2018 Annual Report:
Community-Police Mediation Program

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Independent Police Monitor
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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 IPM’s recommendations to improve NOPD’s accountability systems originate from these activities.
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 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. 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 2018, 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.

This “2018 Annual Report: Community-Police Mediation Program” is part of that annual report. The OIPM presents the data relating to the OIPM’s 2018 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.

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 2018 was the fourth 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.”

In 2018, the Community-Police Mediation Program held 29 mediations involving 28 civilians and 34 officers. A total of 75 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 96% of civilians and 100% of officers who participated in mediations thought that the mediation meetings were unbiased; 88% of civilians and 90% of officers felt they had the opportunity to explain their point of view; 86% of officers and 88% of civilians agreed that mediation is a good way of resolving disputes between civilians and police officers. 80% of civilians and 86% of officers said they would recommend mediation to other civilians or officers; 84% of civilians and 90% of officers 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 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 2018.

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 2018’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 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.

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\(^7\) http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm
\(^8\) http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm
\(^9\) 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 Deputy Independent Police Monitor Simone Levine, Executive Director of Community Relations Ursula Price, and Dr. Astrid Birgden, 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. In 2017, the program mediated 32 cases out of 77 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.

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 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 Ex-Offender, 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 60 to 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 following are sample solutions developed by mediation program participants to help illustrate the types of issues that could be handled by mediation and the subsequent agreements formed.

**Topic: Communication**

- 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 the station and gives her address for a supplemental report.
- Officer Sam clarifies the 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.
2018 Review of Mediation Complaints

Data on Mediations

Number and Type of Complaints Referred and Mediated

In 2018, the Community-Police Mediation Program received a total of 75 cases referred from the Public Integrity Bureau. Three (3) of these cases were not eligible for mediation due to involvement of allegations that are excluded for mediation according to NOPD Chapter 24.2. Of the 72 eligible cases referred, 27 cases were mediated (38%). In addition, the program mediated one case that was not a formal complaint, but a conflict between a community member and officer. Also, one case required 2 mediation sessions. Thus, a total of 29 mediation sessions were held in 2018.

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

- 1 officer declined due to family issues
- 1 officer was unreachable
- 11 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 10-day time frame required by NOPD Chapter 24.2
- 31 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 2018, 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 2018

<table>
<thead>
<tr>
<th></th>
<th>Total Allegations*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professionalism</td>
<td>85</td>
</tr>
<tr>
<td>Neglect of Duty</td>
<td>16</td>
</tr>
<tr>
<td>Discourtesy</td>
<td>2</td>
</tr>
<tr>
<td>Acting in a Civil Matter</td>
<td>1</td>
</tr>
<tr>
<td>Verbal Intimidation</td>
<td>2</td>
</tr>
</tbody>
</table>

*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:

- 98% of officers agreed to mediate (87 out of 89 officers; Some cases involved multiple officers, so the number of officers is greater than the number of cases).
- 47% of the civilians who were reachable agreed to mediate (27 out of 58 civilians).
- 38% of eligible cases referred to the Mediation Program were mediated (27 out of 72 eligible cases).
- The most common types of allegations in cases referred to mediation were Professionalism (80%, 85 out of 106 allegations) and Neglect of Duty (15%, 16 out of 106 allegations).
Year to Year Comparison

The following figures illustrate mediation numbers for 2018 in comparison to previous years.

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

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Total Complaints Referred to Mediation</td>
<td>75</td>
<td>77</td>
<td>104</td>
<td>45</td>
<td>9*</td>
</tr>
<tr>
<td>Total Complaints Mediated</td>
<td>27</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>36%</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>
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</thead>
<tbody>
<tr>
<td>Total Civilian-Initiated Complaints Received by PIB</td>
<td>425</td>
<td>489</td>
<td>540</td>
<td>549</td>
<td>654</td>
</tr>
<tr>
<td>Total Civilian-Initiated Complaints Referred to Mediation</td>
<td>75</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>18%</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 2018, 27 civilians and 34 police officers participated in mediation sessions through the program. Six 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 36 years old and the average age of civilian participants was 37 years old.
- The average number of years of NOPD service of the officers who participated was 13 years.
Figure 4: Race Demographics of Mediation Participants

Officers’ Race

- Black: 23 of 34 (67.6%)
- White: 9 of 34 (26.5%)
- Hispanic: 2 of 34 (5.88%)

Civilians’ Race

- Black: 16 of 27 (59.3%)
- White: 10 of 27 (37%)
- Hispanic: 1 of 27 (3.7%)
- Other: 1 of 27 (3.7%)
Figure 5: Gender Demographics of Participants

Officers’ Gender

- Male (28 of 34) 82.4%
- Female (6 of 34) 17.6%

Civilians’ Gender

- Male (9 of 27) 33.3%
- Female (18 of 27) 66.7%
Mediator Data – Demographics

The New Orleans Community-Police Mediation Program has a total of 26 active mediators on its roster. In 2018, a new class of 12 mediators were recruited and trained. The response to the recruitment process was extremely successful, with more than 100 applicants for the 12 spots including many excellent candidates and a diverse pool. Through a rigorous interview and scoring process, the 12 new recruits were carefully selected and then participated in a 50-hour New Mediator Training over 6 days in March 2018. The training was led by top mediation trainer Tracee Ford, from Community Mediation Maryland. Four NOPD officers also participated in the training as ambassadors to the program. The officer participants give mediators a more authentic experience through role-plays and in-depth conversations about how officers may behave during mediation.

All Community-Police 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 2018, the Program provided an additional 30 hours of Professional Development training through 11 in-service mediator trainings, offered monthly.
Photos: Mediation Training 2018
Figure 6: Mediator Demographics

<table>
<thead>
<tr>
<th>RACE</th>
<th>GENDER</th>
<th>AGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% Black (13/26)</td>
<td>38% Male (10/26)</td>
<td>8% - 30 &amp; under (2/26)</td>
</tr>
<tr>
<td>46% White (12/26)</td>
<td>62% Female (16/26)</td>
<td>46% - 31 to 40 (12/26)</td>
</tr>
<tr>
<td>4% Native American (1/26)</td>
<td></td>
<td>23% - 41 to 50 (6/26)</td>
</tr>
<tr>
<td>4% Asian-American (1/26)</td>
<td></td>
<td>23% - 51 &amp; up (6/26)</td>
</tr>
</tbody>
</table>

**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 2018, mediations took place at the following locations:

- Algiers Regional Public Library
- Ashe Cultural Arts Center
- Latter Branch Public Library
- Main Branch Public Library
- Mid-City Public Library
- New Orleans East Public Library
- New Orleans Healing Center
- New Orleans Office of the Independent Police Monitor
- Norman Mayer Public Library
- Our Lord Resurrection Church
- Propeller Incubator
- Robert E Smith Public Library
- Rosa Keller Public Library
- Stallings St. Claude New Orleans Recreation Department Center
- Treme New Orleans Recreation Department Center

The OIPM thanks its fellow city agencies, NORDC and the New Orleans Public Library for their invaluable assistance in providing safe spaces for mediation.
Evaluation: Results from 2018 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

- 17 of 29 (58.62%) of mediators observed the civilian express a better understanding of policing
- 16 of 29 (55.17%) of mediators observed a positive shift in the civilian and police officer's relationship
- 20 of 29 (68.97%) of mediators observed the civilian and police officer demonstrate respect towards each other during the mediation
- 15 of 29 (51.72%) of mediators observed the civilian and police officer sharing an understanding of each other's point of view
- 13 of 29 (44.83%) of mediators said they observed the civilian and police officer demonstrate more trust in each other as the mediation meeting progressed
Figure 8: Post-Mediation Officer Survey Feedback

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 of 29 (93.10%)</td>
<td>said that if they have a complaint against them in the future, they would agree to mediation</td>
</tr>
<tr>
<td>29 of 29 (100.00%)</td>
<td>agreed that the mediators listened to what they had to say without judging their ideas or words</td>
</tr>
<tr>
<td>28 of 29 (96.55%)</td>
<td>agreed the mediation staff was professional and helpful</td>
</tr>
<tr>
<td>26 of 29 (89.66%)</td>
<td>agreed that they feel they had an opportunity to explain their point of view</td>
</tr>
<tr>
<td>25 of 29 (86.21%)</td>
<td>said they would recommend mediation to other officers</td>
</tr>
<tr>
<td>17 of 29 (58.62%)</td>
<td>said they would respond differently in a similar situation in the future</td>
</tr>
<tr>
<td>21 of 29 (72.41%)</td>
<td>said the mediation helped them to better understand the actions and thoughts of the civilian complainant</td>
</tr>
<tr>
<td>24 of 29 (82.76%)</td>
<td>appreciated having the mediation in a community space such as a library or school</td>
</tr>
<tr>
<td>13 of 29 (44.83%)</td>
<td>found it helpful to bring or have the option to bring a support person to mediation</td>
</tr>
<tr>
<td>21 of 29 (72.41%)</td>
<td>agreed that the mediation helped them gain a better understanding of how their manner of policing affects other people</td>
</tr>
<tr>
<td>20 of 29 (68.97%)</td>
<td>agreed that the mediation helped build some level of mutual respect between them and the civilian complainant</td>
</tr>
<tr>
<td>19 of 29 (65.52%)</td>
<td>said the mediation ended in a resolution</td>
</tr>
</tbody>
</table>
Figure 9: Post-Mediation Civilian Survey Feedback

- **25 of 29 (86.21%)** believe that mediation is a better option than the traditional investigation process
- **25 of 29 (86.21%)** said that mediation is a good way of resolving disputes between officers and civilians
- **27 of 29 (93.10%)** said the process was clearly explained to them by the mediators and/or the program director
- **26 of 29 (89.66%)** said they were satisfied with the mediation process

- **24 of 25 (96.00%)** agreed that the mediators listened to what they had to say without judging their ideas or words
- **20 of 25 (80.00%)** said they would recommend mediation to other civilian complainants
- **22 of 25 (88.00%)** said that mediation is a good way of resolving disputes between officers and civilians
- **18 of 25 (72.00%)** said they would respond differently in a similar situation with a police officer in the future
- **22 of 25 (88.00%)** agreed that they feel they had an opportunity to explain their point of view
- **20 of 25 (80.00%)** said the mediation helped them to better understand the actions of the police officer
- **25 of 25 (100.00%)** appreciated having the mediation in a community space such as a library or school
Civilian Survey Responses continued

- 17 of 25 (68.00%) found it helpful to bring or have the option to bring a support person to mediation
- 17 of 25 (68.00%) said that if they have a complaint against an officer in the future, they would agree to mediation
- 19 of 25 (76.00%) agreed that the mediation helped them gain a better understanding of police practices or policies
- 17 of 25 (68.00%) found it helpful to bring or have the option to bring a support person to mediation
- 17 of 25 (68.00%) said that if they have a complaint against an officer in the future, they would agree to mediation
- 19 of 25 (76.00%) agreed that the mediation helped them gain a better understanding of police practices or policies
- 16 of 25 (64.00%) agreed that if they have information about a crime they would share that information with the Officer
- 16 of 25 (64.00%) agreed that the mediation helped build some level of mutual respect between them and the officer
- 16 of 25 (64.00%) believe that mediation is a better option than NOPD’s traditional investigation process
- 24 of 25 (96.00%) said the process was clearly explained to them by the mediators and/or the program director
- 17 of 25 (68.00%) said the mediation ended in a resolution
- 21 of 25 (84.00%) said they were satisfied with the mediation process
Qualitative Data

Post-Mediation Civilian Survey Feedback

“I was happy for the opportunity to show my daughter that she has the right to stand up for herself!”

“I would encourage others to use mediation so that officers can see that they have to be accountable to the public when they behave inappropriately.”

“I participated in mediation because I wanted the opportunity to improve policing by sharing my experience. It also gave me a chance to get things off my chest and to get a clearer understanding of why I received a ticket and why the officer responded the way he did.”

“It was eye opening and very helpful to hear how others feel. I worked as a police officer for many years and after this experience I can see how civilians feel when addressed by an officer.”

“My approach or response to officers is totally different now because I understand that the officers have a different process to follow that I didn’t know about.”

“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.”
“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

“The advice I would give fellow police officers is, “Go and listen. Be sincere. If you made a mistake, apologize. If you felt you handled the situation correctly, it’s a chance to explain yourself fully.”

“What I liked best about mediation is that it was very non-judgmental. I’m glad I didn’t go through the more traditional avenue because it felt like she (complainant) got heard. This was much better than PIB saying we’re not going to entertain this complaint. It is a constructive way of dealing with police complaints.”
“Mediation impacted my understanding of the community I serve and the specific civilian who filed the complaint. Mediation gave me a greater respect for the community I serve. It pushed me to do a self-check and realize that maybe I can listen more and make a conscious effort to be more aware of the civilian point of view.”

“It's an opportunity to tell people what we as officers have to go through. You can explain your step by step actions. It’s good to be out of the scene and explain. The civilian is less likely to be upset and negative since you're in a neutral calm setting.”

“I wouldn’t change anything about the mediation. If you listen, you get a lot more. It might be useful to prevent you from getting another complaint. It allowed a human connection/communication.”

“During the mediation I felt like were on the same page finally. I heard her, she heard me, and we found a common ground through communicating.”

“I appreciated hearing her feedback. She had a very positive perspective. It was great for police to be able to sit down with a community person and be better related going forward thanks to the new knowledge shared with me.”

“The mediation was an unpressured meeting and I was able to take my time to explain myself.”

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

In 2018, OIPM and PIB met to review the policies and processes that dictate the mediation program. With the support and urging of the Ethics Review Board, through a series of meetings and conversations, recommendations were drafted to ensure the continued success of the program and to help grow the program to the next level, thus providing more opportunities for confidence, understanding, and trust.

The following recommendations were made and were unanimously agreed to by both OIPM and PIB leadership. The necessary revisions to NOPD Chapter 24.3 were drafted and approved in March 2019 by the PIB Department of Compliance, the Department of Justice, and the Federal Office of the Consent Decree Monitors.

The recommendations and their justifications were as follows:

1. Mediation Timeline
   a. Currently, Chapter 24.2 states that OIPM has 10 days to receive officer and civilian consent from the day OIPM receives the complaint from PIB. OIPM recommends increasing the timeline from 10 days to 20 days for OIPM to receive consent from the civilian, if the officer has agreed to mediation and signed the 60-day extension form. The timeline will remain 10 days to receive consent from the officer, so as not to interrupt PIB’s investigation timeline in case the officer does not agree to mediate and PIB must proceed with traditional investigation. However, once the extension is received, OIPM will have up to 20 days since receipt of the case to obtain consent from the civilian. This change addresses the reality that it often takes several days to hear back from the officer, their supervisor, and their commander, which often leaves only a few days to reach the civilian before the deadline. OIPM has had several instances where a civilian called back a few days after the deadline wishing to mediate, but the case has already been sent back to PIB for traditional investigation. The extra days will help prevent this from occurring.
   b. Currently, Chapter 24:2 states that PIB has 3 days to refer the case to OIPM for mediation once it is received. This is not aligned with PIB’s classification timeline (see Chapter 52.1.1 Misconduct Complaint Intake and Investigation), which states PIB has 14 days to classify a complaint. OIPM recommends updating Chapter 24:2 to accurately reflect the complaint investigation policy by stating that PIB must refer eligible cases for mediation within 14 days of receipt.
   c. Currently the policy states that “Mediation occurs within 25 days after the complaint is received by NOPD.” OIPM recommends updating to accommodate the above changes of 14 days for PIB and 20 days for OIPM to receive consent. OIPM also recommends allowing 15 days once consent is received for the mediation to actually take place, to allow sufficient time to
coordinate the schedule of the officer, civilian, and 2 mediators. Given this recommended timeline, the policy should be amended to state “Mediation occurs within 60 days after the complaint is received by NOPD.”

2. **Allow allegations of Discriminatory or Bias-based Policing to be eligible for mediation**
   a. Currently, the following cities’ Community-Police Mediation Programs allow mediation of racial profiling and discriminatory policing complaints: Albany, NY; New York, NY; San Francisco, CA; Kansas City, KC; Calvert County, MD; Portland, ME; Berkeley, CA; Los Angeles, CA; Greenville, SC; Denver, CO; and Boston, MA.
   b. The U.S. Department of Justice’s report “Mediating Citizen Complaints Against Police Officers” states that “Mediation is uniquely suited to help bridge the racial and ethnic divide because it is the only procedure for investigating complaints that bring the disputing parties together in a face-to-face meeting.” ([http://restorativejustice.org/am-site/media/mediating-citizen-complaints-against-police-officers.pdf](http://restorativejustice.org/am-site/media/mediating-citizen-complaints-against-police-officers.pdf) (2002))
   c. PIB has expressed support several times of this recommendation.
   d. In 2017, according to IAPro, there were:
      i. 34 public-initiated complaints with the allegation “Rule 4: Perf of Duty, Discriminatory Policing-Racial Bias-Based Policing;”
      ii. 13 complaints of “Rule 2: Moral Conduct, Paragraph 4 – Discrimination”;
      iii. Only 3 out of these 47 allegations were found Sustained
   e. In 2016, according to IAPro, there were:
      i. 26 public initiated complaints with the allegation “Rule 4: Perf of Duty, Discriminatory Policing-Racial Bias-Based Policing;” and
      ii. 25 complaints of “Rule 2: Moral Conduct, Paragraph 4 – Discrimination”
      iii. Only 8 out of these 51 allegations were found Sustained
   f. To ensure the appropriateness of mediation, OIPM will implement extra screening criteria for any referrals with allegations of discriminatory policing. For example, complaints would be considered ineligible if the complaint included:
      i. Ethnic remark or other specific discourtesy directed at a class of persons
      ii. Any mention of allegations that are ineligible for mediation (i.e. unlawful search, false arrest, unreasonable use of force).

3. **Allow bifurcation for complaints with multiple allegations**
   For complaints with one allegation that is eligible for mediation and another allegation that does not require extensive investigation (i.e. allegations eligible for Negotiated Settlement, Body-Worn Camera violations), we recommend bifurcating allegations so that eligible allegations can be mediated. This might necessitate instruction to PIB intake staff on how they can log two different outcomes for different allegations in IAPro. OIPM recommends implementing training to PIB intake staff along with the procedural change.
4. **Improve audit and review processes**
   a. Establish regular, bi-weekly phone call between the OIPM Mediation Director and PIB Intake Lieutenant to review new cases that could potentially be referred to mediation and discuss cases that did not get referred. This is to clarify and improve screening criteria and procedures, ensure that all eligible complaints are being referred to mediation, and look for any patterns that indicate the need for new or updated processes or policies.
   b. Establish quarterly in-person meetings with the OIPM Mediation Director and PIB Intake team to evaluate what is working and not working, provide any updates or training, troubleshoot challenges, and share accomplishments.
   c. Establish annual meeting with the OIPM Police Monitor, PIB Deputy Superintendent, and other stakeholders to review overall mediation program accomplishments and address any necessary changes or improvements.

5. **Ideas to grow outside of the existing complaint system**
   a. OIPM will offer each District 2 free mediations per year for community problem solving. For example, if there is an ongoing conflict with certain neighbors or a particular business or civilian that is resulting in multiple calls for police service, OIPM will offer mediation as a way for the community and police to work together to address the roots of the problem and come up with solutions or agreements. OIPM will work with leadership of each District to determine eligibility and suitability.
   b. OIPM will offer a few mediations per year for rank-initiated complaints. Upon referral, OIPM will determine suitability and eligibility.

OIPM looks forward to working closely with PIB throughout 2019 to implement these updates and monitor the impact they have on the referral process and caseload. At the time of writing this report (May 23, 2019), the number of mediation referrals and mediations has already **doubled** when compared to this time last year (in 2019, there have been 20 mediations out of 49 referrals so far, compared to this time last year there had been only 9 mediations out of 26 referrals). OIPM commends PIB for their ongoing commitment to the mediation program and looks forward to continuing to grow and improve the program together.
Conclusion

In 2018, 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