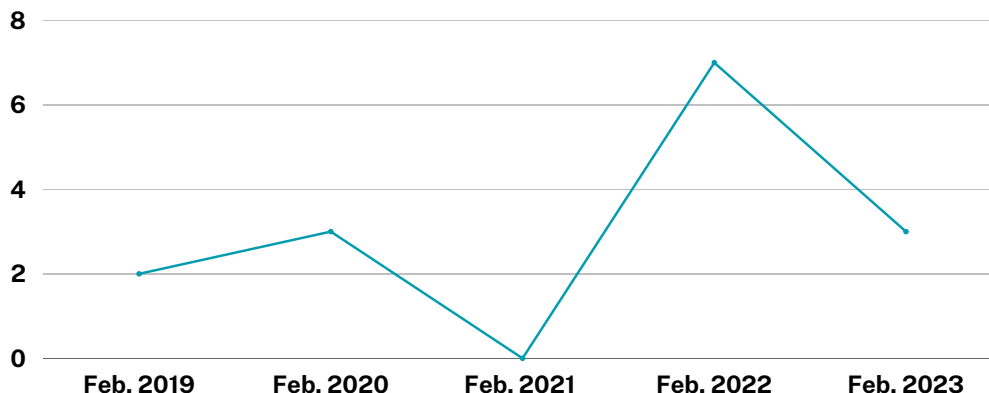
DISCIPLINARY PROCEEDINGS

After the misconduct investigatory process, if the investigating officer sustained an allegation, then that allegation must be affirmed by NOPD leadership in order for that accused officer to be disciplined. This occurs through the disciplinary proceeding process. The disciplinary proceedings are conducted by the NOPD - either by Captains or Deputy-Chiefs. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, truthful, and timely in accordance with NOPD policies and law. Adjudication of misconduct is handled internally by the PIB or the Bureau of the officer / employee.



The OIPM may monitor the process conducted by the PIB or by the Bureau; however, under the MOU, there are detailed directions regarding how the OIPM is notified of investigations by the PIB and similar protocol does not currently exist for Bureaus. For that reason, the OIPM tends to be more involved with investigations and disciplinary proceedings conducted by the PIB. During every disciplinary proceeding, the OIPM remains in the room for deliberation with the NOPD leadership to give the hearing officers feedback and input. This process is how the OIPM provides our recommendations and feedback regarding the strength of the investigation, liability and risk management concerns, and areas where the policy required clarification or was being applied inconsistently. Though OIPM may provide this feedback in memorandums to the NOPD prior to the hearing or supplementing these hearings, these discussions during the deliberation process enable the NOPD to consider and digest our points before any final decision was made on the matter. These discussions are an opportunity for the OIPM to provide and receive insight into the NOPD investigation and often these comments lead to meaningful discussion with not just the hearing officers, but the assigned investigator on the case, since it was an opportunity for that investigator to explain investigatory decisions and to answer questions.

Disciplinary Proceedings



3

Total Disciplinary Proceedings Received in February

OIPM tracks Disciplinary Proceedings based on the date notice is received from NOPD and not necessarily on when the disciplinary proceeding occurs. These proceedings are often rescheduled for scheduling conflicts. Tracking by notification date allows for consistent and accurate data collection.

USE OF FORCE

Relevant Definitions

Critical Incident

Critical incidents are an internal definition that was agreed upon by the OIPM and the NOPD through the November 10, 2010 Memorandum of Understanding. This definition captures that the OIPM should be notified of deaths, certain levels of injuries, and officer involved shootings within an hour so the OIPM has the ability to monitor the on scene investigation by the Force Investigation Team. According to this shared definition, critical incidents are:

- All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting ("OIS");
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization;
- All head and neck strikes with an impact weapon, whether intentional or not;
- All other uses of forces by an NOPD officer resulting in death; and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD.

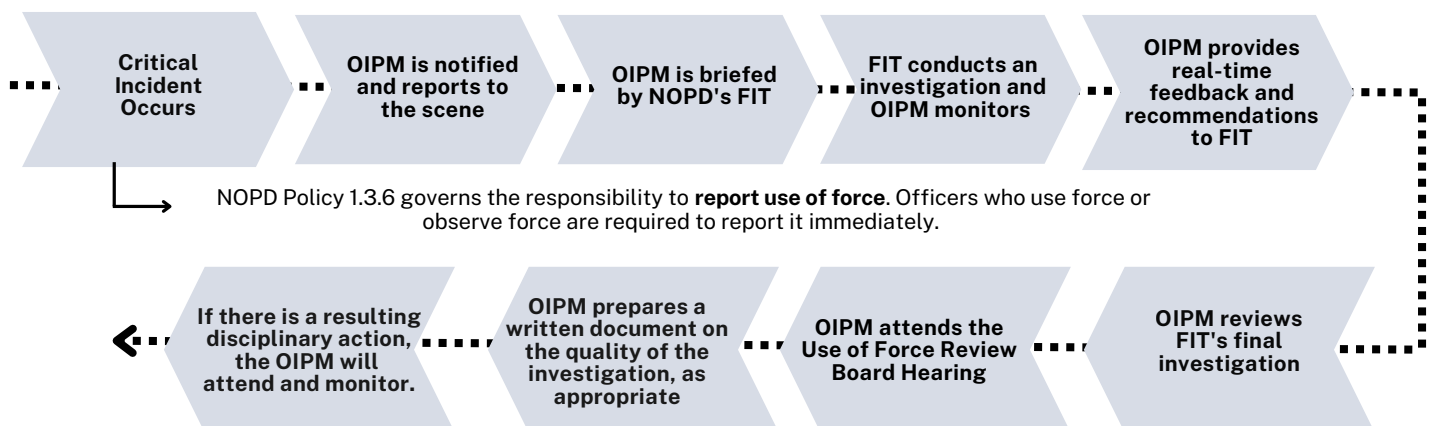
Use of Force

Use of Force is when an officer uses physical contact on an individual during a civilian-police interaction. The force can be mild to severe based on the levels of force outlined in the NOPD policy. The force may be considered justified by NOPD policy considering the facts and circumstances known to the officer at the time which would justify that appropriate physical contact based on how officers are trained to handle that interaction. Force will be assessed based on the type of contact utilized compared to the resistance encountered, resulting injuries, witness statements, officer statements, and evidence found.

Levels of Force

- **Level 1:** Includes pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.
- **Level 2:** Includes use of a CEW also known as "tasers" (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.
- **Level 3:** Includes any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal.
- **Level 4:** Includes all 'serious uses of force' as listed below:
 - (a) All uses of lethal force by an NOPD officer;
 - (b) All critical firearm discharges by an NOPD officer;
 - (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
 - (d) All neck holds;
 - (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
 - (f) All canine bites;
 - (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;
 - (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
 - (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

Critical Incident / Use of Force Chain of Events

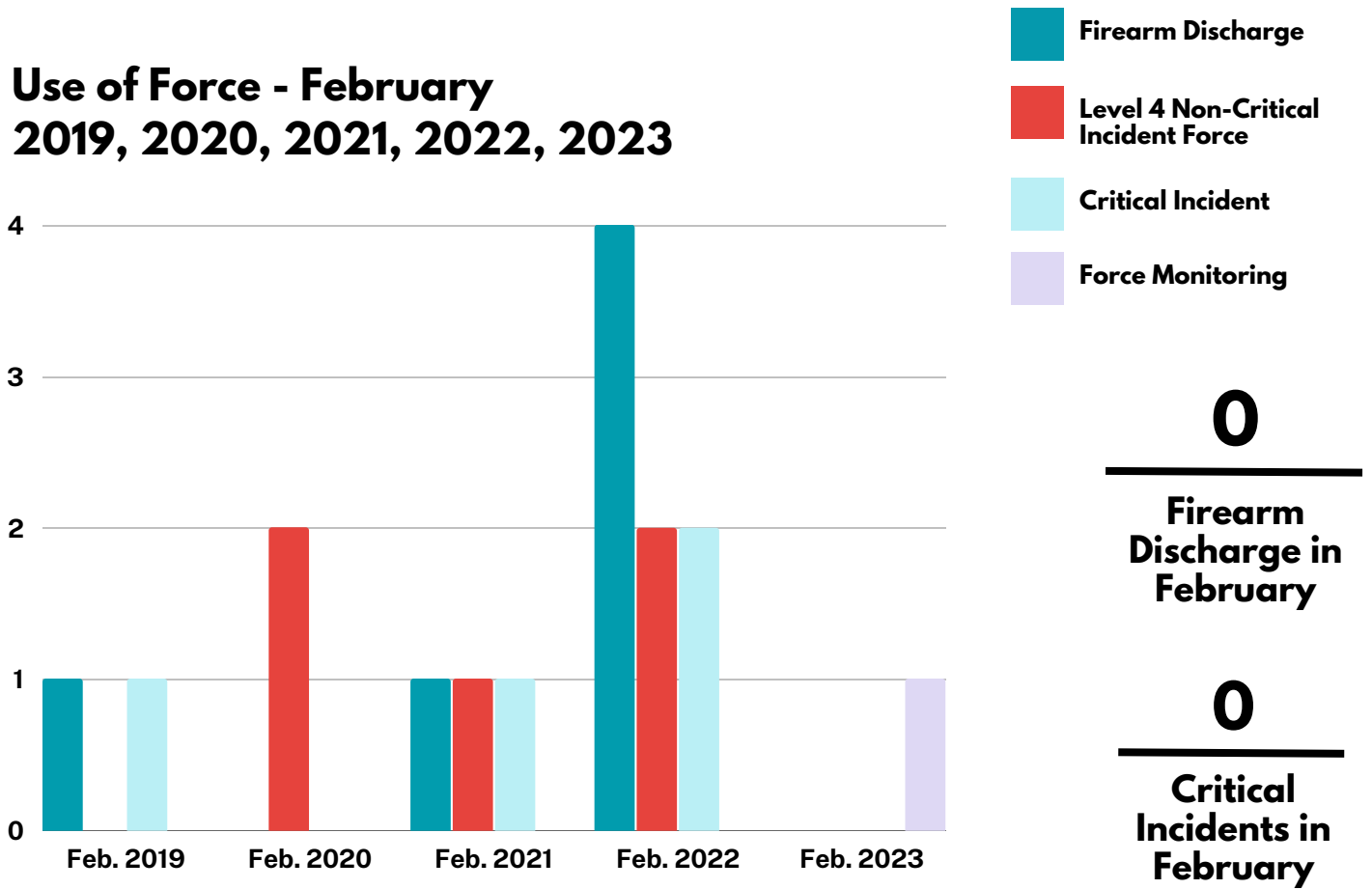


Use of Force Work

Use of Force monitoring and reviews are an opportunity for the OIPM to conduct a qualitative assessment of an investigation to ensure thoroughness, timeliness, fairness, transparency, accountability, and compliance with law, policy, and the Federal Consent Decree. The OIPM monitors and reviews the use of force, in-custody death, and critical incident investigations conducted by the Force Investigation Team (FIT) within the Public Integrity Bureau (PIB) of the NOPD. The OIPM is required by City Code § 2-1121 and by the MOU to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. The OIPM will attend the investigation or the relevant activity, and will document the activity taken and not taken by the NOPD. The expectation is that the OIPM representative does not participate in the activity, but instead observes the police actions and takes notes.

While OIPM is notified of each use of force that occurs, OIPM gives the most attention to the most serious uses of force incidents, Critical Incidents. However, OIPM will often review lower-level uses of force incidents to ensure NOPD policy is being upheld.

Use of Force - February 2019, 2020, 2021, 2022, 2023



Force Monitoring

In 2023, the OIPM began tracking "Force Monitoring." The OIPM is required to report to Critical Incident scenes, but may elect to report to a scene if necessary details to make a determination of force categorization are not available at the time of notification. OIPM recognizes many critical steps are taken early in an investigation and believes it is important not to miss the opportunity to monitor an investigation that may become critical, if possible.

In February, the OIPM reported to a scene where an individual reported his ribs were broken during law enforcement interaction. It was later discovered that the involved law enforcement officer was a member of the Orleans Parish Sheriff's Office and not NOPD.

1

Force Monitoring in February

Use of Force Review Board

The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. UFRB hearings should be held every 30 days.

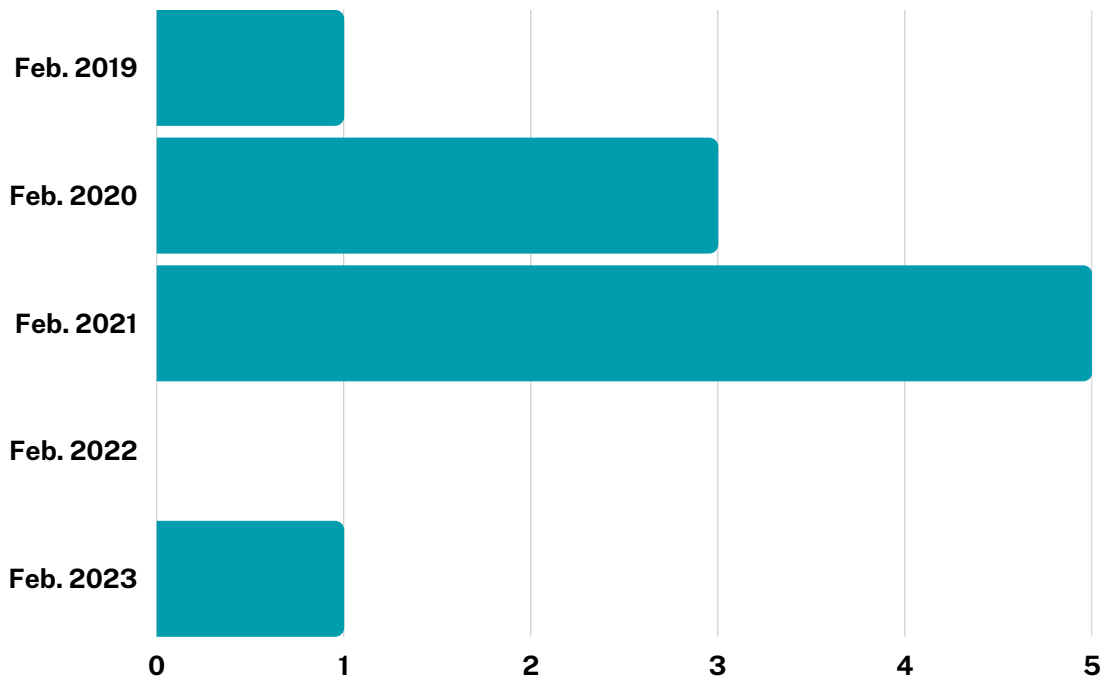
The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau. Other NOPD deputy chiefs and commanders serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor have been invited to observe, listen and participate in discussion. During UFRB, the FIT investigator prepares a written report, presents the cases and provides recommendations to the Use of Force Review Board (Board). The Board makes the final determination of whether or not an NOPD officer's use of force is within policy or not based on the facts and evidence presented in the investigation. If the Board determines the use of force violated NOPD policy, the Board will refer it to PIB for disciplinary action.

The OIPM receives the cases ten (10) days before the hearing and has approximately one week to review the investigation and respond with our questions and feedback prior to the hearing. The OIPM may provide feedback formally or informally prior to the UFRB. OIPM often provides feedback to FIT investigators throughout the entirety of the investigation.

1
**UFRB Cases
Heard in
February 2023**

5
**Total UFRB Cases
Heard in 2023**

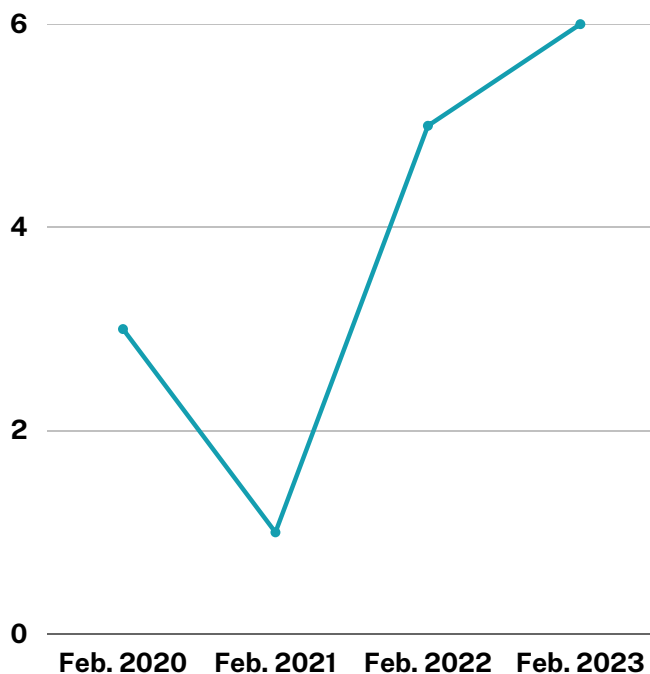
Use of Force Review Board Cases Heard



COMMUNITY ENGAGEMENT

The community is vital to police oversight and the center of the work conducted by the OIPM. In the Memorandum of Understanding, the OIPM committed to developing relationships with community and civil groups to receive civilian and anonymous complaints, meeting with police associations, and conduct public outreach meetings and engagement activities. In this section of the Monthly Report, the OIPM explains the community outreach and public events that the OIPM coordinated or participated in the last month.

Outreach - February 2020, 2021, 2022, 2023



Outreach Events

- 3-hour mediator training
- WDSU interview pertaining to recent Complaint referral letter involving a death
- NOLA.com interview about Officer Bill of Rights
- Speaker at panel on Courageous Lawyering at Loyola Law School
- Speaker at panel on Governmental Career Paths at Tulane Law School
- Quarterly report to Criminal Justice Committee for law enforcement related agencies to provide updates on public safety initiatives and legislative
- Consent Decree Public Meeting at Ashe Cultural Arts Power House

6

Total Outreach Events in February



COMMUNITY-POLICE MEDIATION

Relevant Definitions

Mediation

A mediation process helps parties develop a mutual understanding of a conflict. Mediation may help the parties identify disputed issues, facilitate communication, provide an opportunity to improve community relationships, and generate options that may help the parties reach a mutually acceptable resolution.

Consent

All parties must voluntarily agree to participate in mediation and give consent. The consent process involves communication between the participant and the Mediation Director or program staff about the mediation process, what to expect, and clarification of any questions. Consent forms are signed in advance of confirming the mediation session.

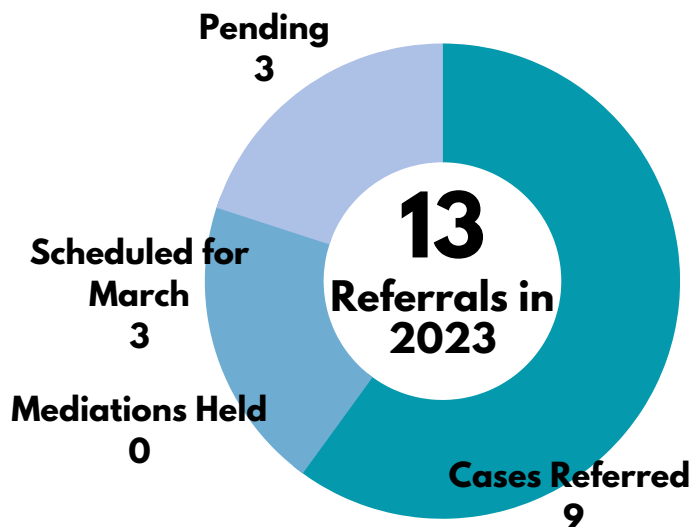
Mediator

The role of the mediator is to be a neutral and trained third party who listens, clarifies, and facilitates conversation. Mediators are non-judgmental and do not give advice, take sides, or decide who is right or wrong. Mediators do not influence or pressure participants to come to an agreement. Mediators are trained and recruited by the OIPM.

Voluntary

All participants engage in mediation at their own free will. They can end the process at any time and will not be forced to do anything or say anything they do not want to. No one is forced to agree to anything they do not want to.

Mediation Numbers for February 2023



What is Mediation?

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation provides a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share about their interaction and how it impacted them, explain what is important to them, and come to their own agreements and solutions about moving forward.

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege lack of professionalism, neglect of duty, or discourtesy. Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB.

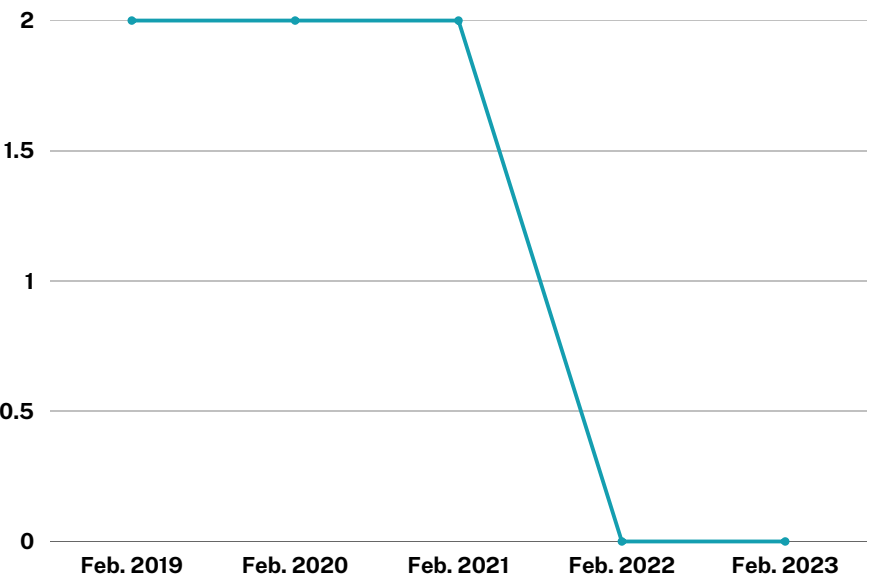
Non-judgmental
Confidential
Voluntary



Mediation is:

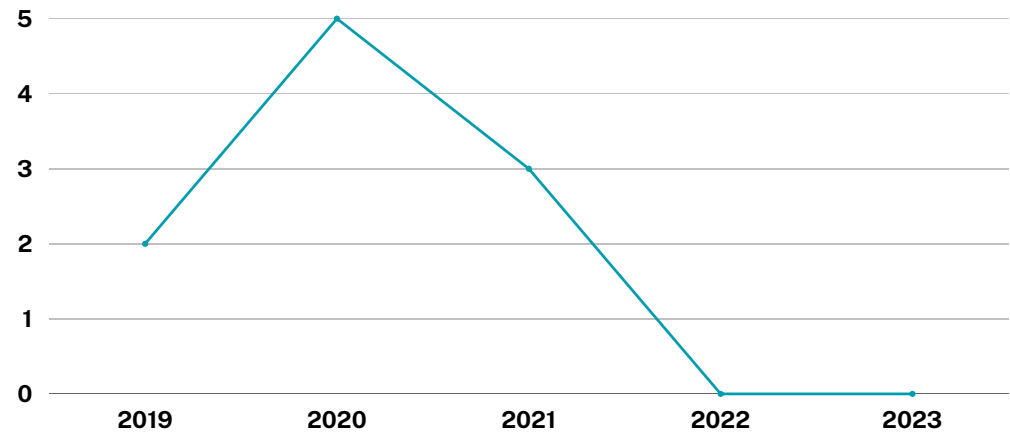
- ➔ A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.
- ➔ A space of discussion without the need to say who is right or wrong. No evidence is needed. The mediators are not judges. The mediators do not present their thoughts on the issue.
- ➔ It's about dialog, not forced resolutions. People are not forced to shake hands or make-up. The role of the mediators is to be neutral 3rd party facilitators. They will not pressure either participant to come to an agreement.
- ➔ An opportunity for the community member and the officer to be in charge of their own process and outcome. It will not be decided by an outside agency or person. It is outside of any punishment framework or the legal process. There is no appeal because mediation is voluntary.

**Mediations Held in February
2019, 2020, 2021, 2022, 2023**



0
**Total Mediations
Held in February**

**Mediations Held YTD In
2019, 2020, 2021, 2022, 2023**



CONSENT DECREE & OVERSIGHT BACKGROUND

The OIPM is providing the following information in our monthly reports as a way to keep our partners and the public informed of the role of oversight, the policing history that led to the creation of the Consent Decree, and the differences between different types of oversight.

The OIPM wants to use every opportunity available to share valuable information and historical context to our work so everyone working towards the goal of accountability, transparency, and police oversight can be equipped, informed, and engaged.

Over the year, the OIPM may add to this section additional resources and information that we assess as helpful and empowering.



LEGAL JURISDICTION; OBLIGATIONS OF THE OIPM OFFICE AND STAFF

The OIPM operates under three core legal documents that guide the scope of local oversight and the jurisdiction of our work. Additionally, below are overviews of other ordinances that affect our work and create new legal obligations on the OIPM.

New Orleans Code of Ordinances Stat. § XIV: Office of the Independent Police Monitor

This statute was created by voter referendum and provides the legal responsibilities, perimeters, and budgetary support of the OIPM. This was put to a public vote in November 2016 and passed. This statute states the responsibilities of the OIPM and requires particular work streams and tasks. The statute also describes the disclosure requirements of the office.

Louisiana Revised Stat. § 33:2339: Detail or Secondary Employment; City of New Orleans

This statute was created in 2013 and gives legal abilities and subpoena power for the OIPM to investigate allegations of misconduct in the secondary employment system operated by the Office of Police Secondary Employment. The statute is silent as to the ability for the OIPM to refer these investigations to the NOPD or the District Attorney's Office for subsequent criminal or administrative accountability based on the OIPM investigation.

Memorandum of Understanding between NOPD and OIPM Executed November 10, 2010

The MOU is a Memorandum of Understanding between the NOPD and OIPM which outlines the responsibilities, expectations, and authority of the OIPM when providing oversight to the NOPD. Through this MOU, there is clarity regarding the work the OIPM will complete and how the OIPM will access NOPD records, data, and reports and monitor NOPD during on scene investigations. The MOU was entered into in November 2010 and in the coming year the OIPM intends to work with NOPD leadership to review this agreement and determine if it should be updated to ensure it is still relevant and considers updates to technology.

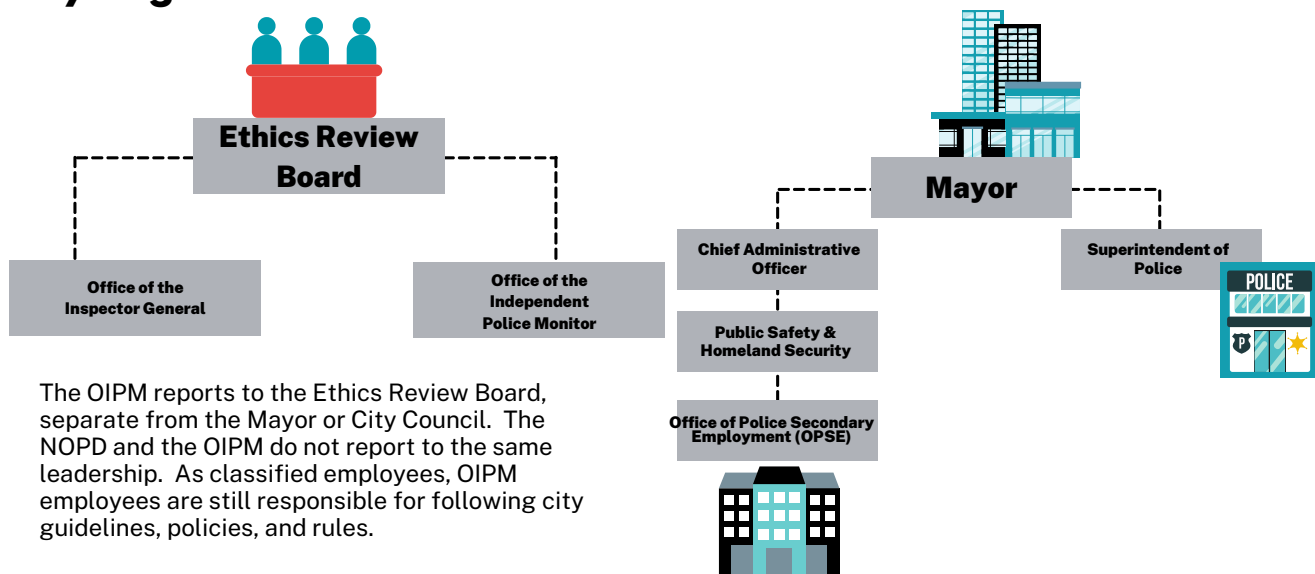
Ordinance 29130: Sharing of Data

Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to City Council.

Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee

Ordinance 29063 requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee.

City Organizational Structure - Truncated



OVERSIGHT MODELS

Different Reasons Why There is Oversight / Monitors

Court Ordered

Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.

Consent Decree Monitors

Monitors that are the result of federal Consent Decrees.

Oversight Agencies

Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has both of these types of oversight

Models of Civilian Oversight

Review-Focused Model

Review-Focused models tend to utilize volunteer boards and commissions.

- Review-focused models assess the quality of finalized investigations conducted by an internal affairs division or the police department
- Conduct reviews of the agency's policies, procedures and disciplinary proceedings.
- Hold public forums, hear appeals, or make recommendations for investigations regarding allegations of misconduct

OIPM reviews the quality of finalized investigations conducted by the Public Integrity Bureau (which is the internal affairs of the NOPD)

Investigative-Focused Model

Investigative-focused models will employ professionally trained staff

- Investigative-Focused Conduct independent misconduct investigations
- Operate as an intake site for complaints.
- These models may: mediate complaints, analyze policies and practices issue recommendations to the police and public.

OIPM is a complaint intake site and OIPM has investigatory power over the secondary employment office.

Review-Focused Model

- Auditor / Monitor-Focused Assess systemic reform efforts.
- Review processes, evaluate policies, practices, and training. Based on those assessments, this oversight model will identify patterns and make recommendations Share findings with the public.
- These oversight agencies may participate in investigations.

OIPM assesses systemic efforts and will evaluate and review policies, practices and training then provide recommendations to NOPD.

Hybrid Civilian Oversight Model

Hybrid Civilian Oversight Hybrid civilian oversight means there is one office serving functions from different models or multiple agencies in one jurisdiction which may be different models (like an advisory civilian board and the investigatory OIG).

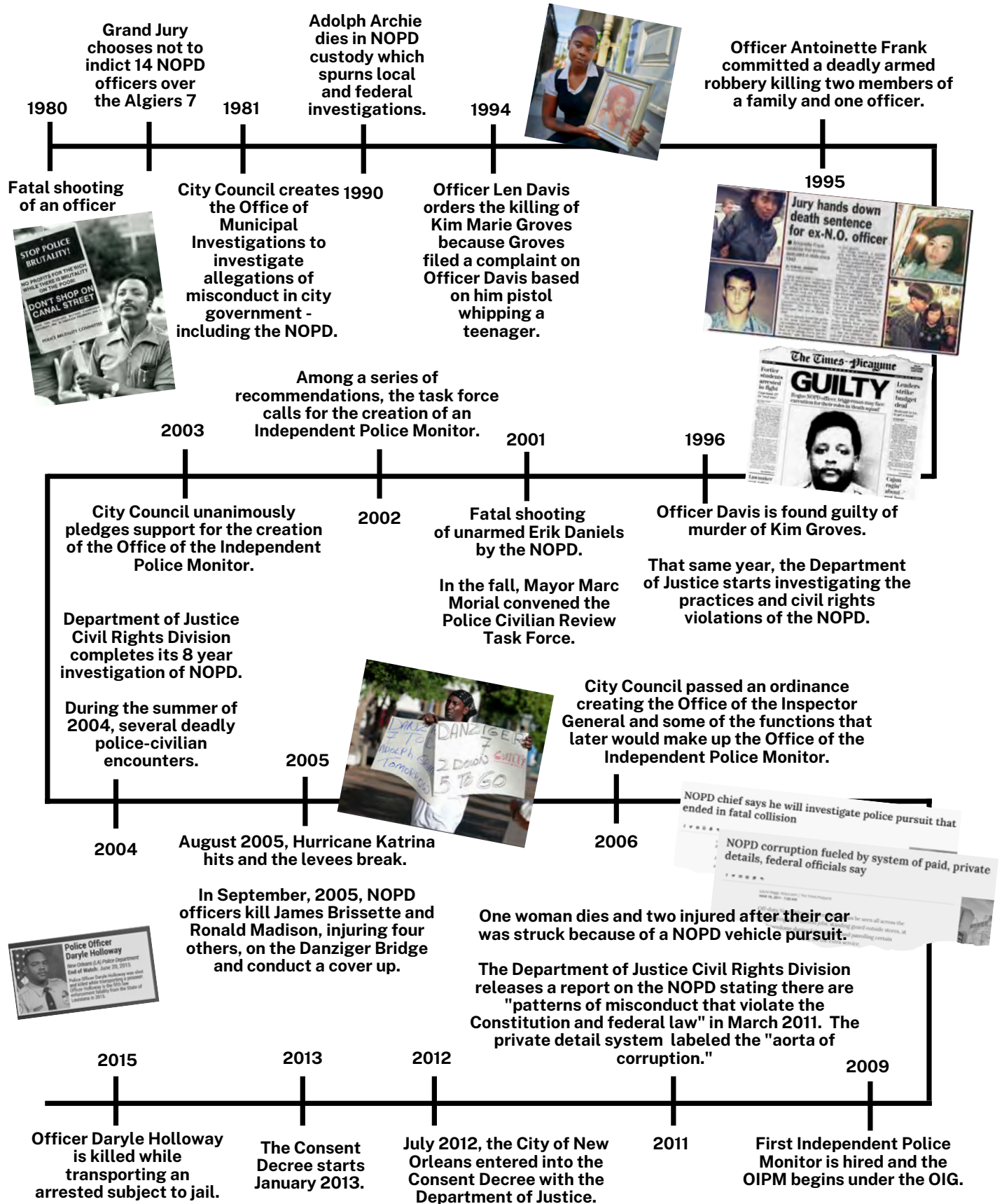
OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models. Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

13 Principles of Effective Oversight

The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies these 13 principles as necessary for effective oversight. The OIPM adopted these principles:

- Independence
- Clearly defined and adequate jurisdiction and authority
- Unfettered access to records and facilities
- Access to law enforcement executives and internal affairs staff
- Full cooperation
- Sustained stakeholder support
- Adequate funding and operational resources
- Public reporting and transparency
- Policy patterns in practice analysis
- Community outreach
- Community involvement
- Confidentiality, anonymity, and protection from retaliation
- Procedural justice and legitimacy

BRIEF HISTORICAL HIGHLIGHTS OF THE CONSENT DECREE; POLICING IN NEW ORLEANS



UNDERSTANDING THE CONSENT DECREE AND HISTORY

New Orleans entered a formal consent decree in January, 2013. This Consent Decree process started in the years prior with the investigation of the patterns and practices of the NOPD by the Department of Justice's Civil Rights Division. In order to understand the necessity of the Consent Decree and the reforms required within it, it's important to understand the historical context of the city and the NOPD's problematic behavior within the community.

The NOPD had a long history of misconduct, violence, discriminatory practices, and corruption stemming back decades. In the 1980s was the beginning of a community effort to organize civilian based oversight of the NOPD. This effort resulted in multiple initiatives from the Office of Municipal Investigations to the Police Civilian Review Task Force to eventually the creation of the Office of the Inspector General to the Office of the Independent Police Monitor.

While these local efforts were evolving, simultaneously, the federal government was conducting ongoing investigations of the NOPD, the most recent ending in March 2011. Ultimately, the Department of Justice found that the patterns and practices of the NOPD violated the Constitution and federal law. The report identified systemic deficiencies in multiple operational and substantive areas including policy, supervision, training, discipline, accountability - all of which "led to unconstitutional discrimination, uses of force, stops, searches, and arrests." The findings of the Department of Justice may have surprised the country, but the community of New Orleans was already well aware of the violent and unchecked behavior of the NOPD and the culture of obstructionism and discrimination that existed within the department.

This shared history of policing is briefly overviewed on the next page and the OIPM included examples of the dynamics of the NOPD and the crimes committed that directly impacted the safety of the community and public trust in the police department.

The OIPM strives to acknowledge and remember those in the community who both fought for oversight and were impacted by the pain caused by the NOPD. This is why a tenant of the work completed by civilian oversight is to amplify the voice of the community. It is in that memory that the OIPM works and stays vigilant monitoring the policing occurring today because a possible backslide from compliance, depending on the severity, could result in a return to a pattern and practices of policing that was corrupt, violent, and unconstitutional.

The goal of the Consent Decree is for the reforms to be so deeply enmeshed into the operations, policies, systems, and culture of the police department that to dismantle those reforms would be easily catchable and not only cause alarm in the community but also be virtually impossible because of the changed culture and expectations within supervision and the police department.

The position of the OIPM is that New Orleans must own our history with the police. Our history informs our fears. This is why there is a fear of history repeating itself. In New Orleans there is a real concern of "backsliding" and a return of the "old NOPD." Our neighbors, friends, coworkers, and loved ones may have experienced injustices at the hands of the NOPD. In our recent history as a city, filing a misconduct complaint about the police could have ended with retaliation or violence, walking in an unfamiliar neighborhood may have resulted in intrusive and illegal searches, arrests were conducted with force, officers could be bought, and supervisors turned a blind eye to a culture of corruption, discrimination, and violence.

For this reason, the OIPM is sensitive of allegations or noncompliance in areas that touch on these historical problems and shared fears that may exist in our community. The OIPM will not sweep these fears under a rug, but instead ensure that these allegations are immediately prioritized and addressed:

Criminal activity or associations

Corruption

Violence

Use of Force

Receiving payouts

Field strip searches

Targeting of young African American boys

Supervisors failing to take misconduct allegations

Unauthorized pursuits

Cover-up of wrong doing and manipulation of misconduct investigations

Discriminatory practices

LOCAL & FEDERAL OVERSIGHT IN NEW ORLEANS

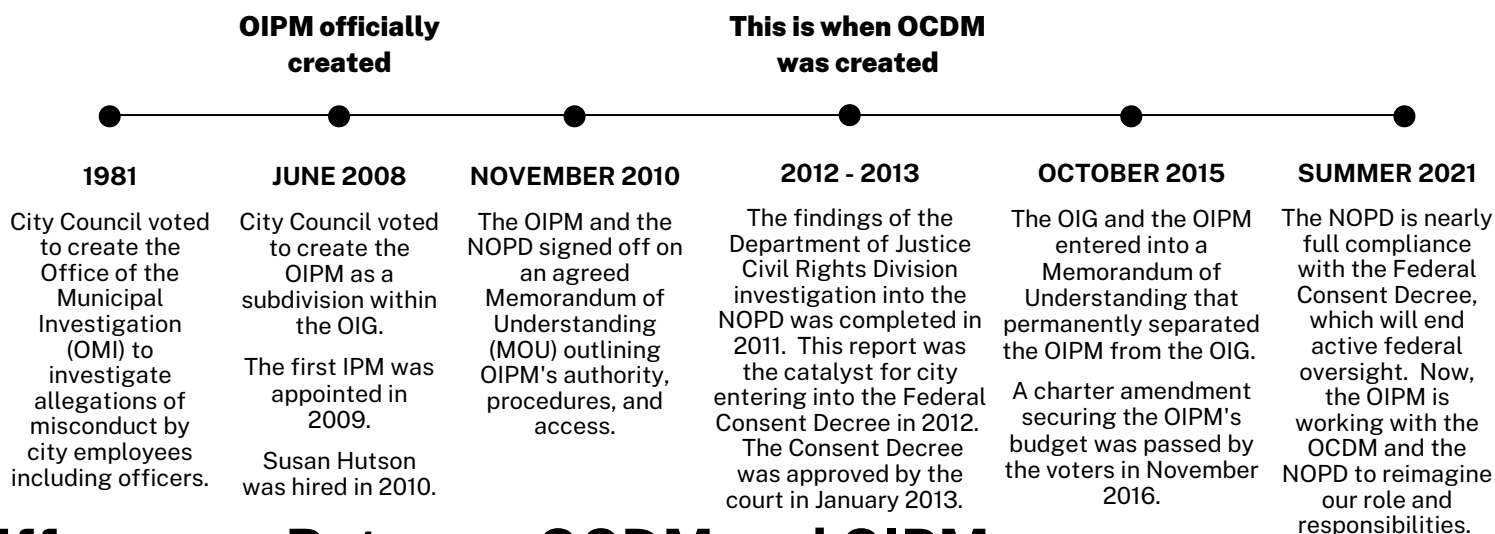
There are two types of monitors in New Orleans. There are three reasons why a city may have oversight or monitoring:

- Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.
- Monitors that are the result of federal Consent Decrees.
- Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

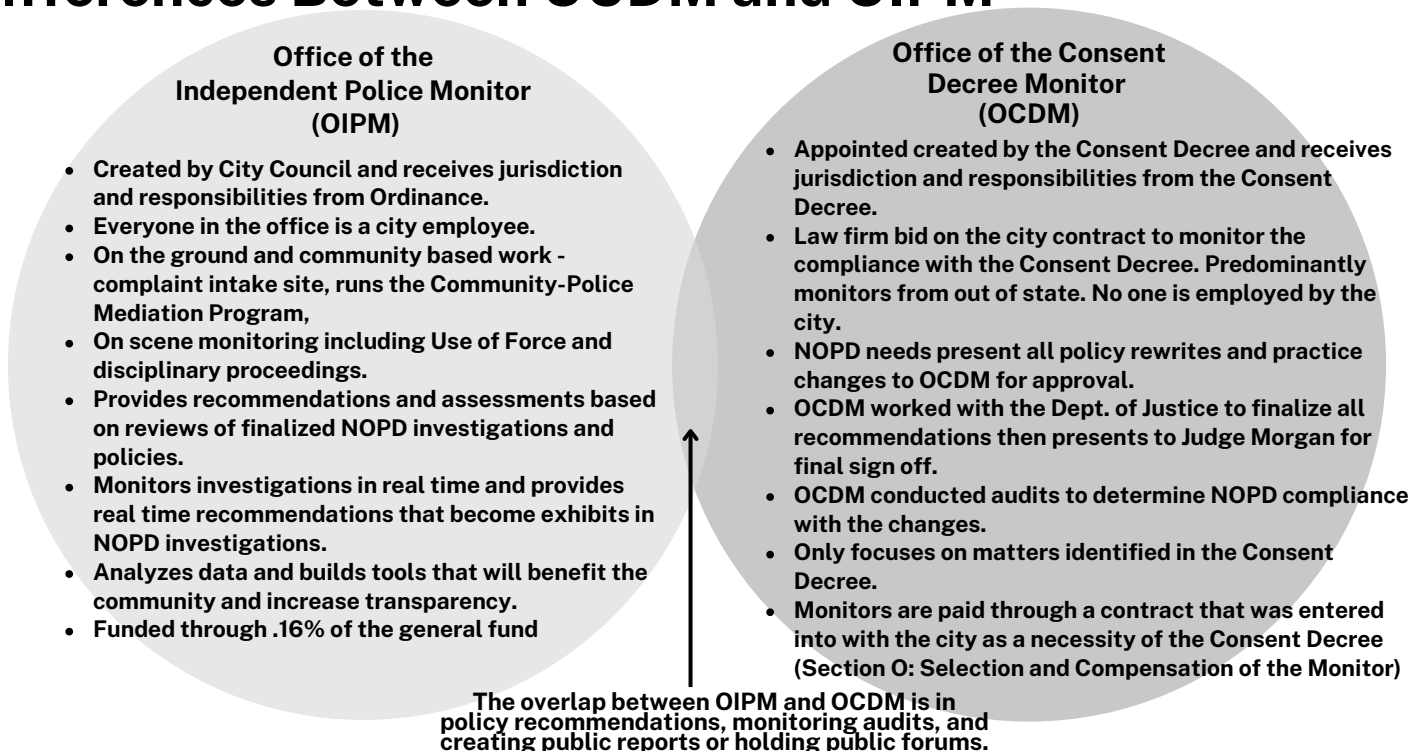
New Orleans has monitors for two of these reasons. There are monitors that a result of a federal consent decree and civilian oversight that is responsible for auditing, review, and / or investigation. The two offices have different responsibilities, were created through different mechanisms, and have different jurisdiction - all of which is described below.

Timeline of Oversight

Below is the timeline of oversight in New Orleans. While the Office of the Independent Police Monitor is rather new, the concept of oversight and accountability for officers and public employees has existed in New Orleans since 1981. The OIPM was created in 2008 and became independent in 2015, two years after the Consent Decree was entered into by the City of New Orleans.



Differences Between OCDM and OIPM



OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

January 2023



LETTER TO THE COMMUNITY

Dear New Orleans Community,

I want to start this letter by reflecting on the murder of Tyre Nichols in Memphis, Tennessee. Though this act of police brutality occurred in another state, the fear, anger, and sadness that it inspired was universal. In this situation, there were swift steps toward accountability – with officers fired, arrested, and charged with Second Degree Murder – but this act demonstrates that there is still fair to go with police reforms in order to build departments that are about *service* instead of *force*. The OIPM extends our thoughts to the family of Tyre Nichols and intends to work with our Tennessee oversight counterparts to share resources.

The OIPM started the year by stating our intentions for 2023. The OIPM collected the feedback, input, and ideas that the public, NOPD, and our stakeholders provided over the last year and implemented them into our 2023 work plan. This work plan is public facing and explains to the community the role of our office and the daily work product being produced by the office. This work plan is our roadmap for 2023 and beyond. It not meant to be a rigid commitment to projects, but instead provide a high-level vision for what we intend to prioritize over the next year. This year, I indicated what constitutes a “major project” for the OIPM in our work plan with an exclamation mark to ensure that everyone is informed of and shares in our goals. Each month in this report, I will share out what steps the OIPM took to further these major projects and goals. On behalf of the OIPM, I state that we look forward to all we can achieve this year together.

This month, the OIPM released an informational tool for the community, organizational partners, and all stakeholders regarding the criteria, search, interview, and selection process for the next chief of the NOPD.

The OIPM designed this informational tool to provide local and historical context to how NOPD chiefs have been selected for the last twenty-five years under four different mayors, along with looking at national trends identified by policing resources and organizations about how chief searches are structured and what criteria is considered. The OIPM addressed the difficulties that exist in both determining what makes a police department, and by extension a police chief, effective and how it may prove difficult to compare performance data jurisdiction to jurisdiction since there is not one singular way to determine if policing is successful. The OIPM provided an overview of the role of executive search consultants and search committees in these processes and trends and the utilization of these strategies across the country. The OIPM also highlighted the increased role that community input and engagement around the selection of the police chiefs is playing nationally and renewed our position that the community should be a resource and partner in the New Orleans chief search process. The goal is to ensure the criteria, search, and selection process is comprehensive, collaborative, and realistic.

Finally, we are excited to announce that the OIPM started teaching at the NOPD Academy in 2023. Jules Griff, the Director of the Community-Police Mediation Program, designed and is now teaching her course on Active Listening and Communication as Conflict Resolution course for new supervisors within the NOPD. This course is offered weekly and these officers are now learning how to better listen and reflect back when communicating with their teams. The intent is for these officers to apply these skills first internally, then take those lessons externally – bringing this active listening skill into their actions with our community.

Thank you and happy festival season,

A handwritten signature in black ink that reads "Stella Cziment". The signature is fluid and cursive, with the first letter of each word being capitalized and larger than the others.

Stella Cziment
Independent Police Monitor

WHO WE ARE

The OIPM is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. Its mission is to improve police service to the community, community trust in the NOPD, and officer safety and working conditions. Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and assisting in the reforms required under the Federal Consent Decree.

The OIPM is protected and required by City Charter and Ordinance. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department and has distinct responsibilities outlined by ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department to improve the way our community is policed.

Ensuring Compliance and Reform

- The OIPM reviews the NOPD's policies, practices, and investigations to ensure that every action taken is compliant with local, state, and federal law, and Consent Decree reforms.
- The OIPM advises on policy, tactics, training, and supervision to ensure that the NOPD is adopting national best practice and building a nondiscriminatory, safe, effective, and respectful police department that is responsive to the needs of the community and their employees.
- The OIPM does this through monitoring, case reviews, audits, and policy recommendations.

Amplifying the Needs of the Community

- The OIPM engages with the community to ensure that they both know about our services and understand how the police department works. Through providing information, the OIPM is equipping and empowering the community to navigate police encounters safely and demand what they need.
- Provides Complaint Intake.
- Operates the Community-Police Mediation Program.
- Partners with Families Overcoming Injustice.
- Coordinates public forums and outreach opportunities for the community to provide vital input on the way they are policed.

Making the NOPD a Safer and Nondiscriminatory Workplace

- The OIPM provides recommendations and assessments to ensure that the NOPD is a safe and nondiscriminatory work place for all employees.
- The OIPM assesses supervision and training to ensure that employees are being equipped and supported.
- The OIPM meets with police associations to hear concerns from their membership.
- The OIPM monitors disciplinary hearings to ensure that discipline is consistent and nonretaliatory.
- The OIPM receives commendations and accounts of positive policing from the community.



WHAT DO WE DO?

Mission, Vision, Work

We serve the community, ensure police transparency, compliance, and accountability, and make policing a safer and more rewarding employment experience.

WHAT WE DO



Misconduct Complaints



Disciplinary Proceedings



Data Analysis



Community Outreach



Use of Force



Community-Police Mediation Program



Audits and Policy



Commendations

The OIPM is the oversight body for the New Orleans Police Department (NOPD). The OIPM provides oversight through monitoring, reviewing, and auditing police activity and data. The OIPM is responsible for conducting complaint and commendation intake, on-scene monitoring of critical incidents and uses of force, overseeing the community-officer mediation program, reviewing investigations, providing assessments, identifying patterns, and making recommendations for improved practice, policy, resource allocation, and training. There are three components to the OIPM's work and mission:

The OIPM envisions a police force where the community is a valued and respected partner in public safety and law enforcement. This is achieved through:

- Assurance of transparency, accountability, and fairness within the NOPD and in all policing practices
- Community-driven policing policy that reflects the changing and dynamic needs of New Orleanians
- Continued efforts to engage the community and collaborate with community partners
- Recruitment and retention of a police force that is representative of and responsive to the community it serves
- Utilization of de-escalation techniques and methods when responding to calls of service
- Conducting only lawful and necessary arrests free of discriminatory practices
- Thorough and effective investigations resulting in appropriate arrests and prosecutions
- Clear and professional communication with victims and witnesses of crime and all that come into contact with the NOPD
- Responsible utilization of equipment and allocation of resources
- Development of highly trained supervisors and organizational leadership
- Interactions with the public and internally within the police force that are based in mutual trust and respect

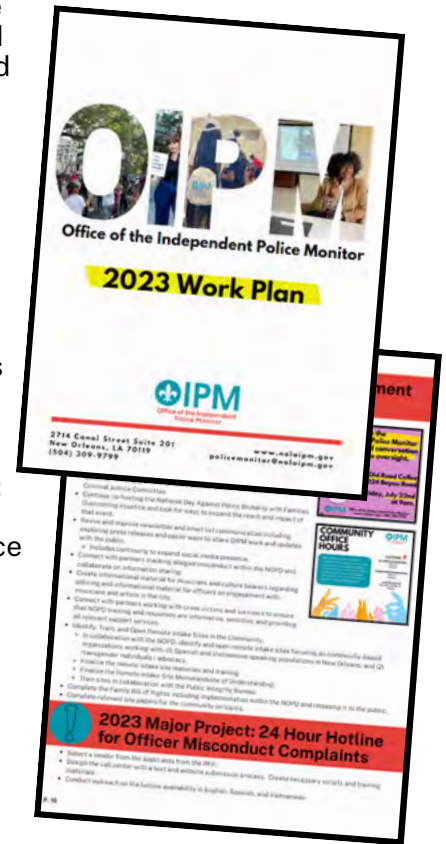
The OIPM seeks to amplify the voice of the community to ensure that all within the city – visitors and residents alike – can access police services equally and have a positive experience with officers.

RELEVANT UPDATES; WORK

Released the OIPM 2023 Work Plan

The OIPM work plan for 2023 included relevant information about our office, the daily work product and departmental work streams, an organizational chart, and the goals and priorities that the OIPM intends to prioritize in the coming year and beyond. The OIPM indicated major projects that the OIPM intends to focus time, staff, and the budget into completing or furthering in 2023. Major projects include

- Conducting an audit on intake classification, allegation selection, investigation assignment, and timeline compliance within the PIB.
- Work with Councilmember Moreno's Office to complete the Public Facing Database RFP and Proposal under R-20-175 (Adopted QARAC Recommendations from 2020 Review provided in August 2021)
- Consent decree compliance work such as conducting audit reviews, public outreach, and creating a "consent decree" section of the website with status updates.
- In collaboration with the New Orleans City Council, determine the legal protections necessary for the OIPM to continue to receive complaints of officer misconduct (confidentiality) and conduct oversight (subpoena power; investigatory power).
- Increase our role in the investigation and accountability of the Office of Police Secondary Employment (OPSE) as legally required under La. R.S. 33:2339.
- Build a 24-Hour Hotline for officer misconduct complaints.
- Design and teach a weekly active listening course at NOPD Academy.
- Build public archives on the OIPM website.
- Update website content.
- Update current MOU with NOPD to include changes in technology, work product, and operation of NOPD and OIPM under the consent decree.
- Create a technology MOU with the NOPD and possibly city of New Orleans.
- Create an investigatory MOU with NOPD and possibly the District Attorney's Office.
- Update OIPM internal policies and Code of Conduct.



Major Project: Consent Decree Compliance

In January, the IPM and the Deputy participated in a three day retreat on Consent Decree compliance and status updates with the Federal Monitors, the Department of Justice, and NOPD leadership. During these sessions, the OIPM presented to the Federal Monitors and the Department of Justice regarding areas where there is progress and possible obstacles to compliance in the misconduct and use of force departments. This session ended with final presentations to Judge Morgan and Judge Morgan being able to ask about the individual audits and updates from the different NOPD bureaus.

Major Project: Designed and Started Teaching Active Listening Course at NOPD Academy

In January, the Jules Griff, the Director of the Community-Police Mediation Program started teaching the Active Listening course at the NOPD Academy. Here is some feedback that the OIPM is already receiving regarding the course:

A sergeant approached Jules Griff after the course and said he thinks this training would be great for his department. He said they don't go through the regular academy trainings, but they interface with the public a lot and could benefit from this training. Jules Griff offered to come and do a special training for them.



Informational Tool: Police Chief Considerations

The OIPM released an informational tool about police chiefs. o Informational tool for the community, organizational partners, and all stakeholders regarding the criteria, search, interview, and selection process for the next chief of the NOPD.

This informational tool highlights what New Orleans has done in the past to select new chiefs, trends around the use of national searches and internal hiring, the role of search committees and the national use of community input in these searches. The OIPM addressed the difficulties that exist in both determining what makes a police department, and by extension a police chief, effective and how it may prove difficult to compare performance data jurisdiction to jurisdiction since there is not one singular way to determine if policing is successful.

This tool provides data along with examples of how to structure the interviews in order to explore topics relevant to New Orleans and learn as much as possible about the candidates. The OIPM also highlighted the increased role that community input and engagement around the selection of the police chiefs is playing nationally and renewed our position that the community should be a resource and partner in the New Orleans chief search process. The goal is to ensure the criteria, search, and selection process is comprehensive, collaborative, and realistic.

This informational tool is available on the OIPM website and the OIPM began discussing this tool in January during virtual forums with community groups.



Goal: Recommendation Letter Regarding Misconduct Investigator Requirements

In January, the OIPM submitted a formal recommendation letter to NOPD leadership regarding a policy gap that requires particular criteria to be a misconduct investigator within the Public Integrity Bureau but does not have the same requirement for misconduct investigators within the Field Operations Bureau (FOB) - Districts.

Goal: Provided Recommendations at the Training Advisory Committee

In January, the OIPM participated the NOPD's Training Advisory Committee and provided recommendations to the committee regarding training.

Major Project: RFP Committee Selected 24 Hour Hotline Vendor

In January, the RFP committee selected a vendor for the 24 hour hotline and we are currently preparing our contract with the vendor. Once the contract process is complete, we will be able to start working with the vendor to design the hotline, website submission, and text platforms.

Update: Ordinance Cal. No. 33,950 proposed by Councilmember Morrell

In January, the ordinance potentially granting the OIPM subpoena power, investigatory power, and confidentiality protections was deferred until May. The IPM spoke with Councilmember Morrell and discussed potential changes to the language within the ordinance. The IPM is now in process of drafting the new language.

DATA OVERALL: YEAR TO DATE AND MONTH

	Jan-23	Jan-22	Jan-21	Jan-20	Jan-19	Jan-18	Jan-17	Avg 2017-2022
Citizen Complaint Count	9	3	6	5	4	3	2	3.83
Police Complaint Count	0	0	0	0	0	2	0	0.33
Civilian w/in NOPD*	0	0	0	0	-	-	-	0.00
Anonymous Complaint*	0	0	1	1	-	-	-	0.67
Criminal Case Liaison Count	4	2	2	7	3	1	2	2.83
Case Monitoring Count	0	0	1	5	0	1	2	1.50
Case Review Count	0	0	0	0	1	0	0	0.17
Contact Only Count	4	3	1	3	0	0	2	1.50
Disciplinary Hearing Count	4	0	3	0	2	2	5	2.00
Critical Incident Count	1	1	0	3	1	0	3	1.33
Firearm Discharge Count	1	0	0	3	1	0	1	0.83
Level 4 Non-Critical*	2	2	0	1	-	-	-	1.00
Force Monitoring*	0	-	-	-	-	-	-	-
Mediation Count	0	0	1	3	0	0	2	1.00
Commendation Count	0	0	0	0	0	0	0	0.00
Grand Total	40		16	24	39	16	14	21.8

	2023	2022	2021	2020	2019	2018	2017	Avg 2017-2021
Civilian Complaint Count	9	67	59	61	85	32	37	54.8
Police Complaint Count	0	1	4	5	2	5	3	3.8
Civilian w/in NOPD	0	0	1	1	0	0	0	0.4
Anonymous Complaint	0	26	21	28	0	0	0	9.8
Criminal Case Liaison Count	4	24	20	40	17	8	7	18.4
Case Monitoring Count	0	7	4	12	0	10	8	6.8
Case Review Count	0	4	5	3	8	8	1	5
Contact Only Count	4	31	17	29	18	2	9	15
Disciplinary Hearing Count	4	65	66	64	54	63	33	56
Critical Incident Count	1	8	8	11	9	7	7	8.4
Firearm Discharge Count	1	6	7	9	8	4	4	6.4
Level 4 Non-Critical*	2	17	9	10	0	0	0	3.8
Force Monitoring*	0	-	-	-	-	-	-	-
Mediation Count	0	23	19	37	35	22	28	28.2
Commendation Count	0	1	8	3	7	1	2	4.2
Grand Total	25	280	248	313	243	162	139	221

*indicates a new category or a category that was not always captured by OIPM

CURRENT BUDGET

OIPM Budget Description	Amount
Personnel	\$769,582.00
Operating	\$400,000.00
2022 Total OIPM Budget	\$1,169,582.00
2022 Total OIPM Budget	\$1,169,582.00
Amounts Spent to Date:	(\$117,178.00)
Unexpended funds	\$1,052,404.00

MISCONDUCT WORK

Relevant Definitions

Complaint

A complaint is an allegation of misconduct filed against a NOPD officer(s) by a member of a public or civilian (external) or another officer (internal). A complaint may concern an action or lack of action taken by a NOPD officer(s), an interaction with a NOPD officer, or a witnessed interaction with a NOPD officer.

Complainant

A complainant is the individual who files a complaint against a NOPD officer(s). A complainant may be generated internally (by another officer or a supervisor) or externally (by a member of a public). The complainant does not need to be personally affected by the incident.

OIPM Complaint Codes

When the OIPM receives a complaint referral, the OIPM organizes the complaint according to the source of the complaint.

- Civilian based complaints are classified as: CC.
- Complaints from police officers are classified as: PO.
- Complaints from civilians working within the NOPD are classified as: CN.
- Anonymous complaints are classified as: AC.

Misconduct

Officer action or failure to take action that violates any rule, policy, procedure, order, verbal or written instruction of the NOPD or is a violation of any city ordinance, state or federal criminal law. Misconduct includes, but is not limited to:

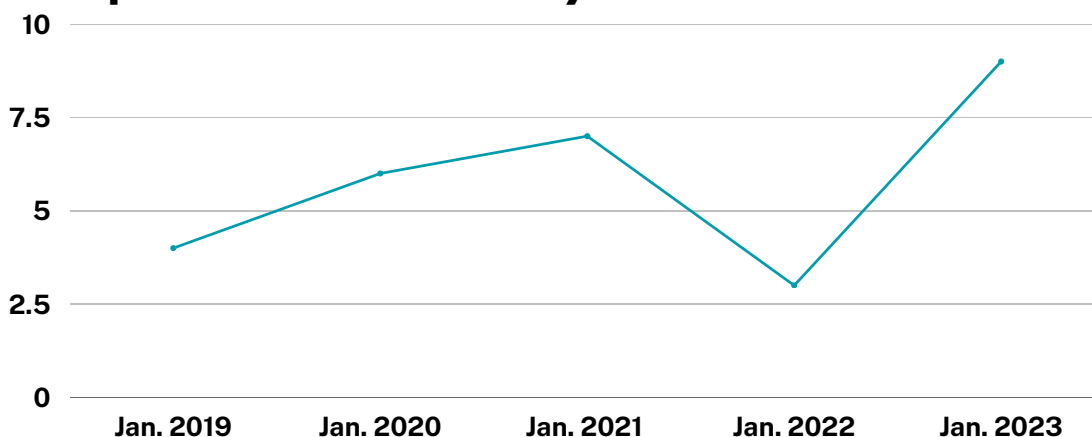
- Use of Force
- Abuse of Authority such as unlawful searches and seizures, premises enter and search, no warrant, threat to notify child services, threats to damage of property, etc., refusal to take complaint, refuse to identify themselves, damages to property seized
- Failure to supervise
- Falsification of records
- Inappropriate language or attitude
- Harassment
- Interference with Constitutional rights
- Neglect of duty
- Discrimination in the provision of police services or other discriminatory conduct on the basis of race, colors, creed, religion, ancestry, national origin, gender, sexual orientation
- Theft
- Retaliation for filing complaint with NOPD or the OIPM

Complaint Procedures

The OIPM does not verify the statements made during complaint intake or agree with the statements provided by the complainant. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. OIPM personnel may review information in NOPD systems regarding the interaction complained of, including body worn camera video, in car camera video, electronic police reports and field interview cards. The OIPM may include information obtained from NOPD information systems in the complaint referral.

The OIPM assesses whether in the information provided should be provided confidentially or if the OIPM would recommend covert operations conducted by the Special Investigation Squad (SIS). Anything shared in this report is public information.

Complaint Totals - January



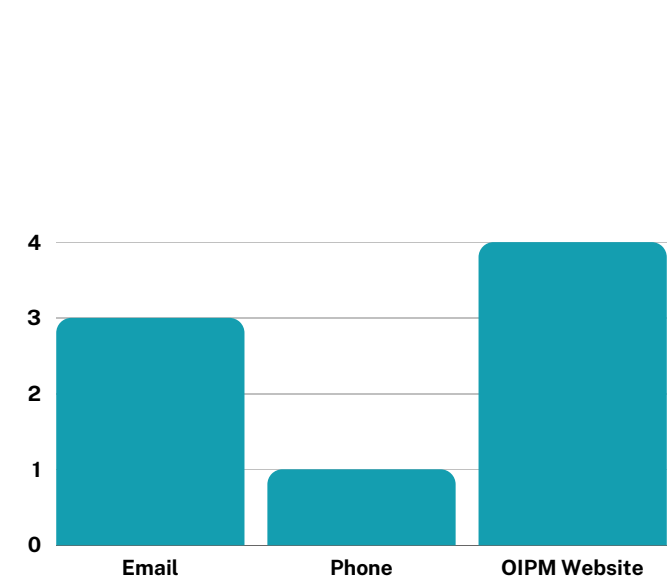
9

**Total Complaints
Received in
January**

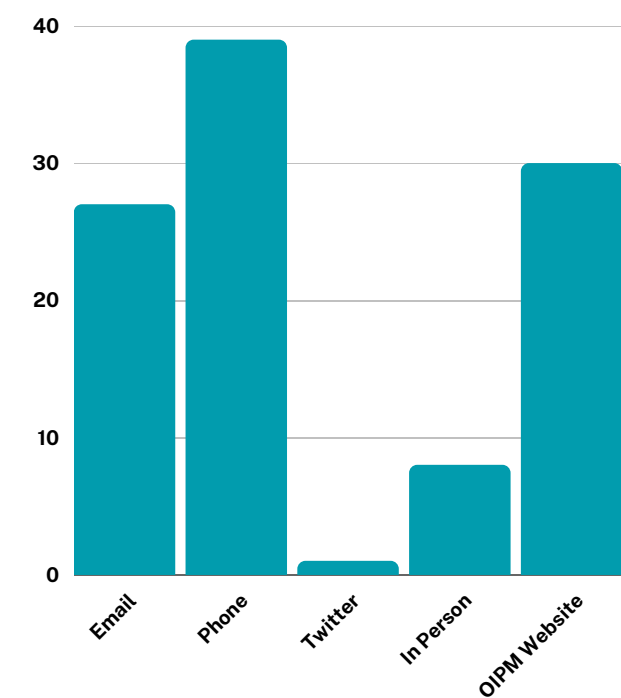
105

**Total Complaints
Received in
the Past 12
Months**

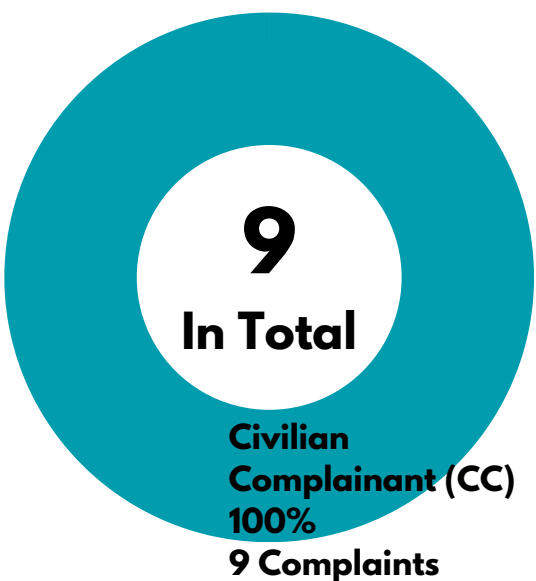
**Complaint Intake Source -
2023**



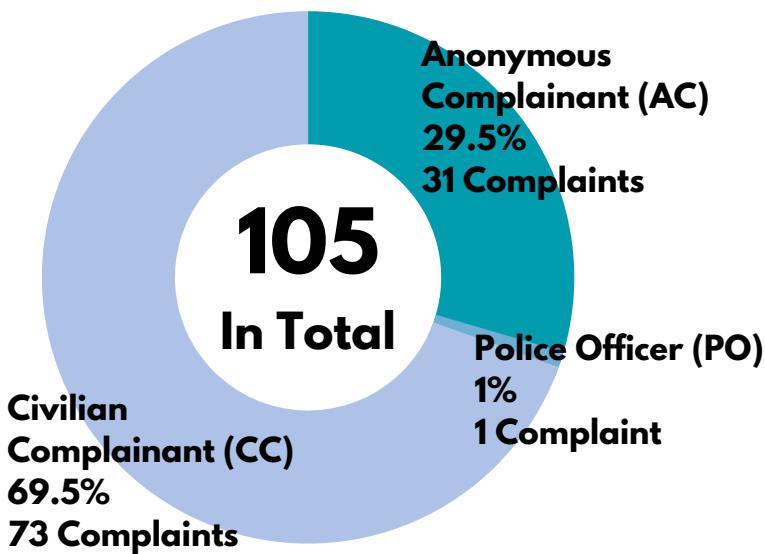
**Complaint Intake Source -
Past 12 Months**



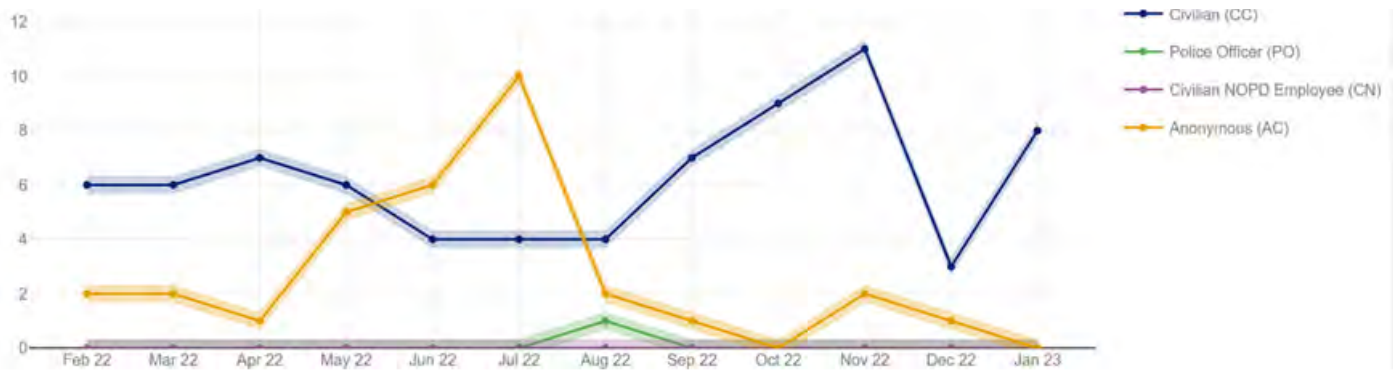
**Complainant Type -
2023**



**Complainant Type -
Past 12 Months**

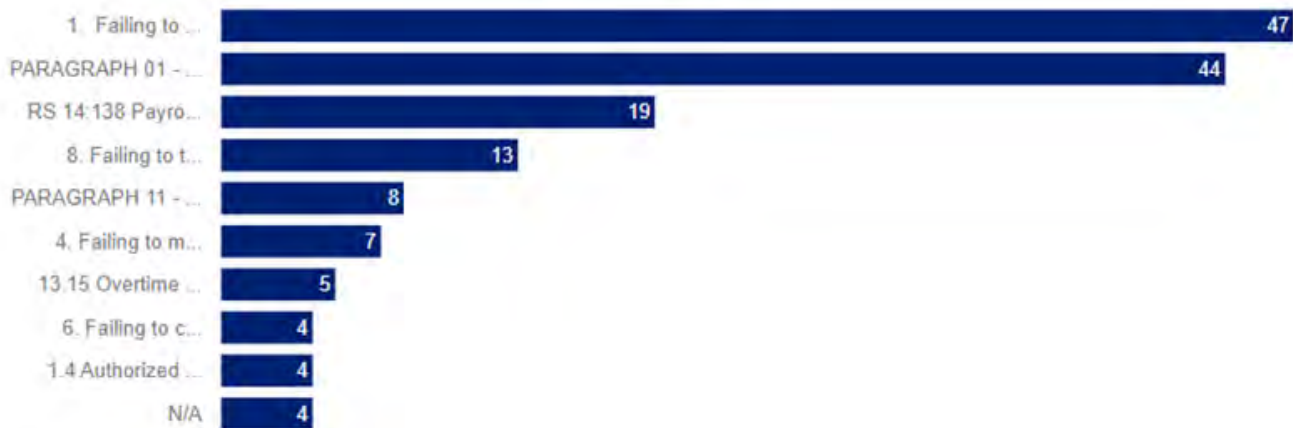


Complainant Type - Past 12 Months



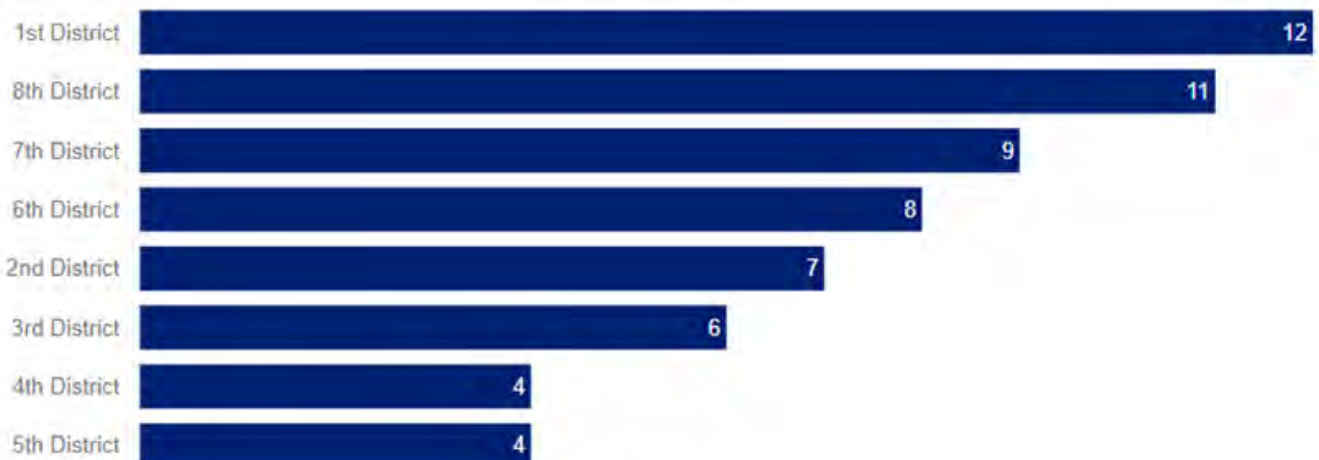
Top Allegations - Past 12 Months

This chart captures the top allegations are proposed by the OIPM in the referral letters submitted to the Public Integrity Bureau. This chart is limited since it will only include the allegations that the OIPM entered into our database and has not yet been updated. The OIPM hopes to work on this issue with the NOPD in order to ensure accuracy in the proposed allegations.



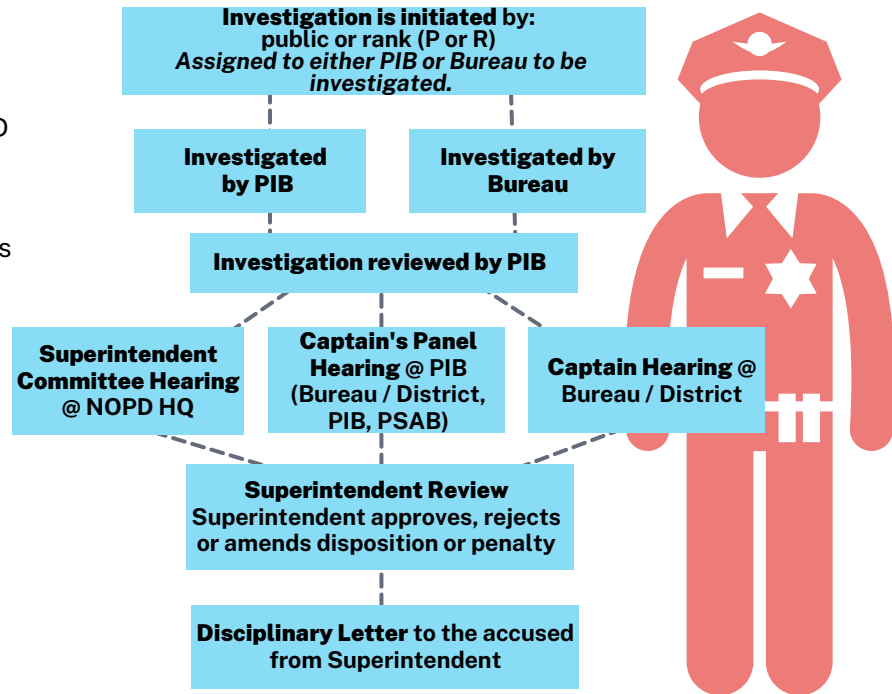
Districts - Past 12 Months

This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information through electronic police reports, body worn camera footage, and field identification cards.



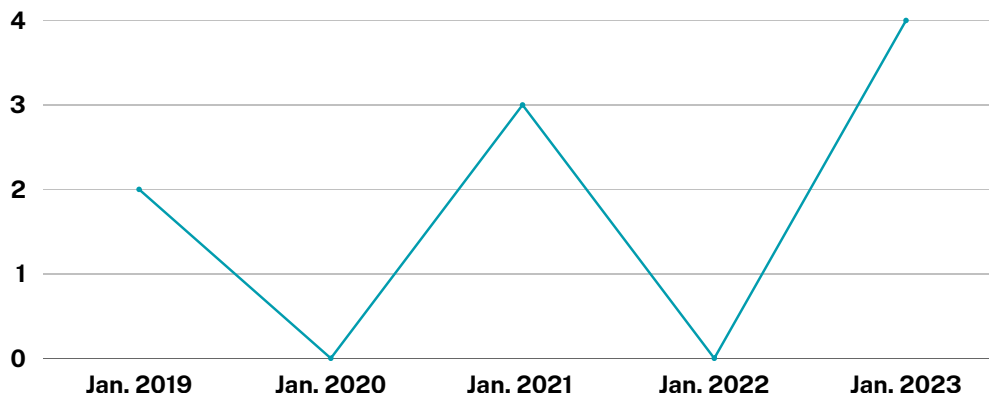
DISCIPLINARY PROCEEDINGS

After the misconduct investigatory process, if the investigating officer sustained an allegation, then that allegation must be affirmed by NOPD leadership in order for that accused officer to be disciplined. This occurs through the disciplinary proceeding process. The disciplinary proceedings are conducted by the NOPD - either by Captains or Deputy-Chiefs. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, truthful, and timely in accordance with NOPD policies and law. Adjudication of misconduct is handled internally by the PIB or the Bureau of the officer / employee.



The OIPM may monitor the process conducted by the PIB or by the Bureau; however, under the MOU, there are detailed directions regarding how the OIPM is notified of investigations by the PIB and similar protocol does not currently exist for Bureaus. For that reason, the OIPM tends to be more involved with investigations and disciplinary proceedings conducted by the PIB. During every disciplinary proceeding, the OIPM remains in the room for deliberation with the NOPD leadership to give the hearing officers feedback and input. This process is how the OIPM provides our recommendations and feedback regarding the strength of the investigation, liability and risk management concerns, and areas where the policy required clarification or was being applied inconsistently. Though OIPM may provide this feedback in memorandums to the NOPD prior to the hearing or supplementing these hearings, these discussions during the deliberation process enable the NOPD to consider and digest our points before any final decision was made on the matter. These discussions are an opportunity for the OIPM to provide and receive insight into the NOPD investigation and often these comments lead to meaningful discussion with not just the hearing officers, but the assigned investigator on the case, since it was an opportunity for that investigator to explain investigatory decisions and to answer questions.

Disciplinary Proceedings



4
Total Disciplinary Proceedings Received in January

OIPM tracks Disciplinary Proceedings based on the date notice is received from NOPD and not necessarily on when the disciplinary proceeding occurs. These proceedings are often rescheduled for scheduling conflicts. Tracking by notification date allows for consistent and accurate data collection.

USE OF FORCE

Relevant Definitions

Critical Incident

Critical incidents are an internal definition that was agreed upon by the OIPM and the NOPD through the November 10, 2010 Memorandum of Understanding. This definition captures that the OIPM should be notified of deaths, certain levels of injuries, and officer involved shootings within an hour so the OIPM has the ability to monitor the on scene investigation by the Force Investigation Team. According to this shared definition, critical incidents are:

- All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting ("OIS");
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization;
- All head and neck strikes with an impact weapon, whether intentional or not;
- All other uses of forces by an NOPD officer resulting in death; and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD.

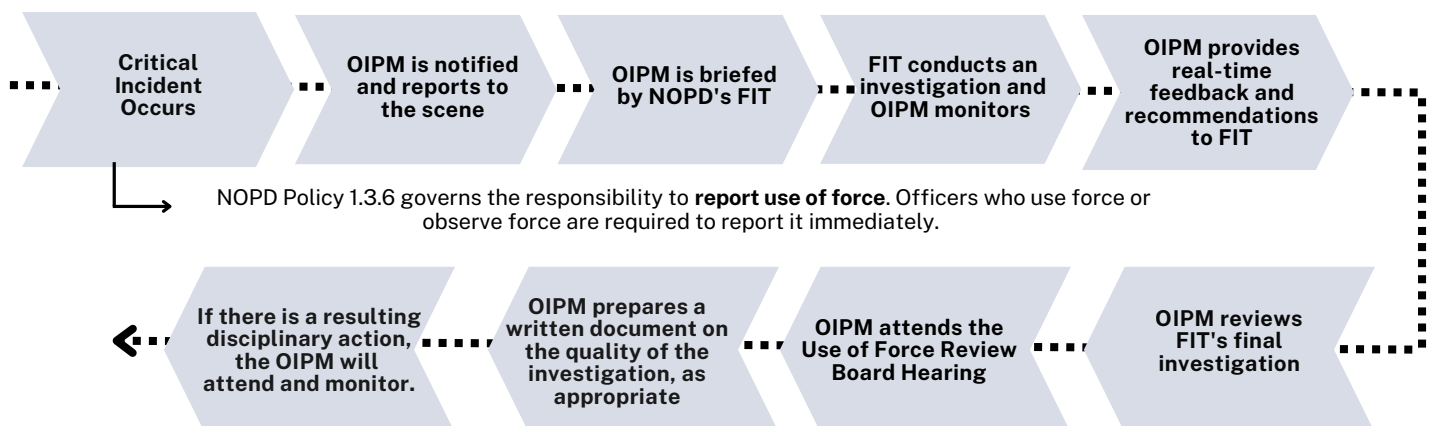
Use of Force

Use of Force is when an officer uses physical contact on an individual during a civilian-police interaction. The force can be mild to severe based on the levels of force outlined in the NOPD policy. The force may be considered justified by NOPD policy considering the facts and circumstances known to the officer at the time which would justify that appropriate physical contact based on how officers are trained to handle that interaction. Force will be assessed based on the type of contact utilized compared to the resistance encountered, resulting injuries, witness statements, officer statements, and evidence found.

Levels of Force

- **Level 1:** Includes pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.
- **Level 2:** Includes use of a CEW also known as "tasers" (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.
- **Level 3:** Includes any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal.
- **Level 4:** Includes all 'serious uses of force' as listed below:
 - (a) All uses of lethal force by an NOPD officer;
 - (b) All critical firearm discharges by an NOPD officer;
 - (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
 - (d) All neck holds;
 - (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
 - (f) All canine bites;
 - (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;
 - (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
 - (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

Critical Incident / Use of Force Chain of Events

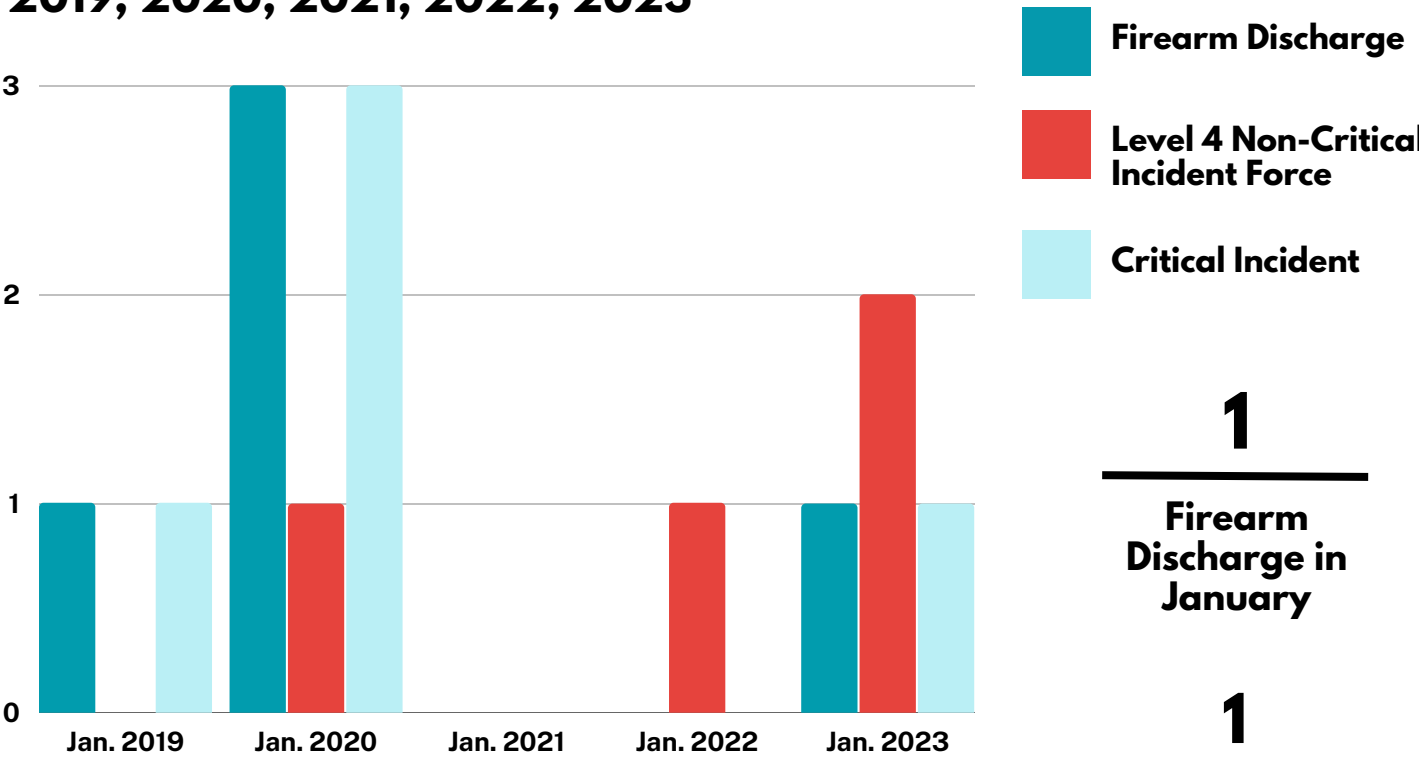


Use of Force Work

Use of Force monitoring and reviews are an opportunity for the OIPM to conduct a qualitative assessment of an investigation to ensure thoroughness, timeliness, fairness, transparency, accountability, and compliance with law, policy, and the Federal Consent Decree. The OIPM monitors and reviews the use of force, in-custody death, and critical incident investigations conducted by the Force Investigation Team (FIT) within the Public Integrity Bureau (PIB) of the NOPD. The OIPM is required by City Code § 2-1121 and by the MOU to monitor the quality and timeliness of NOPD’s investigations into use of force and in-custody deaths. The OIPM will attend the investigation or the relevant activity, and will document the activity taken and not taken by the NOPD. The expectation is that the OIPM representative does not participate in the activity, but instead observes the police actions and takes notes.

While OIPM is notified of each use of force that occurs, OIPM gives the most attention to the most serious uses of force incidents, Critical Incidents. However, OIPM will often review lower-level uses of force incidents to ensure NOPD policy is being upheld.

Use of Force - January 2019, 2020, 2021, 2022, 2023



1
Firearm Discharge in January

1
Critical Incidents in January

2
Level 4 Non-Critical Use of Force in January

Critical Incident Monitoring

In January, there was a critical incident involving the shooting of a dog. The OIPM arrived at the scene and monitored the Force Investigation Team investigation.

The role of the OIPM is to monitor the administrative and criminal investigation, participate in the walk through of the scene, observe any witness or officer statements along with the collection of evidence, and check for compliance with NOPD policy, the Federal Consent Decree, and state and federal law.

Use of Force Review Board

The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. UFRB hearings should be held every 30 days.

The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau. Other NOPD deputy chiefs and commanders serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor have been invited to observe, listen and participate in discussion. During UFRB, the FIT investigator prepares a written report, presents the cases and provides recommendations to the Use of Force Review Board (Board). The Board makes the final determination of whether or not an NOPD officer's use of force is within policy or not based on the facts and evidence presented in the investigation. If the Board determines the use of force violated NOPD policy, the Board will refer it to PIB for disciplinary action.

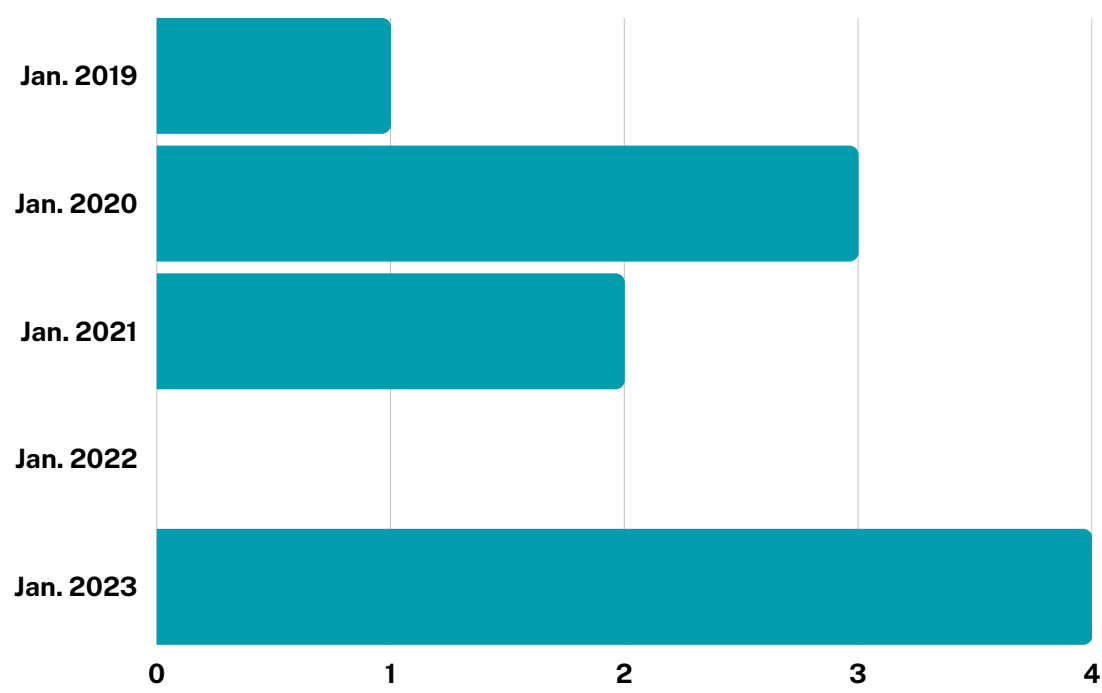
The OIPM receives the cases ten (10) days before the hearing and has approximately one week to review the investigation and respond with our questions and feedback prior to the hearing. The OIPM may provide feedback formally or informally prior to the UFRB. OIPM often provides feedback to FIT investigators throughout the entirety of the investigation.

4

UFRB Cases
Heard in January
2023

These cases included:
2 negligent discharges,
1 fatal officer involved
shooting, and
1 Level 4 Conducted Energy
Weapon deployment.

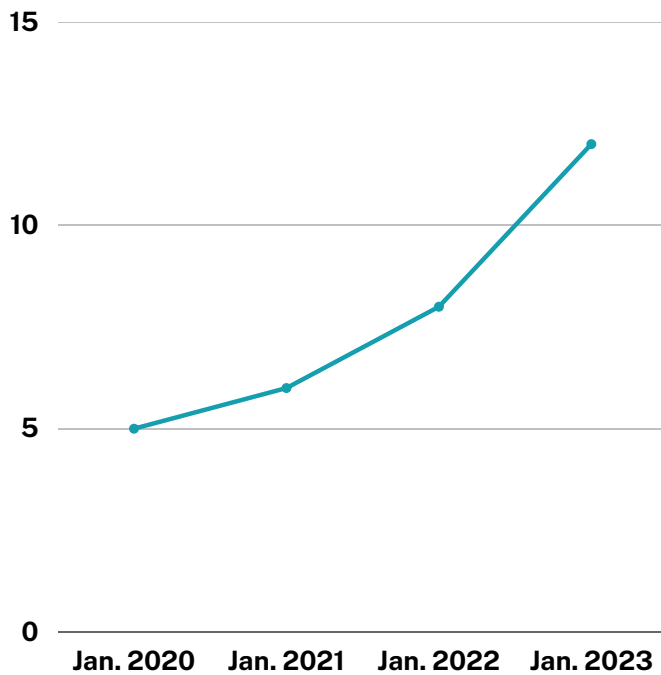
Use of Force Review Board Cases Heard



COMMUNITY ENGAGEMENT

The community is vital to police oversight and the center of the work conducted by the OIPM. In the Memorandum of Understanding, the OIPM committed to developing relationships with community and civil groups to receive civilian and anonymous complaints, meeting with police associations, and conduct public outreach meetings and engagement activities. In this section of the Monthly Report, the OIPM explains the community outreach and public events that the OIPM coordinated or participated in the last month.

Outreach - January 2020, 2021, 2022, 2023



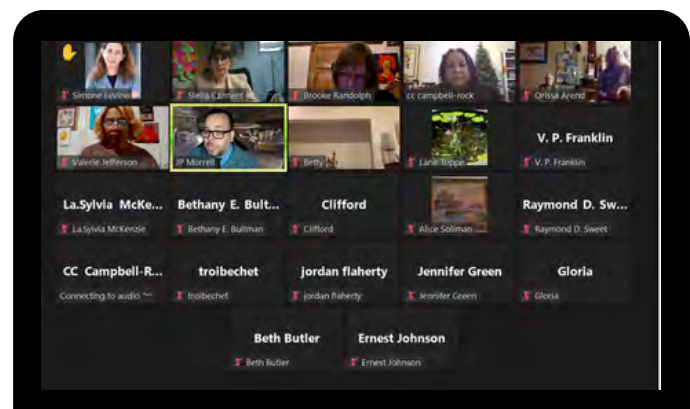
12

Total Outreach Events in January



Outreach Events

- **Community Office Hours**
 - January 5 - Joe Brown Park
 - January 11 - Sanchez Multipurpose Center
 - January 17 - Cut-Off Recreation Center
 - January 19 - Sanchez Multipurpose Center
 - January 23 - Morris F.X. Jeff, Sr. Park (Behrman)
 - January 25 Cut-Off Recreation Center
 - January 30 Morris F.X. Jeff, Sr. Park (Behrman)
- **Community Meet and Greet in Algiers**
- **2-hour mediator virtual training**
- **Justice and Beyond Panel on the Police Chief Search**
- **New Orleans United Front People's Assembly Crime Summit**
- **Meeting with the Music and Culture Coalition**



COMMUNITY-POLICE MEDIATION

Relevant Definitions

Mediation

A mediation process helps parties develop a mutual understanding of a conflict. Mediation may help the parties identify disputed issues, facilitate communication, provide an opportunity to improve community relationships, and generate options that may help the parties reach a mutually acceptable resolution.

Consent

All parties must voluntarily agree to participate in mediation and give consent. The consent process involves communication between the participant and the Mediation Director or program staff about the mediation process, what to expect, and clarification of any questions. Consent forms are signed in advance of confirming the mediation session.

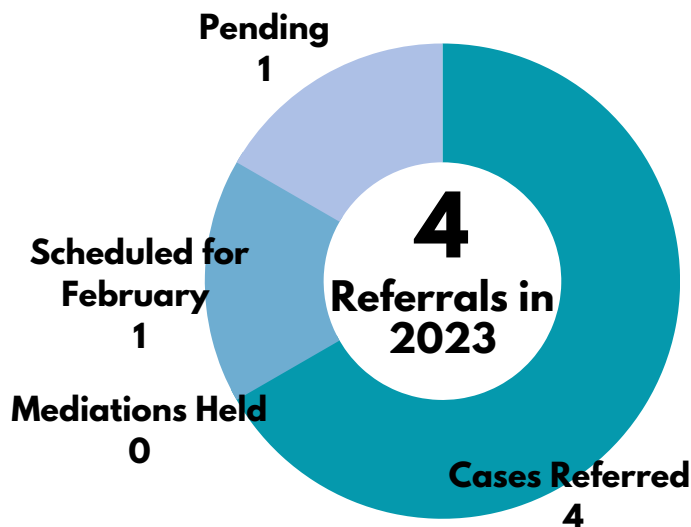
Mediator

The role of the mediator is to be a neutral and trained third party who listens, clarifies, and facilitates conversation. Mediators are non-judgmental and do not give advice, take sides, or decide who is right or wrong. Mediators do not influence or pressure participants to come to an agreement. Mediators are trained and recruited by the OIPM.

Voluntary

All participants engage in mediation at their own free will. They can end the process at any time and will not be forced to do anything or say anything they do not want to. No one is forced to agree to anything they do not want to.

Mediation Numbers for January 2023



What is Mediation?

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation provides a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share about their interaction and how it impacted them, explain what is important to them, and come to their own agreements and solutions about moving forward.

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege lack of professionalism, neglect of duty, or discourtesy. Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB.

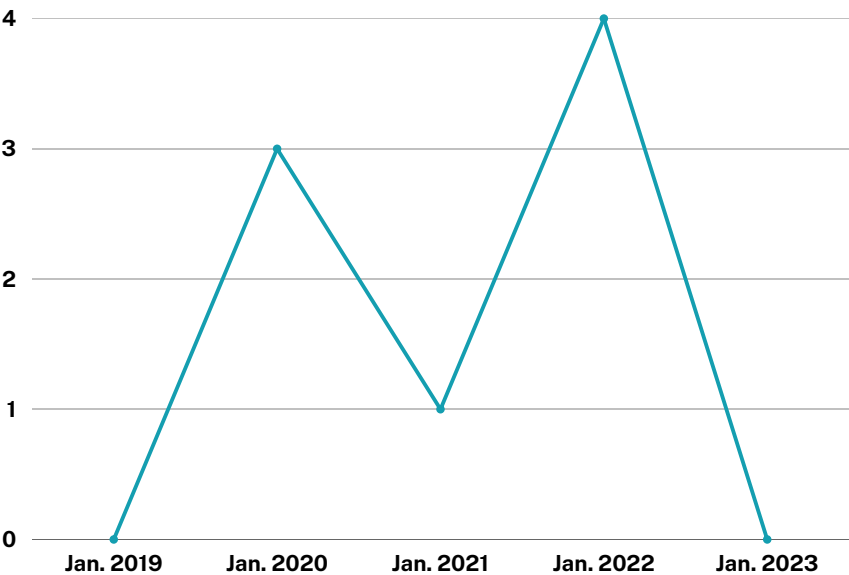
Non-judgmental
Confidential
Voluntary



Mediation is:

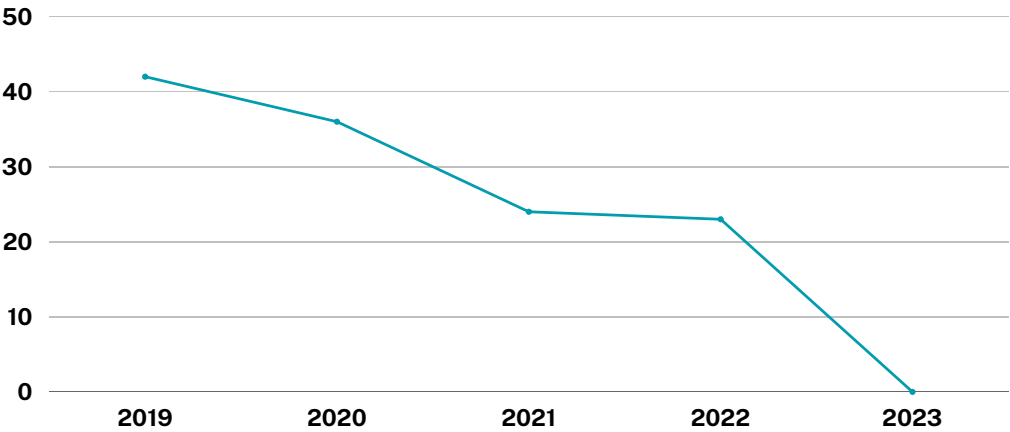
- ➔ A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.
- ➔ A space of discussion without the need to say who is right or wrong. No evidence is needed. The mediators are not judges. The mediators do not present their thoughts on the issue.
- ➔ It's about dialog, not forced resolutions. People are not forced to shake hands or make-up. The role of the mediators is to be neutral 3rd party facilitators. They will not pressure either participant to come to an agreement.
- ➔ An opportunity for the community member and the officer to be in charge of their own process and outcome. It will not be decided by an outside agency or person. It is outside of any punishment framework or the legal process. There is no appeal because mediation is voluntary.

**Mediations Held in January
2019, 2020, 2021, 2022, 2023**



0
**Total Mediations
Held in January**

**Mediations Held In
2019, 2020, 2021, 2022, 2023**



CONSENT DECREE & OVERSIGHT BACKGROUND

The OIPM is providing the following information in our monthly reports as a way to keep our partners and the public informed of the role of oversight, the policing history that led to the creation of the Consent Decree, and the differences between different types of oversight.

The OIPM wants to use every opportunity available to share valuable information and historical context to our work so everyone working towards the goal of accountability, transparency, and police oversight can be equipped, informed, and engaged.

Over the year, the OIPM may add to this section additional resources and information that we assess as helpful and empowering.



LEGAL JURISDICTION; OBLIGATIONS OF THE OIPM OFFICE AND STAFF

The OIPM operates under three core legal documents that guide the scope of local oversight and the jurisdiction of our work. Additionally, below are overviews of other ordinances that affect our work and create new legal obligations on the OIPM.

New Orleans Code of Ordinances Stat. § XIV: Office of the Independent Police Monitor

This statute was created by voter referendum and provides the legal responsibilities, perimeters, and budgetary support of the OIPM. This was put to a public vote in November 2016 and passed. This statute states the responsibilities of the OIPM and requires particular work streams and tasks. The statute also describes the disclosure requirements of the office.

Louisiana Revised Stat. § 33:2339: Detail or Secondary Employment; City of New Orleans

This statute was created in 2013 and gives legal abilities and subpoena power for the OIPM to investigate allegations of misconduct in the secondary employment system operated by the Office of Police Secondary Employment. The statute is silent as to the ability for the OIPM to refer these investigations to the NOPD or the District Attorney's Office for subsequent criminal or administrative accountability based on the OIPM investigation.

Memorandum of Understanding between NOPD and OIPM Executed November 10, 2010

The MOU is a Memorandum of Understanding between the NOPD and OIPM which outlines the responsibilities, expectations, and authority of the OIPM when providing oversight to the NOPD. Through this MOU, there is clarity regarding the work the OIPM will complete and how the OIPM will access NOPD records, data, and reports and monitor NOPD during on scene investigations. The MOU was entered into in November 2010 and in the coming year the OIPM intends to work with NOPD leadership to review this agreement and determine if it should be updated to ensure it is still relevant and considers updates to technology.

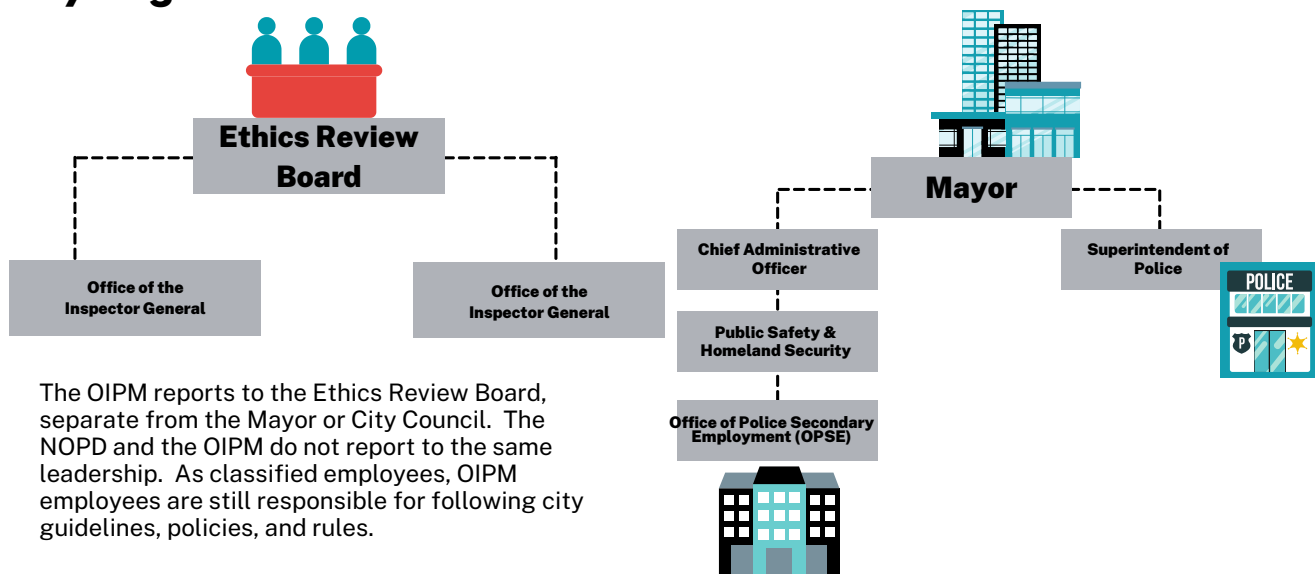
Ordinance 29130: Sharing of Data

Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to City Council.

Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee

Ordinance 29063 requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee.

City Organizational Structure - Truncated



OVERSIGHT MODELS

Different Reasons Why There is Oversight / Monitors

Court Ordered

Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.

Consent Decree Monitors

Monitors that are the result of federal Consent Decrees.

Oversight Agencies

Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has both of these types of oversight

Models of Civilian Oversight

Review-Focused Model

Review-Focused models tend to utilize volunteer boards and commissions.

- Review-focused models assess the quality of finalized investigations conducted by an internal affairs division or the police department
- Conduct reviews of the agency's policies, procedures and disciplinary proceedings.
- Hold public forums, hear appeals, or make recommendations for investigations regarding allegations of misconduct

OIPM reviews the quality of finalized investigations conducted by the Public Integrity Bureau (which is the internal affairs of the NOPD)

Investigative-Focused Model

Investigative-focused models will employ professionally trained staff

- Investigative-Focused Conduct independent misconduct investigations
- Operate as an intake site for complaints.
- These models may: mediate complaints, analyze policies and practices issue recommendations to the police and public.

OIPM is a complaint intake site and OIPM has investigatory power over the secondary employment office.

Review-Focused Model

- Auditor / Monitor-Focused Assess systemic reform efforts.
- Review processes, evaluate policies, practices, and training. Based on those assessments, this oversight model will identify patterns and make recommendations Share findings with the public.
- These oversight agencies may participate in investigations.

OIPM assesses systemic efforts and will evaluate and review policies, practices and training then provide recommendations to NOPD.

Hybrid Civilian Oversight Model

Hybrid Civilian Oversight Hybrid civilian oversight means there is one office serving functions from different models or multiple agencies in one jurisdiction which may be different models (like an advisory civilian board and the investigatory OIG).

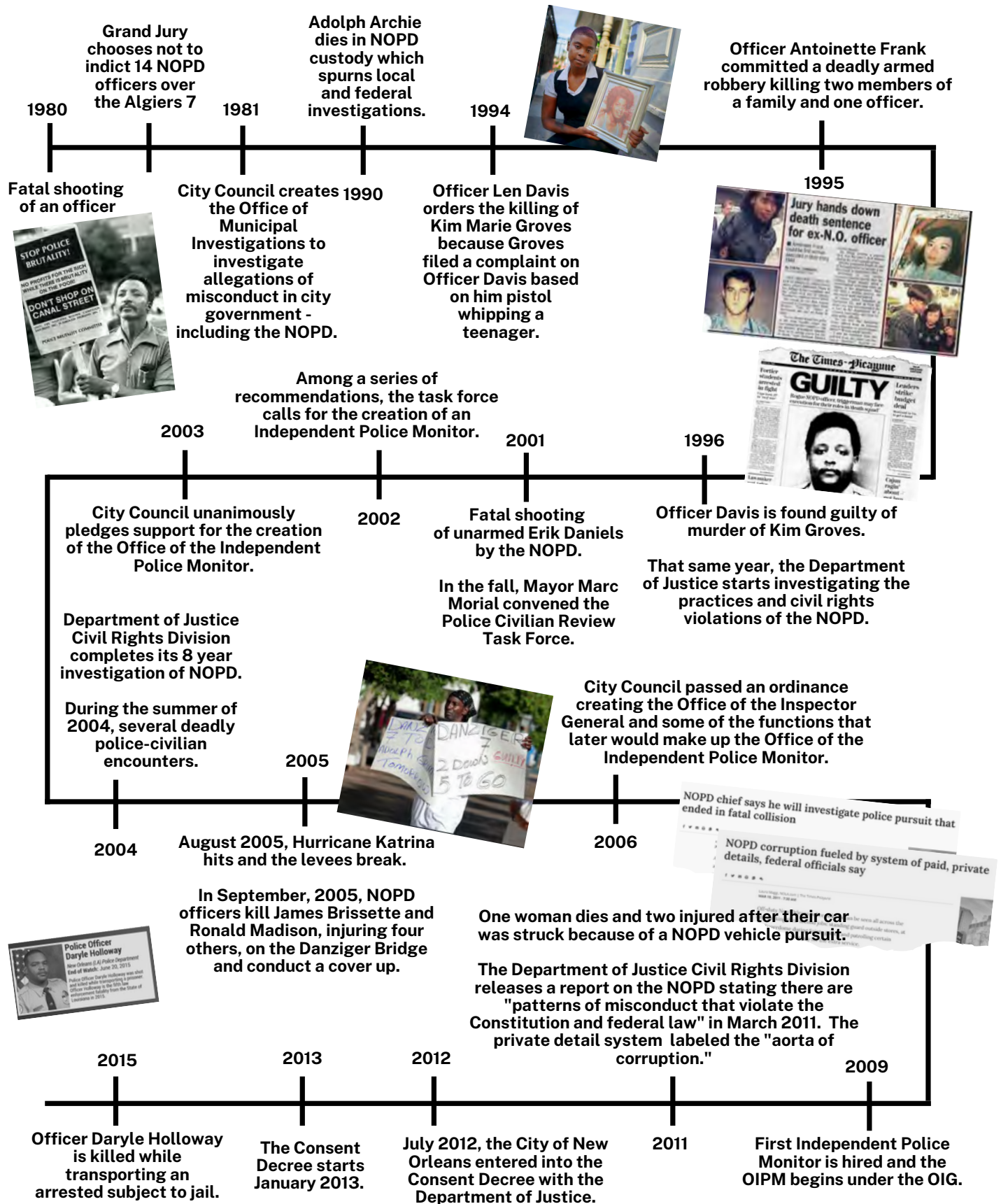
OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models. Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

13 Principles of Effective Oversight

The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies these 13 principles as necessary for effective oversight. The OIPM adopted these principles:

- Independence
- Clearly defined and adequate jurisdiction and authority
- Unfettered access to records and facilities
- Access to law enforcement executives and internal affairs staff
- Full cooperation
- Sustained stakeholder support
- Adequate funding and operational resources
- Public reporting and transparency
- Policy patterns in practice analysis
- Community outreach
- Community involvement
- Confidentiality, anonymity, and protection from retaliation
- Procedural justice and legitimacy

BRIEF HISTORICAL HIGHLIGHTS OF THE CONSENT DECREE; POLICING IN NEW ORLEANS



UNDERSTANDING THE CONSENT DECREE AND HISTORY

New Orleans entered a formal consent decree in January, 2013. This Consent Decree process started in the years prior with the investigation of the patterns and practices of the NOPD by the Department of Justice's Civil Rights Division. In order to understand the necessity of the Consent Decree and the reforms required within it, it's important to understand the historical context of the city and the NOPD's problematic behavior within the community.

The NOPD had a long history of misconduct, violence, discriminatory practices, and corruption stemming back decades. In the 1980s was the beginning of a community effort to organize civilian based oversight of the NOPD. This effort resulted in multiple initiatives from the Office of Municipal Investigations to the Police Civilian Review Task Force to eventually the creation of the Office of the Inspector General to the Office of the Independent Police Monitor.

While these local efforts were evolving, simultaneously, the federal government was conducting ongoing investigations of the NOPD, the most recent ending in March 2011. Ultimately, the Department of Justice found that the patterns and practices of the NOPD violated the Constitution and federal law. The report identified systemic deficiencies in multiple operational and substantive areas including policy, supervision, training, discipline, accountability - all of which "led to unconstitutional discrimination, uses of force, stops, searches, and arrests." The findings of the Department of Justice may have surprised the country, but the community of New Orleans was already well aware of the violent and unchecked behavior of the NOPD and the culture of obstructionism and discrimination that existed within the department.

This shared history of policing is briefly overviewed on the next page and the OIPM included examples of the dynamics of the NOPD and the crimes committed that directly impacted the safety of the community and public trust in the police department.

The OIPM strives to acknowledge and remember those in the community who both fought for oversight and were impacted by the pain caused by the NOPD. This is why a tenant of the work completed by civilian oversight is to amplify the voice of the community. It is in that memory that the OIPM works and stays vigilant monitoring the policing occurring today because a possible backslide from compliance, depending on the severity, could result in a return to a pattern and practices of policing that was corrupt, violent, and unconstitutional.

The goal of the Consent Decree is for the reforms to be so deeply enmeshed into the operations, policies, systems, and culture of the police department that to dismantle those reforms would be easily catchable and not only cause alarm in the community but also be virtually impossible because of the changed culture and expectations within supervision and the police department.

The position of the OIPM is that New Orleans must own our history with the police. Our history informs our fears. This is why there is a fear of history repeating itself. In New Orleans there is a real concern of "backsliding" and a return of the "old NOPD." Our neighbors, friends, coworkers, and loved ones may have experienced injustices at the hands of the NOPD. In our recent history as a city, filing a misconduct complaint about the police could have ended with retaliation or violence, walking in an unfamiliar neighborhood may have resulted in intrusive and illegal searches, arrests were conducted with force, officers could be bought, and supervisors turned a blind eye to a culture of corruption, discrimination, and violence.

For this reason, the OIPM is sensitive of allegations or noncompliance in areas that touch on these historical problems and shared fears that may exist in our community. The OIPM will not sweep these fears under a rug, but instead ensure that these allegations are immediately prioritized and addressed:

Criminal activity or associations

Corruption

Violence

Use of Force

Receiving payouts

Field strip searches

Targeting of young African

American boys

Supervisors failing to take

misconduct allegations

Unauthorized pursuits

Cover-up of wrong doing and

manipulation of misconduct

investigations

Discriminatory practices

LOCAL & FEDERAL OVERSIGHT IN NEW ORLEANS

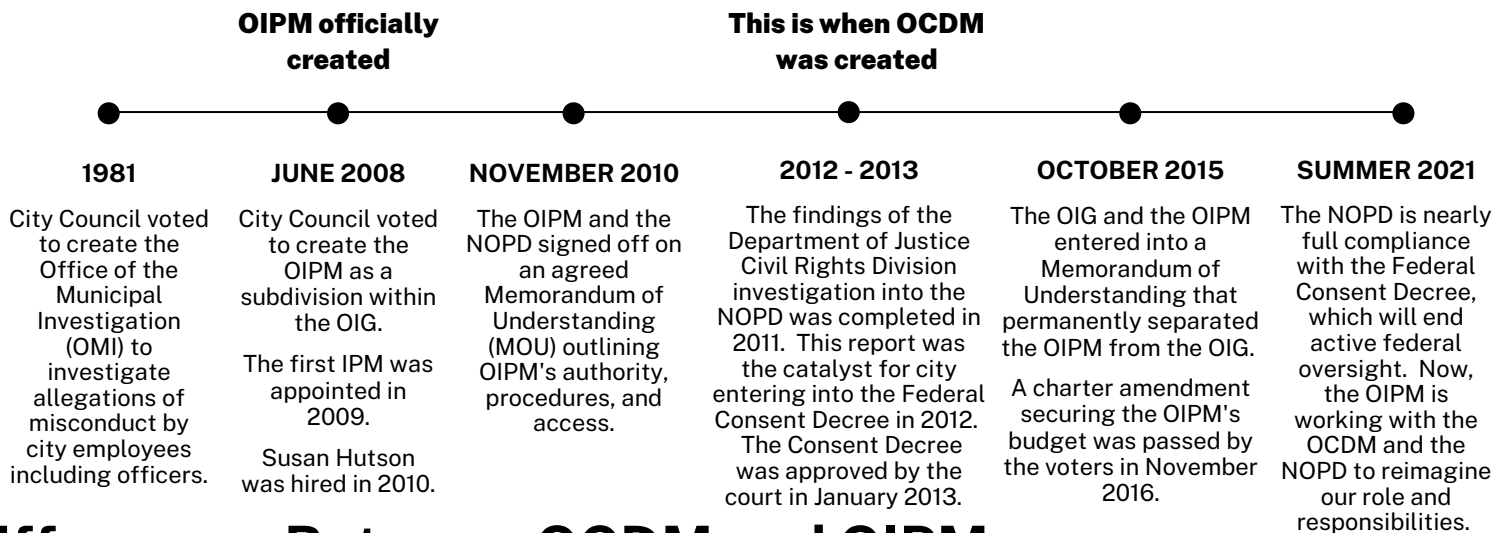
There are two types of monitors in New Orleans. There are three reasons why a city may have oversight or monitoring:

- Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.
- Monitors that are the result of federal Consent Decrees.
- Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

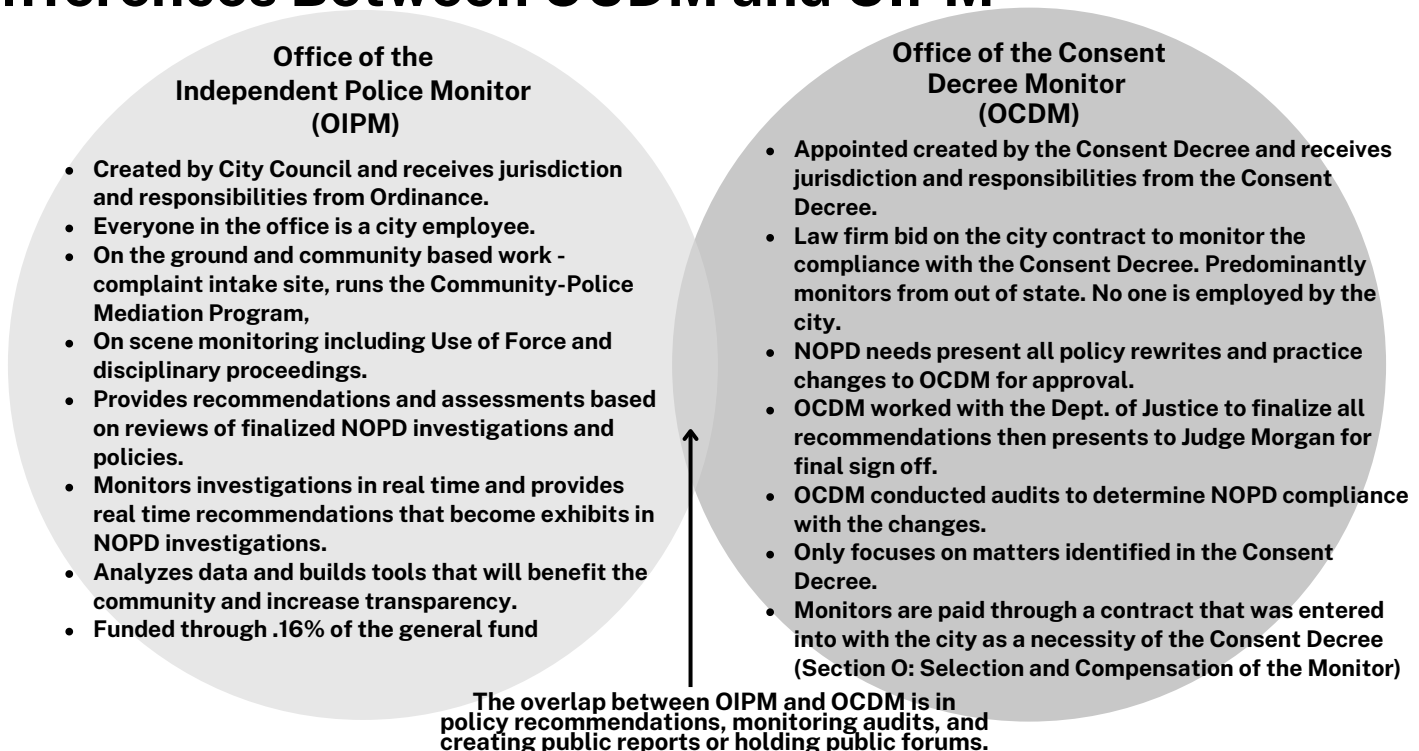
New Orleans has monitors for two of these reasons. There are monitors that a result of a federal consent decree and civilian oversight that is responsible for auditing, review, and / or investigation. The two offices have different responsibilities, were created through different mechanisms, and have different jurisdiction - all of which is described below.

Timeline of Oversight

Below is the timeline of oversight in New Orleans. While the Office of the Independent Police Monitor is rather new, the concept of oversight and accountability for officers and public employees has existed in New Orleans since 1981. The OIPM was created in 2008 and became independent in 2015, two years after the Consent Decree was entered into by the City of New Orleans.



Differences Between OCDM and OIPM



Monthly Report of Ethics Trainer



FEBRUARY 2023

MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



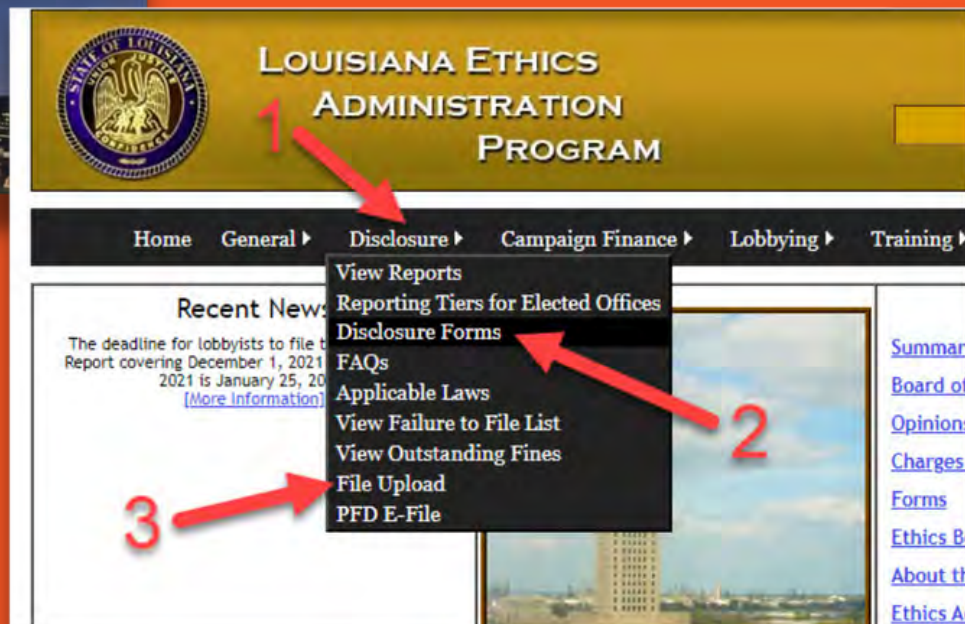
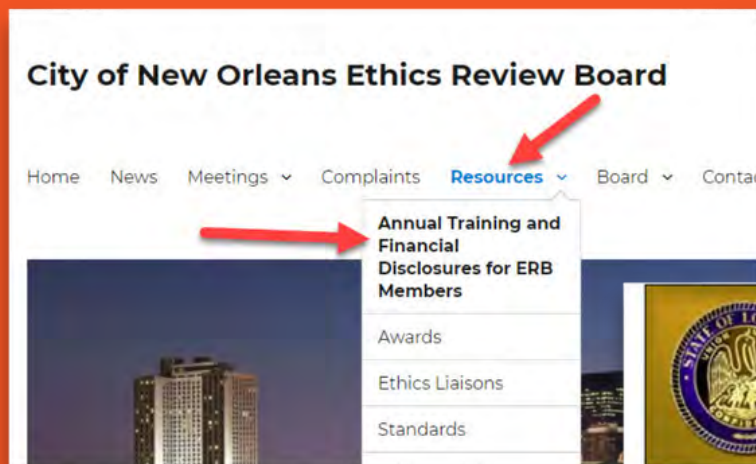
REMEMBER YOUR 2022 FINANCIAL DISCLOSURES!

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Submission options:

- Fax: 225-381-7271
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FEBRUARY ETHICS EDUCATION

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Training opportunities for 2023 are available via webinar or in-person, with the latter being newly offered for 2023 since being suspended in 2020 in accordance with COVID-19 restrictions that were put into place at that time. Recertification must be completed by **Friday, June 30, 2022.**



NEW ORLEANS ETHICS REVIEW BOARD

Training Division

FEBRUARY SESSION ATTENDANCE

Attendee Count:

84 Individuals



QUARTERLY ECONOMIC DEVELOPMENT DISTRICT CONVENING

State Ethics Training

SPEAKER



Jordy C. Stiggs, MS
Training Coordinator, City of New
Orleans | Ethics Review Board

Tuesday, March 21 | NOLABA Community Room
or via Zoom | 10 AM - 12 PM

Ethics Trainer has been invited to join the New Orleans Business Alliance for their 2023 quarterly professional development workshops.

These events provide opportunities for networking and capacity building for board members and staff for each of the city's economic development districts.



ETHICS WHISTLEBLOWER POSTERS

PURSUANT TO LSA-R.S. 42:1169F - FREEDOM FROM REPRISAL FOR DISCLOSURE OF IMPROPER ACTS, NOTICES OF THE LAW ARE REQUIRED TO BE POSTED IN A CONSPICUOUS PLACE IN EACH BUILDING WHERE MORE THAN TEN PUBLIC EMPLOYEES ARE EMPLOYED.

Employee education surrounding Whistleblower Protections is a vital component in creating an overall governmental culture of ethical behavior.

In support of this, the training division has redesigned the standard whistleblower poster that is provided by the Louisiana Board of Ethics. The purpose of the redesign is to make the information more visually appealing, improve readability and comprehension, and include contact information for New Orleans Ethics Review Board.

Images of the original poster and the redesign may be found below.

ORIGINAL

WHISTLEBLOWER PROTECTION
for Public Employees

FREEDOM FROM REPRISAL FOR DISCLOSURE OF IMPROPER ACTS - LSA-R.S. 42:1169

Louisiana law protects public employees who report information which they reasonably believe is a violation of any provision of law, or any other acts of impropriety related to the scope or duties of public employment, to their agency heads, the Louisiana Board of Ethics, or any person or entity of competent authority or jurisdiction. Any public employee who reports a potential violation shall be free from discipline or reprisal from his employer. This law (R.S. 42:1169) is enforced by the Louisiana Board of Ethics. A public employee who is wrongfully suspended, demoted, or dismissed due to the reporting of any act of wrongdoing shall be entitled to reinstatement of his employment, as well as the receipt of any lost income or benefits. A person who is a public employee because of a contractual arrangement with a governmental entity or agency, whose contract is wrongfully suspended, reduced, or terminated as an act of reprisal for reporting an alleged act of impropriety, shall be entitled to reinstatement of his contract and receipt of any lost compensation under the terms of the contract.

Who is a public employee?

A "public employee" means anyone, whether compensated or not, who is:

- (a) an administrative officer or official of a governmental entity who is not filling an elective office;
- (b) appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof;
- (c) engaged in the performance of a governmental function; or
- (d) under the supervision or authority of an elected official or another employee of the governmental entity. R.S. 42:1102(18).

Penalties

Any person who violates this provision may be censured, removed, suspended, demoted, or ordered a reduction in pay, or fined up to \$10,000, or both. R.S. 42:1163.

Complaints and Inquiries

This information sheet is a summary of the law and does not fully reflect the law. In order to receive additional information as to the protections contained in R.S. 42:1169, please contact the staff of the Louisiana Board of Ethics at (225) 219-5600 or 1-800-842-6630. The complete text of R.S. 42:1169 may be viewed at <http://www.legis.la.gov/legis/law.aspx?d=92753>. Complaints must be in writing, signed, and filed with the Louisiana Board of Ethics at P.O. Box 4368, Baton Rouge, LA 70821.

Pursuant to LSA-R.S. 42:1169F, this notice must be posted in a conspicuous place in each building where more than ten public employees are employed.

REDESIGN

SEE SOMETHING, SAY SOMETHING!

A Word About Whistleblower Protections
FREEDOM FROM REPRISAL FOR DISCLOSURE OF IMPROPER ACTS - LSA-R.S. 42:1169

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SPOT THE SIGNS OF RETALIATION

FOR PUBLIC EMPLOYEES

- Wrongful Suspension
- Wrongful Demotion
- Wrongful Dismissal
- Hostile Work Environment

PUBLIC EMPLOYEES BY WAY OF CONTRACTUAL AGREEMENT WITH A GOVERNMENTAL ENTITY OR AGENCY

- Wrongful Suspension of Contract
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BE THE CHANGE YOU WANT TO SEE!

If you would like to seek an advisory opinion about activities that may be in violation of ethics laws and/or submit a formal complaint, please begin by contacting one of the agencies below:

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ERB@NOLAERB.GOV
<https://nolaerb.gov>

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JANUARY 2023

MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



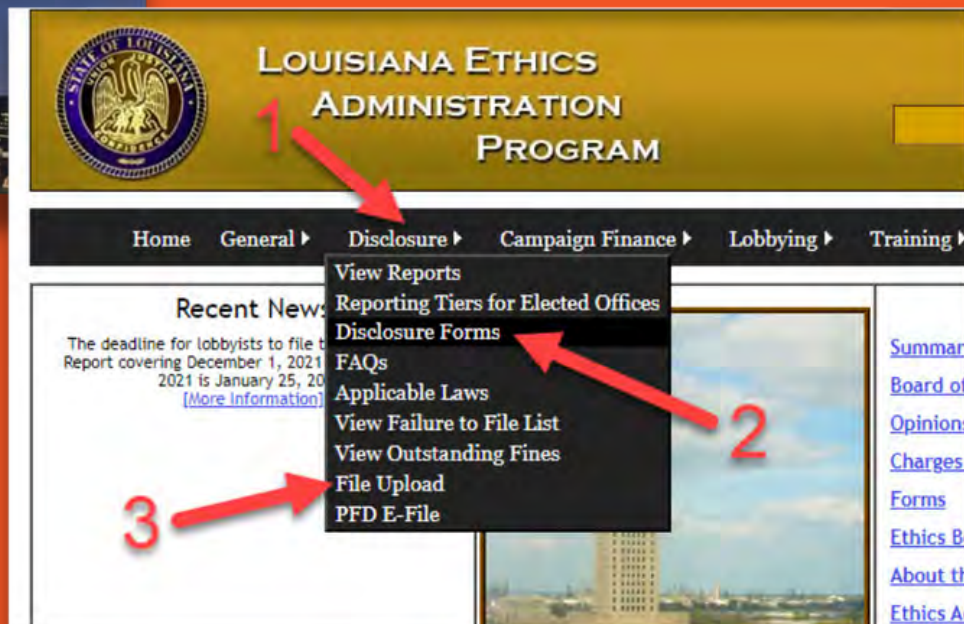
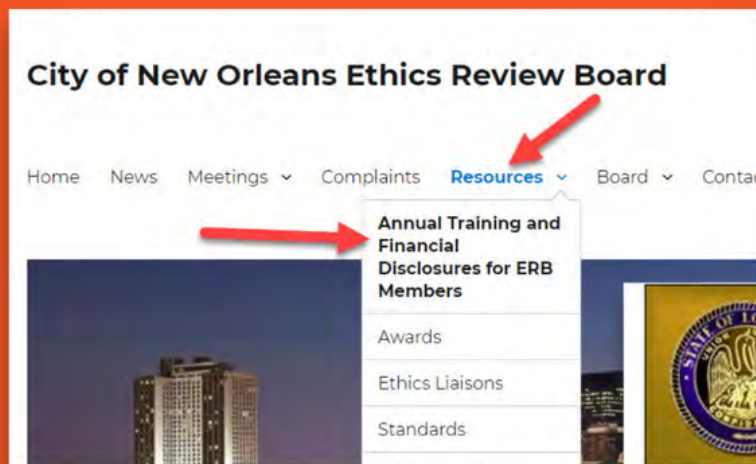
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NEW ORLEANS ETHICS REVIEW BOARD

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JANUARY SESSION ATTENDANCE

Attendee Count:

- *93 Individuals*

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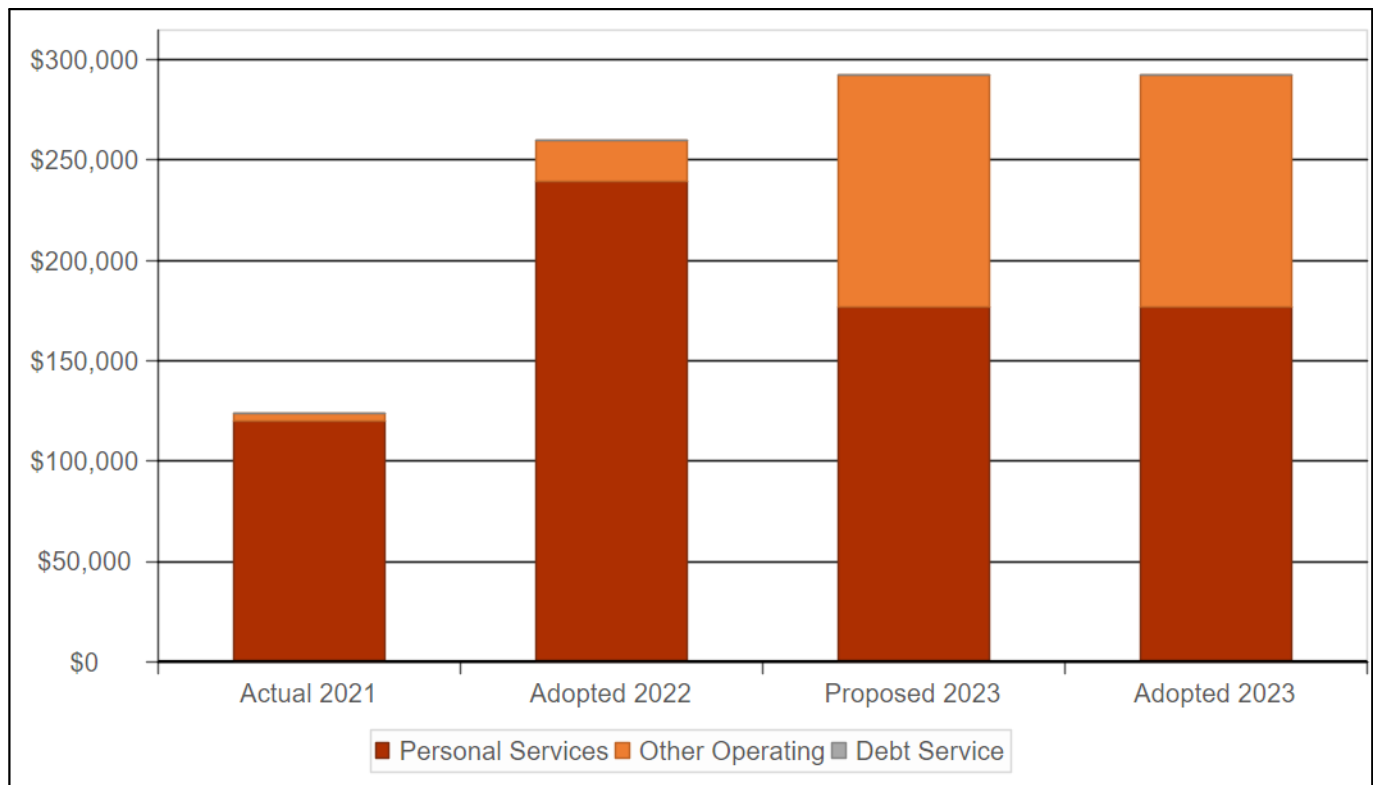
Item 1



Ethics Review Board
Budget Summary

Budget Summary - Ethics Review Board

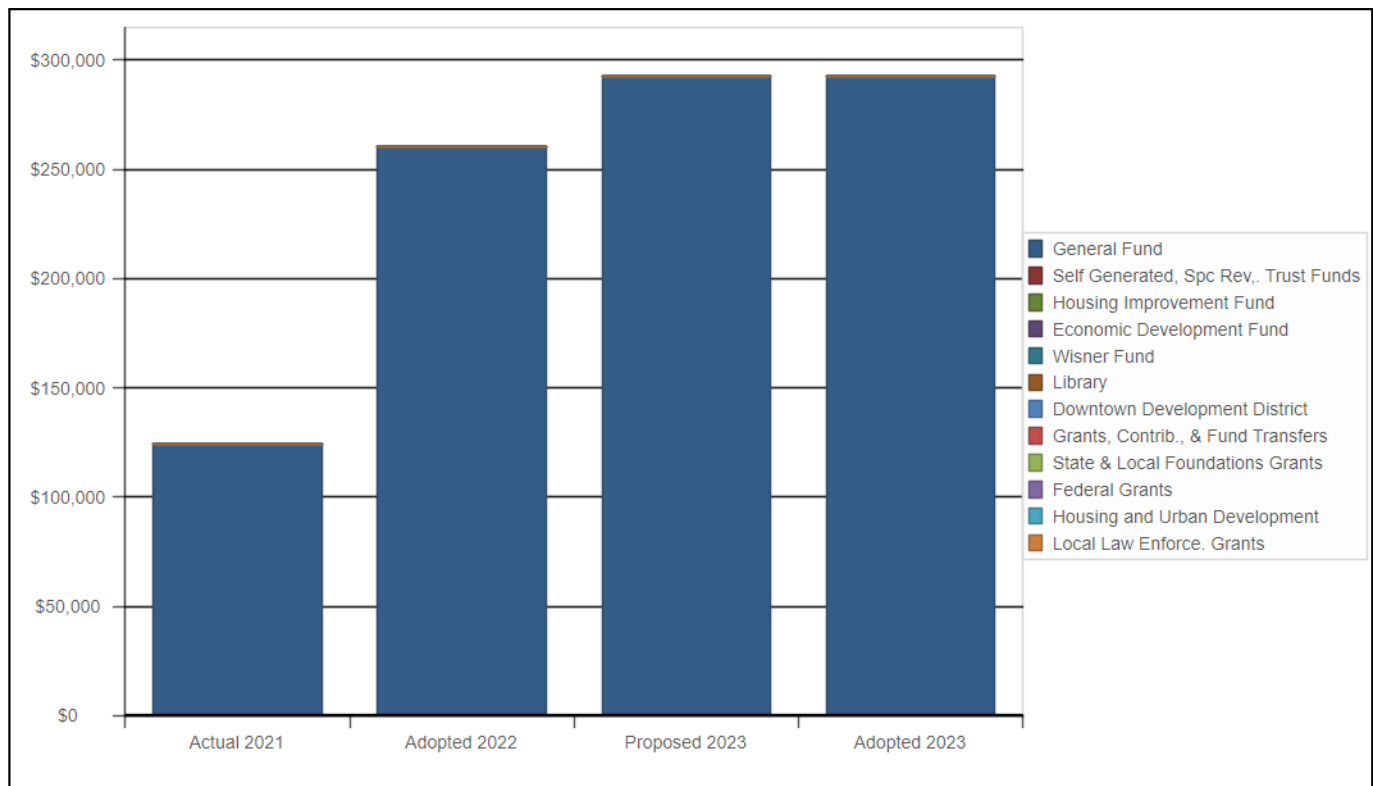
Expenditure by Type



Expenditure Type	Actual 2021	Adopted 2022	Proposed 2023	Adopted 2023	Change FY22-FY23	Percent Change FY22-FY23
Personal Services	119,867	239,426	176,543	176,543	(62,883)	-26.26%
Other Operating	4,143	20,751	115,852	115,852	95,101	458.30%
Debt Service	-	-	-	-	-	-%
Total Expenditures	124,010	260,177	292,395	292,395	32,218	12.38%

Department FTEs	-	1.50	1.50	1.50	-	-%
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Expenditures by Funding Source - Ethics Review Board



Funding Source	Actual 2021	Adopted 2022	Proposed 2023	Adopted 2023	Dollar Change FY22-23	Percent Change FY22-23
General Fund	124,010	260,177	292,395	292,395	32,218	12.38%
Self Generated, Spc Rev., Trust Funds	-	-	-	-	-	-%
Housing Improvement Fund	-	-	-	-	-	-%
Economic Development Fund	-	-	-	-	-	-%
Wisner Fund	-	-	-	-	-	-%
Library	-	-	-	-	-	-%
Downtown Development District	-	-	-	-	-	-%
Grants, Contrib., & Fund Transfers	-	-	-	-	-	-%
State & Local Foundations Grants	-	-	-	-	-	-%
Federal Grants	-	-	-	-	-	-%
Housing and Urban Development	-	-	-	-	-	-%
Local Law Enforce. Grants	-	-	-	-	-	-%
Total Funding	124,010	260,177	292,395	292,395	32,218	12.38%

ETHICS REVIEW BOARD

Ethics Review Board

PROGRAM DETAIL

Program No.	Personal Services	Other Operating	Debt Service	Total
1000 General Fund				
7102 Ethics Review Board	176,543	115,852	0	292,395
1000 General Fund Total	176,543	115,852	0	292,395
DEPARTMENT TOTAL	176,543	115,852	0	292,395

ETHICS REVIEW BOARD**Ethics Review Board****EXPENDITURE SUMMARY**

Program No.	Actual FY2021	Adopted FY2022	Proposed FY2023	Adopted FY2023	Dollar Change FY22-FY23
1000 General Fund					
7102 Ethics Review Board	124,010	260,177	292,395	292,395	32,218
1000 General Fund Total	124,010	260,177	292,395	292,395	32,218
DEPARTMENT TOTAL	124,010	260,177	292,395	292,395	32,218

ETHICS REVIEW BOARD**Ethics Review Board****PERSONNEL SUMMARY**

Program No.	Pay Grade	Adopted FY2022	Proposed FY2023	Adopted FY2023	FTE Change FY22-FY23
1000 General Fund					
7102 Ethics Review Board					
EX DIRECTOR OF THE ETHICS R BD	U70	1.00	0.00	0.00	(1.00)
EXECUTIVE ADMIN & GEN COUNSEL	U109	0.50	0.50	0.50	0.00
MANAGEMENT DEV SPECIALIST I	75	0.00	1.00	1.00	1.00
7102 Ethics Review Board Total		1.50	1.50	1.50	0.00
1000 General Fund Total		1.50	1.50	1.50	0.00
DEPARTMENT TOTAL		1.50	1.50	1.50	0.00