



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

Loyola University New Orleans College of Law

526 Pine St., Room 405

New Orleans, Louisiana

Monday, October 7, 2024, at 3:30 P.M.

AGENDA

1. Call to order.
2. Approval of the minutes of September 2024 board meeting.
3. Monthly report of Office of Inspector General.
4. Monthly report of Office of the Independent Police Monitor.
5. Monthly report of Ethics Trainer.
6. Monthly report of General Counsel and Executive Administrator.
7. Executive session pursuant to Louisiana Revised Statutes section 42:17(A)(1) to discuss the character, professional competence, or physical or mental health of a person.
8. Executive session pursuant to Louisiana Revised Statutes section 42:17(A)(4) to discuss investigative proceedings regarding allegations of misconduct, namely, ERB Complaint No. 2023-02.
9. Discussion of future meeting locations.
10. Call for agenda items for future board meetings.
11. Adjournment.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

**Board Meeting of September 9, 2024, at Loyola University New Orleans College of Law,
526 Pine Street, New Orleans, Louisiana**

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 3:32 p.m.
 - 1.2. Attendance
 - 1.2.1. ERB members present:
 - 1.2.1.1. Dawn Broussard, Chair
 - 1.2.1.2. Holly Callia
 - 1.2.1.3. Tyrone G. Jefferson, Jr.
 - 1.2.1.4. Sally Richardson
 - 1.2.1.5. Patrice Sentino
 - 1.2.2. ERB members absent:
 - 1.2.2.1. Monique G. Doucette
 - 1.2.3. Staff member present: Dane S. Ciolino, Executive Administrator & General Counsel
 - 1.2.4. Staff member present: Jordy Stiggs, Ethics Trainer.
 - 1.3. 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 held in August 2024.

3. *Monthly Report of the Office of the Inspector General.*
 - 3.1. Ed Michel appeared on behalf of the Office of the Inspector General. He appeared with Mike Laughlin, general counsel for OIG.
 - 3.2. The board accepted Mr. Michel's monthly report (attached).
 - 3.3. Mr. Michel announced and introduced his new public information officer.
 - 3.4. Mr. Michel reported on his office's productivity. He noted that his office has produced 17 reports last year and will produce more this year.
 - 3.5. Mr. Michel reported on the number of city employees and contractors who have been prosecuted, who have resigned, or who have been disciplined for misconduct uncovered by his office.
 - 3.6. Mr. Michel introduced a new OIG employee. He is a former FBI agent who was responsible for all training at the FBI Academy and other tasks. After retiring, he was an instructor at USL and now is with OIG.
 - 3.7. Ali Broyles reported on a new report being released on details being worked by the OPSO during carnival season.
 - 3.8. Patrice Rose reported on a new investigation regarding the Department of Property Management and its handling of HVAC systems. She also noted that her department is doing a report on Hexagon software issues and a loan that was taken out to pay for the software.
4. *Monthly Report of the Office of Independent Police Monitor.*
 - 4.1. Ms. Sziment appeared on behalf of the Office of the Independent Police Monitor.
 - 4.2. The board accepted Ms. Sziment's monthly report (attached).
 - 4.3. Ms. Sziment explained to the board what her office does during tropical storms. She and an assistant will be embedded with NOPD during the storm response. The rest of her team will evacuate if necessary. Her office will be closed on Wednesday, the expected day of landfall for Hurricane Francine.
 - 4.4. Ms. Sziment reported on an officer-involved shooting last week. Her office interviewed witnesses and reviewed camera footage. At this time, the shooting appears to be justified.
 - 4.5. Ms. Sziment reported on promotions at NOPD and on her office's monitoring of the promotion process.
 - 4.6. Ms. Sziment noted that she testified at a trial in federal court in the Vicknair case, which involved Officer Vicknair's personal relationship with the child victim of a

rape that later became a sexual relationship. The plaintiff prevailed and recovered more than \$1,000,000 because the NOPD did not properly supervise Officer Vicknair.

- 4.7. Ms. Sziment noted that her podcast, *The Monitor's Mike*, is going well. They humanize the officers for the public. The show airs on Fridays at noon.
- 4.8. Ms. Sziment is meeting with Councilman Thomas's office about a her office's PCAB proposal and a possible civilian oversight board that others have discussed.

5. *Monthly Report of the Ethics Trainer*

- 5.1. Jordy Stiggs appeared.
- 5.2. The board accepted Mr. Stiggs's monthly report (attached).
- 5.3. Mr. Stiggs reminded the board about training videos that the board members need to watch before year end.
- 5.4. Mr. Stiggs noted that the new website is being designed and will be published soon. Training for Mr. Stiggs and Mr. Ciolino is scheduled for later this week if Hurricane Francine does not cause any issues.
- 5.5. Mr. Stiggs reported that he has cancelled his training session due to credit card approval issues in the Finance Department. We hope to resolve this issue for Mr. Stiggs to travel in May 2025.

6. *Report of the Executive Administrator and General Counsel.*

- 6.1. Mr. Ciolino presented his monthly report (attached).
- 6.2. Mr. Ciolino reported that there have been no complaints received since the last board meeting.
- 6.3. Mr. Ciolino reported that one ERB position must be filled. The mayor's office is working on this.
- 6.4. Mr. Ciolino reported that four (4) Council and Mayoral appointments remain unfilled on QARACs for the IG and the IPM.

7. *Executive Session*

- 7.1. After a motion, duly seconded, the board voted unanimously to go into executive session at 4:24 pm. pursuant to Louisiana Revised Statutes section 42:17(A)(1) to discuss the character, professional competence, or physical or mental health of a person.
- 7.2. After a motion, duly seconded, the board voted unanimously to return to general session at 4:42 p.m.

8. *Request to Increase Pay to Outside Investigator*

- 8.1. Discussion of request from Transcendent Law Group for a payment in the amount of \$7,223.55 in addition to the \$15,000.00 that it has already been paid. (Note that professional services contracts over \$15,000.00 require the competitive selection process established by executive order.)
- 8.2. The board unanimously voted to deny the request after considering advice from the City Attorney's Office regarding the ordinances governing no-bid professional contracts.

9. *Discussion of Locations of Future Meetings*

- 9.1. Mr. Ciolino will check with City Hall regarding availability of council chambers.
- 9.2. Mr. Jefferson will look into other locations used by nonprofit organizations in Orleans Parish.
- 9.3. This issue will be on the agenda for next board meeting.

10. *Adjournment.*

- 10.1. A motion was made to adjourn the ERB meeting.
- 10.2. The motion was seconded.
- 10.3. The ERB unanimously voted to adjourn. The meeting was adjourned at 4:53 p.m.

* END *

**Monthly Report of
OIG**

MONTHLY REPORT

SEPTEMBER 2024



OIG

**NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

ADMINISTRATION DIVISION



2,090

Number of registered X followers

COMMUNICATIONS

NEW HIRE

The OIG announces the hire of **Laura McKnight** as **Public Information Officer**. McKnight began her position with the OIG on Aug. 5. As PIO, McKnight is responsible for:

- Public and Media Relations
- Social Media
- Monthly and Annual Reports to the ERB

ADMINISTRATION

NEW HIRE

The OIG announces the hire of **Mira Roberts** as **Office and Human Resources Manager**. Roberts began her position with the OIG on Aug. 5. Roberts' role includes:

- Human Resources
 - Coordinating the hiring process
 - Intern Program
- 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 maintaining the OIG's information technology (IT) integrity through:

- 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 Sheriff's Office
- Safety and Permits Third Party Contractors
- NOAB Contract Audit
- EMS Response Time

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

Safety and Permits Third Party Contractors	Drafting	Ongoing
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Summary of Objectives: The purpose of the audit is to determine the adequacy of S&P policies and procedures related to Third Party Inspections and verify that residential inspections performed by Third Party Inspectors were in compliance with those policies and procedures.

NOAB Contract Audit	Fieldwork	Ongoing
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Summary of Objectives: The purpose of the audit is to verify NOAB management compliance with relevant policies and procedures while procuring professional services contracts and assess the effectiveness of NOAB management controls in ensuring vendor compliance with contract terms.

EMS Response Time	Planning	Ongoing
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Summary of Objectives: The purpose of the audit is to determine whether the City is responding to medical emergencies timely and in accordance with their policies and national standards.

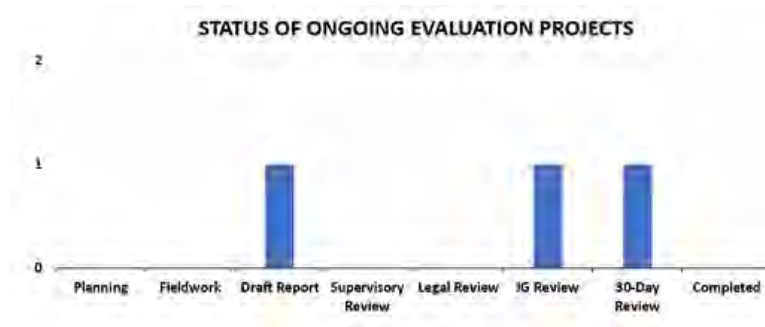
Footnotes:

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:

- OPCD Hexagon Contract
- DPW Traffic Light Maintenance
- NOPD Secondary Employment

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

INSPECTIONS AND EVALUATIONS DIVISION

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

Project Name	Project Phase ¹	Anticipated ² Completion Date
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OPCD Hexagon Contract	IG Review	Ongoing
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Summary of Objectives: The purpose of the evaluation is to analyze the process used to procure Hexagon On Call Records, review the use of public funds in the project, and assess whether the product was suitable to meet public needs.

DPW Traffic Light Maintenance	30-Day Review	Ongoing
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Summary of Objectives: To determine whether traffic signals are repaired in a manner that is efficient and in line with industry standards/best practices for timeliness and identify obstacle of timely repairs.

NOPD Secondary Employment	Drafting	Ongoing
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Summary of Objectives: To review NOPD and the Office of Police Secondary Employment policies and procedures to minimize the risk of payroll fraud.

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.

INVESTIGATION DIVISION

ADMINISTRATIVE INVESTIGATIONS (SEPTEMBER HIGHLIGHTS)

Former S&WB Employee, Reserve NOPD Officer Indicted for Multiple Fraud Schemes

Former New Orleans S&WB Senior Special Agent Leessa Augustine, who was also a reserve NOPD officer, was indicted in multiple fraud schemes with four counts of wire fraud, two counts of aggravated identity theft, and one count of making false statements to investigators.

In one alleged scheme, Augustine billed a police detail customer for hours she had not actually worked. During times Augustine was supposed to be working a police detail for the Downtown Development District, she allegedly used her S&WB-issued computer to conduct a second fraud scheme that involved obtaining mortgage loans and federal assistance for low-income homebuyers. As part of the scheme, Augustine allegedly created fake documents, including a fake W-2 form, paystubs, and bank statements.

In a third alleged scheme, Augustine obtained federally funded unemployment benefits by concealing her Senior Special Agent income. In a fourth alleged scheme, Augustine obtained federal emergency rental assistance from the City of New Orleans by submitting a fake lease and termination letter from a fictitious employer. At various times during the schemes, Augustine allegedly provided her S&WB-issued cell number as a contact number for three different people she impersonated.

The wire fraud charge related to the police detail is punishable by up to 20 years' imprisonment. The other three wire fraud charges are each punishable by up to 30 years' imprisonment due to enhanced penalties for fraud related to emergency benefits and fraud affecting a financial institution. Each aggravated identity theft charge is punishable by two years' imprisonment. The false statement charge is punishable by up to five years' imprisonment. Each count may include a fine of up to \$250,000, a term of supervised release following imprisonment, and the payment of a mandatory \$100 special assessment fee.

An indictment is merely a charge and the guilt of the defendant must be proven beyond a reasonable doubt.

Former Third-Party Inspector Indicted for Fraudulent Permitting and Corruption Scheme

Randy A. Farrell, Sr., a resident of Metairie, and his company, IECI & Associates, LLC, were charged in a 25-count indictment with conspiracy, wire fraud, and honest services fraud. The charges stemmed from Farrell's acceptance of bribes to allow unlicensed electricians to obtain fraudulent permits and home inspections on their unlicensed work and Farrell's attempts to thwart investigations into his scheme by offering gifts to public officials.

INVESTIGATION DIVISION

ADMINISTRATIVE INVESTIGATIONS (SEPTEMBER HIGHLIGHTS CONTINUED)

According to the indictment, Farrell used his status as a third-party inspector at IECI to orchestrate a years-long scheme in which he accepted bribes to let unlicensed electricians work on hundreds of New Orleans homes using licensed electricians' names and permits. Farrell and IECI then fraudulently passed the inspections of the unlicensed electricians' work.

Farrell also conspired with others to offer bribes to public officials to thwart the investigation into his scheme, including by having a City of New Orleans employee fired.

Farrell and IECI are charged with one count of conspiracy to commit wire fraud, 20 counts of wire fraud concerning specific fraudulent permits and inspections, and one count of conspiracy to commit honest services fraud regarding Farrell's accepting and offering of bribes. Farrell was also charged with three counts of honest services fraud in connection with specific bribes he accepted and paid. For each count, Farrell faces up to 20 years in prison and up to three years of supervised release. Farrell and IECI also each face a fine of up to \$250,000 or twice the gross gain to them or loss to any person, and a \$100 mandatory special assessment fee per count.

An indictment is merely a charge and the guilt of the defendant must be proven beyond a reasonable doubt.

Orleans Parish Communication District (OPCD)

OIG investigators provided information developed to the Orleans Parish District Attorney's Office. Court proceedings regarding the discovery process are ongoing.

Investigative Inspection of Department of Safety and Permits processes

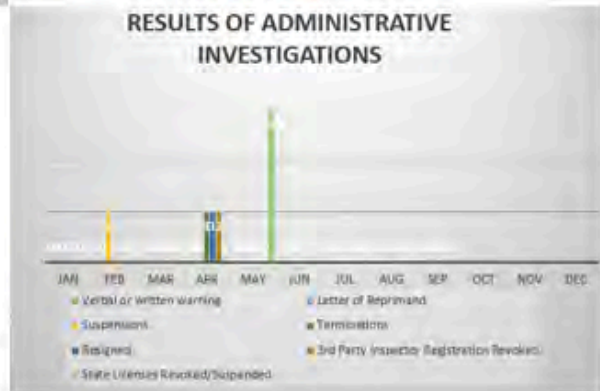
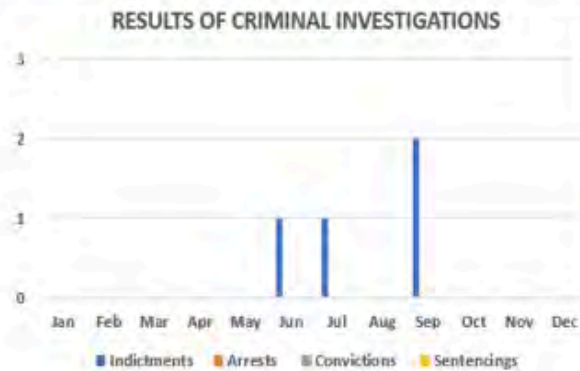
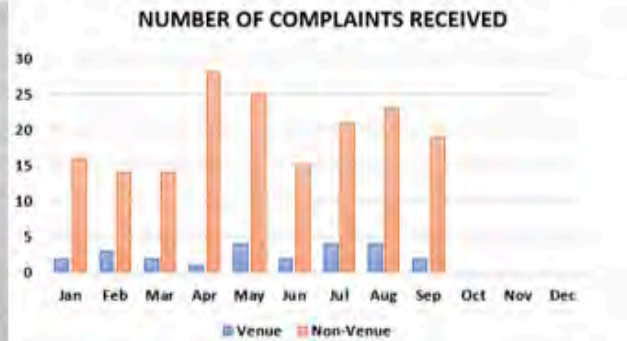
The OIG partnered with the New Orleans Department of Safety & Permits (DSP) and the Louisiana State Licensing Board for Contractors to identify ways to refine the department's inspection and permit processes. The City's Office of Business and External Services has agreed to participate in [this endeavor](#). Interviews with DSP personnel are productive and ongoing.

During September, the Investigations Division submitted a Request for Documents to the Chief Administrators Office and a referral to the Orleans Parish Assessors Office regarding a Homestead Exemption Fraud on a Short Term Rental. The OIG received 21 complaints through the hotline.

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

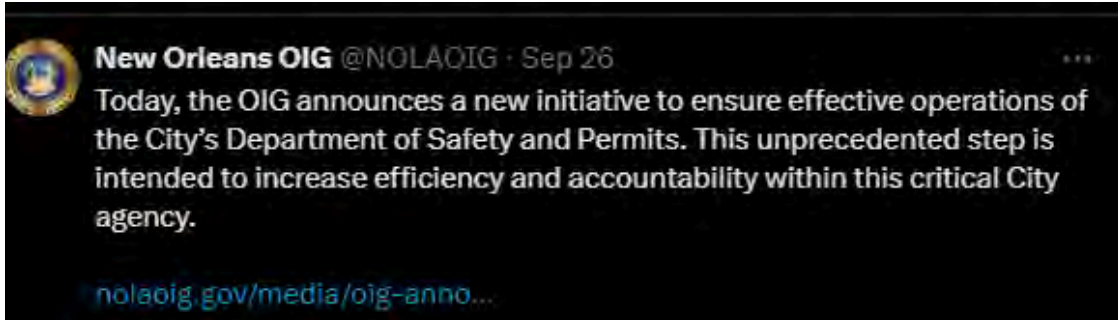
2024 MONTHLY BUDGET


Total 2024 Appropriation \$ 4,184,733

Expenditures	Spent YTD
Personnel	\$ 2,126,602
Operating	\$ 529,586
Total	\$ 2,656,188
Remaining Balance	\$ 1,528,545

SOCIAL MEDIA

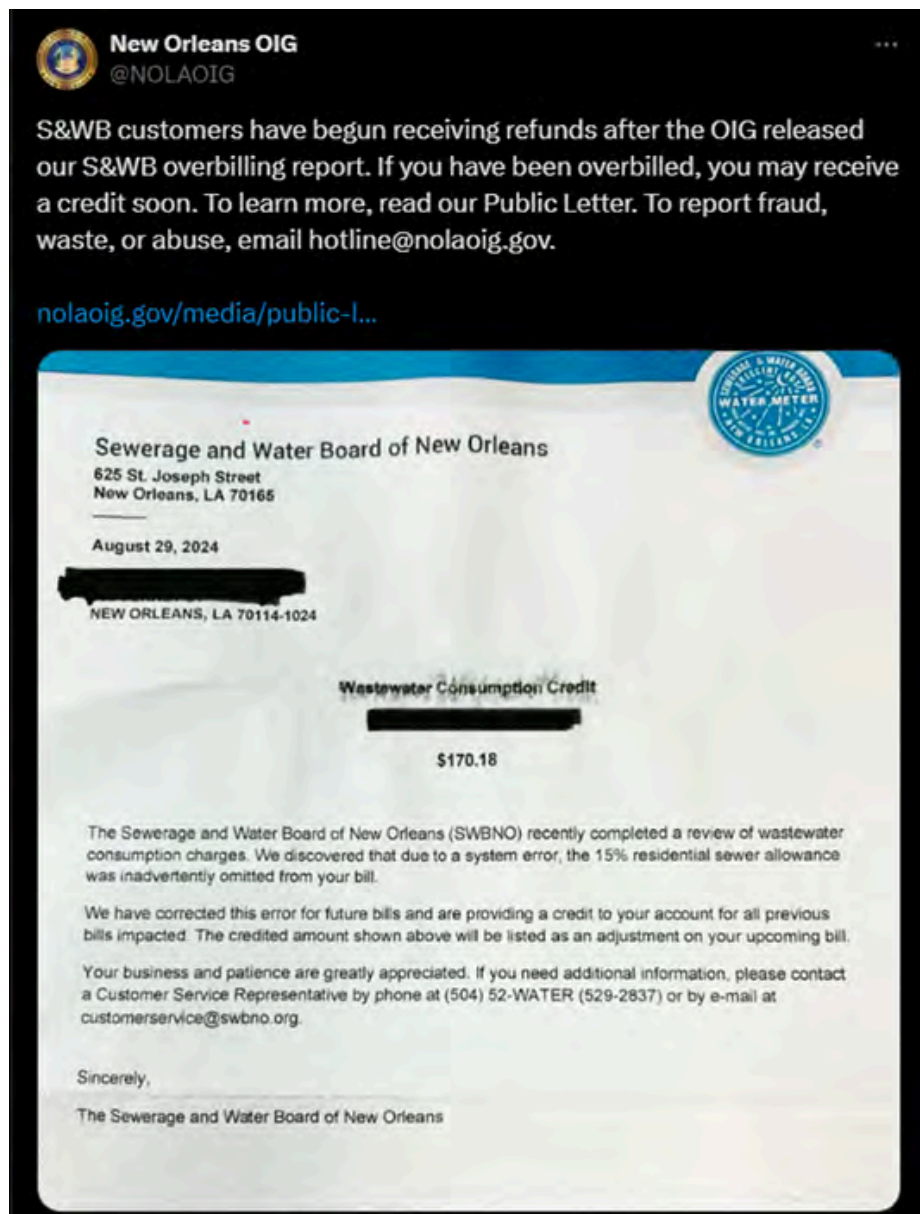
X/Twitter: @NOLAOIG




 **New Orleans OIG** @NOLAOIG · Sep 26

Today, the OIG announces a new initiative to ensure effective operations of the City's Department of Safety and Permits. This unprecedented step is intended to increase efficiency and accountability within this critical City agency.


nolaog.gov/media/oig-anno...




 **New Orleans OIG**
@NOLAOIG

S&WB customers have begun receiving refunds after the OIG released our S&WB overbilling report. If you have been overbilled, you may receive a credit soon. To learn more, read our Public Letter. To report fraud, waste, or abuse, email hotline@nolaog.gov.

nolaog.gov/media/public-l...





Sewerage and Water Board of New Orleans
625 St. Joseph Street
New Orleans, LA 70165

August 29, 2024

[Redacted Address]
NEW ORLEANS, LA 70114-1024

Wastewater Consumption Credit
[Redacted Amount]

\$170.18

The Sewerage and Water Board of New Orleans (SWBNO) recently completed a review of wastewater consumption charges. We discovered that due to a system error, the 15% residential sewer allowance was inadvertently omitted from your bill.

We have corrected this error for future bills and are providing a credit to your account for all previous bills impacted. The credited amount shown above will be listed as an adjustment on your upcoming bill.


Your business and patience are greatly appreciated. If you need additional information, please contact a Customer Service Representative by phone at (504) 52-WATER (529-2837) or by e-mail at customerservice@swbno.org.

Sincerely,
The Sewerage and Water Board of New Orleans

SOCIAL MEDIA

Instagram: [@NewOrleansOIG](https://www.instagram.com/neworleansoig)



 **Department of Justice**

United States Attorney's Office
Eastern District of Louisiana

FOR IMMEDIATE RELEASE
FRIDAY, SEPTEMBER 27, 2024
WWW.USDOJ.GOV/USAO/LAE
X: @EDLANEWS


CONTACT: SHANE M. JONES
PHONE: (504) 680-3111
FAX: (504) 589-4978
EMAIL: shane.jones@usdoj.gov

INSPECTOR INDICTED FOR FRAUDULENT PERMITTING AND CORRUPTION SCHEME

NEW ORLEANS, LOUISIANA - The United States Attorney's Office announced today that **RANDY A. FARRELL, SR. ("FARRELL")**, age 61, a resident of Metairie, and his company, **IECI & ASSOCIATES LLC ("IECI")**, were charged today in a twenty-five count indictment with conspiracy, wire fraud, and honest services fraud. The charges stemmed from **FARRELL's** acceptance of bribes to allow unlicensed electricians to obtain fraudulent permits and fraudulent home inspections on their unlicensed work, as well as **FARRELL's** attempts to thwart investigations into his scheme by offering gifts to public officials.

SOCIAL MEDIA

Facebook: @NOLAOIG

 **New Orleans Office of Inspector General**
Published by Edward Michel
September 17 at 3:08 PM


Today, the Office of Inspector General welcomed participants of our second annual Citizens Academy.

The OIG Citizens Academy is an engaging four-week program that provides City employees and community leaders with a greater understanding of the role and mission of the OIG through discussion and education.

Attendees learn more about how the OIG assesses and mitigates fraud, waste, abuse, and corruption through audits, evaluations, and investigations.

Candidates for the Citizens Academy are nominated by New Orleans City Employees, the Ethics Review Board, former Citizens Academy graduates, and community leaders. Participants are selected by the Inspector General.




 **New Orleans Office of Inspector General**
Published by Edward Michel
September 24 at 4:18 PM

The second annual Office of Inspector General Citizens Academy continued today with presentations by OIG Chief of Audit and Review Alison Broyles and her team.

Presentations described the role of auditors in the OIG, how the auditing team assesses risk of corruption, and past case studies of fraud, waste, and abuse identified within City operations.

The OIG Citizens Academy is an engaging four-week program that provides City employees and community leaders with a greater understanding of the role and mission of the OIG through discussion and education.



 **New Orleans Office of Inspector General**
Published by Edward Michel
5 days ago

Today, the U.S. Attorney's Office, Eastern District of Louisiana, announced the indictment of Randy Farrell Sr. on 25 counts of conspiracy, wire fraud, and honest services fraud.

This indictment is the result of collaboration among the New Orleans OIG, FBI, and Louisiana State Licensing Board for Contractors, led by the local U.S. Attorney's Office.

JUSTICE.GOV

Inspector Indicted for Fraudulent Permitting and Corruption Scheme

NEW ORLEANS, LOUISIANA - The United States Attorney's Office announced today that RANDY A. FARRELL, SR. ("FARRELL"), age 61, a resident of Metairie, and his company, IECI & ASSOCIATES LLC ("IECI"), were charged...

**Monthly Report of
OIPM**

OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY COMMUNITY REPORT

September 2024



POLICE CHIEF PUBLIC FORUM

PUBLIC COMMENT - 2 MINUTES ONLY

YOUR COMMENT MAY BE RECORDED FOR A RADIO SHOW
NO CURSE WORDS OR DEROGATORY LANGUAGE ALLOWED

The new 25 ft bystander law penalizes bystanders for recording & even threatens them w/ jail time. This ultimately will reduce transparency about officers activity in our community. How can the community be assured that the force won't abuse this law? Will you communicate w/ officers about what situations are unnecessary for invoking this law.

Please complete the survey on the back

Above, comment card from the public forum held in New Orleans East with Chief Kirkpatrick

Transparency. Accountability. Respect.



LETTER TO THE COMMUNITY

Dear New Orleans Community,

In September, Hurricane Francine made landfall, lieutenants and captains were evaluated for promotions, Chief Kirkpatrick joined us for a public forum in New Orleans East, there was an officer involved shooting then later a K9 bite and the OIPM monitored both force investigations at the scene, and the OIPM broadcasted more Monitor's Mic radio shows on WBOK. It was a busy month with some unexpected turns, but we worked together and navigated them. We want to start this letter with thanking our community for their partnership and support. We couldn't do this work without you.

This month on the Monitor's Mic, we **showcased the legislative process in Louisiana with State Senator Royce Duplessis**, **school resource officers in schools with SRO Day**, how **jury duty affects the criminal legal system with Professor Snowden**, and learned more about the French Quarter sweeps from **NOPD leadership, Captain Roberts!** On behalf of the OIPM, I want to extend a sincere thank you to our guests in September. We have thoroughly enjoyed facilitating these informative conversations with the public and look forward to the next month of shows!

A couple weeks ago, **Chief Kirkpatrick** sat down with me for some hard questions in New Orleans East at a public forum at the Joe Brown Recreation Center. At that public forum, Chief Kirkpatrick fielded questions that ranged from Consent Decree compliance to the idea of consolidating uptown police districts to make a second station in New Orleans East. Chief Kirkpatrick explained her hesitation and opposition of a civilian oversight board, and how she would back an expansion of the Police Community Advisory Boards (PCABs) to receive advisory seats on disciplinary boards and the Use of Force Review Board. In an exciting first for the office and the community, we were able to play a recording of the public forum on WBOK twice for the public to hear.

This month I started a new initiative called **"What the IPM is Reading"** as a way to share resources about policing, oversight, and the NOPD's history. I look forward to sharing new recommendations and books with the community and, if there is interest, discussing them you.

Looking ahead, **the OIPM office will be closed to the public from October 14 - October 18th.** The OIPM will be **working remotely** from the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in Arizona. We will be available via phone, email, and zoom.

Finally, the **National Day Against Police Brutality is coming up in October.** The OIPM will be partnering with Families Overcoming Injustice to host a community vigil on the steps of City Hall on Thursday, October 24th at noon. Organizations will table with resources, we will be serving food, hearing from speakers, and joining together with families in remembrance and action. We hope to see you there.

Warm regards,

Stella Cziment



Above the IPM monitors the promotional evaluations. Below are some of the Instagram posts made during the month of September.

Office of the Independent Police Monitor
www.nolaipm.gov | 504.309.9799

Did you miss the Public Forum with Chief Kirkpatrick?

The public forum recording will air on WBOK AM1230

10pm Friday, September 20
9am Saturday, September 21

Office of the Independent Police Monitor
www.nolaipm.gov | 504.309.9799

What is the Independent Police Monitor Reading?

Frequently, the OIPM is asked what people should read to learn more about policing, the NOPD, and oversight. Moving forward, we will post books we recommend on these topics.

Swipe to learn more about the police shootings on Danziger Bridge and this book.

Office of the Independent Police Monitor
www.nolaipm.gov | 504.309.9799

The OIPM is monitoring the NOPD during Hurricane Francine.

The OIPM will go to the scene for any Force Investigation Team critical incident investigations.

The OIPM is working remotely and the office is currently closed to the public. You can email us at policemonitor@nolaipm.gov or submit complaints or accounts of positive policing on our website: www.nolaipm.gov

Due to potential power outages and other weather related issues, there may be delays in responses. Please be patient.

ACHIEVEMENTS, UPDATES, & WORK



OIPM Public Forum with Chief Kirkpatrick

This month, the OIPM sat down with Chief Kirkpatrick and the public took to the mic to ask her about her stance on civilian oversight, the potential end of the Consent Decree, expanding the role of Police Community Advisory Boards (PCABs), her stance on Use of Force data demonstrating an increase in force against black individuals, her leadership team, and hypothetically consolidating District Stations to instead funnel more officers to New Orleans East - allowing for a second police district in the most populated area of the city. **The public forum was recorded and broadcasted on WBOK 1230AM for the first time ever.**

We asked and Chief Kirkpatrick answered. Though the OIPM may not agree with her answers, Chief Kirkpatrick honestly addressed these questions along with community concerns during the comment period. The OIPM will now highlight some of the information shared for those who missed the forum:

Have the arrests for sexual assaults by officers of children while the officer is in their official capacity changed the Chief's perspective that the NOPD is in full and effective compliance with the Consent Decree?

No. Motivated by that finding and the other stories covered in the Washington Post "Abuse Behind the Badge," the Chief proposed a Blue Ribbon Panel to Mayor Cantrell to address allegations of sexual violence in the department - past and present - to try to understand what did the department miss in hiring or supervision.

The community has repeatedly asked for an opportunity to address Judge Morgan directly prior to a compliance finding on the Consent Decree – would you support an opportunity for the public to speak directly to the judge?

No, would support the OIPM addressing the court and thinks that is appropriate. However, it is a decision that can only be made by the Judge.

If given that opportunity, is there anything the community could say that would change your opinion on the NOPD being ready to exit the Consent Decree?

Nothing said will sway the Chief. While she understands the perspective of the community, the Chief is confident that the NOPD has fulfilled the language of the consent decree.

At our last public forum, the Chief expressed reservations regarding a civilian oversight board, please explain.

Does not support creation of a civilian oversight board – believes they are dysfunctional and do not work. Does support the OIPM and the OIPM receiving more power. Would support more civilian input in the NOPD in an advisory capacity.

Currently we have Police Community Advisory Boards (PCABs) that are criticized for being disconnected from the NOPD, to address this would you be willing to have them serve on disciplinary boards and use of force review board?

Not as a voting member but ok with them in an advisory capacity. Open to their input in the NOPD and having some power particularly in policy development. Referenced how the public input was used to construct the drone policy. The Chief later discussed a proposal she supported from the OIPM to take over the coordination of the PCABs and expand their role but that it was denied by the Mayor.

When the Chief started there were complaints about the lack of resources and manpower in the East, it is the largest and most populated district, would the chief consider consolidating two other districts in the city that have very prompt response times – like the 6th and the 2nd district – to make a second station in the East?

That is a complex question. Concerned about divesting individual officers from neighborhoods where they are having an impact and attached / familiar with the area. New Orleans East is the largest district with multiple neighborhoods. The boundaries are designated by the number of 911 calls. There are areas of the East that are not very populated, so would need to consider the geographic region without and with the population to support a second district in the East. Would need to consider it.

ACHIEVEMENTS, UPDATES, & WORK

On September 27, 2024, the Office of the Independent Police Monitor (OIPM) released a press statement in response to a joint motion filed in federal court requesting the transition of the Consent Decree into a "Sustainment Period." This statement was also shared with the community on our Facebook (@New Orleans Independent Police Monitor) and Instagram (@NOLA OIPM) accounts. The motion signifies a collaborative agreement between the City of New Orleans and the Department of Justice, acknowledging that the New Orleans Police Department (NOPD) has met the necessary requirements outlined in the Consent Decree.

If approved, the "Sustainment Plan" will last for two years and focus on maintaining key reform areas while ensuring the effectiveness of existing remedial action plans.

While the OIPM was not involved in this determination, we believe it is crucial for community voices to be heard in any final compliance assessment.

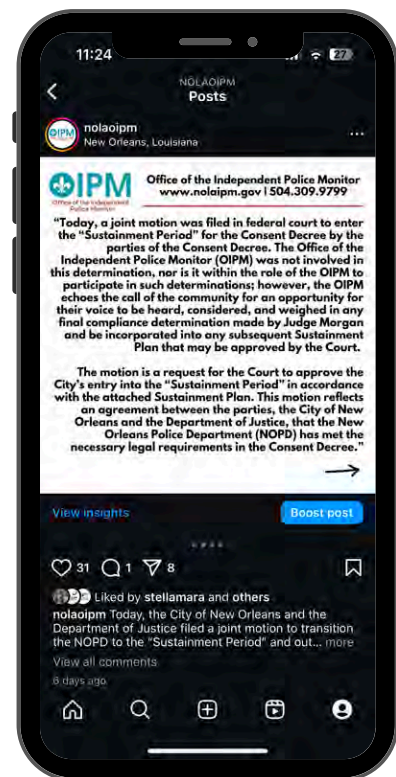
As part of this process, public hearings will be scheduled, providing community members the opportunity to share their perspectives directly with the Court.

The OIPM is committed to ensuring that these opportunities are well-publicized, allowing everyone who wishes to contribute to the discussion to do so.

Our office remains dedicated to addressing the community's concerns during this transitional phase and beyond. We will uphold the principles of accountability, transparency, and safety that guide our work, and we remain steadfast in our mission.



OIPM's Official Press Release in response to the joint motion filed



Press Release Instagram posting.

To stay informed, follow us on all our social media accounts!

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.

DATA OVERALL: YEAR TO DATE AND MONTH

	2024	2023	2022	2021	2020	2019	2018	2017	Avg 2017-2023
Civilian Complaint Count	86	93	51	49	51	66	22	30	51.71
Police Complaint Count	1	1	1	4	5	2	5	2	2.86
Civilian w/in NOPD	2	0	0	1	1	0	0	0	0.29
Anonymous Complaint	21	17	24	19	25	0	0	0	12.14
Community Liaison Count	13	27	12	20	33	15	3	6	16.57
Case Monitoring Count	5	4	7	4	9	0	9	8	5.86
Case Review Count	0	1	4	4	2	4	8	0	3.29
Contact Only Count	80	43	27	17	28	14	2	4	19.29
Disciplinary Hearing Count	40	38	47	20	54	39	53	23	39.14
Critical Incident Count	6	3	5	7	9	8	5	7	6.29
Firearm Discharge Count	4	3	5	6	8	7	3	4	5.14
Lvl 4 Non-Critical	14	7	18	6	8	0	0	0	5.57
Force Monitoring *	5	1	0	0	0	0	0	0	0.14
Mediation Count	28	24	17	18	27	26	19	24	22.14
Commendation Count	7	5	0	8	1	4	1	2	3.00
Grand Total	312	267	218	183	261	185	130	110	193

	Sept 2024	Sept 2023	Sept 2022	Sept 2021	Sept 2020	Sept 2019	Sept 2018	Sept 2017	2017-2023 Average
Citizen Complaint Count	5	14	7	2	3	11	5	3	6.43
Police Complaint Count	0	1	0	0	3	1	1	0	0.86
Civilian w/in NOPD	2	0	0	0	1				0.25
Anonymous Complaint	5	6	1	0	2				2.25
Community Liaison Count	1	3	1	1	4	0			1.80
Case Monitoring Count	3	1	0	0	0	0	0	0	0.14
Case Review Count	0	0	0	0	0	0	0	0	0.00
Contact Only Count	5	7	2	3	1	0	0	0	1.86
Disciplinary Hearing Count	5	5	5	0	12	1	0	2	3.57
Critical Incident Count	1	0	0	0	0	0	0	1	0.14
Firearm Discharge Count	1	1	0	0	0	0	0	1	0.29
Lvl 4 Non-Critical	1	0	2	0	0				0.50
Force Monitoring *	0	0	0	0	0	0			0.00
Mediation Count	4	2	3	3	2	1	3	3	2.43
Commendation Count	0	0	0	2	0	0	1	0	0.43
Grand Total	33	40	21	11	28	14	10	10	19.14

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

CURRENT BUDGET

OIPM Budget Description	Amount
Personnel	\$809,781.00
Operating	\$400,000.00
2024 Total OIPM Budget	\$1,209,781.00
2024 Total OIPM Budget	\$1,209,781.00
Amounts Spent to Date:	\$792,643.00
Unexpended funds	\$417,138.00



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:

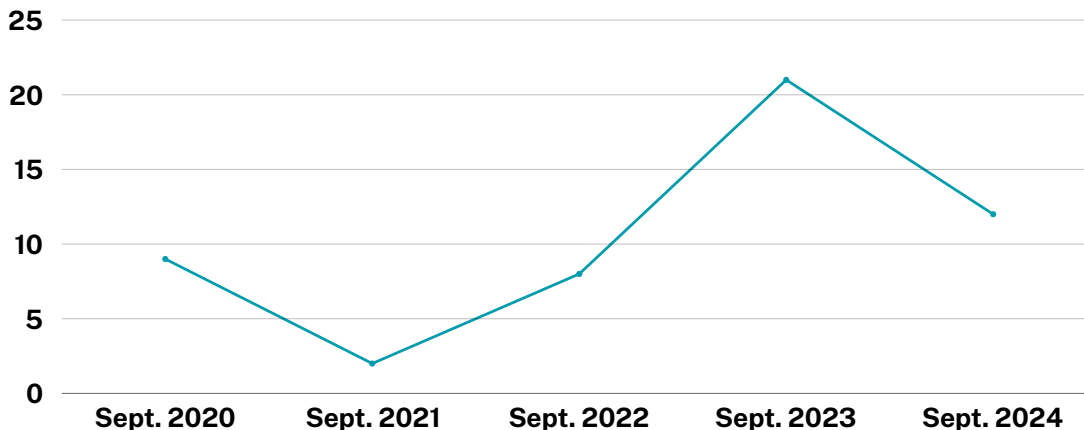
- Use of Force
- Abuse of Authority such as unlawful searches and seizures, premises enter and search, no warrant, threat to notify child services, threats to damage of property, etc., refusal to take complaint, refuse to identify themselves, damages to property seized
- Failure to supervise
- Falsification 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 - September



12

**Total Complaints
Received this
month**

110

**Total Complaints
Received This
Year**

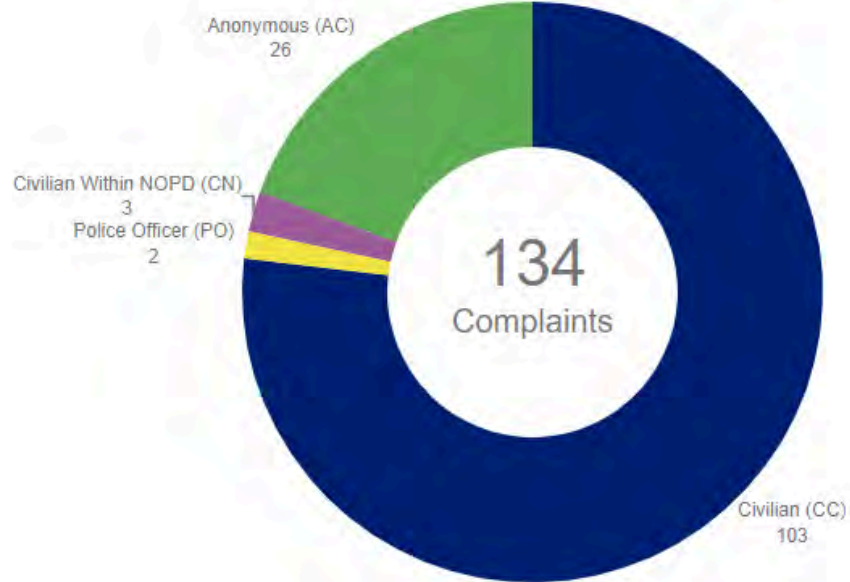
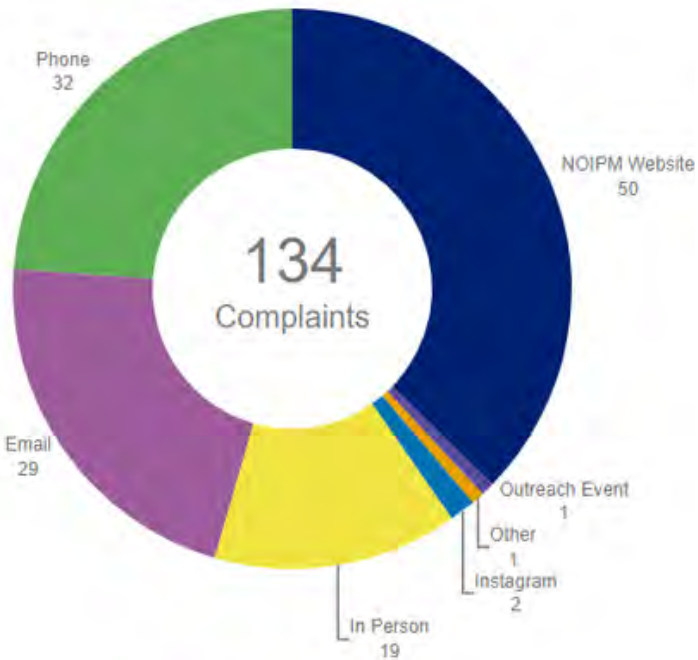
Complaint Intake Source - 2024

Complainant Type - 2024



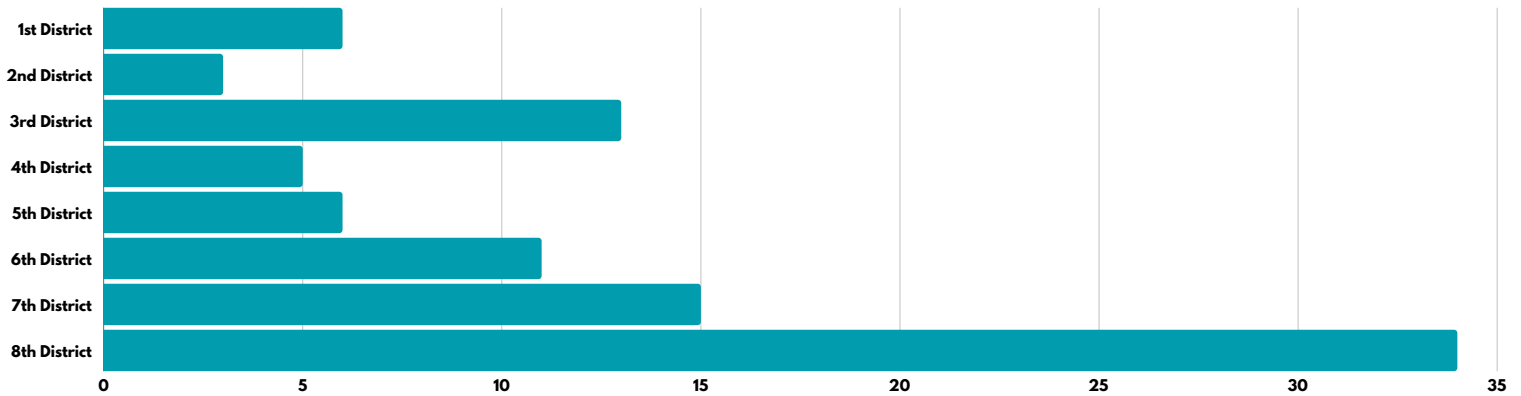
Complaint Intake Source - Past 12 Months

Complainant Type - Past 12 Months

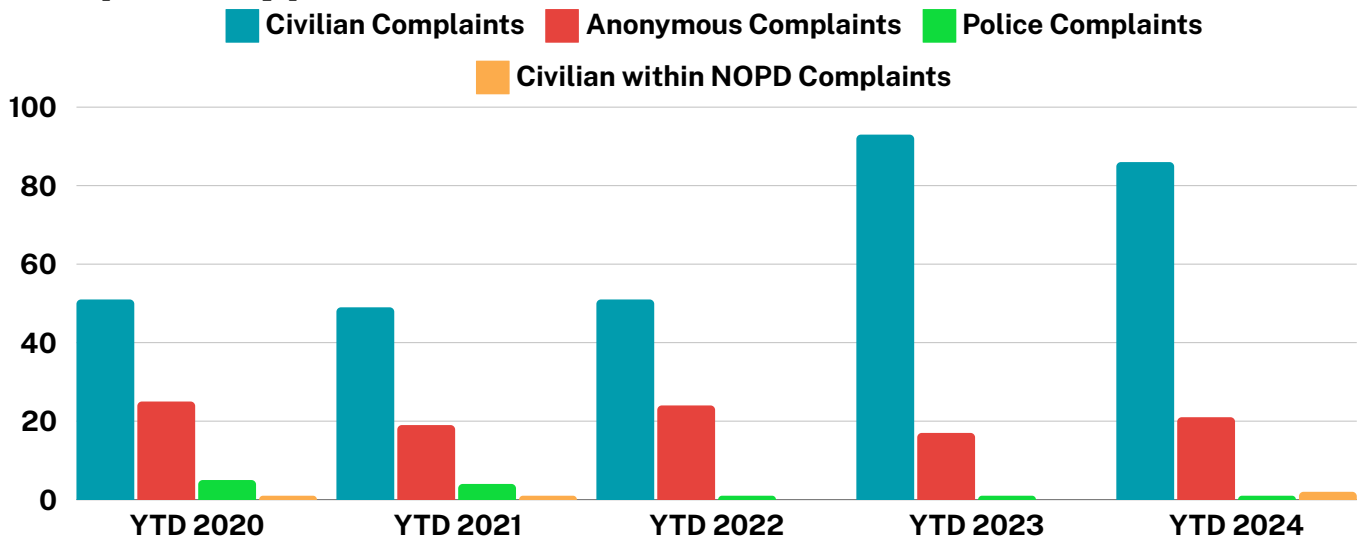


Districts - Past 12 Months

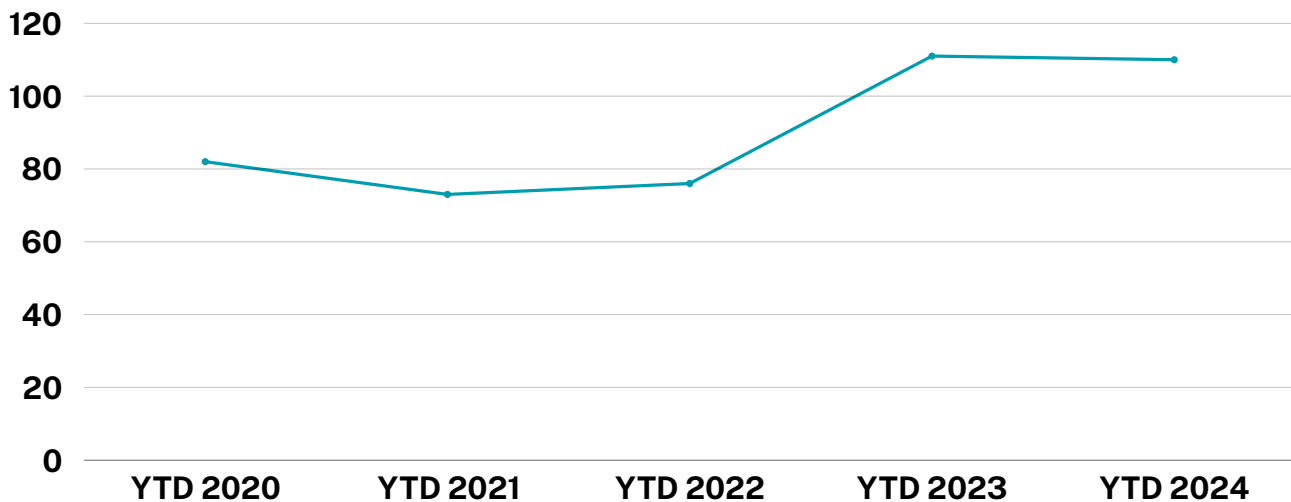
This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information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



Complaint Type YTD - 2020, 2021, 2022, 2023, 2024

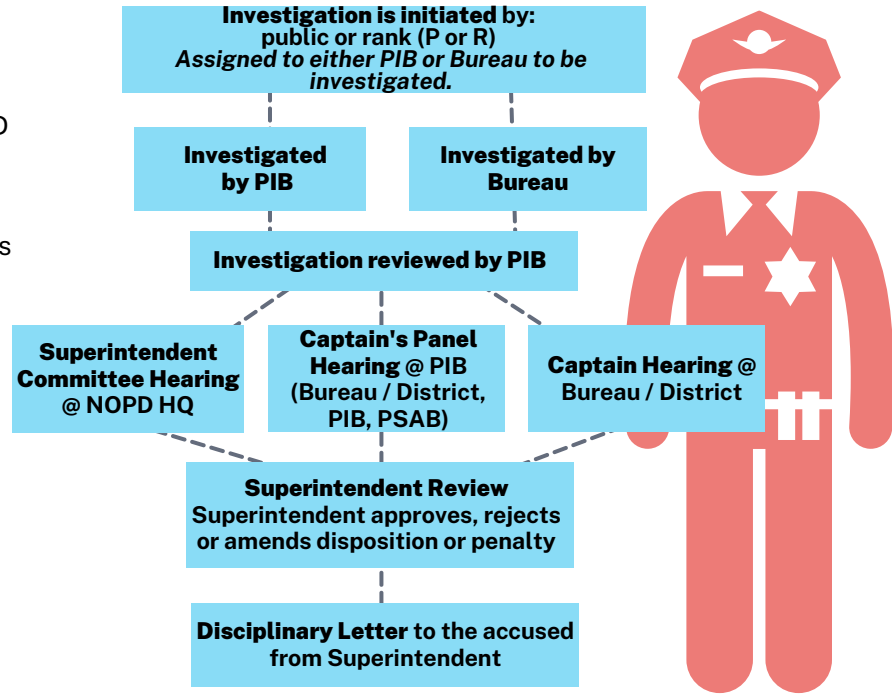


Complaint Totals YTD - 2020, 2021, 2022, 2023, 2024



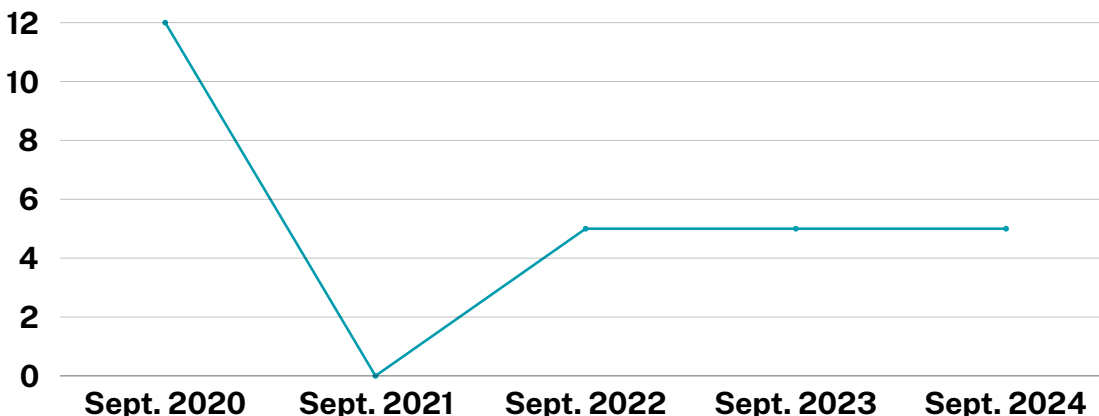
DISCIPLINARY PROCEEDINGS

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 - September



5

**Total
Disciplinary
Cases Received
this Month**

OIPM tracks Disciplinary Proceedings based on the date notice is received from NOPD and not necessarily on when the disciplinary proceeding occurs. Additionally, this figure does not account for investigations in which multiple officers are accused, or for hearing notifications received in a prior year but rescheduled to the current month. 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 force by an NOPD officer resulting in death; and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD.

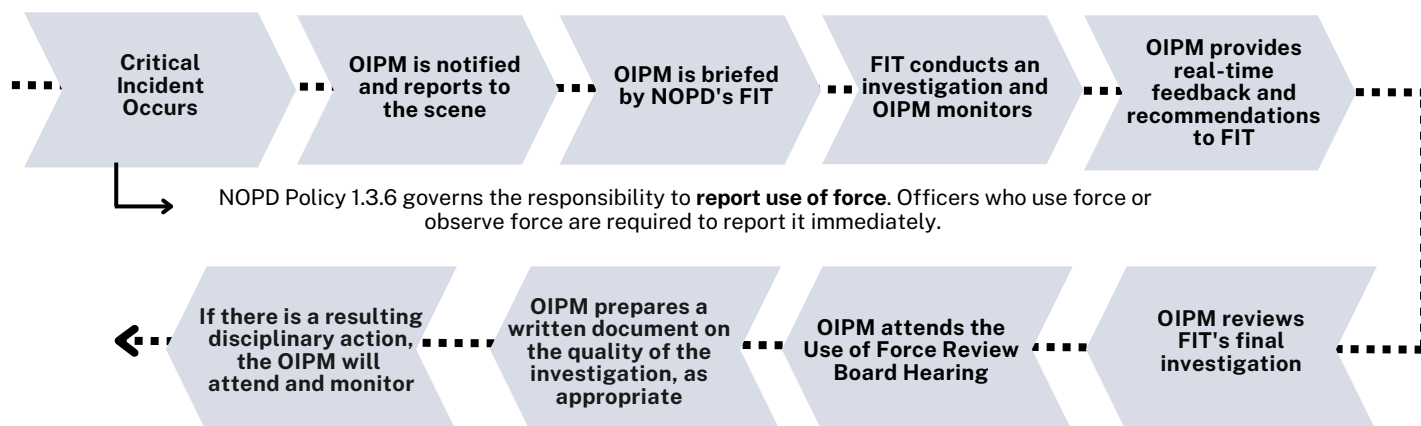
Use of Force

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

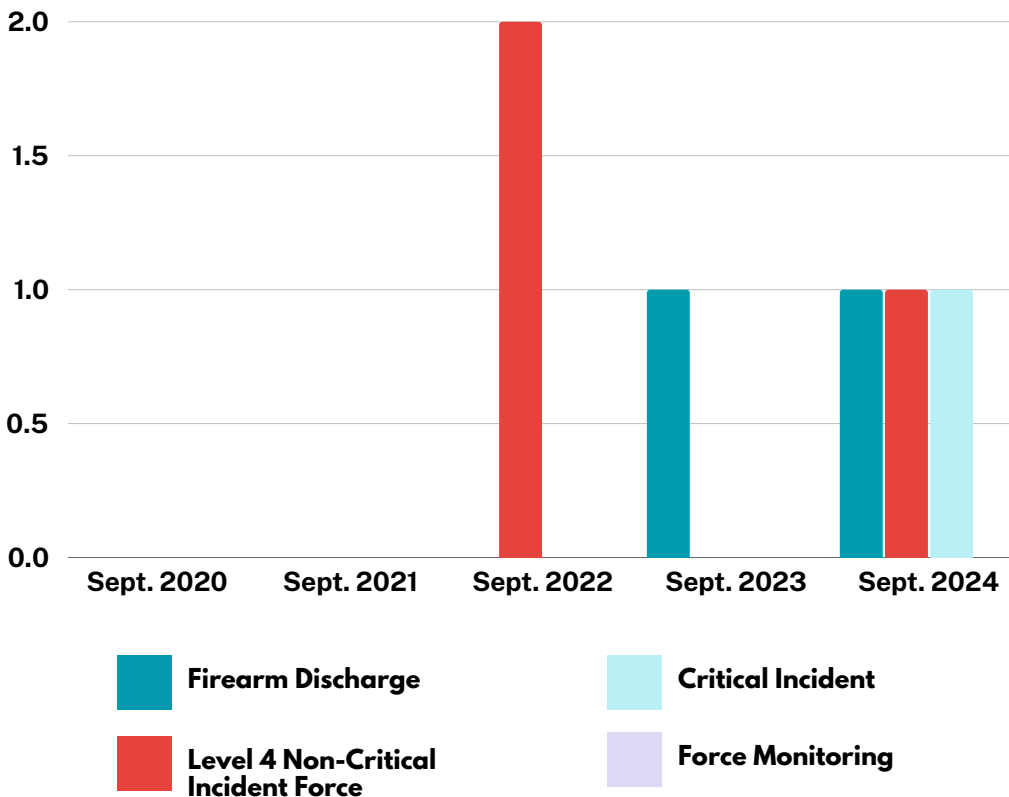


Use of Force Work

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 This Month 2020, 2021, 2022, 2023, 2024



1

Firearm Discharge this Month

1

Critical Incidents this Month

1

Level 4 Non-Critical Use of Force this Month

0

Additional Force Monitoring this Month



In September, the OIPM monitored two use of force investigations at the scene. One was an Officer Involved Shooting (OIS) and the other was a K9 bite.

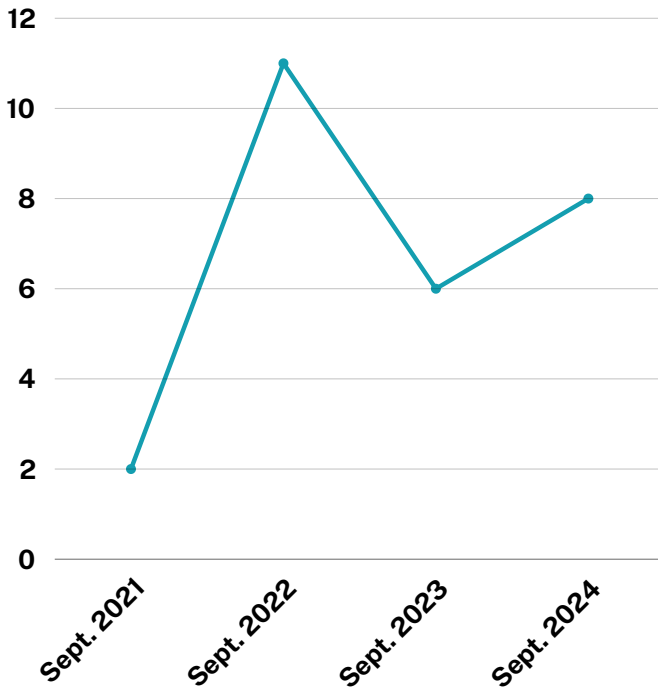
To the left is the Instagram post the OIPM made notifying the public that the OIPM monitored the OIS force investigation.



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 - September 2021, 2022, 2023, 2024



Outreach Events

- Mediator Meet and Greet on 9/26 in Algiers
- Meeting w/ BOP, FOP, PANO
- Public Forum with Chief Kirkpatrick at Joe Brown Gymnasium
- Tabled at New Orleans United Front Public Forum
- Meeting w/ OCDM and community members
- Attended NOPD Awards Ceremony
- Attended PCAB Meeting on 9/25
- Presented at 1st District PCAB Meeting 9/30

8

Total Outreach Events this Month



State Senator Royce Duplessis sits down with the IPM and Deputy to answer questions about legislation on the Monitor's Mic.



A picture of the microphone ready for the community comment at the Public Forum held with Chief Kirkpatrick in September.

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.

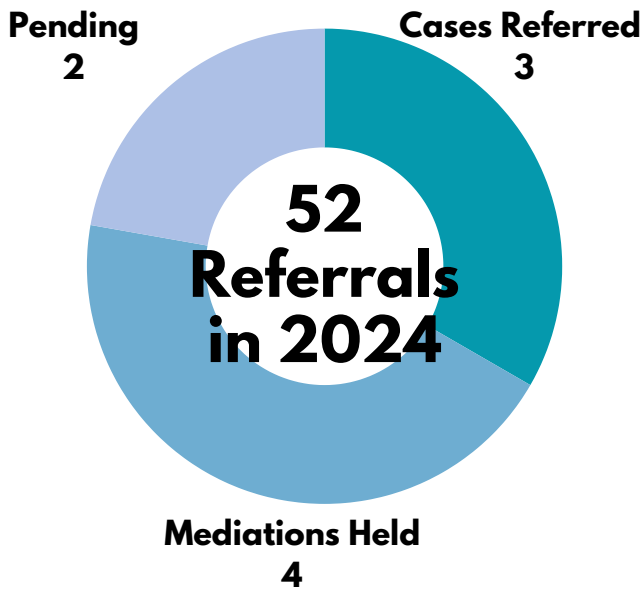
Mediator

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 - September



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.

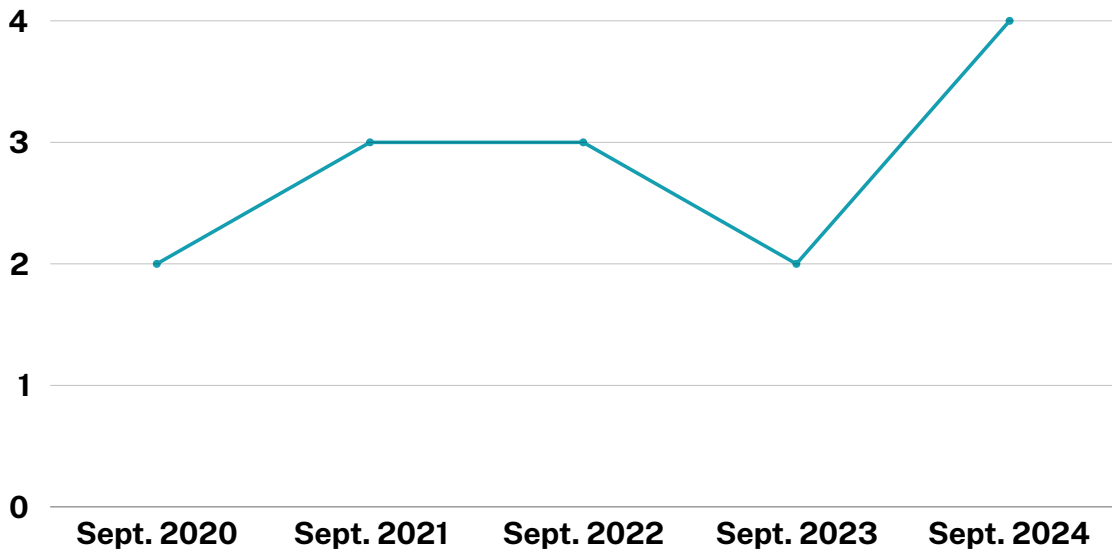
Non-judgmental
Confidential
Voluntary



Mediation is:

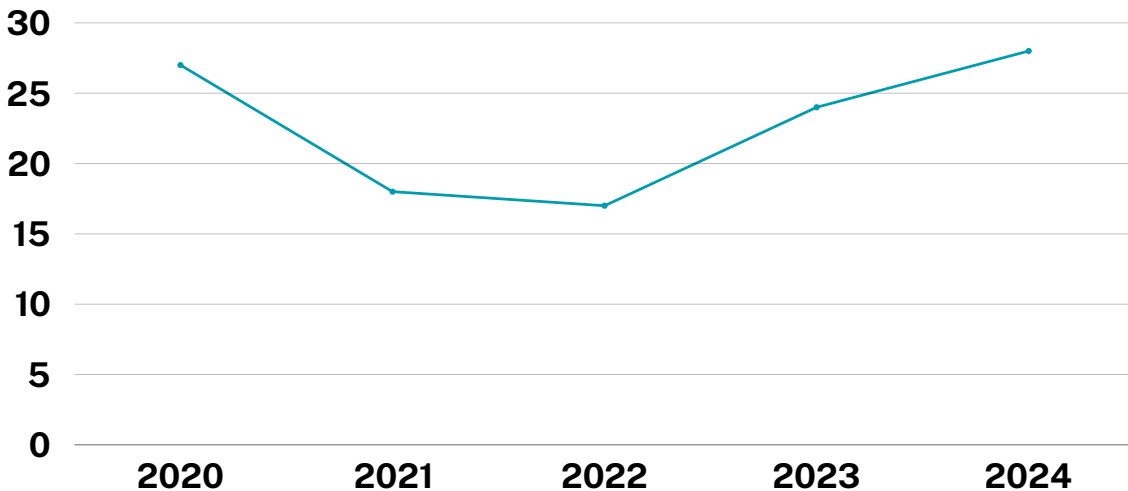
- ➔ A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.
- ➔ A space of discussion without the need to say who is right or wrong. No evidence is needed. The mediators are 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 This Month
2020, 2021, 2022, 2023, 2024**



4
Total Mediations Held this month

**Mediations Held YTD In
2020, 2021, 2022, 2023, 2024**



28
Total Mediations Held YTD

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.

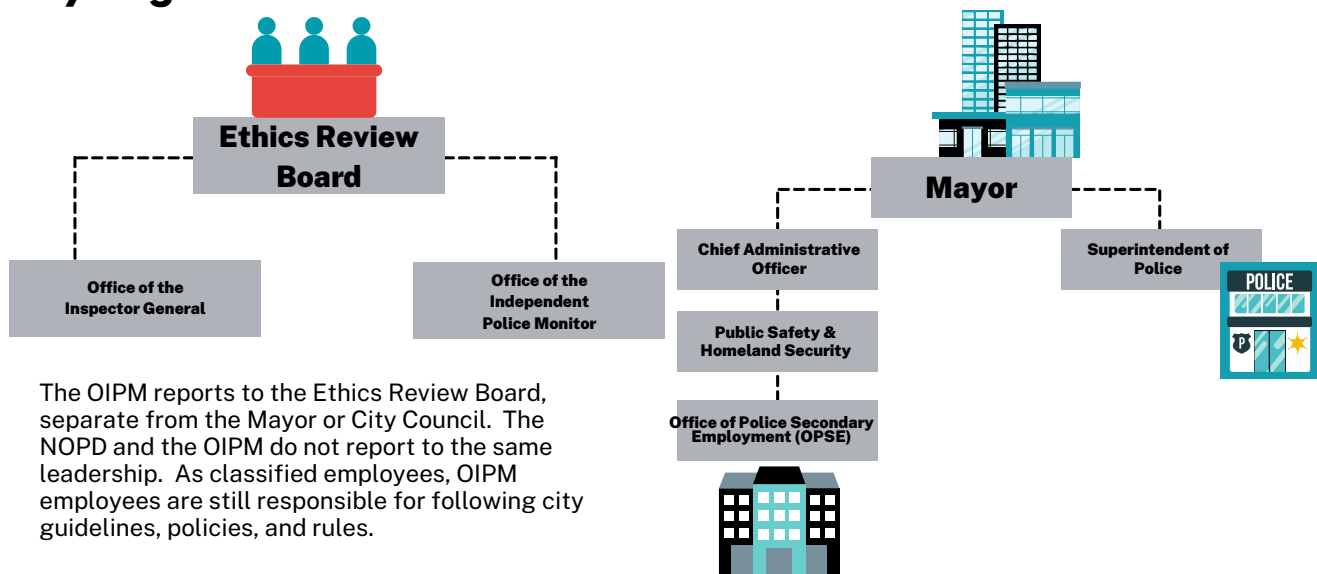
Ordinance 29130: Sharing of Data

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.

Auditor / Monitor-Focused

- Auditor / Monitor-Focused model assesses 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).

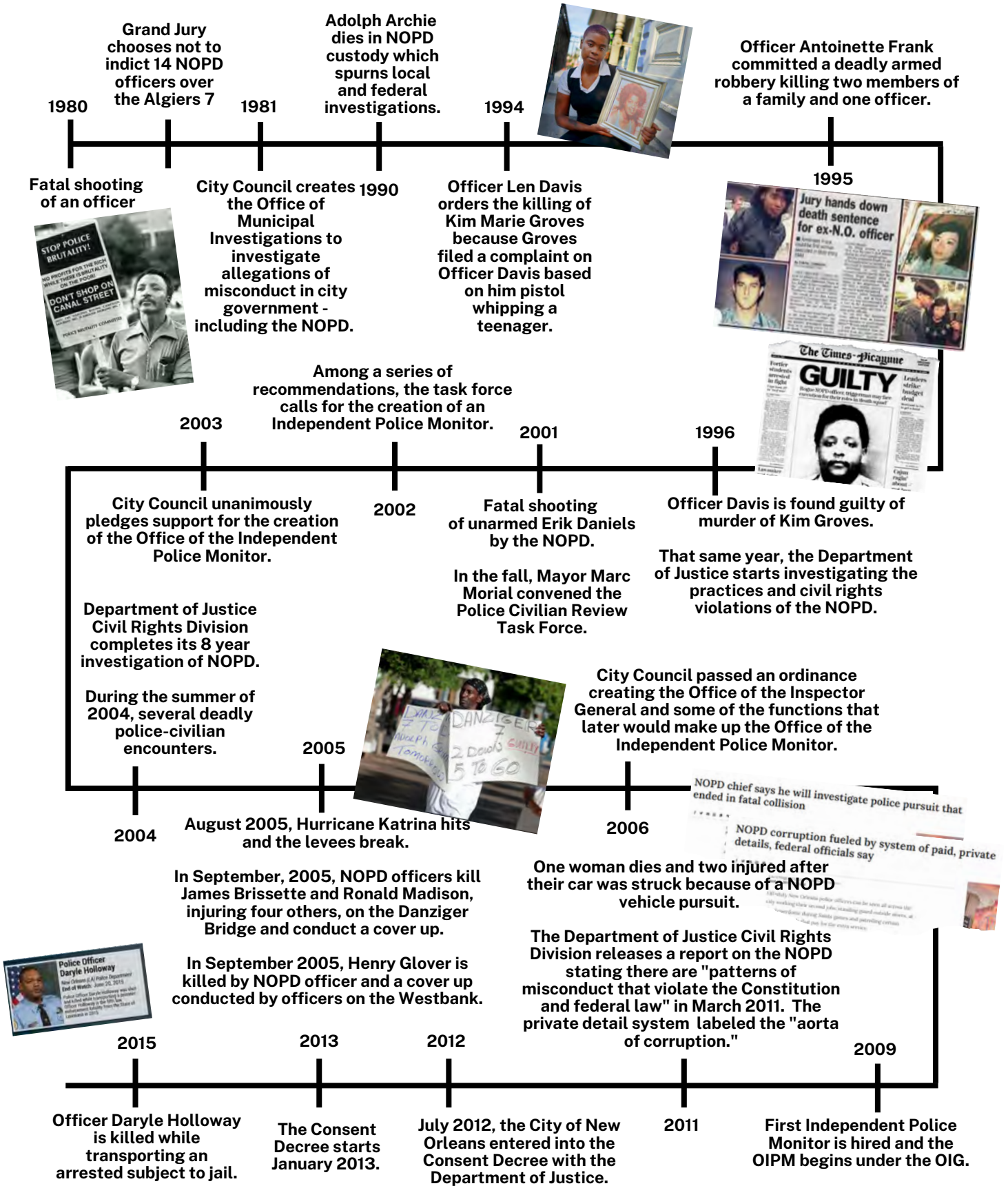
OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models. Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

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

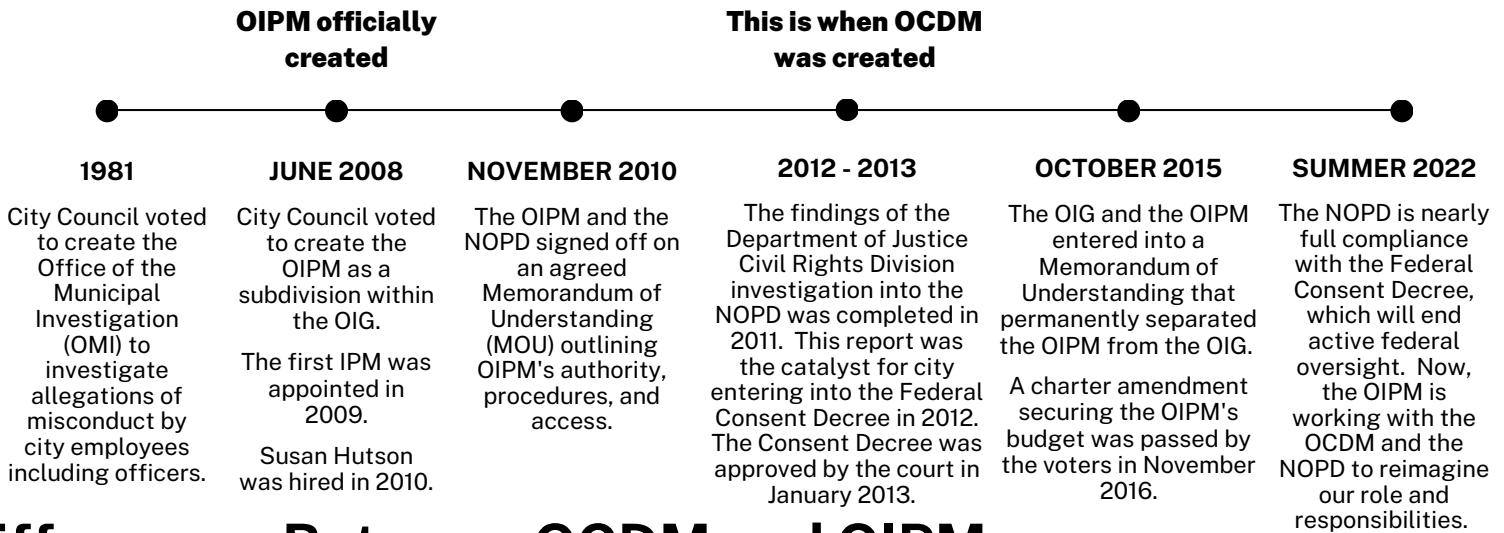
There are two types of monitors in New Orleans. There are three reasons why a city may have oversight or monitoring:

- 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 (OIPM)

- Created by City Council and receives jurisdiction and responsibilities from Ordinance.
- Everyone in the office is a city employee.
- On the ground and community based work - complaint intake site, runs the Community-Police Mediation Program,
- On scene monitoring including Use of Force and disciplinary proceedings.
- Provides recommendations and assessments based on reviews of finalized NOPD investigations and policies.
- Monitors investigations in real time and provides real time recommendations that become exhibits in NOPD investigations.
- Analyzes data and builds tools that will benefit the community and increase transparency.
- Funded through .16% of the general fund

Office of the Consent Decree Monitor (OCDM)

- Appointed created by the Consent Decree and receives jurisdiction and responsibilities from the Consent Decree.
- Law firm bid on the city contract to monitor the compliance with the Consent Decree. Predominantly monitors from out of state. No one is employed by the city.
- NOPD needs present all policy rewrites and practice changes to OCDM for approval.
- OCDM worked with the Dept. of Justice to finalize all recommendations then presents to Judge Morgan for final sign off.
- OCDM conducted audits to determine NOPD compliance with the changes.
- Only focuses on matters identified in the Consent Decree.
- Monitors are paid through a contract that was entered into with the city as a necessity of the Consent Decree (Section O: Selection and Compensation of the Monitor)

The overlap between OIPM and OCDM is in policy recommendations, monitoring audits, and creating public reports or holding public forums.

**Monthly Report of
Ethics Trainer**



SEPTEMBER 2024

MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



2024 ETHICS EDUCATION & SEXUAL HARASSMENT PREVENTION TRAINING

The annual deadline for completion of 2024 Ethics Education and Sexual Harassment Prevention for City of New Orleans employees and the members of the Ethics Review Board

is

Friday, December 13, 2024.

The programs may be completed online utilizing the links below:

2024 Louisiana State Ethics Education:

<https://laethics.net/EthicsTraining>

2024 City of New Orleans Sexual Harassment Prevention Training:

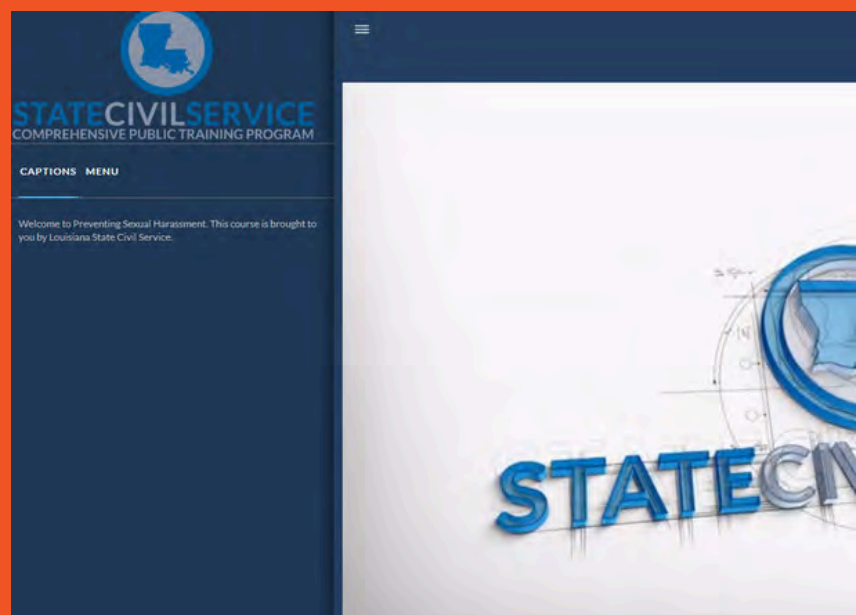
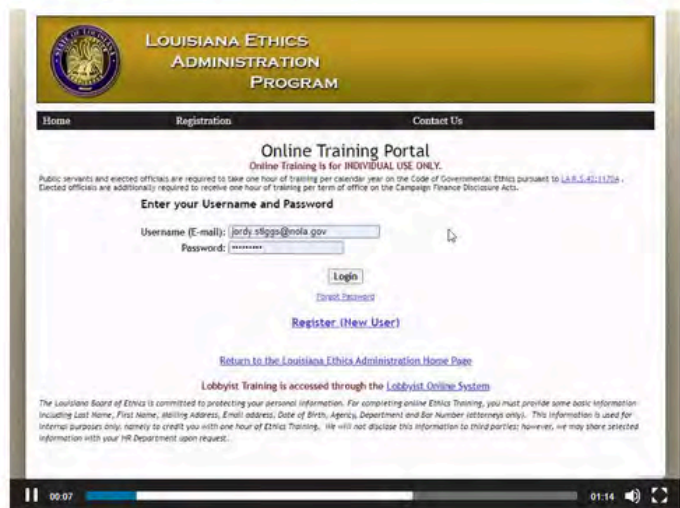
<https://nola.gov/sexual-harassment-training/employee/>

Please submit certificates/proof of completion to

ERB Training Coordinator by

Friday, December 13, 2024

If you are a new user, you must register for access to the portal in order to continue. If you already have a login from previous years, it is still valid to access the system and you may continue through to complete your educational requirement under the tab labeled, "Ethics Training for Public Servants." A detailed walkthrough is available below, for your convenience.





ONGOING PROJECTS

WEBSITE RENOVATION

The Web Development Team within the Office of Information Technology and Innovation of the City of New Orleans has completed the redesign of the Ethics Review Board's website.

The new site is hosted on the City of New Orleans server and all maintenance and troubleshooting will be provided by the Office of Information Technology and Innovation going forward.

The new direct website URL is:

<https://nola.gov/next/ethics-review-board/home>

However, the good news is that the current **NOLAERB.GOV** URL will redirect users to the new site as well.

The new website will be presented to the Board at the next meeting.

The New Orleans Ethics Review Board YouTube page may be accessed via the link below:

<https://www.youtube.com/@neworleansethicsreviewboard>



**Monthly Report of
Executive
Administrator**

MEMORANDUM

To: Ethics Review Board
City of New Orleans

From: Dane S. Ciolino
Executive Administrator and General
Counsel

Date: October 4, 2024

Re: *Monthly Report for September 2024*



I. COMPLAINTS

The ERB received no new complaints since the last board meeting. Two complaints remain pending (2023-02 and 2024-02).

II. APPOINTMENTS TO ERB

The Dillard ERB position remains unfilled.

III. APPOINTMENTS TO QUALITY ASSURANCE REVIEW ADVISORY COMMITTEES

No action has been taken by the mayor's office or the council to fill four vacancies on the QARACs for the OIPM and the OIG.