



## IN BRIEF

### THE POLICE MONITOR CHARTER AMENDMENT On the Ballot: New Orleans, November 8, 2016

#### The Amendment

On November 8, voters in Orleans Parish will decide on a charter amendment to remove the requirement for the Independent Police Monitor to exist as a “division” of the Office of Inspector General (OIG). It also permanently dedicates 0.16% of the City’s General Fund to the Police Monitor. The amendment stems from a conflict last year between the OIG and the Police Monitor, after which they contractually agreed to physical, financial and operational separation. That contract remains in place and the offices currently exist separately.

The proposition would change language inserted in the charter in 2008 to protect the newly created OIG and Police Monitor functions and guarantee funding to the OIG. BGR supported those protections when they were presented to voters, but raised concerns about the permanent dedication of funding to the OIG.

#### BGR’s Findings

1. **The OIG and the Police Monitor support the amendment.** The separation of the two offices has eliminated the conflict and allowed them to refocus on their work.
2. **The amendment may not be necessary.** The status quo achieves the desired separation of operations, funding and offices. Other alternatives include amending the Police Monitor ordinance to align hiring and firing authority within the OIG, or simply having the Ethics Review Board resolve the conflict as a personnel matter.
3. **Essential questions remain unanswered.** There is no companion ordinance spelling out the reconfiguration of the Police Monitor’s office. As a result, it is not clear that the amendment’s goal of removing the Police Monitor from the OIG would create a better structure than what currently exists. In fact, the charter change could possibly diminish the Police Monitor’s independence if the ordinance places the Police Monitor under the Mayor, City Council or even the New Orleans Police Department. There are other unanswered questions pertaining to the hiring, review, term of service, external evaluation and scope of statutory powers for the Police Monitor. BGR could find no evidence that a comprehensive re-evaluation of the Police Monitor structure, based on national norms or best practices, has been conducted.
4. **A permanent tax dedication decreases accountability and flexibility, and risks outsized budgets.** BGR’s survey work found that police oversight offices typically participate in the budget process like other city departments and agencies; a dedicated tax would be unusual. Further, a dedicated tax already safeguards funding for the ethics entities. Any further dedication will diminish flexibility in allocations among the OIG, the Police Monitor and the Ethics Review Board. It also raises accountability issues by allowing funding to remain divided along the same lines regardless of results. Finally, as BGR has pointed out in the past, permanently dedicated funding can lead to outsized budgets and large surpluses when other parts of City government have pressing needs.
5. **The amendment risks setting a precedent for elevating matters such as this to charter level.** The charter ordinarily is not a mechanism for resolving disputes of the origin and nature at issue here.

#### BGR’s Position

NO POSITION. The Police Monitor has an important mission, and the amendment would enable a new structure for the office to be enacted by ordinance. However, the charter change may not be necessary. Further, it is impossible to judge the potential benefits of the charter change without a companion ordinance. Such an ordinance would ideally have been based on a comprehensive analysis of Police Monitor offices nationwide, including the appropriateness of the permanent tax dedication. If the amendment passes, the City should immediately undertake a best practices study and craft the missing ordinance based on its findings.

Read the full report at [www.bgr.org](http://www.bgr.org).