Office of the Independent Police Monitor
City of New Orleans

2017 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. The IPM’s 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.

In 2017, the OIPM and the New Orleans Police Department (NOPD) worked together to review the data to be used in the annual reports of both departments. As a result, this year the annual report will be due on June 30, 2018, to allow OIPM and NOPD to complete this mutual review.

This “2017 Annual Report: Community-Police Mediation Program” is part of that annual report. The OIPM presents the data relating to the OIPM’s 2017 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,¹ the Memorandum of Understanding between the NOPD and the Office of the Independent Police Monitor (OIPM),² and the Consent Decree.³ 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 could commence and continue into future years.

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

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¹ Section 2-1121 of Article XIII of the City Code of Ordinances.

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 Consent Decree, page 108, Section VXIII, Subsection E., Paragraph 439.
Executive Summary

The year 2017 was the third 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.”4

In 2017, the Community-Police Mediation Program mediated 32 cases involving 32 civilians and 37 officers (including eight support people for officers and civilians). A total of 77 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 and mediations took place in more than 15 community venues.

Anonymous post-mediation surveys revealed that more than 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. Nearly every officer agreed that mediation is a good way of resolving disputes between 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. Nearly all civilians agreed that mediation helped them gain a better understanding of policing, helped build mutual respect, and ended in a resolution. More than 90% of officers and civilians were satisfied with the mediation process according to surveys completed after each mediation.

4 M.C.S., Ord. No. 23146, § 1, 7-18-08, Mediation of Civilian Complaints.
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 2017.

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 2017’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. 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. 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. 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.

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, 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 Framework to utilize for the program.

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

11 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 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 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 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 2017, eight support people participated in the mediation sessions.

The IPM’s 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\(^{12}\) 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.

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\(^{12}\) 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. During the past year, 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
- 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

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.
2017 Review of Mediation Complaints

Data on Mediations

**Number and Type of Complaints Referred and Mediated**

In 2017, the Community-Police Mediation Program mediated 32 out of the 77 complaints that were referred to the mediation program from the Public Integrity Bureau (42%).

The 45 complaints that were referred to mediation but not mediated were declined for the following reasons:

- 6 officers declined
- 1 officer declined while another officer accepted (2 officers were named in the complaint), but the complaint could not be bifurcated
- 10 civilians were not reachable with the contact information they provided (phone numbers disconnected, wrong contact information provided, no response to phone calls and emails)
- 2 cases not eligible for mediation due to involvement of litigation with an attorney
- 1 mediation could not be scheduled within the 10-day time frame required by NOPD Policy 1025
- 1 incorrect officer was named by PIB
- 24 civilians declined to mediate for the following reasons:
  - Civilian believes in mediation but 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.
  - 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.
Allegations

In 2017, the majority of complaints referred to mediation were for allegations of Professionalism or Performance of Duty, Neglect of Duty.

Figure 1: Allegations in Complaints Referred to Mediation from PIB in 2017

<table>
<thead>
<tr>
<th>Allegations</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professionalism</td>
<td>62</td>
</tr>
<tr>
<td>Performance of Duty, Neglect of Duty</td>
<td>19</td>
</tr>
<tr>
<td>Discourtesy</td>
<td>2</td>
</tr>
<tr>
<td>Acting Impartially</td>
<td>1</td>
</tr>
<tr>
<td>Verbal Intimidation</td>
<td>1</td>
</tr>
</tbody>
</table>

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

Summary Statistics of Complaints Referred to Mediation:

- 42% of cases referred to the Mediation Program were mediated (32 out of 77 cases).
- 92% of officers agreed to mediate (85 out of 92 officers; Some cases had multiple officers, so the number of officers is greater than the number of cases).
- 56% of the civilians who were reachable agreed to mediate (32 out of 57 civilians).
- 4% of cases referred were ineligible for mediation, so returned to PIB for traditional investigation (3 out of 77 cases; 2 cases involved litigation and 1 had the incorrect officer).
- The most common types of allegations in cases referred to mediation were Professionalism (73%, 62 out of 85 allegations) and Performance of Duty, Neglect of Duty (22%, 19 out of 85 allegations).

Year to Year Comparison

The following figures illustrate mediation numbers for 2017 in comparison to previous years. It is challenging to draw conclusions at this time, as the number of mediation cases is not large enough for statistical significance, meaning there is not enough data to determine whether differences between the years are “real” or whether they are simply due to chance. However, the OIPM plans to conduct
further evaluation and analysis of the year-to-year data at the end of 2018, at which point there will be 5 years’ worth of data and more than 100 cases to evaluate.

**Figure 2: Year to Year Comparison: Percentage of Complaints Mediated of Complaints Referred by PIB**

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Complaints Referred to Mediation</td>
<td>77</td>
<td>104</td>
<td>45</td>
<td>9*</td>
</tr>
<tr>
<td>Total Complaints Mediated</td>
<td>32</td>
<td>41</td>
<td>22</td>
<td>6*</td>
</tr>
<tr>
<td>% of Cases Mediated of Total Cases Referred by PIB</td>
<td>42%</td>
<td>38%</td>
<td>49%</td>
<td>67%</td>
</tr>
</tbody>
</table>

*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**

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Civilian-Initiated Complaints Received by PIB</td>
<td>489</td>
<td>540</td>
<td>549</td>
<td>654</td>
</tr>
<tr>
<td>Total Complaints Referred to Mediation</td>
<td>77</td>
<td>104</td>
<td>45</td>
<td>9*</td>
</tr>
<tr>
<td>% of cases referred to mediation of total civilian-initiated complaints received by PIB</td>
<td>17%</td>
<td>19%</td>
<td>8%</td>
<td>1%*</td>
</tr>
</tbody>
</table>

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

**Demographics of Mediation Participants**

- In 2017, 32 civilians and 37 police officers participated in mediation sessions through the program. Five of the mediated complaints included two officers, which is why there are five more officers than civilians.
- Both officers and community members are invited to bring a non-speaking support person to the mediation session and eight community members opted to serve as a support person in a mediation session for an officer or a civilian.
- The average age of officer participants was 40 years old and the average age of civilian participants was 44 years old.
- The average number of years of NOPD service of the officers who participated was 11 years.
Figure 4: Race Demographics of Participants

Figure 5: Gender Demographics of Participants
Mediator Data – Demographics

In 2017, The New Orleans Community-Police Mediation Program had 22 mediators on its roster. Mediators received an initial 50 hours of CLE-approved mediation training and attend monthly professional development trainings throughout the year to maintain and build their skills. In 2017, the Program provided 12 hours of Professional Development training through in-service mediator training.

Figure 6: Mediator Demographics

<table>
<thead>
<tr>
<th>RACE</th>
<th>GENDER</th>
<th>AGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>45% Black (10/22)</td>
<td>41% Male (9/22)</td>
<td>14% - 30 &amp; under (3/22)</td>
</tr>
<tr>
<td>50% White (11/22)</td>
<td>59% Female (13/22)</td>
<td>27% - 31 to 40 (6/22)</td>
</tr>
<tr>
<td>5% Native American (1/22)</td>
<td></td>
<td>27% - 41 to 50 (6/22)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32% - 51 &amp; up (7/22)</td>
</tr>
</tbody>
</table>

2015 New Mediator Training
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 2017, mediations took place at the following locations:

- Algiers Regional Public Library
- Ashe Cultural Arts Center
- Latter Branch Public Library
- 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
- Norman Mayer Public Library
- Propeller Incubator
- Robert E Smith Public Library
- Rosa Keller Public Library
- Stallings St. Claude New Orleans Recreation Department Center
- St. Thomas Missionary Baptist Church
- St. Rita’s Elementary School
- Treme New Orleans Recreation Department Center
Evaluation: Results from 2017 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. 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 7: Post-Mediation Mediator Survey Feedback

<table>
<thead>
<tr>
<th>Mediator Survey Feedback</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>63%</td>
<td>26 of 41 mediators observed the civilian express a better understanding of policing.</td>
</tr>
<tr>
<td>70%</td>
<td>29 of 41 mediators observed a positive shift in the civilian and police officer’s relationship.</td>
</tr>
<tr>
<td>83%</td>
<td>34 of 41 mediators observed the civilian and police officer demonstrate respect towards each other during the mediation.</td>
</tr>
<tr>
<td>76%</td>
<td>31 of 41 mediators observed the civilian and police officer sharing an understanding of each other’s point of view.</td>
</tr>
<tr>
<td>73%</td>
<td>30 of 41 mediators said they observed the civilian and police officer demonstrate more trust in each other as the mediation meeting progressed.</td>
</tr>
</tbody>
</table>

KEY
- agree
- disagree
- no opinion
Figure 8: Post-Mediation Officer Survey Feedback

Post-Mediation Officer Survey Feedback

- 29 of 30 said that if they have a complaint against them in the future, they would agree to mediation.
- 30 of 30 agreed that the mediators listened to what they had to say without judging their ideas or words.
- 30 of 30 agreed the mediation staff was professional and helpful.
- 28 of 30 agreed that they feel they had an opportunity to explain their point of view.
- 28 of 30 said they would recommend mediation to other officers.
- 16 of 30 said they would respond differently in a similar situation in the future.
- 26 of 30 said the mediation helped them to better understand the actions and thoughts of the civilian complainant.
- 24 of 30 appreciated having the mediation in a community space such as a library or school.
- 12 of 30 found it helpful to bring or have the option to bring a support person to mediation.
- 21 of 30 agreed that the mediation helped them gain a better understanding of how their manner of policing affects other people.
- 22 of 30 agreed that the mediation helped build some level of mutual respect between them and the civilian complainant.
- 28 of 30 believe that mediation is a better option than the traditional investigation process.
- 27 of 30 said that mediation is a good way of resolving disputes between officers and civilians.
- 30 of 30 said the process was clearly explained to them by the mediators and/or the program director.
- 19 of 30 said the mediation ended in a resolution.
- 28 of 30 said they were satisfied with the mediation process.

**KEY**
- Agree
- Disagree
- No opinion
Figure 9: Post-Mediation Civilian Survey Feedback

<table>
<thead>
<tr>
<th>Feedback</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 of 17 agreed that the mediators listened to what they had to say without judging their ideas or words.</td>
<td>100%</td>
<td>17 of 17</td>
</tr>
<tr>
<td>16 of 17 said they would recommend mediation to other civilian complainants.</td>
<td>94%</td>
<td>16 of 17</td>
</tr>
<tr>
<td>14 of 17 said they would respond differently in a similar situation with a police officer in the future.</td>
<td>82%</td>
<td>14 of 17</td>
</tr>
<tr>
<td>17 of 17 agreed that they feel they had an opportunity to explain their point of view.</td>
<td>100%</td>
<td>17 of 17</td>
</tr>
<tr>
<td>14 of 17 said the mediation helped them to better understand the actions of the police officer.</td>
<td>82%</td>
<td>14 of 17</td>
</tr>
<tr>
<td>17 of 17 appreciated having the mediation in a community space such as a library or school.</td>
<td>100%</td>
<td>17 of 17</td>
</tr>
<tr>
<td>8 of 17 found it helpful to bring (or have the option to bring) a support person to mediation.</td>
<td>47%</td>
<td>8 of 17</td>
</tr>
<tr>
<td>15 of 17 agreed that the mediation helped them gain a better understanding of police practices or policies.</td>
<td>88%</td>
<td>15 of 17</td>
</tr>
<tr>
<td>13 of 17 agreed that if they have information about a crime they would share that information with the officer.</td>
<td>76%</td>
<td>13 of 17</td>
</tr>
<tr>
<td>16 of 17 agreed that the mediation helped build some level of mutual respect between them and the officer.</td>
<td>94%</td>
<td>16 of 17</td>
</tr>
<tr>
<td>16 of 17 believe that mediation is a better option than NOPD’s traditional investigation process.</td>
<td>94%</td>
<td>16 of 17</td>
</tr>
<tr>
<td>16 of 17 said that mediation is a good way of resolving disputes between officers and civilians.</td>
<td>94%</td>
<td>16 of 17</td>
</tr>
<tr>
<td>17 of 17 said the process was clearly explained to them by the mediators and/or the program director.</td>
<td>100%</td>
<td>17 of 17</td>
</tr>
<tr>
<td>15 of 17 said the mediation ended in a resolution.</td>
<td>88%</td>
<td>15 of 17</td>
</tr>
<tr>
<td>15 of 17 said they were satisfied with the mediation process.</td>
<td>88%</td>
<td>15 of 17</td>
</tr>
<tr>
<td>15 of 17 said that if they have a complaint against an officer in the future, they would agree to mediation.</td>
<td>88%</td>
<td>15 of 17</td>
</tr>
</tbody>
</table>

KEY
- agree
- disagree
- no opinion
Qualitative Data

Post-Mediation Civilian Survey Feedback

“I appreciated the opportunity to speak to [the officer] directly. It’s not often that you get the chance to actually express your frustrations to them [officers] in a calm, safe way so that was a good opportunity.”

“Mediation was really effective at moving the discussion forward and delving deeper into the issues.”

“I highly recommend this program – it was a wonderful experience. The officer understood my concerns and we talked a lot about how we think people should be treated. There was this moment when he really got it, and apologized for coming across rude and condescending. He had some suggestions on how he could do better in the future, like getting more communication training or even something simple like taking a deep breath when in the middle of a stressful scene. I learned that police sometimes go through difficult days and take home a lot of pressure and trauma and sometimes it carries on and they don’t know how to address it. In the end, we shared a lot of the same concerns. I left feeling hopeful.”

“We had a good discussion which honestly surprised me. I thought he (the officer) wouldn’t hear me at all, but then I felt like he ended up understanding what happened to me that day and how he could have behaved differently.”
“The officer and I agreed to disagree, but that’s ok. It was a good thing to remember that you don’t always have to fix the problem...sometimes just being able to talk about it makes it better. The mediators were great listeners and the officer even thanked us all for the self-reflection opportunity.”

“I liked that I got the chance to be face to face in front of the officer and express my issue. She was well informed about what had happened at the scene and I could tell she was doing her best under difficult circumstances. She apologized and we made a plan to prevent the same thing from happening to someone else in the future.”

“I really appreciated this opportunity to meet the officer face to face. It gave me the chance to explain my side and we had an open discussion. Being able to have a voice was extremely helpful and powerful for me.”

Post-Mediation Police Officer Survey Feedback

“To other officer’s considering mediation, I would say “Go for it!” It’s a great tool and allows for both sides to be heard. It gives a chance for citizens to learn about policing and for police officers to get feedback from the community.”

“I’m really glad I did the mediation. It was clearly very helpful for the citizen to be able to get things off his chest, and I think he ended up seeing that I wasn’t the enemy. After the mediation, I helped arrange a meeting he needed between him and my supervisor to help him further resolve everything. That helped build trust and we are on good terms now. For example, I texted him “good luck” recently and he responded back with “thank you.”
“I appreciated the chance to discuss the concern without judgement. The mediators were very professional and helpful. I now better understand the citizen and she got a better understanding of my position.”

“This was very beneficial. I enjoyed the process and the ability to explain my actions and the policy. We got to explain our views and at one point the civilian stated he understood the reasons for my actions. I liked the calm environment and the interaction with the complainant.”

“The process is great and it should be used in every case!”

“I learned I should have more empathy on scene and talk more to civilians.”

“It was a great way to hear a civilian’s point of view and their concept of policing. I was reminded to be more empathetic and not lose sight of what other people may be feeling during the time of a major incident.”
Community Engagement and Outreach

NOPD Police Academy Trainings

The Community-Police Mediation Program conducted 4-hour trainings at the NOPD Police Academy on approaches to conflict, mediation, active listening skills, and conflict resolution skills. We provided training to more than 40 NOPD and PIB employees in January and October of 2017.

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 2017. This outreach included the distribution of 500 brochures and educating hundreds of NOPD officers and employees about the Community-Police Mediation Program.

Undoing Racism Training

In February 2017, IPM sponsored 5 Community-Police Mediators and 4 IPM staff members to attend a 2-day (16 hour) Undoing Racism workshop, hosted by The People’s Institute for Survival and Beyond. The IPM mediators and staff joined more than 30 other New Orleans community organizers for an anti-racism training that focused on understanding what racism is, where it comes from, how it functions, why it persists and how it can be undone. The workshop utilized a systemic approach that emphasized learning from history, developing leadership, maintaining accountability to communities, creating networks, undoing internalized racial oppression and understanding the role of organizational gate keeping as a mechanism for perpetuating racism. In the workshop, IPM mediators and staff worked to:

- Develop a common definition of racism and an understanding of its different forms: individual, institutional, linguistic, and cultural;
- Develop a common language and analysis for examining racism in the United States;
- Understand one’s own connection to institutional racism and its impact on his/her work;
- Understand the historical context for how racial classifications in the United States came to be and how and why they are maintained;
- Understand the historical context for how U.S. institutions came to be and who they have been designed to serve;
- Understand how all of us are adversely impacted by racism every day, everywhere;
- Develop awareness and understanding about ways to begin Undoing Racism;
- Gain knowledge about how to be more effective in the work one does with their constituencies, their organizations, their communities, their families;\textsuperscript{13}

\textsuperscript{13} www.pisab.org
Improvements Based on 2016 Recommendations

Maintained Officer’s Willingness to Mediate Cases

In 2017, 92% of officers were willing to voluntarily try mediation to resolve their complaint. The Mediation Program successfully maintained the same level of acceptance from 2016 (also 92%), indicating that officer’s willingness to mediate and their trust in the program has remained very high for the past two years. Previously, in 2014 and 2015, officer acceptance rate was lower and officers shared that a reflection on their disciplinary record of a “mediated” complaint, to them, signified 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 understood that mediating a complaint does not mean an officer was found guilty of the allegations that were pending against him or her. Through word of mouth and outreach efforts, officers have begun to increasingly understand and trust the integrity of the mediation program, including that they are not forced to say or do anything they do not want, that the mediators are unbiased and professional, that everything said in mediation remains confidential, and that having a mediation on their record does not negatively impact them. Many officers have shared positive feedback from their mediation experience with their fellow officers, thus spreading confidence and enthusiasm for the program throughout the department. OIPM commends the Public Integrity Bureau and NOPD for their ongoing outreach efforts to increase officer’s willingness to try mediation.

Improved Responsiveness and Timeliness of Emails Regarding Mediation

In 2016, PIB and IPM made a joint recommendation to amend the NOPD Regulations Manual’s policy on email to add the line “and respond in a timely manner to mediation invitations received by email” to the existing policy which states, “Employees must check the department e-mail system, read their new messages each work day.” The most recent version of the NOPD Regulations Manual does not indicate this change to the email policy. However, in 2017 the Mediation Program did observe an improved timeliness with which officers, supervisors, and commanders responded to mediation emails and phone calls. IPM commends PIB and NOPD for their improved efficiency and accountability in communicating with IPM regarding mediation. This recommendation was made to help keep mediation cases in compliance with the short timeline set forth by the Community-Police Mediation Program Policy 1025 and the Police Officer’s Bill of Rights. Receiving a response from the NOPD employee on whether they agree to mediation is the first of many steps in the mediation process after PIB refers a case. Once an officer agrees, IPM must communicate regularly with officers and supervisors to obtain necessary consent forms, coordinate schedules, and confirm a mediation time, date, and location. In summary, the timely communication of officers is critical to the success of the mediation program and IPM looks forward to maintaining cooperation with PIB and NOPD and continuing to improve efficiency in communication.
2017 Findings and Recommendations

Finding #1: In 2017, there was a decrease in the number of cases referred to mediation from 104 cases referred in 2016 to 77 cases referred in 2017.

The lower number of complaints referred to mediation could have occurred for several possible reasons. For example, there may have been a lower total number of civilian-initiated complaints lodged in 2017 that were eligible for mediation. When IPM inquired to PIB about the lower number of complaints observed, PIB referenced the NOPD policy change that went in effect May 2017 that allowed some complaints to be cleared by Body Worn Camera (BWC) footage, stating that some complaints that may have previously been referred to mediation were now being cleared by BWC. Another possible factor could be that during certain times of the year when PIB received a high volume of complaints or had a decrease in staffing, some complaints that were eligible for mediation were not referred because PIB intake staff had insufficient capacity to review and classify complaints within the required timeline.

Recommendations:

- IPM and PIB collaborate to conduct an analysis of civilian-initiated complaints from 2017 to evaluate the causes for the decreased number of mediation referrals, and better understand how factors, such as the new BWC policy, PIB intake capacity, and timeline issues have impacted the number of cases referred to mediation.
- IPM and PIB collaborate to review the above-mentioned analysis, discuss results, and create recommendations to address any necessary improvements to the mediation referral process or policy.

Finding #2: IPM observed that complaints referred to mediation do not always include all allegations mentioned by the complainant. Missing or incorrect allegations are sometimes discovered when the Mediation Program Director reviews the complaint gist or when speaking with complainants during the mediation intake and screening process. Complainants may speak more candidly and thoroughly with Mediation Program staff who are trained in active listening and open-ended question interviewing techniques. Also, PIB intake staff may require additional training on identifying allegations.

Recommendations:

- IPM compiles a list of sample complaints in which additional allegations are discovered during the mediation intake process. IPM meets with PIB to create process for adding allegations that were missed in the initial intake process without disrupting the mediation process for existing allegations that the complainant has agreed to mediate.
- PIB improves intake officers’ ability to listen to and understand civilians’ complaints, ask clarifying questions that help get the full story, and better identify and capture all allegations involved in the complaint. To accomplish this goal, IPM and PIB collaborate to 1) conduct
sample analysis of complaints to illustrate the need for more accurate intake processes around allegations; 2) identify specific training needs and goals and 3) create training plan. IPM can offer PIB recommendations for high-quality trainers that specialize in teaching active listening and information interviewing. IPM can also collaborate help plan specialized training for the PIB intake team on best practices for assigning allegations in citizen-initiated complaints.

Finding #3: For complaints with multiple allegations in which one allegation is eligible for mediation and other allegations are not eligible, PIB does not always refer the complaint to mediation.

Recommendations:

- Based on the strong positive feedback from mediation participants, the enthusiasm for the program from both the community and NOPD, the savings in time and resources that mediation provides to PIB and NOPD who otherwise would have to conduct more time-intensive investigations, and the strong potential to create long-lasting trust between the community and the police, IPM recommends that as many complaints as possible be referred to mediation. IPM recommends collaborating with PIB to examine the possibility of bifurcating cases with multiple allegations so that one (or more) allegation(s) could be mediated while other allegations go through the traditional investigation process.
- IPM and PIB research national best practices and other cities’ policies and models for bifurcating cases for the purposes of mediation. Based on this research, PIB and IPM create recommendations and if appropriate, an implementation plan.

Finding #4: There is a high number of civilian complainants who are eligible for mediation, but do not receive the opportunity because they are “unreachable.” In 2017, ten out of the 45 cases that did not go to mediation were due to not being able to reach the complainant via phone or email. IPM makes every effort to reach civilians who are eligible for mediation with phone calls and emails every day (sometimes multiple calls throughout the day to attempt at different hours) until the case reaches the deadline within which mediation must be scheduled. If IPM has not been able to make contact with the civilian by the deadline, the case is returned to PIB for traditional investigation. The more options to contact a civilian, the better the chance IPM has of reaching them to invite them to mediation. IPM has observed that PIB almost always obtains a primary phone number for the complainant, but email addresses are only captured for about half the cases that are referred to mediation.

Recommendations:

- PIB make every effort to obtain as much contact information as possible from complainants during their intake process. In addition to a primary phone number, PIB requests and obtain email addresses, work phone numbers, and alternate phone numbers.
- If a civilian does not provide an email address or alternate phone number on the complaint intake form, the PIB intake officer follows up by asking specifically for whatever contact information is missing.
Conclusion

In 2017, 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

1. You are concerned about something the police did or didn’t do.

2. You file a complaint of police misconduct with NOPD or OIPM.

3. PIB classifies complaint as serious, not serious or no formal investigation merited.

4. PIB decides if case is eligible for mediation.

5. OIPM speaks with both parties and assesses whether mediation is appropriate.

6. If yes, OIPM coordinates mediation process. If no,

7. NOPD investigates the complaint. Sometimes, OIPM reviews the investigation.

8. Investigator recommends the complaint outcome. PIB agrees or disagrees.

9. If sustained, the complaint may result in discipline, a settlement agreement, or letter of reprimand.

10. If any other outcome, no further action taken but the complaint remains on record.
Figure 11: The Mediation Process