Office of the Independent Police Monitor
City of New Orleans

2016 Annual Report: Community-Police Mediation Program

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Independent Police Monitor

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The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions. The OIPM has six broad responsibilities:

1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
5) To mend police/community relationships by fostering effective police/community partnerships.
6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. Although OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is mindful of the impact of these other criminal justice actors upon the operations of NOPD and will attempt to analyze that impact in future reports. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. Our recommendations to improve NOPD’s accountability systems originate from these activities.
A Note from the Independent Police Monitor

Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor’s Ordinance) The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor’s Ordinance provides as follows:

The independent police monitor shall be required to issue at least one public report each year, by March 31, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department’s professionalism, accountability, and transparency.

This “2016 Annual Report: Community-Police Mediation Program” is part of that report. The OIPM presents the data relating to the OIPM’s 2016 activities contained herein for the public’s review along with some preliminary analyses.

The New Orleans Community-Police Mediation Program is mandated by City Ordinance, the Memorandum of Understanding between the New Orleans Police Department (NOPD) and the Office of the Independent Police Monitor (OIPM), and the Consent Decree. On September 11, 2014, Judge Susie Morgan approved the modification to the Consent Decree to approve NOPD Policy 1025 so that mediations of civilian complaints can commence and continue into future years.

Section 2-1121 of Article XIII of the City Code and City Ordinance 23146 establish the OIPM. Within this ordinance, the City mandates that the OIPM shall create a mediation program for civilian complaints. Specifically, the Ordinance reads:

“The IPM shall establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions with such mediation programs. Consent of the civilian complainant, the police officer involved, and the New Orleans Police Department shall be required before a case can be scheduled for mediation by a trained neutral mediator from outside the New Orleans Police Department.” M.C.S., Ord. No. 23146, § 1, 7-18-08, Mediation of Civilian Complaints.

The Consent Decree requires a “community-based restorative justice project . . . to help remedy mistrust between NOPD and the broader New Orleans community and create an environment for successful problem-solving partnerships.”1 The Community-Police Mediation Program is a

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1 Consent Decree, page 108, Section VXIII, Subsection E., Paragraph 439.
restorative-justice program with the primary goal of improving trust and confidence between the NOPD and members of the community. Additionally, the OIPM-NOPD MOU was incorporated into the Consent Decree by reference and thus community mediation is also mandated by the Consent Decree.\(^2\)

Based on the requirements and authorities of the OIPM ordinance, the OIPM has drafted this Annual Report on the Community-Police Mediation Program.

**NOPD Responses:**
Part of the OIPM’s report drafting process is to provide this report to NOPD so that they can make comments. NOPD had 30 days to review the OIPM report and provide written comments. NOPD responded with written comments and the OIPM responded in writing. The OIPM met with NOPD in person to discuss the comments and contents. Below is the NOPD’s written response to this report:


The body of the report consisted of data collected by the OIPM’s Office as well as, commentary regarding the NOPD Complaint Intake and Mediation processes, and Post-Mediation Survey Feedback from Civilians, Mediators, and Officers.

PIB reviewed the report, met with the representative from the OIPM office and discussed the report. We did not find any discrepancies.”\(^3\)

\(^2\) Consent Decree, page 108, Section XIX, Subsection F., Paragraph 442 provides that “NOPD and the City agree to abide by the November 10, 2010, Memorandum of Understanding between the NOPD and the IPM. This MOU is hereby incorporated by reference into this Agreement.”

\(^3\) Submitted to the OIPM by NOPD on March 30, 2017.
Executive Summary

In 2016, the New Orleans Community-Police Mediation Program (the Program) exceeded its goal of 40 mediations in its second full year of operation - nearly doubling the number of mediations from 2015. As the program continues to grow, the year 2016 included unprecedented percentages of officers and civilians trusting the Program and agreeing to mediate their complaint allegations. Of the 104 cases referred to mediation in 2016, 92% of the officers and 78% of the civilians contacted agreed to mediate the complaint.

The Program continues to build trust, increase confidence, empower civilians and officers to have honest conversations about policing and public safety, and nurture trust in one another within the community and police divide. Such work is foundational of the Office of the Independent Police Monitor’s mission of improving community and police relationships.

Trust between community and its public safety institutions is the lifeblood of democracy, the stability of a community, the integrity of a criminal justice system, and a means to create effective policing practices. As a step toward this, New Orleans City Ordinance 23146 established the Office of the Independent Police Monitor (OIPM) and mandated that the office “establish and administer a mediation program for civilian complaints guided by best practices identified in other jurisdictions with such mediation programs.”

The year 2016 was the second full year of operation of the Community-Police Mediation Program and was funded in part by a generous grant from Baptist Community Ministries.

In 2016, the Community-Police Mediation Program mediated 41 cases involving 41 civilians and 54 officers (including eleven support people for officers and civilians). A total of 104 cases were referred to the mediation program from the New Orleans Police Department’s Public Integrity Bureau (PIB). Participants in the mediation reflected the demographics of the city and mediations took place in more than 20 community venues.

In addition, the Community-Police Mediation Program created a professional video including the voices of five actual participants in mediation sharing their stories and what they gained from the mediation process. The video also illustrated a role play mediation session with an officer and civilian complainant and the Program Director explained the mediation program, process, and evaluation systems.

Anonymous post-mediation surveys revealed that nearly 90% of civilians and officers who participated in mediations thought that the mediation meetings were unbiased; appreciated having the opportunity to speak with one another; found the mediation to be successful; and, would mediate a future complaint. Every officer agreed that mediation is a good way of resolving disputes between

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4 M.C.S., Ord. No. 23146, § 1, 7-18-08, Mediation of Civilian Complaints.
civilians and police officers. Nearly all officers believed that mediation helped build mutual respect, would agree to mediation in the future, and that mediation helped them understand the civilian’s perspective. All civilians agreed that mediation is a better process than the traditional complaint investigation process. Nearly all civilians agreed that mediation helped them gain a better understanding of policing, helped build mutual respect, and that they would share information about a crime in their neighborhood with the police officer who participated in the mediation. More than 90% of officers and civilians were satisfied with the mediation process according to surveys completed after each mediation.

In addition, more than 120 Field Training Officers, PIB Supervisors, Lieutenants, and Sergeants went through a four-hour training on conflict resolution and active listening through the Program. In addition to the academy trainings, an additional 30 hours were invested in outreach presentations to NOPD in 2016.
About the Community-Police Mediation Program

Introduction

The New Orleans Community-Police Mediation Program is a service provided by the OIPM to improve the relationships between the community and NOPD, allow the NOPD’s Public Integrity Bureau’s (PIB) to reallocate hours spent investigating lower risk complaint allegations to have more resources available to investigate higher risk complaint allegations, and to improve trust in NOPD’s services. The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created in August of 2009. The mission of the OIPM is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions.

Through the development and implementation of best practices, the program quickly became a national model assisting in the development of programs in other cities such as Ferguson and St. Louis, Missouri; Baltimore, Maryland; Los Angeles, California; Chicago, Illinois; and Greenville, North Carolina.

As part of the OIPM’s mission of public transparency and accountability, this report serves to inform the public on the function and goals of the Community-Police Mediation Program and to evaluate the program’s accomplishments in 2016.

Methodology

This report was developed according to the following methodology:

1. A review of local, state, and national laws and practices around mediation;
2. A review and summary of the history of the origins, creation, and development of the New Orleans Community-Police Mediation program;
3. The administration, compilation, and analysis of surveys and feedback from mediation sessions mediators, community members, and police officers after mediations;
4. The administration, compilation, and analysis of surveys administered to officers and civilians 30 days after participating in a mediation session;
5. The compilation and review of feedback from mediation and conflict resolution trainings with mediators, community members, and police officers; and
6. A collection, analysis, and summary of 2016’s data, survey results, and learnings in the Community-Police Mediation Program.
Why Community-Police Mediation?

The Community-Police Mediation Program was launched by OIPM in 2014 with the goal of building understanding and improving relationships between NOPD officers and civilian members of the community. Much research suggests that the health (or lack thereof) of police-community relationships has very real and quantifiable consequences\(^5\). When community members hold negative perceptions of police, whether justifiably or not, they are:

- Less likely to alert police when crime is occurring;
- Less likely to cooperate with investigations, thereby preventing officers from solving crimes;
- Less likely to serve as witnesses, thereby preventing prosecution of criminals;
- More likely to wait until it is too late to report crime;
- More likely to disregard the law; and
- More likely to disobey a lawful order by a police officer.

In summary, when the community feels the police were discourteous, biased, or unprofessional it leads to mistrust and an unwillingness to cooperate with police or call on them in times of emergency\(^6\). Mediation offers a way to resolve police complaints to alleviate misunderstanding, fear, mistrust, anger, trauma, and resentment and contribute to the larger goal of enhancing neighborhood safety.

Traditionally, the NOPD Public Integrity Bureau (PIB) investigates civilian-initiated complaints of allegations of officer misconduct. After a complaint is filed, PIB or other NOPD supervisors investigate and make findings, and where appropriate, impose discipline. The OIPM notes anecdotally that this traditional method utilizes a significant amount of NOPD’s time and resources and oftentimes leaves the officer and civilian dissatisfied with the process and outcome according to surveys before and after community-police mediations.

Before the Community-Police Mediation Program was established, there were no alternatives in New Orleans to the traditional, adversarial investigation process for resolving disputes between officers and the community through a city agency. Mediation offers a conciliatory model that improves the relationship between complainants and officers one case at a time, while often creating systemic social change and impacting officers’ work in the long term. According to research by the Denver Office of the Independent Monitor, officers who participate in mediation often see their actions from

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the civilian’s perspective, better understand the impact of their behavior on others, and are more likely to buy into approaching their work differently. In other words, officers learned why and how to self-correct in mediation more readily than officers whose complaints were handled through traditional means.\(^7\)

Mediation is also far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process.\(^8\) It is more likely to result in fewer future civilian complaints against a particular officer than traditional methods, and is more likely to result in a timely resolution when compared to formal investigations. In summary, mediation increases complainant and officer satisfaction, lowers complaint rates, improves case timeliness, and is effective in changing officer behavior and alleviating civilian mistrust.\(^9\) These gains enhance the efficiency of NOPD and improve police-community relations, which leads to the ultimate goal of keeping communities safe.


\(^9\) See survey results below.
History

After three years of studying best practices in community-police mediation programs in ten other cities, the New Orleans Community-Police Mediation Program was created by dozens of individuals on the formation committee, including elected and appointed government officials, community leaders, NOPD officers, the Police Association of New Orleans, the Black Order of Police, international experts, and criminal justice reform experts. This committee was shepherded by the Deputy Police Monitor, the Executive Director of Community Relations, and an international expert in the field. In May of 2014, Sister Alison McCrary was hired as the Mediation Program Coordinator. The Program immediately began training community mediators through a specialized mediation training program and the first cases were mediated in October 2014. In 2014, of the nine cases referred to mediation from the Public Integrity Bureau, six cases were mediated. Three cases that year were not mediated because the civilian feared retaliation from the officer, the officer declined to mediate, and the complaint included allegations not eligible for mediation. In 2015, the program recruited additional mediators, expanded its training and outreach programs, and offered the first full year of mediation for eligible cases - mediating 22 cases out of 45 cases referred to mediation. In 2016, the Program nearly doubled the number of cases successfully mediated to 41 cases.

The program was awarded a grant from the U.S. Department of Justice’s Community-Oriented Policing Services program to commence the program and has been subsequently funded by Baptist Community Ministries through a grant starting in May of 2015 and ending March of 2017. After March of 2017, the Program will be fully funded by the Office of the Independent Police Monitor.
Program Standards and Best Practices

In accordance with national standards in community mediation and the Ten Point Community Mediation Model, the New Orleans Community-Police Mediation Program strives to:

- Train community members who reflect the community’s diversity with regards to age, race, gender, ethnicity, income, and education to serve as community-police mediators;
- Educate community members and police officers about conflict resolution, dialogue, and mediation;
- Provide mediation services at no cost to participants;
- Encourage the early use of mediation to prevent violence and provide mediation at any stage of a conflict;
- Hold mediations in neighborhoods where disputes occur or near the resident’s home or work if they like;
- Schedule mediations at a time and place convenient to the participants;
- Maintain high quality mediators by providing intensive, skills-based training, continuing education, and ongoing evaluation of mediators;
- Work with community members in governing the community mediation program in a manner based on collaborative problem solving among staff, volunteers and community members;
- Provide mediation, education, and other conflict resolution processes to community members who reflect the community’s diversity with regard to age, race, gender, ethnicity, income, education, and geographic location;
- Mediate community-based disputes that come from referrals from community organizations, NOPD’s Public Integrity Bureau, and community members;

After researching community mediation programs around the country, the Office of the Independent Police Monitor selected the Inclusive Mediation Framework to utilize for the program.

http://mdmediation.org/about-community-mediation
Ten Point Community Mediation Model from Community Mediation Maryland

http://www.mdmediation.org/training/cmms-model-mediation-training-practice
What is Community-Police 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 made them feel, explain what is important to them, and come to their own agreements and solutions about moving forward.

Three key guiding principles of mediation are that it is voluntary, confidential, and non-judgmental. “Voluntary” means that the officer and civilian consent to mediate at their own free will. They may end the process at any time. Neither the officer nor the participant is forced to say or do anything that they don’t want to do. “Confidential” means that nothing said during the mediation leaves the mediation room, nothing is recorded on any device, and all notes from the mediation are destroyed after the mediation. The only information reported back to PIB is that the officer attended the mediation session and participated in good faith. “Non-judgmental” means that mediation is not a process to determine who is right or wrong. The mediators are not finders of fact and don’t give advice or take sides.

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.
- Not a process 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.
- Not a process where people are forced to shake hands or make-up. The role of the mediators is to be neutral outside facilitators. They will not pressure either participant to come to an agreement.
- Not a punishment process. The community member and the officer are in charge of their own process and outcome. It will not be decided by an outside agency or person.
- Not a legal process. There is no appeal because mediation is voluntary.
The Mediation Process

What Types of Cases Get Mediated?

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 for mediation are those that allege discourtesy, lack of professionalism, or neglect of duty. Other 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. NOPD’s Policy 1025 lists the types of cases that are ineligible for mediation. Anything not listed in Policy 1025 is eligible for mediation.

The OIPM’s Mediation Program then conducts a thorough intake process for the officer and civilian and administers a screening tool to determine the appropriateness of the allegations and participants for mediation. The screening tool invites potential mediation participants to share about the interaction and their history with the other person (officer or civilian), if any. The tool discerns if they would be able to ask for what they want in mediation and checks for any potential fear of retaliation or harm. The tool helps determine if the person can represent their own needs and interests, if they can articulate their interests and needs without fear of coercion or harm and if they can participate and dialogue without danger to themselves or others.

How Does a Case Get to Mediation?

Anyone can file a complaint of officer misconduct at any time. Complaints may be filed at NOPD district stations, the Public Integrity Bureau (PIB), the Office of the Independent Police Monitor, or at community non-profits such as Women with a Vision, Voice of the Ex-Offender, and BreakOut. Once a complaint is filed, the PIB determines if the complaint is eligible for mediation according to NOPD Policy 1025. If it qualifies for mediation, the complaint is sent to the Mediation Program Director at the Office of the Independent Police Monitor.

The Program Director screens the case to ensure that no allegations were overlooked or misclassified in the complaint. She then contacts the officer to explain and offer mediation and has the officer sign a Consent Form and Extension for Investigation form. In the event that the officer doesn’t show up or participate in the mediation in good faith, it provides the PIB additional time to complete a thorough investigation of the complaint. If the officer consents to mediate, then the civilian complainant is contacted by phone, email, or letter and mediation is explained and offered to them.

During a thorough intake process, mediation is modeled to the officer and civilian so they can experience what mediation feels like. When participants feel heard and understood, they can then move into making plans for the future and how they want their interactions and policing to look like in the future. A screening tool is also administered to both the officer and civilian to ensure that both
of them feel safe sharing what they want to share with each other and that there are not feelings of a threat of retaliation. The civilian then signs a “Consent to Mediate and Complaint Withdrawal” form.

**Where and When Do Mediations Take Place?**

In accordance with best practices in community mediation, the time and location of the mediation is determined according to what would work best for the officer and civilian, the participants in the mediation session. A mutually convenient date, time, and location is determined by the participants and coordinated by the Mediation Program Director. Mediations are usually scheduled during the officers’ working hours and at a time most convenient to the civilian complainant.

Mediations take place in venues that are convenient, neutral, safe, and in the neighborhood where the civilian lives or works. Since the officer is on duty and has a department-issued vehicle, officers have the ability and mobility to drive to the venue. Many mediations take place within a few blocks of the civilian’s home. Some examples of mediation venues are: public library conference rooms, classrooms in public schools, community non-profit board rooms, the arts and crafts room of the Recreation Department center, and Sunday school rooms in churches.

Most mediation sessions take about 60 to 90 minutes to complete, but additional time during a second session may be scheduled with the participants if needed.

**Who Is In the Mediation Room?**

The police officer in uniform, the civilian who filed the complaint, two community mediators, and any support people that the officer and civilian choose to bring are in the mediation room. Both the officer and civilian are invited to bring a non-speaking support person with them if they would like to. Officers often choose to bring other officers as support and civilians often choose to bring family members or friends as support. If the support person was at the scene of the interaction that led to the complaint, they may speak during the mediation. Otherwise, they are asked to just observe at the table so that those directly affected can speak for themselves and directly to each other. In 2016, eleven support people participated in the mediation sessions.

Our pool of thirty mediators come from diverse backgrounds and attempt to represent the demographics of the New Orleans community. The race, age, and gender demographics of the mediators are matched to the officer and civilian as much as possible. Mediators’ backgrounds range from pie bakers, community organizers, college students, and restaurant workers to retired teachers, social workers, mitigation specialists, restorative justice facilitators, counselors, professional mediators, and attorneys.

Each mediator is professionally-trained with more than 50 hours of initial specialized community-police mediation training in the Inclusive Model of Mediation, as taught by Community Mediation Maryland. The Inclusive Model of community mediation is a process that focuses on relationships and understanding. The goal of inclusive mediation is to support the participants in having difficult
conversations and to guide a problem solving process to develop solutions which meet everyone’s needs, with all content decisions made by the participants. In the Inclusive Framework, co-mediation is used. Inclusive mediators do not set ground rules. Mediators focus on listening for values, feelings, and topics and reflect these back to the participants, checking to make sure that the participants feel the reflection is accurate. The mediators attempt to understand each participant, thus making it more possible for them to understand each other. Mediators follow a defined process which includes time for participants to share the situation, build clarity as to what is important, identify topics participants want to resolve, identify the goals each participant has for each topic, brainstorm options, consider each of the generated options in terms of which would meet all participants’ goals, and determine areas of agreement, if any.

What Happens During the Mediation?

First, the mediators introduce and explain the mediation process. The mediators ask each participant to share about their experiences during their interaction. The participants listen to each other and the mediators help them better understand what each of them cares about, how they and the other person might be feeling, what’s important to them, and what, if anything, they want to make a plan about for the future. The participants then brainstorm solutions and come up with their own agreements about what they want to see happen next or in future interactions.

Mediations usually end in an agreement but it isn’t required. The sharing of thoughts and feelings and a better understanding are sufficient. Other times, agreements may be an apology or concrete steps to help stop similar issues from happening again.
Example Issues and Agreements in Mediation

The majority of mediated cases are allegations of Professionalism, Neglect of Duty, or Discourtesy. Agreements in mediation come out of dialogue between the officer and the civilian. They can be as simple as an apology and as creative as the participants’ imaginations allow for. The following are sample solutions developed by mediation program participants to help illustrate the types of issues that could be handled by mediation and the subsequent agreements formed.

**Topic: Communication**

- Jessica asks for an NOPD supervisor if this happens again.
- Jessica and Officer Sam share information about the accident process with each other.
- Officer Sam educates fellow officers about the street crime.
- Jessica reaches out to Officer Sam when he is on shift re: escorts.
- Officer Sam escorts Jessica when possible to help her feel safe.

**Topic: Summons**

- Jessica goes to station and gives her address for a supplemental report.
- Officer Sam informs desk officer that Jessica will be calling next time.
- Jessica goes to court to go through the process for the summons.
- Jessica educates others about what to do in situations with accidents and calling the police.
- Officer Sam reiterates to officers that they should ask victims what they want done.

**Topic: Police Protocol**

- Jessica follows up with an NOPD supervisor if there’s something wrong with a report.
- In the future, Jessica calls the police right away and doesn’t delay.
- In the future, Jessica informs the dispatchers that she’s in danger.
- Officer Sam addresses the incident at a roll call meeting.

**Topic: Second Line Parade Vending**

- DJ BBQ lowers the music on his speakers.
- DJ BBQ finds a more suitable location for parking his BBQ truck.
- Officer Kennedy pauses, breathes, counts before reacting to DJ BBQ.
- DJ BBQ sets up earlier at 9 a.m. and posts signs of hours of operation.
- Officer Kennedy requests more manpower from OPSO as needed.
- Officer Kennedy allows DJ BBQ to finish up their last transactions before shutting down.

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12 Names are changed where applicable to honor confidentiality and privacy.
2016 Data and Outcomes of Community-Police Mediation

Data on Mediations

Number of Cases

In 2016, the Community-Police Mediation Program mediated 41 cases or 39% of the 104 cases referred. A total of 104 cases were referred to the mediation program from the Public Integrity Bureau.

The 63 cases that were referred to mediation but not mediated were declined for the following reasons:

- 14 officer declined
- 2 officers no longer worked for NOPD
- 2 officers were not reachable (one didn’t check departmental email, one officer was on furlough)
- 3 civilians did not provide any contact information during intake
- 12 other civilians were not reachable with the contact information they provided
- 2 civilians had warrants out for their arrest
- 3 mediations could not be scheduled within the 10-day time frame required by NOPD Policy 1025
- 2 civilians feared retaliation
- 23 civilians declined to mediate for various reasons including:
  - Civilian believes in mediation but didn’t think it would help this officer change her behavior.
  - The civilian didn’t have time to mediate because of family or medical issues.
  - Civilian was sick or had other health issues.
  - Civilian didn’t feel safe.
  - Civilian had another officer help her with what she needed so it was no longer an issue or need.

Demographics of Mediation Participants

In 2016, 41 civilians and 54 police officers participated in mediation sessions through the program. Both officers and community members are invited to bring a non-speaking support person to the mediation session and eleven community members opted to serve as a support person in a mediation session for an officer or a civilian in 2016.

Figure 1: 2016 Civilian-Initiated Complaints Referred to Mediation from PIB

<table>
<thead>
<tr>
<th>104</th>
<th>Total Cases Referred</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td>Professionalism</td>
</tr>
<tr>
<td>31</td>
<td>Performance of Duty, Neglect of Duty</td>
</tr>
<tr>
<td>3</td>
<td>Discourtesy</td>
</tr>
<tr>
<td>1</td>
<td>Verbal Intimidation</td>
</tr>
</tbody>
</table>

In 2016, 104 cases or 39% of the 104 cases referred were mediated.
Figure 2: Race Demographics of Participants

OFFICERS' RACE
- Black: 65%
- Hispanic: 2%
- White: 31%
- American Indian: 2%

CIVILIANS' RACE
- Black: 68%
- Hispanic: 5%
- White: 27%
Figure 3: Gender Demographics of Participants

OFFICERS' GENDER

- Male: 43%
- Female: 57%

CIVILIANS' GENDER

- Male: 39%
- Female: 61%
Locations of Mediations

Mediations took place in community spaces that are comfortable, neutral, and convenient for all participants. Most mediations took place in public libraries and private rooms in recreation centers. In 2016, mediations took place at the following locations:

- Algiers Regional Public Library
- Arise Academy
- Ashe Cultural Arts Center
- Hope House
- Jefferson Parish Public Library
- Joe Brown Park New Orleans Recreation Department Center
- Main Branch New Orleans Public Library
- Neighborhood Housing Services
- New Orleans East Public Library
- New Orleans Healing Center
- New Orleans Office of the Independent Police Monitor
- New Orleans Termite and Mosquito Control Board conference room
- Norman Mayer Public Library
- Propeller
- Rosa Keller Public Library
- Stallings St. Claude New Orleans Recreation Department Center
- St. Phillip Episcopal Church Paul the Apostle Catholic Church
- Treme New Orleans Recreation Department Center
Mediator Data - Demographics

The New Orleans Community-Police Mediation Program currently has 32 mediators. These new mediators received a free initial 50 hours of CLE-approved mediation training which was paid for by the BCM grant. Throughout the year, mediators are offered monthly professional development training to maintain and build their skills. In 2016, we provided 12 hours of Professional Development training through in-service mediator training.

Figure 5: Mediator Demographics

<table>
<thead>
<tr>
<th>RACE</th>
<th>GENDER</th>
<th>AGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>45% Black</td>
<td>47% Male</td>
<td>16% - 30 &amp; under</td>
</tr>
<tr>
<td>43% White</td>
<td>53% Female</td>
<td>30% - 31 to 40</td>
</tr>
<tr>
<td>7% Hispanic</td>
<td></td>
<td>27% - 41 to 50</td>
</tr>
<tr>
<td>5% Native American</td>
<td></td>
<td>27% - 51 &amp; up</td>
</tr>
</tbody>
</table>

2015 New Mediators Training
Survey Data and Feedback

At the end of each mediation session, the officer, civilian, and two mediators are asked to complete surveys. The surveys are anonymous and voluntary and aim to gather feedback to evaluate and improve the program. In addition, thirty days after the mediation, program volunteers administer a longer survey to the officer and civilian by phone to obtain more in-depth, qualitative information regarding their opinion and experience of the mediation process.
Quantitative Data
Figure 6: Post-Mediation Civilian Survey Feedback

Civilian Survey Feedback

83% agreed that if they have information about a crime, they would share that information with the Officer.

96% agreed that the mediators listened to what they had to say without judging their ideas or words.

96% said they would recommend mediation to other civilian complainants.

83% said they would respond differently in a similar situation with a police officer in the future.

92% agreed that they feel that they had an opportunity to explain their point of view.

100% said the mediation helped them better understand the actions of the police officer.

100% appreciated having the mediation in a community space such as a library or school.

89% found it helpful to bring or have the option to bring a support person to the mediation.

85% agreed that the mediation helped them gain a better understanding of police practices or police policies.

92% agreed that the mediation helped build some level of mutual respect between them and the police officer.

100% believe mediation is a better option than NOPD's traditional investigation process.

96% said mediation is a good way of resolving disputes between officers and civilians.

100% said the mediation process was clearly explained to them by the mediators and/or the Program Director.

92% said the mediation ended in a resolution.

96% said they were satisfied with the mediation process.

86% said that if they have a complaint against an officer in the future, they would agree to mediation.
Figure 7: Post Mediation Officer Survey Feedback

- 97% agreed that if they have a complaint against them in the future, they would agree to mediate it.
- 97% agreed that the mediators listened to what they had to say without judging their ideas or what they said.
- 97% agreed that the mediation staff was professional and helpful.
- 100% felt that they had an opportunity to explain their point of view.
- 97% would recommend mediation to other officers.
- 75% agreed that they would respond differently in a similar situation in the future.
- 97% said the mediation helped them understand the actions and thoughts of the civilian complainant.
- 100% appreciated having the mediation in a community space such as a library or a community space.
- 100% found it helpful to bring or have the option of bringing a support person with them to the mediation.
- 97% agreed that they gained a better understanding of how their manner of policing affects other people.
- 96% agreed that mediation helped build some level of mutual respect between them and the civilian complainant.
- 100% agreed that mediation is a better option than the traditional complaint investigation process.
- 100% agreed that mediation is a good way of resolving disputes between officers and civilians.
- 94% said the mediation process was clearly explained to them.
- 81% said the mediation ended in a resolution.
- 92% said they were satisfied with the mediation process.
Figure 8: Post-Mediation Mediator Survey Feedback

Mediator Survey Feedback

- 72% of mediators observed the Civilian express a better understanding of policing.
- 79% of mediators observed a positive shift in the Civilian and Police Officer’s relationship.
- 89% of mediators observed the Civilian and Police Officer demonstrate respect towards each other during the mediation meeting.
- 83% of mediators observed the Civilian and Police Officer sharing an understanding of each other’s point of view.
- 79% of mediators said they observed the Civilian and Police Officer demonstrate more trust in each other as the mediation meeting progressed.

Disagree | Agree
Qualitative Data

Post-Mediation Civilian Survey Feedback

“I appreciated getting to understand the officer’s point of view and that we had a safe space to share and talk about the issue. Sitting down in front of the officer to talk directly to him was key for me.”

“I had the opportunity to voice my concerns and better understand what happened. The process was thorough and well put together. All parties were able to express their feelings and come together for a better outcome.”

“I loved how much they [the mediators] listened to me. I got the opportunity to speak with the officer face to face and share what happened to me. This program needs to have the funding like Crimestoppers does with billboards everywhere. Everyone needs to know about this program. I’m glad this process was available for us.”

“The Officers showed up and voluntarily mediated with me and a third party [sic] group after these two incredibly violent and difficult nights. They showed up and were honest, apologetic, and real. They also listened incredibly well to my side of the story, and understood my reaction to what had happened. I listened to their side, and understood a lot more about what goes through an Officer's mind when first on the scene of a crime. We shared mutual ground and saw each other as human beings. It helped. A lot. It seemed (I hope) we all felt much better after the mediation was over; and I got to shake hands with two brave and noble men of my community whom I admire and respect. They were no longer two strangers in my house filled with broken glass, they were now my local police officers.”
“I got to get my point across. The officers apologized and we shook hands. I felt heard and understood. The officers were calm and respectful. The information I received in the email before the mediation was helpful so I knew what the process would be about. The officer and I had an organic conversation back and forth. The mediators did well capturing and going over all the points we raised as they came out naturally. I felt validated by the officers. Through mediation, we agreed that we both needed clarification about a law about street performers’ rights and made a plan for what each of us could do about that moving forward.”

Post-Mediation Police Officer Survey Feedback

“I found the mediation to be useful because I was able to get the citizen’s insight on the police and I was able to help him understand the law and why he had been stopped. I was able to express my concerns and felt heard and understood. The mediation was so successful because the mediators were fair to both parties and that helped to establish mutual respect and understanding. After the mediation, the complaint was resolved and I agreed to void the ticket [I had issued to the complainant] with rank approval because the complainant didn’t know the law and the circumstances. I learned that both the police department and the New Orleans citizens have a shared goal to keep the community safe and why and how we stop people. [The complainant] better understands our work now.”

“Mediation has improved my relationship with the community and I have a lot more respect for the citizen who made the complaint. We see each other now and have no animosity anymore. Before we did. Now he can call me anytime. If he saw a crime in the community I’m sure he’d feel comfortable calling me to report the crime. Mediation helped that a lot. I would suggest mediation to my friends, family and especially my fellow police officers. My advice to them would be to go in with a level head and listen to the citizen’s concerns.”
“Mediation was very useful and it was good to help this family understand NOPD’s stance on the neighborhood problem. It led to an additional mediation and turned out great for long-term peace in the neighborhood and helped us reallocate police officer hours to more serious issues.”

“Mediation brought the community and NOPD closer together and opened up communication between us. I felt heard and understood. Everyone chimed in for more information so we could get the details of what unfolded. The mediators were fair, non-judgmental, friendly, outgoing, and professional. They were open and having a black female and a white male mediators helped it feel more balanced.”

“I was able to apologize to the mom for her son being frightened by how I conducted myself during the traffic stop. I came to see her perspective and understand it. We walked out of the room in a friendly relationship. We both had a chance to clear the air and had a good outcome.”

“I love this community. That’s who I work for and I’m here to help. I feel fulfilled by helping as much as I can. I want to be as professional and respectful as I can as I try to keep people safe. Mediation helped me share this with the complainant. I think we left the room as friends. He knows now that I am part of this community too and he can share information about me to keep his neighborhood safe.”

“I told my fellow officers that they should try this mediation stuff. I told them don’t go in with an attitude and listen to the other person. Patience is key. I wish there was more advertising about the mediation program. Police officers are often misunderstood and citizens are misunderstood. This is a great program. I would do it again. I walked out of the mediation feeling so good. I’ve told everyone in roll call how great this program is!”
NOPD and Community Engagement and Outreach

Outreach to NOPD in 2016

NOPD Police Academy Trainings

The Community-Police Mediation Program conducted regular trainings at the NOPD Police Academy on approaches to conflict, mediation, active listening skills, and conflict resolution skills. We provided training to more than 120 Field Training Officers, Public Integrity Bureau Supervisors, Lieutenants, and Sergeants in January, June, and September of 2016.

NOPD Roll Call Trainings

The Community-Police Mediation Program presented on mediation program at 24 NOPD roll call meetings at all eight police districts during the day watch, second watch, and night watch in August and September of 2016. This outreach included the distribution of 500 brochures and educating hundreds of NOPD officers and employees about the Community-Police Mediation Program.

Additional Conflict Resolution Services Provided to NOPD

In 2016, the Community-Police Mediation Program provided dozens of volunteer hours to help resolve a district-level conflict between the community and police districts. For example, one District Commander visited a neighbor and a business owner after the mediation and reported back that the mediation saved his district dozens of hours in responding to calls for service, that the individuals are both doing well and are talking to each other regularly now. One neighbor said that he feels better and more comfortable and that he and the neighbor are in conversation more now. The business owner shared that she was feeling “ecstatic” about their new relationship and that there have been no offensive behaviors taking place between the two neighbors.
Community Outreach in 2016

Community-Police Mediation Program Outreach Video

In 2016, the New Orleans Community-Police Mediation Program created a professional outreach video including the voices of three civilian participants and two officer participants in a mediation telling their stories and experiences, a modeled mediation between an officer and a civilian, and the Program Director explaining the Mediation Program and process. The video is sent out to all potential participants of mediation, was emailed out to the IPM’s listserv, and shared on YouTube at https://www.youtube.com/watch?v=fks01L4iEA4.

Presentations to the Community in 2016

In addition, the Community-Police Mediation Program presented at the following:

- 12th Ward Save our Community
- Arthur Monday Senior Center
- Association for Conflict Resolution Conference
- Carrolton-Hollygrove Senior Center
- Ethics Review Board Meeting
- Gentilly Senior Center
- Kingsley House Adult Services
- Lakeview Shepherd Senior Center
- Liberty’s Kitchen
- Lower Algiers Senior Center
- Loyola University College of Law Clinical Skills Courses
- National Lawyers Guild
- New Orleans Citizens Diplomacy Council
- New Orleans’ Women’s Professional Council
- Ponchatrain Park Community Center
- RAI Ministries Senior Center East
- Uptown Shepherd Senior Center
Lessons Learned, Recommendations, and Conclusion

Lessons Learned and Recommendations Implemented

*Increase Officer’s Willingness to Mediate Cases*

In 2016, 92% of officers were willing to voluntarily try mediation to resolve their complaint. In 2015, officers shared that a reflection on their disciplinary record of a “mediated” complaint, to them, signifies that they were guilty of the accusation and see “unsustained” or “exonerated” as a more favorable outcome. In 2016, the program observed a shift in NOPD’s culture where officers understand that mediating a complaint does not necessarily mean an officer was found guilty of the allegations that were pending against him or her. It takes courage, vulnerability, and reflection for both civilians and officers to sit down face to face and discuss what happened in their interaction that led to the complaint being filed. Because of our efforts and working with the Public Integrity Bureau, Officer’s willingness to mediate cases increased. The Public Integrity Bureau modified their computer system to implement appropriate practices to ensure confidentiality of mediation on an officer’s record, removing the allegation from the officer’s short form. In addition, outreach and word of mouth through the department increased officer’s willingness to try mediation.

*Case Referrals from the Public Integrity Bureau*

In 2016, NOPD’s Public Integrity Bureau referred 104 cases to mediation, more than doubling the 45 cases referred to the Mediation Program in 2015. Working closely together in partnership and collaboration to administer the program, the Public Integrity Bureau and the Independent Police Monitor ensured that as many civilian complainants and officers receive the opportunity to mediate their cases. OIPM commends the Public Integrity Bureau for their ongoing training of staff about mediation and their attentiveness to eligible cases.
Recommendations

2016’s IPM Recommendations:

Racial Profiling Cases

NOPD’s Policy 1025 currently states that discriminatory policing allegations may not be referred to mediation. Though no cases alleging discriminatory policing or racial profiling were sent to mediation in 2014, 2015, or 2016, the issue of race, racial profiling, and discrimination were under the surface of the feelings and what was important to program participants that came out during several mediation sessions. Because of the feedback from mediation participants and mediators and in discussing this allegation with other programs nationally, we determined that mediation would be an effective means to create a safe space to share, explore, discuss, and make agreements around race and issues that are affected by race between officers and civilians. The U.S. Department of Justice’s report “Mediating Citizen Complaints Against Police Officers” states that “mediation is uniquely suited to help bridge the racial and ethnic divide because it is the only procedure for investigating complaints that bring the disputing parties together in a face-to-face meeting.” Mediation allows an opportunity for empowerment and self-determination and gives participants control over the process. Currently, Albany, New York City, San Francisco, Kansas City, Calvert County, Portland, Berkeley, Los Angeles, and Boston’s Community-Police Mediation Programs allow mediation of racial profiling and discriminatory policing complaints. The OIPM recommends that with approval from the Consent Decree Monitors, that NOPD amend Policy 1025 permit allegations of discriminatory policing or bias-based profiling to be eligible for mediation.

2016 Joint Recommendation from IPM and PIB

To comply with the Police Officer’s Bill of Rights, the Community-Police Mediation Program Policy 1025 sets forth a short timeline for which cases must be processed and scheduled for mediation. To remain in compliance with this timeline, it is essential for NOPD employees to communicate effectively and in a timely manner to emails regarding mediation. Receiving a response from the NOPD employee on whether they voluntarily agree to mediation is the first of many steps in the mediation process after PIB refers a case to mediation. In 2016, one case referred to mediation did not move forward with mediation after seven attempts to email the police officer. Other delays have also been caused by NOPD employees not reading or responding to emails. Policy 2125.4 in the New Orleans Police Department’s Policy manual reads: “Employees must check the department e-mail system and read their new messages each workday.” The OIPM and PIB recommend that Policy 2125.4 be amended to “Employees must check the department e-mail system, read their new messages each work day, and respond in a timely manner to mediation invitations received by email.”

Conclusion

In 2016, the New Orleans Community-Police Mediation Program continued to create safe spaces for authentic conversation that get to the root of a lack of trust and confidence in NOPD. It also made significant steps towards transforming community-police relationships. Exceeding its goal of 40 mediations in this Program’s second full year of operating and nearly doubling the number of mediations from its first full year of operating, the program continues to grow as officer and civilians affirm its benefits and successes.

From participant surveys and anecdotal feedback, mediation has provided benefits for officers, complainants, for the complaint process, and for community policing. The process has helped by allowing civilians to directly share face-to-face with an officer what they would like policing to look, hear, and feel like in their communities. Officers have received a chance to learn from their mistakes, an opportunity to better understand community needs, and a space to explain their actions and policing, in general, to civilians. Civilians gained greater satisfaction with the complaint process, an opportunity to better understand policing, and a chance to be fully heard and understood. NOPD and PIB benefited from the alternative to the complaint process, with the potential to free up their resources and to have a process that leaves both officers and civilians more satisfied. Ultimately, the New Orleans Community-Police Mediation Program is not only providing a mechanism of civilian police accountability, but helping to increase trust in the police increase public which can create more safety for all. This annual report is a glimpse into the potential of the Community-Police Mediation Program and its impact on community and police relationships in New Orleans.
 Appendices
Figure 9: The Complaint Process
Figure 10: The Mediation Process