



Building Trust in Law Enforcement:

Community-Police Mediation in New Orleans

By Lou Furman and Alison R. McCrary

I am awestruck by the ability and willingness of mediation participants to confront some of the most contentious issues affecting community-police relations in New Orleans and around the country, from issues of race and aggression, to notions of service, courtesy and shared responsibility.

—Community-Police Mediator

The U.S. Department of Justice spent \$4.75 million creating a National Initiative for Building Confidence and Trust between communities and the justice system. Across the nation, many acknowledge that police and community relationships

suffer because of poor training, weak oversight and cited unconstitutional behavior on the part of police departments.¹ Trust in law enforcement is low, especially in communities of color,² leading to protests across the country about police behavior from Ferguson to Baltimore, from Philadelphia to New Orleans.

In 2014, the New Orleans Office of the Independent Police Monitor launched its Community-Police Mediation Program as a strategy to strengthen community trust in police and to build stronger relationships between the community and police. In its first year of operation, the program has become a national model to improve community and police relation-

ships and build mutual understanding. The program exemplifies the essential principles and standards of community mediation.

Every case is co-mediated with two of the 30 community-police mediators who match the age, race and gender demographics of the officer and civilian. Each mediator has more than 50 hours of specialized training in community-police mediation. The mediations take place in private rooms in community spaces such as public libraries, community centers and schools near where the civilian or officer live or work rather than government buildings.

For several years, civilians have

voiced concerns about the New Orleans Police Department (NOPD) regarding alleged NOPD officer misconduct, disrespect, poor communication and perceived racism. In the last decade, these complaints surfaced in two independent reviews of NOPD — the Police-Civilian Review Task Force Report in 2001 and the U.S. Department of Justice Civil Rights Division's investigation in 2011.

The Police-Civilian Review Task Force recommended the implementation of an independent police monitor to support NOPD reform and mend community-police relationships. In 2008, 70 percent of the electorate in the City of New Orleans voted to amend the city charter to create the Office of the Independent Police Monitor (OIPM).

A major aspect of the OIPM's mandate is to develop trust between NOPD officers and civilians. Public distrust in the NOPD emanated, in part, from several high-profile officer convictions, accusations of constitutional rights violations, and strained relationships with minority groups due to disproportionate treatment. While there have been a number of programs in place to improve the level of trust between the community and the NOPD, civilians continue to initiate a sizable number of complaints. According to NOPD Public Integrity Bureau data, at least 870 misconduct complaints were made against police officers in 2014, down from 994 complaints the previous year.³ However, it also should be noted that this is likely an underestimation as many experiences of dissatisfaction or police misconduct go unreported. While the number of complaints is sizable, public trust in the NOPD investigating complaints is also low, demonstrating that there are some people unwilling to file complaints with the NOPD as it is also the agency responsible for investigating them. As the OIPM works with the NOPD to build a more trustworthy complaints-and-accountability system, it also provides a more immediate alternative in the form of mediation.

Traditional complaint-investigation processes are not always the most effective way to resolve police-community conflict. Lawmakers reflected this view through the OIPM city ordinance, which

mandates the creation of a community-police mediation program. This approach is in line with the Police-Civilian Review Task Force's recommendation to develop an alternative dispute resolution mechanism to resolve civilian-police conflicts.

The aims of the mediation program, conceived in 2012 and launched in 2014, are:

- ▶ to create mutual understanding between civilians and police officers;
- ▶ to establish the legitimacy of mediation; and
- ▶ to improve compliance and cooperation in mediation.

Funding for the pilot year of the mediation program was secured with a grant from the Department of Justice's Community-Oriented Policing Services (COPS). In 2015, the program received funding from Baptist Community Ministries to allow the continuation of the program through May 2017. Future funding of the program relies on public financing of the program either through the Office of the Inspector General's budget that currently holds all funding for the Independent Police Monitor or other public funds. Lack of sustainable funding is the number one reason similar programs around the country fail.

The program includes justice-based policing principles that specifically address the relational aspect of mediation required in community policing. Justice-based policing is particularly concerned with the relationship between minority groups and perceptions of discriminatory policing. It considers the legitimate use of police authority and civilian perceptions of fairness and justice. Researchers have found empirical evidence that procedural justice, one principle of justice-based policing, enhances police legitimacy. Procedural justice occurs where there is participation, dignity and trust in community-police relations. Participation allows civilians to present their own view and contribute to decision-making, resulting in perceptions of fairness (even if it may not influence the legal outcome). Dignity and respect by police acknowledge the individual's rights and values as a competent, equal person. Trust occurs when officers model dignity and respect and clearly explain decisions that translate into more positive feelings about the legitimacy of police as a law

enforcement institution.

Another principle of justice-based policing is reconciliation. Reconciliation facilitates honest conversations between community members and police officers allowing them to address historic tensions, grievances and misunderstandings in order to strengthen relationships. The mediation program allows for this expression. Both procedural and reconciliation justice are highlighted principles of the National Initiative for Building Confidence and Trust.

Mediation provides a medium for justice-based policing. It allows the participants to be fully heard and understood, to speak directly with each other in a safe space, to give each other feedback, and to help to prevent similar incidents from occurring in the future. The civilian is able to regain confidence in police services and to play an active role in a solution. Officers have the opportunity to gain new understandings, improve community relationships and trust, explain why they may have acted the way they did on a certain day, and share about their role.

Mediation is powerful because both the complainant and the officer gain an understanding of why the other person acted as he or she did. When the participants gain this knowledge, the other's behavior is put into a new context that is more understandable. The person may not approve of what happened but can understand why it happened. When mediation is successful, this understanding can, and often does, lead to forgiveness and healing.

This mediation experience was tremendous. The complaint process triggered something in this one officer. He remembered the signs around town that read "think that you might be wrong" and he reviewed his body-worn camera footage since he didn't remember speaking to the civilian in a rude tone. He reviewed his footage and, during the mediation, he apologized in the first 15 minutes. The two participants developed a great process, examined the conflict and their interaction, and made plans for the future. At about halfway through the process, we took a short break. As the other mediator and I were walking back into the room, the officer and civilian had made it back before us and we observed them hugging

each other. At the end of the mediation, they exchanged cell phone numbers and set a date for lunch.

—Community-Police Mediator

In the long term, mediation helps with resource efficiency in the handling of complaints. It resolves complaints in a satisfactory manner for all involved, improves community-police relations and builds trust between the participants.

A Project Board, a Planning Committee and the OIPM Project Team created the mediation program. The Planning Committee consisted of members of the community at large, criminal justice experts, police association representatives, city government representatives, mediators and business professionals.

The mediation program requires a set of principles to guide its delivery and streamline both delivery and evaluation. The Planning Committee and the Project Board agreed to the following 10 principles: (1) ensure mediation is voluntary; (2) ensure mediation is confidential; (3) offer bilingual mediators or translators in mediation; (4) ensure mediation is for issues that meet the inclusion criteria; (5) ensure mediation does not replace police accountability; (6) clearly explain the mediation outcome; (7) provide officer incentives to participate in mediation; (8) deliver the project with trained mediators; (9) recognize the power differential between police and civilians; and (10) record success of mediation.

The Planning Committee and the Project Board agreed to the following three organizational goals for the project:

► **Listening.** In mediation, a safe environment will be created and facilitated in which each participant feels secure in expressing and hearing one another's points of view.

► **Problem solving.** In mediation, participants will listen to each other to determine what led to the complaint and police interaction and, working together, all participants will decide on solutions or next steps.

► **Transformation.** In mediation, community members and police will sit together in a restorative practice that recognizes a breakdown in relationship as the source of the conflict and seeks, first and foremost, to repair that relationship.

The OIPM built a collaboration that included the NOPD and nonprofit agencies — the Louisiana Public Health Institute which developed the evaluation; Community Mediation Services which helped recruit and train mediators; and Community Mediation Maryland which provided specialized police-community mediation training — to transform the philosophies underlying the mediation program to concrete practice.

The collaboration with the NOPD was essential for the program's success. The NOPD has publicly acknowledged the need to repair and cultivate community partnerships. Its clear embrace and participation in the program serves to reinforce its commitment to community policing. The types of complaints that the NOPD policy most commonly refers for mediation are those related to professionalism, discourtesy or neglect of duty.

The Louisiana Public Health Institute's evaluation findings from all of the mediation sessions conducted in 2014 through pre- and post-mediation session surveys revealed that police officers and civilians believe that the mediation sessions were unbiased, helped resolve issues between police officers and civilians, and are a better option than formal disciplinary action against officers.

After the mediation session, civilians agreed that the session helped them gain a better understanding of policing. Police officers agreed that the mediation session helped build mutual respect between them and the civilian, that mediation is a good way of resolving disputes between civilians and police officers, and that they would agree to mediations in the future.

Most civilians agreed that if they had information about a crime or incident in their neighborhood, they would share that information with the police officer who participated in the mediation.

Conclusion

The establishment and continuance of the New Orleans Community-Police Mediation Program is vital to the City of New Orleans. The evaluation data and findings from the program offer a model to other cities where the lack of public trust in the

police department may have an impact on the capacity to reduce the rate of violent crime. For example, the stories, number of cases successfully resolved, and the data reflecting the level of confidence increased through mediation will be valuable tools for other departments facing similar problems in public trust and seeking processes to develop mutual understanding and improved community and police relationships.

FOOTNOTES

1. Matt Apuzzo, "Justice Department, Criticizing Philadelphia Police, Finds Shootings by Officers Are Common," *New York Times*, March 23, 2015.

2. F. Newport (Aug. 20, 2014). "Gallup Review: Black and White Attitude Towards Police," retrieved Aug. 30, 2015.

3. New Orleans, La. (April 8, 2015). Public Integrity Bureau of New Orleans Police Department 2014 Annual Report. Retrieved Sept. 14, 2015.

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