

Office of the Independent Police Monitor

City of New Orleans

**2020 Annual Report:
Community-Police Mediation
Program**



Independent Police Monitor

May 30, 2021

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Independent Police Monitor Mission and Responsibilities

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. The OIPM's recommendations to improve NOPD's accountability systems originate from these activities.



A Note from the Acting Independent Police Monitor

The Independent Police Monitor is required to issue at least one public report each year, by May 30, to the Ethics Review Board and New Orleans City Council 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 (NOPD). 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.

Ordinarily the Office of the Independent Police Monitor uses this report as an opportunity to provide the community, the NOPD, and the Ethics Review Board with relevant policing data from the year. This data review utilizes data inputted by the NOPD but analyzed by the OIPM. In this data analysis, the OIPM identifies potential patterns and trends within misconduct complaints, disciplinary proceedings, use of force and critical incidents and puts forth recommendations. The OIPM Annual Report is an opportunity for both the OIPM and the NOPD to reflect on the year of policing through this data work and create a plan for the coming year on how to better work together to change problematic trends and continue positive ones. However, due to the Cyber-Attack on the City of New Orleans in December 2019, the NOPD and the OIPM did not have access to shared databases until summer of 2020. The impact of the Cyber-Attack is still an obstacle to our data work today since relevant data from 2019 and 2020 is still being entered into these systems. As a result, the OIPM accessed what data was available to include in this report but will note that our ability to provide the full data analysis, critique of our data partnerships with the NOPD, and assessment of NOPD's compliance with data tracking, is more limited than we hope it will be in 2021.

Despite this setback, the OIPM still looks forward to presenting this year's Annual Report. This was a unique year for our community and for our office. Due to the Covid19 pandemic, the OIPM was forced to work remotely for most of the year and adapt our services to better respond to the changing needs of the community through this public health and safety crisis. This meant expanding our recommendations to include how officers used summons in lieu of arrests, the use of checkpoints, and Personal Protective Equipment (PPE) when officers engaged with the public or were in the workspace.

On May 25, 2020, the whole country was shaken by the death of George Floyd at the hands of police officers in Minnesota. In the wake of George Floyd's murder, the New Orleans community came together to protest and collaborate on our policing goals for our city. One protest ended with the police utilizing tear gas for the first time during a First Amendment assembly or in a crowd. In the aftermath of that tactical decision, the OIPM has worked with NOPD leadership, community activists and leaders, and those affected to determine receive misconduct allegations, monitor the subsequent use of force investigations, and determine what role – if any – tear gas should have in the future of policing in New Orleans.



Additionally, in 2020 the city prepared for a record number of hurricanes, which resulted in the OIPM examining the NOPD's preparedness for storms and how to best serve the community during possible evacuations and emergencies.

Through all 2020, OIPM maintained a high volume of regular work. For the second year in a row, the OIPM received nearly one hundred (100) complaints of misconduct, monitored eleven (11) critical incidents, facilitated meetings for the community with the NOPD, advised on multiple policies, reviewed and monitored over sixty-four (64) disciplinary proceedings, facilitated ninety-eight (98) mediation referrals, and conducted over thirty-five (35) outreach activities. The OIPM looks forward to sharing this work from 2020 with the community, the NOPD and the Ethics Review Board.

I also want to personally note that in 2020 the city was forced to implement extensive budgetary cuts and as a result, employees, like mine in the OIPM, were forced to take furlough days and the OIPM had limited access to necessary contract services. Despite these challenges, the OIPM has remained open and dedicated to the public we seek to serve. This has not been an easy year for the team, but I am impressed by their passion and work ethic that drives this office each day. Now, as we consider the possibility that these budgetary concerns may continue into 2021, I want to assure the people of New Orleans that we will continue to serve them – to raise their voice, hear their complaints of misconduct and accounts of positive policing, to remain on call for critical incidents, and to ensure that we can provide the accountability and oversight to the NOPD that help navigate this department out of the Federal Consent Decree. We will continue to work effectively with our community and the NOPD no matter the challenges that come.

Finally, I would like to acknowledge and thank Susan Hutson for her leadership over the last eleven (11) years. Susan Hutson recently took a step back from her position as the Independent Police Monitor to run for Sheriff of New Orleans. Ms. Hutson oversaw this office through its initial creation and spearheaded valuable reform efforts within the NOPD. Ms. Hutson came to New Orleans in the shadow of Hurricane Katrina, the Danziger Bridge, and the Henry Glover shootings. When Ms. Hutson first arrived here, the city's trust in the NOPD was shaken. Shortly after her start, the city came under a Federal Consent Decree, and Ms. Hutson played a vital role in the resulting progress NOPD made to reduce uses of force, conduct thorough misconduct investigations and investigations into critical incidents, hold officers accountable, create the community-officer mediation program, and improve public transparency and community engagement around policing. Ms. Hutson became a national leader in police oversight. Though Ms. Hutson has taken a step back, her vision for police oversight remains.

Stella Cziment

Acting Independent Police Monitor



Executive Summary

The year 2020 was the sixth full year of operation of the New Orleans Community-Police Mediation Program (the Program). 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."¹

In 2020, the Community-Police Mediation Program held 36 mediations involving 36 civilians and 55 officers. A total of 98 cases were referred to the mediation program from the New Orleans Police Department's Public Integrity Bureau (PIB). Participants in the mediations reflected the demographics of the city. Despite the challenges of the cyber attack on the city at the beginning of the year, and the COVID-19 pandemic, the Program was able to make necessary adjustments to maintain a strong caseload and continue offering high quality mediation services. Beginning in March 2020, all mediations were held via Zoom video call rather than in-person due to COVID-19. The program was able to transfer all operations to virtual platforms and successfully held 33 virtual mediations.

Anonymous post-mediation surveys revealed that 91% of civilians and 95% of officers who participated in mediations thought that the mediation meetings were unbiased; 74% of civilians and 73% of officers felt they had the opportunity to explain their point of view; 86% of officers said they would recommend mediation to other officers; 91% of officers and 91% of civilians said the mediation staff was helpful and professional.

¹ M.C.S., Ord. No. 23146, § 1, 7-18-08, Mediation of Civilian Complaints.



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 which opened its doors 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 2020.

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 2019'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 consequences². 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 emergency³. 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

² Skogan, W. and K. Frydle. *Fairness and Effectiveness in Policing: The Evidence*. National Research Council Committee to Review Research on Police Policy and Practices. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, D.C.: The National Academies Press, 2004, xiii-413.

³ Tyler, Tom R. *Why People Obey the Law*. Princeton, New Jersey: Princeton University Press, 2006.



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.⁴

Mediation is also far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process.⁵ 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.⁶ These gains enhance the efficiency of NOPD and improve police-community relations, which leads to the ultimate goal of keeping communities safe.



⁴ http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm

⁵ http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm

⁶ 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 Independent 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 Director. 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. 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 out of 104 cases referred. In 2017, the program mediated 32 cases out of 77 cases referred. In October of 2017, Jules Griff was hired as the Mediation Program Director. Jules began working with the program as a volunteer in 2015, then became trained as a mediator and helped with intake and program operations as a consultant for several years before taking over for Alison. In 2018, the program mediated 27 cases out of 75 referred and recruited a new cohort of 12 mediators to add to the pool. In 2019, the program mediated 42 cases out of 136 referred.

The program was awarded a grant from the U.S. Department of Justice's Community-Oriented Policing Services program to commence the program and was subsequently funded by Baptist Community Ministries through a grant starting in May of 2015 and ending March of 2017. Since March of 2017, the Program is 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,⁷ 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-police 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 Framework⁸ to utilize for the program.

⁷ <http://mdmediation.org/about-community-mediation>

Ten Point Community Mediation Model from Community Mediation Maryland

⁸ <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 to 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 Chapter 24.2 of the Operations Manual (formerly Policy 1025) lists the types of cases that are ineligible 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 Experienced, and BreakOut. Once a complaint is filed, the PIB determines if the complaint is eligible for mediation according to NOPD Operations Manual Chapter 24.2. 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 both of them feel safe sharing what they want to share with each other and there are not feelings of a threat of retaliation. The civilian then signs a "Consent to Mediate" 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 90 minutes to complete, but the participants have up to 2 hours and 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.

The IPM's pool of 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.

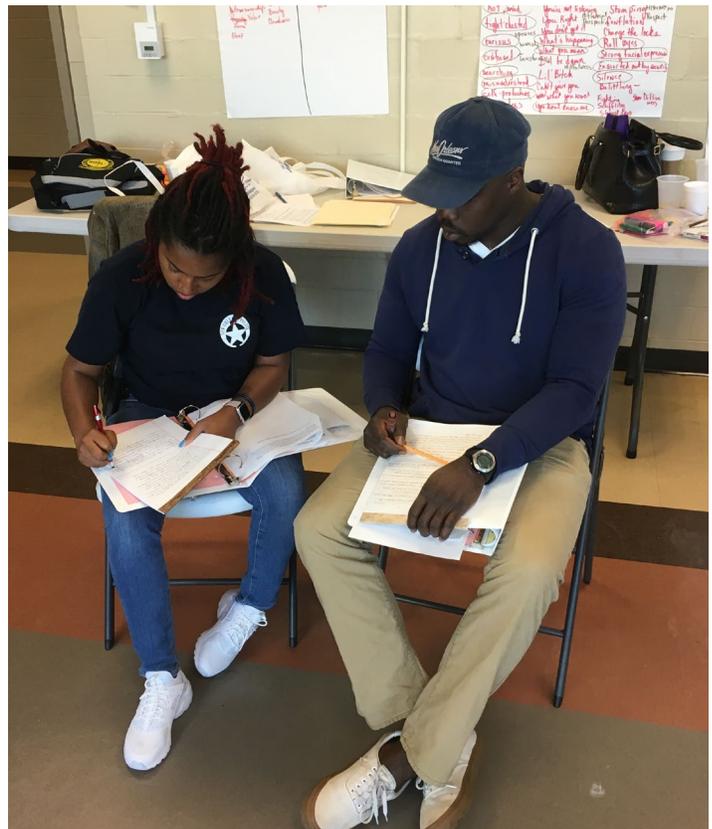
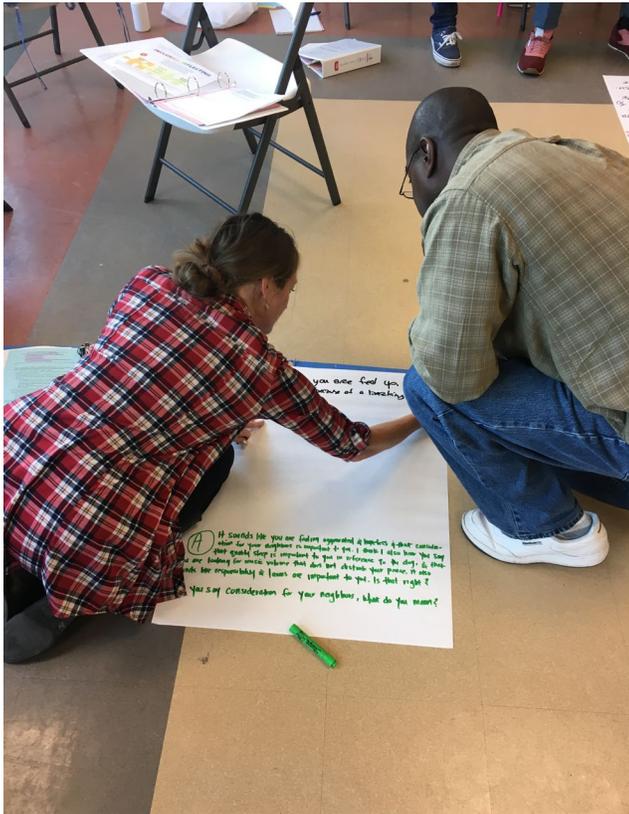
What Happens During the Mediation?

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.

Photos: 2018 New Mediator Training



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 following⁹ 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

- Officer Sam pays attention to tone when speaking with Jessica and other civilians.
- Officer Sam takes time to explain accident protocol to Jessica and asks if she has questions and answers calmly and professionally.
- Jessica asks for an NOPD supervisor if this happens again.
- Officer Sam educates fellow officers at roll call about street crime and civilians' concerns in the neighborhood.

Topic: Summons

- Jessica goes to station and gives her address for a supplemental report.
- Officer Sam clarifies summons process on the scene and answers Jessica's questions.
- Jessica goes to court to go through the process for the summons and Officer Sam attends.
- 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

- Officer Kennedy pauses, breathes, counts before reacting to Robert.
- Robert sets up BBQ truck in more suitable location and posts signs of hours of operation.
- Officer Kennedy requests more manpower from OPSO as needed.
- Officer Kennedy allows Robert to finish up his last transactions before shutting down.

⁹ Names and details are changed to honor confidentiality and privacy.



Systemic Change Through Mediation

While the complainants that go to mediation are often about seemingly minor incidents such as traffic stops or miscommunication, it is common for deeper, systemic issues to surface during mediation sessions. Civilians and officers have engaged in productive conversations about broader issues including:

- How to decrease violence in New Orleans
- Racism and biases within the police department and community
- Police response times
- What public safety looks like to each participant
- Managing and living with trauma and violence
- NOPD language translation services
- The value of cultural traditions and ritual
- Street performers' rights and responsibilities and how law enforcement impacts their ability to perform
- The importance of supporting and protecting local businesses.
- The importance of having a voice and being heard
- Mental health services in New Orleans
- The history of policing and violence in New Orleans and nationally
- Sensitivity training for police officers
- Conflict resolution and de-escalation training for NOPD
- Police priorities
- Pride in one's work and community
- The future of New Orleans
- Misconceptions about policing
- Maintaining intergenerational connections
- The ability to work and earn a living in a changing city
- Respecting people that are different from you
- Transparent and non-judgmental communication
- How police respond to domestic violence situations
- Communicating with youth and parents

Mediation is a powerful tool for discussing critical issues and allows a much-needed space for civilians and officers to talk about what is important for them and how to keep their communities safe in the many ways that it can take place.



2020 Review of Mediation Complaints

Data on Mediations

Number and Type of Complaints Referred and Mediated

In 2020, the Community-Police Mediation Program received a total of 98 cases referred from the Public Integrity Bureau. Of the 98 eligible cases referred, 36 cases were mediated (37%).

The 62 complaints that were eligible for mediation but not mediated were declined for the following reasons:

- 4 officers declined due to preferring investigation or not wanting to have conversation with civilian
- 2 officers did not return consent forms within the timeframe allowed
- 15 civilians were not reachable with the contact information they provided (phone numbers disconnected, wrong contact information provided, no response to phone calls and emails)
- 1 mediation could not be scheduled within the time frame due to illness of a participant
- 40 civilians declined to mediate for the following reasons:
 - Civilian didn't think it would help this officer change his 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 in presence of officer or wants to be anonymous
 - Civilian already received an apology from NOPD and felt the matter was resolved
 - Civilian preferred the complaint be investigated through the traditional complaint investigation process.
 - Civilian feels traumatized and does not wish to talk with officer.
 - Civilian wants to pursue civil litigation.
 - Civilian doesn't think they will get what they want out of mediation
 - Civilian doesn't want to waive the investigation of complaint



Allegations

In 2020, the majority of complaints referred to mediation were for allegations of Professionalism or Neglect of Duty.

Figure 1: Allegations in Complaints Referred to Mediation from PIB in 2019

141	Total Allegations*
87	Professionalism
51	Neglect of Duty
3	Discourtesy

*Some complaints contain multiple allegations and multiple officers; hence the total number of allegations is greater than the total number of complaints referred

Summary Statistics of Complaints Referred to Mediation:

- 97% of officers agreed to mediate (131 out of 136 officers; Some cases involved multiple officers, so the number of officers is greater than the number of cases).
- 48% of the civilians who were reachable agreed to mediate (37 out of 77 civilians).
- 37% of eligible cases referred to the Mediation Program were mediated (36 out of 98 eligible cases).
- The most common types of allegations in cases referred to mediation were Professionalism (62%, 87 out of 141 allegations) and Neglect of Duty (36%, 51 out of 141 allegations).
- 8% of the total number of public-initiated complaints were mediated (36 mediated out of 428 complaints received by PIB).

Year to Year Comparison

The following figures illustrate mediation numbers for 2020 in comparison to previous years.

Figure 2: Year to Year Comparison: Percentage of Civilian-Initiated Complaints Mediated of Complaints Referred by PIB

	2020	2019	2018	2017	2016	2015	2014
Total Complaints Referred to Mediation	98	136	75	77	104	45	9*
Total Complaints Mediated	36	42	27	32	41	22	6*
% Cases Mediated of Total Cases Referred by PIB	37%	31%	36%	42%	38%	49%	67%

*The Mediation Program launched in October 2014, so these numbers are only for October through December 2014

Figure 3: Year to Year Comparison: Percentage of Complaints Referred to Mediation of Complaints Received by PIB

	2020	2019	2018	2017	2016	2015	2014
Total Civilian-Initiated Complaints Received by PIB	428	414	425	489	540	549	654
Total Civilian-Initiated Complaints Referred to Mediation	98	136	75	77	104	45	9*
% of cases referred to mediation by PIB of total civilian-initiated complaints received by PIB	23%	33%	18%	17%	19%	8%	1%*

*The Mediation Program launched in October 2014, so these numbers are only for October through December 2014

Demographics of Mediation Participants

- In 2020, 36 civilians and 55 police officers participated in mediation sessions through the program. Some of the mediated complaints included two or more officers, which is why there are more officers than civilians.
- The average age of officer participants was 28 years old and the average age of civilian participants was 38 years old.
- The average number of years of NOPD service of the officers who participated was 10 years.



Figure 4: Race Demographics of Mediation Participants

Officers' Race

4% Hispanic – 2 of 55
44% White – 24 of 55
53% Black – 29 of 55
2% Unknown – 1 of 55

Civilians' Race

78% Black – 28 of 36
19% White – 7 of 36
3% Unknown – 1 of 36

Figure 5: Gender Demographics of Participants

Officers' Gender

35% Female – 19 of 55
65% Male – 36 of 55

Civilians' Gender

58% Female – 21 of 36
42% Male – 15 of 36



Mediator Data - Demographics

The New Orleans Community-Police Mediation Program has a total of 22 active mediators on its roster. All Community-Police mediators are community members who volunteer for the program, and have been selected from a competitive application and recruitment process. They come from a variety of backgrounds and are committed to improving community-police relationships through dialogue. Mediators receive an initial 50 hours of CLE-approved specialized mediation training and attend monthly professional development trainings throughout the year to maintain and build their skills. In 2020, the Program provided 16 hours of Professional Development training through in-service mediator trainings, offered bi-monthly.

In 2020, the Program recruited a new cohort of 15 mediators to join the mediator pool. Applications were received from more than 60 community members and more than 30 candidates were interviewed as part of the selection process. Mediators are selected based on the following characteristics:

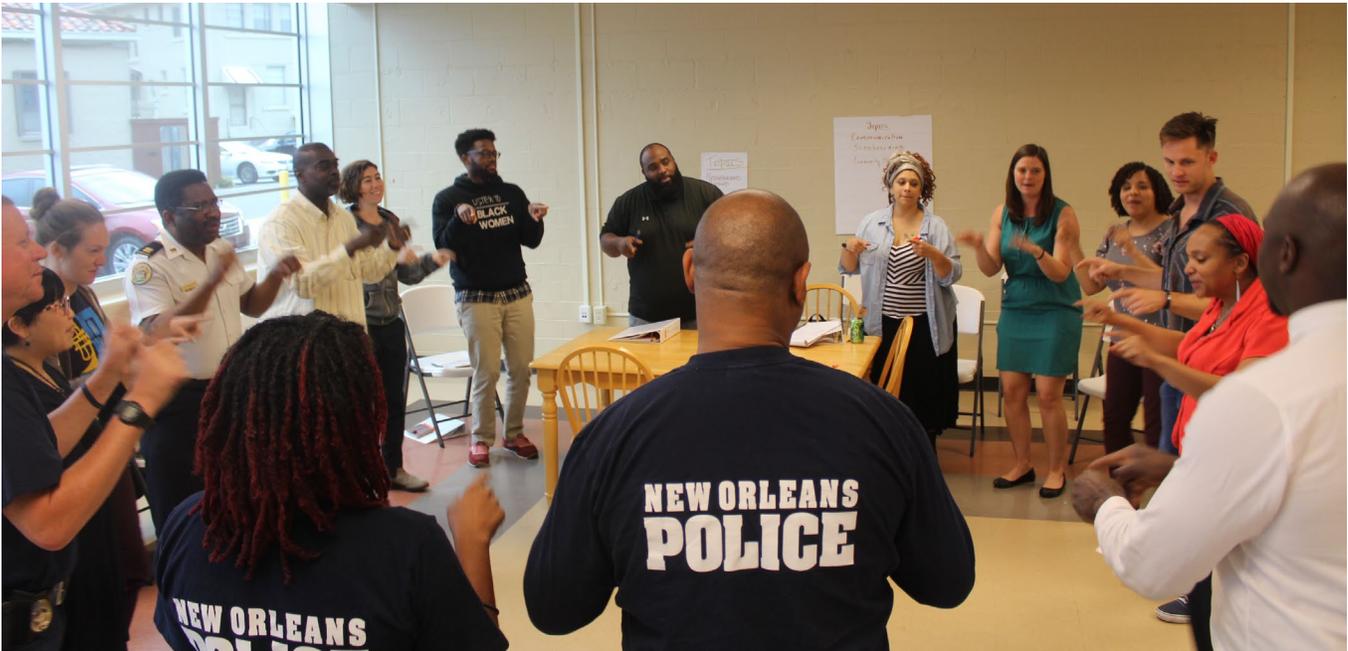
- Availability and flexibility of schedule
- Empathic communication and listening skills
- The ability to hold space for intense emotions
- The capacity to demonstrate competence, composure and neutrality (open to hearing others' opinions and perspectives and an ability to put aside one's own biases)
- Commitment to improving community-police relationships in New Orleans.
- Comfortable with constructive feedback and ability to learn a new process
- In assigning mediators, the CPMP seeks to match the demographics of mediators to that of the participants as much as possible, so seeks to recruit mediators with the greatest diversity and range possible of gender, age, race, ethnicity, language, education, sexual orientation, and socio-economic background.

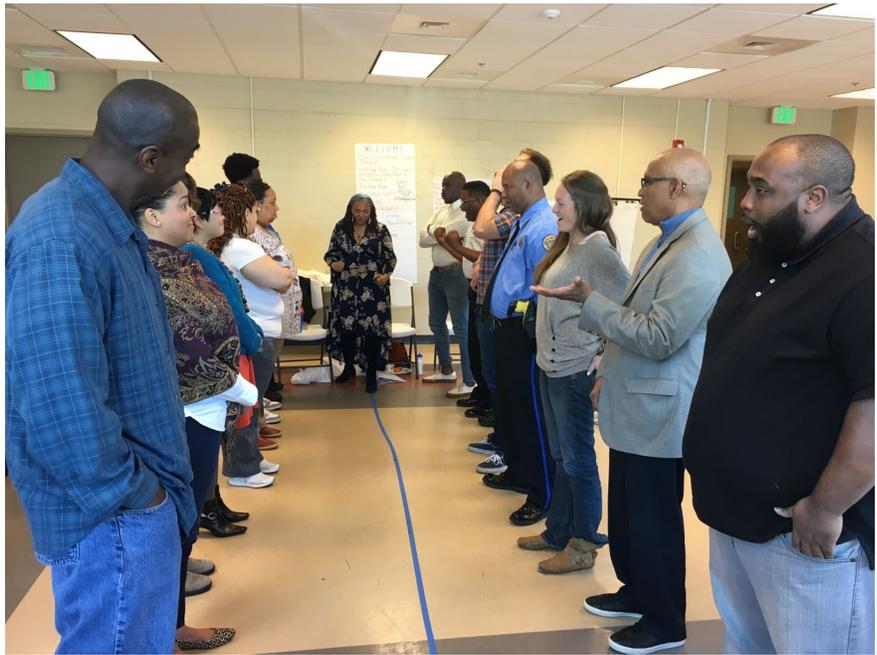
Because of COVID-19, the new cohort's 50-hour mediation training was delayed. It was originally planned for May 2020 and has been rescheduled for December 2021.





2018 New Mediator Training





Photos: Mediation Training 2018

Figure 6: Mediator Demographics

RACE	GENDER	AGE
59% Black (13/22)	36% Male (8/22)	5% - 30 & under (1/22)
32% White (7/22)	64% Female (14/22)	50% - 31 to 40 (11/22)
5% Native American (1/22)		14% - 41 to 50 (3/22)
5% Asian-American (1/22)		32% - 51 & up (7/22)

Locations of Mediations

Mediations typically take place in community spaces that are comfortable, neutral, and convenient for all participants. For example, mediations most often take place in public libraries and private rooms in recreation centers, including:

- Algiers Regional Public Library
- Algiers Connect Church
- Ashe Cultural Arts Center
- Joe Brown NORD Rec Center
- Latter Branch Public Library
- Main Branch Public Library
- Mid-City Public Library
- Miley Rec Center
- New Orleans East Public Library
- New Orleans Office of the Independent Police Monitor
- Nora Navra Public Library
- Norman Mayer Public Library
- Our Lord Resurrection Church
- Propeller Incubator
- Robert E Smith Public Library
- Rosa Keller Public Library
- Sanchez NORD Rec Center
- Stallings St. Claude NORD Center
- Treme NORD Center
- Vintage Church

The OIPM thanks these organizations, churches, NORDC and the New Orleans Public Library for their invaluable assistance in providing safe spaces for mediation.

Beginning in March 2020, due to the COVID-19 pandemic and the need to keep people distanced and safe, mediations took place via Zoom video conference call. After consulting with a national network of mediators and mentors about best practices for virtual mediations, the Program created a new process for Zoom video call mediations to take place and was able to shift all operations online.

The Program provided extra support for each officer, civilian, and mediator before, during, and after each mediation session to ensure everyone was able to access Zoom and was comfortable using the technology. Program staff scheduled “test” Zoom calls in advance with any participants who needed help to ensure they knew how to log in, use the microphone and video features, and had a private and confidential space to conduct the mediation from. For anyone who needed a computer or private space, the OIPM conference room and spare laptop were provided.



Evaluation: Results from 2020 Surveys

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. Typically, surveys are filled out immediately following the mediation session while participants are still in the room. Because the majority of mediations in 2020 took place virtually, the surveys could not be conducted in-person, so they were instead emailed to participants after their session. Program staff also called participants on the phone to conduct the surveys verbally. The number of surveys that were completed in 2020 was therefore lower than normal due to COVID-19 preventing surveys from being completed in person. It is more successful to have participants fill out surveys in person before they leave, and it proved to be challenging to get surveys completed via email and phone. Participants often did not return emails or phone calls regarding the surveys. Program staff made every effort to reach participants by calling at least 3 times to attempt to conduct the follow up survey.



Quantitative Data

Figure 7: Post-Mediation Officer Survey Feedback

- 18 out of 22 (82%) said they were satisfied with the mediation process
- 13 out of 22 (59%) said the mediation ended in a resolution
- 17 out of 22 (77%) said they were satisfied with the outcome of the mediation
- 21 out of 22 (95%) said the process was clearly explained to them by the mediators and/or the program staff
- 17 out of 22 (77%) said that mediation is a good way of resolving disputes between officer and civilians
- 38 out of 39 (97%) believe that mediation is a better option than the traditional investigation process
- 12 out of 22 (55%) agreed that the mediation helped build some level of mutual respect with the complainant
- 11 out of 22 (50%) agreed that mediation helped them gain a better understanding of how their manner of policing affects others
- 7 out of 22 (31%) found it helpful to have the option to bring a support person to mediation
- 14 out of 22 (64%) said the mediation helped them to better understand the actions and thoughts of the civilian complainant
- 8 out of 22 (36%) said they would respond differently in a similar situation in the future
- 19 out of 22 (86%) said they would recommend mediation to other officers
- 16 out of 22 (73%) agreed that they feel they had an opportunity to explain their point of view
- 20 out of 22 (91%) said the mediation staff was professional and helpful
- 21 out of 32 (95%) agreed the mediators listened to what they had to say without judging their ideas or words
- 18 out of 22 (82%) said if they had a complaint against them in the future, they would agree to mediation

Figure 8: Post-Mediation Civilian Survey Feedback

- 12 out of 23 (52%) said they were satisfied with the mediation process
- 12 out of 23 (52%) said the mediation ended in a resolution
- 9 out of 23 (39%) said they were satisfied with the outcome of the mediation
- 20 out of 23 (87%) said the process was clearly explained to them by the mediators and/or the program staff
- 12 out of 23 (52%) said that mediation is a good way of resolving disputes between officer and civilians
- 14 out of 23 (61%) believe that mediation is a better option than the traditional investigation process
- 10 out of 23 (43%) agreed that the mediation helped build some level of mutual respect with the officer
- 9 out of 23 (39%) agreed that mediation helped them gain a better understanding of police practices or policies
- 11 out of 23 (48%) found it helpful to have the option to bring a support person to mediation
- 7 out of 23 (30%) said the mediation helped them to better understand the actions and thoughts of the officer
- 11 out of 23 (48%) said they would respond differently in a similar situation in the future
- 12 out of 23 (52%) said they would recommend mediation to others
- 17 out of 23 (74%) agreed that they feel they had an opportunity to explain their point of view
- 10 out of 23 (43%) felt the police officer understood their point of view
- 10 out of 23 (43%) said if they had information about a crime they would share that information with the officer
- 21 out of 23 (91%) said the mediation staff was professional and helpful
- 21 out of 23 (91%) agreed the mediators listened to what they had to say without judging their ideas or words
- 13 out of 23 (57%) said if they had a complaint in the future, they would agree to mediation

Qualitative Data

Post-Mediation Civilian Survey Feedback

Some of the positive things that civilians shared after their mediation:

- “The mediation process was well structured, and I liked the openness of everyone.”
- “I liked being face to face and coming to an agreement with the officers.”
- “I had a breakthrough when one of the mediators asked me a question about one of my feelings. I felt heard and seen for underlying issues that needed to be addressed.”
- “I got to tell a copy face to face how I really felt.”
- “I’m glad I got the call about mediation. This is a great thing, and the mediators were wonderful. This got me the help I needed for the future.”
- “The officer was apologetic and agreed with my suggestions. It was a really good experience and I’m confident the officer involved won’t do this again.”
- “Direct dialogue was appreciated.”
- “This was illuminating for how officers operate and how I could better advocate for myself in the future.”
- “For both parties, the mediation gave clarity. There are two sides to every story.”
- “The officer’s initial reaction was not good. But I’m glad I stayed with it, we were able to hear each other’s sides.”
- “I really liked being able to look one another in the eye.”
- “Everyone sees things differently and reacts to things differently, so it’s important to remember that.”
- “More people should know about mediation. The process is a good thing.”
- “The mediators were very professional and listened and explained well.”
- “The agreements were helpful, and the mediators were understanding.”
- “Now I have a better understanding of how to handle things differently in the future.”
- “I am grateful the community has a voice when disagreements happen with NOPD.”

Some of the criticism that civilians shared after their mediation experience:

- “I wish there was both mediation and also disciplinary action for the officer. If they did wrong, they should have to answer.”
- “I feel like the officer could have done more. I know I’m not always going to get an answer, but I wanted more of a resolution.”
- “I didn’t like the officer’s attitude and felt he didn’t care.”
- “The mediators tried the best they could, but the officer wouldn’t accept responsibility.”
- “I want more follow through to make sure the agreements are kept and actions are accounted for.”
- “The officers’ attitudes were dismissive.”



- “I don’t trust this officer...and feel he will never be truthful.”
- “The officer seemed uninterested in finding a solution.”



Post-Mediation Police Officer Survey Feedback

Some of the positive things that officers shared after their mediation:

- “I learned I need to be more sensitive to the community’s needs and knowing that they’ve already been through a lot.”
- “My mediators were everything – professional, objective, all around great.”
- “It gave me a chance to say what actually happened. It was a misunderstanding and I got to clear the air.”
- “We found commonality. This was a helpful community approach to policing.”
- “I learned I need to explain myself better at the scene.”
- “everyone got to explain their point. Just being able to talk and have someone neutral there was good.”
- “Loved the mediators.”
- “It was a safe, non-judgmental way to meet with the complainant.”
- “Criticism is hard to hear. It was constructive though.”
- “I should take my time to explain. The police can come off as aggressive at first and I need to be patient and have an open mind to other’s opinions and thoughts.”
- “I like how unbiased the process was.”
- “I know how to handle the situation better the next time.”
- “Great job, continue what you’re doing!”
- “I learned to look further, dig deeper. It turned out we had some things in common and we would probably get along as humans.”
- “People often just need to bridge the gap. I wish more people would take advantage of mediation...there would be much more understanding.”
- “It was good to hear what was bothering the civilian and for me too. Normally, with an investigation, you don’t get a chance to interact with each other, so this was better.”

Some of the criticism that officers shared after their mediation experience:

- “I wish we could have reached a resolution quicker.”
- “The civilian wasn’t very open minded.”
- “I didn’t like having it on Zoom, wish it were in person, but I understand why we couldn’t.”
- “The civilian hung up.”
- “The civilian did not fully understand the reasons for my actions.”
- “The complainant was being disrespectful.”





Photo: Mediators, IPM staff, and NOPD officers at 2018 Mediation Training

Conclusion

In 2020, 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.

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 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 10: The Complaint Process

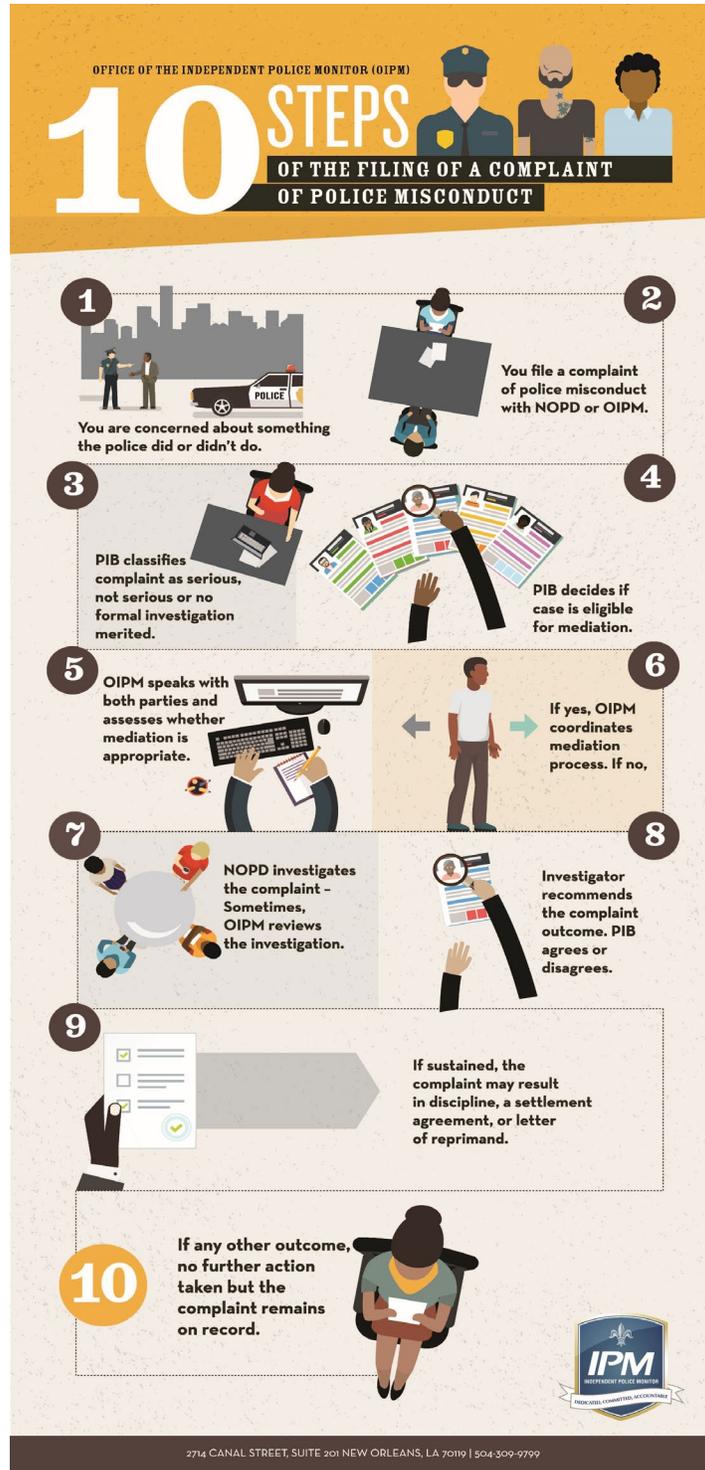


Figure 11: The Mediation Process

