



New Orleans Community-Police Mediation Program



COMMUNITY
POLICE
MEDIATION

2015 Annual Report

Susan Hutson
Independent Police Monitor

City of New Orleans
Office of the Independent Police Monitor

Community-Police Mediation Program
2015 Annual Report

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...and the many civilian community members, police officers, and community mediators who work to create a more safe, just, and peaceful city every day.

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EXECUTIVE SUMMARY

Building trust, increasing confidence, and nurturing legitimacy on both sides of the community and police divide are foundational principles to improving relationships between New Orleans' community members and police officers. Such trust 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 building community trust, New Orleans City Ordinance 23146 established the Office of the Independent Police Monitor (OIPM) and mandated that the office "establish and administer a mediation program for civilian complaints guided by best practices identified in other jurisdictions with such mediation programs."¹

In 2015, the Program's first year of operating, the Community-Police Mediation Program mediated 22 cases involving 26 civilians and 27 officers. A total of 45 cases were referred to the Mediation Program from the New Orleans Police Department's Public Integrity Bureau (PIB). Mediations took place in more than fifteen community spaces.

Twelve new mediators went through a 50-hour specialized mediation training and were added to the pool of thirty community-police mediators who represent the diversity of New Orleans. Mediators donated a total of 1,720 hours to the Program through mediator trainings, mediation case preparation, and assisting with program evaluation.

Anonymous surveys administered after the mediations revealed that all 53 civilians and officers who participated in mediations thought that the mediation meetings were unbiased and appreciated having the opportunity to speak with one another. Nearly all officers agreed that mediation is a good way of resolving disputes

between civilians and police officers and would agree to mediation in the future. Most officers also agreed that mediation helped them understand the civilian's perspective better and helped build mutual respect. Nearly all civilians agreed that mediation helped them gain a better understanding of policing, helped build mutual respect, that they would mediate a complaint in the future, and would share information about a crime in their neighborhood with the police officer who participated in the mediation. After the mediation session, surveys showed an increase in both police officer and civilians' opinions that mediation would help resolve the issue(s), the civilians' view that mediation is a better option than formal disciplinary actions against police officers, that police officers have respect for the community they serve, and police officers' belief that mediation is a better option than formal disciplinary action.

In addition, OIPM trained more than 150 Field Training Officers, PIB Supervisors, Lieutenants, and Sergeants on conflict resolution and active listening through the Program. Mediation Program staff invested an additional 78 hours in outreach to NOPD in 2015.

OIPM trained more than 150 community members in conflict resolution and community mediation skills. The Program had nearly 800 contacts in 2015 with officers, civilian complainants, and others in the community.

In 2015, to ensure that the Program is guided by best practices, the OIPM created and administered a national online survey of other community-police mediation programs that confirmed that we were in line with national best practices and affirmed that the OIPM's Program exceeded most other program's number of mediations in their first year of operation.

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

“More than anything in the world, I wanted to sit down at a table with this officer and tell him how I felt. This program helped me do that. It felt so different, and I was glad my case was referred to mediation. I was able to confront the officer in a respectful way that helped us get down to the root of what was going on. It wasn’t just about me and him, but about this city, public safety, and how what he does can contribute to whether this city will survive, if local people will continue moving away, or if locally-owned businesses like mine will stay in business.”

—**Civilian complainant, mediation participant**



“We sat down face to face and talked about our perceptions of each other, how she perceived me as a white officer and how I perceived her as a young, black activist even to the detail of what the symbols on her jewelry make me think of her...Although I was uncomfortable at first, I realized how important it was to her to talk about race and it was eye-opening for me. I was able to explain policy and why I acted the way I did and she shared how she felt about how I treated her. Please tell anyone in the community or any officer they can contact me if they want to know more about mediation. This is good for our city.”

—**NOPD officer**

“It’s hard to explain how incredible it is to witness the transformations that happen during mediation. It is truly humbling and inspiring to watch officers and civilians hash out deep, hard problems like violence, crime, racism, and equality and really work together to find common ground and solutions. It is so rare for people to have a space and a process for solving conflict in a healthy way and it’s really incredible to see it working and making changes in people’s lives and their relationships with the police and with our city.”

—**Community-Police Mediator**

Part One PROGRAM OVERVIEW

INTRODUCTION

The New Orleans Community-Police Mediation Program of the OIPM provides a service to improve relationships between the community and NOPD, allow the NOPD's Public Integrity Bureau (PIB) to reallocate hours from lower risk complaints to higher risk complaint allegations, and improve trust and confidence 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 New Orleans Community-Police Mediation Program quickly became a national model assisting in the development of programs in other cities such as Ferguson and St. Louis, Missouri; Baltimore, Maryland; and Greenville, North Carolina.

As part of the OIPM's mission of public transparency and accountability, this report serves to inform the general public on the function and goals of the Community-Police Mediation Program and evaluate the Program's accomplishments in 2015.

METHODOLOGY

This report was developed according to the following methodology:

- (1)** A thorough review of national best practices related to the development of community mediation programs and community-police mediation programs;
- (2)** A review of local, state, and national laws and practices around mediation;
- (3)** A review and summary of the history of the origins, creation, and development of the New Orleans Community-Police Mediation Program;
- (4)** The creation and administration of a national online survey and study of more than ten other community-police mediation programs by the New Orleans Office of the Independent Police Monitor;
- (5)** The administration, compilation, and analysis of surveys and feedback from mediators, community members, and police officers after mediations;
- (6)** The administration, compilation, and analysis of surveys administered to officers and civilians 30 days after participating in a mediation session;
- (7)** The compilation and review of feedback from mediation and conflict resolution trainings with mediators, community members, and police officers; and
- (8)** A collection, analysis, and summary of 2015's data, survey results, and lessons from the Community-Police Mediation Program.

PROGRAM MANDATE

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

Section 2-1121 of Article XIII of the City Code and City Ordinance 23146² establish the OIPM. Within this ordinance, the City mandates that the OIPM shall create a mediation program for civilian complaints.

The Consent Decree requires a “community-based restorative justice project . . . to help remedy mistrust between NOPD and the broader New Orleans community and create an environment for successful problem-solving partnerships.”³ The Community-Police Mediation Program is a restorative approach to resolve conflict and improve trust and confidence between the NOPD and members of the community. Additionally, the OIPM-NOPD MOU was incorporated into the Consent Decree by reference and thus community mediation is also mandated by the Consent Decree.⁴

² “The IPM shall establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions with such mediation programs. Consent of the civilian complainant, the police officer involved, and the New Orleans Police Department shall be required before a case can be scheduled for mediation by a trained neutral mediator from outside the New Orleans Police Department.”

³ Consent Decree, page 108, Section VXIII, Subsection E., Paragraph 439.

⁴ 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.”



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. Research suggests that the health (or lack thereof) of police-community relationships has very serious and quantifiable consequences.⁵ When community members hold negative perceptions of police, whether justifiably or not, they are:

- Less likely to alert police to crimes that are 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 other words, when the community feels the police were discourteous, biased, or unprofessional, there is mistrust and an unwillingness to cooperate with police or call on them in times of emergency.⁶ Mediation offers a way to resolve police complaints to alleviate misunderstanding, fear, mistrust, anger, trauma, and resentment and contribute to the larger goal of enhancing neighborhood safety.

Traditionally, the NOPD Public Integrity Bureau (PIB) investigates civilian-initiated complaints of allegations of officer misconduct. After a complaint is filed, PIB or other NOPD supervisors investigate and make findings, and where appropriate, impose discipline. 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.

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 resulting in systemic changes as well. According to research by the Denver Office of the Independent Monitor, officers who participate in mediation often better 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 learn why and how to self-correct in mediation more readily than officers whose complaints are 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 more effective in changing officer behavior and alleviating civilian mistrust. These gains enhance the efficiency of NOPD and improve police-community relations, which leads to the ultimate goal of keeping communities safe.

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

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

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

8 Ibid.

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 Planning Committee, including elected and appointed government officials, community leaders, faith leaders, local mediators, community organizers, NOPD officers, the Police Association of New Orleans, the Black Order of Police, international experts, and criminal justice reform experts. Deputy Police Monitor Simone Levine, Executive Director of Community Relations Ursula Price, and Astrid Birgden, a renowned international expert in the field, shepherded the committee. 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 (66% mediated). Three cases that year were not mediated because the civilian feared retaliation from the officer, the officer declined to mediate, and the complaint included allegations not actually eligible for mediation. In 2015, the Program recruited additional mediators, expanded its training and outreach programs, and offered the first full year of mediation for eligible cases.



Sister Alison McCrary and Tracee Ford facilitating a role play mediation training session⁹

In 2014, the Program received a grant from the U.S. Department of Justice’s Community-Oriented Policing Services to commence the Program. In 2015, the Program was awarded a grant from Baptist Community Ministries to continue the Program’s implementation in its first and second full years of operation.

⁹ All photos of mediation sessions used in this report were role play mediation sessions for training and educational purposes and not actual mediation sessions. All of the participants in the pictures of mediation sessions are not actual civilian complainants or officers who participated in an actual mediation session.

PROGRAM STANDARDS AND BEST PRACTICES

The Community-Police Mediation Program Planning Committee—composed of community members, local leaders, NOPD, police associations, and others—developed the framework for the Mediation Program policy. As the program advanced, it adopted the Ten Point Community Mediation Model¹⁰ in line with national standards of community mediation. The New Orleans Community-Police Mediation Program strives to:

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

After researching community mediation programs around the country, the Office of the Independent Police Monitor selected the Inclusive Mediation Framework¹¹ to utilize for the program.

¹⁰ “The Ten Point Community Mediation Model” from Community Mediation Maryland, <http://mdmediation.org/about-community-mediation>

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 is 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 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 do not 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. They 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.

THE MEDIATION PROCESS

WHAT TYPES OF CASES GET MEDIATED?

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred for mediation are those that claim discourtesy, lack of professionalism, or neglect of duty. NOPD's Policy 1025 states that other complaints such as unreasonable use of force, unlawful search, and criminal allegations are ineligible for mediation.

The OIPM's Mediation Program also administers a screening tool to determine the appropriateness of the case 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. It asks if they would be able to name what they want from mediation and checks for potential fear of retaliation or harm. The tool helps determine if the person can represent their own needs and interests, if they can articulate them without fear of coercion or harm, and if they can participate and dialogue without any harm, threat of harm, or fear of harm to themselves or others.

WHERE AND WHEN DO MEDIATIONS TAKE PLACE?

In accordance with best practices in community mediation, the Mediation Program Director coordinates a mediation date, time, and location based on what would work best for the participants. 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 uniformed police officer(s), the civilian(s) who filed the complaint, two community mediators, and any support people that the officer and civilian choose to bring are present 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.

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



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.¹²

<http://www.mdmediation.org/training/cmms-model-mediation-training-practice>

20 STEPS OF MEDIATION



1. Officer and civilian have an interaction where potential officer misconduct occurred.



2. Civilian files a complaint of alleged officer misconduct.

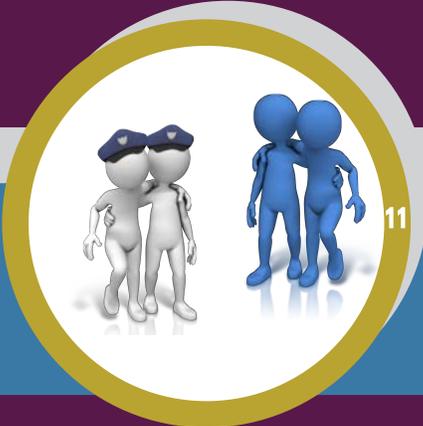


3. PIB determines if the complaint is eligible for mediation.

Mediation Process
 Explain Mediation
 Gather Information
 Identify Topic
 Brainstorm Solutions
 Agreements



11. Participants are invited to bring a support person to the mediation.
 12. Participants sign a confidentiality agreement and mediators explain the mediation process.



13. Civilian and officer share about the interaction and what's important to them. Both are fully heard and understood by each other.



14. Civilian and officer identify plans for the future. Both brainstorm ideas for what they want to see happen differently.



20



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19. Mediators report back about whether officer participated in good faith.
 20. Mediation Program administers a 30-day follow up survey.



4. PIB refers complaint to IPM's Mediation Program.



5. Program Director screens case for misclassifications, then contacts officer and civilian to explain/offer mediation.



6. Officer agrees to mediate and signs consent form.

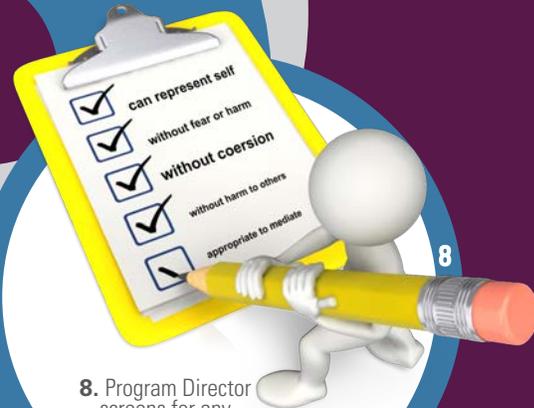


7. Civilian agrees to mediate and signs consent form.

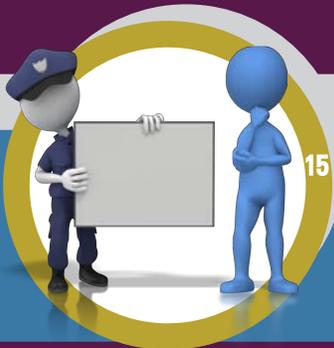


9. Program Director coordinates a time and community location for mediation.

10. Two mediators selected based on availability and demographics.



8. Program Director screens for any threats or fear of retaliation.



15. Civilian and officer decide which ideas they want to commit to.

16. Civilian and officer provide details and any follow up they want to create.



17. Officer, civilian, and mediators complete anonymous surveys.

18. Mediators destroy notes to maintain confidentiality.





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 often enough for some people. 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 complaints 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 incidents to help illustrate the types of issues that could be handled by mediation and the subsequent agreements formed:

Scenario 1: Skateboarding

Conflict Scenario: Recently, Ms. Woods' 15-year-old son Ben was skateboarding in a neighborhood parking lot when she got a call from Ben's friend that he was hurt. When Ms. Woods arrived, Ms. Woods tried to go to her son to help but Officer Jones blocked her way and aggressively told her to stay back and that he was handling the scene. Ms. Woods was livid that she couldn't get to her bleeding son and also knows that this officer routinely harasses her son and the other skateboarders and seems to think that skateboarding is a crime, while she believes it helps keep Ben focused and away from drugs and violence. Ms. Woods filed a complaint against Officer Jones for being rude, arrogant, and unprofessional.

Sample agreements made in mediation:

- Officer Jones provides information to civilians (in this case, Ms. Woods) when they arrive to an accident involving their child.
- Ms. Woods cooperates with Officer Jones or other officers when there is an incident.
- Officer Jones respects skateboarding and stops seeing it as a criminal activity.
- Officer Jones apologizes to Ms. Woods for raising his voice.
- Officer Jones speaks respectfully to Ms. Woods and civilians.
- Ms. Woods invites Officer Jones to attend the next community association meeting on July 30th to discuss how to make skateboarding more safe and establish guidelines for youth to follow.
- Officer Jones attends the next community association meeting.
- Officer Jones invites other officers to come to the neighborhood association meeting during the next roll call meeting.
- Ms. Woods disciplines her son if he skateboards in unauthorized places.
- Ms. Woods organizes a Parents of Skateboarders group to help parents take shifts in watching skateboarders at the skate parks for the safety of the children.
- Ms. Woods schedules a ride-along with NOPD to learn more about police procedures and understand the challenges and limitations that officers face on the job.
- Ms. Woods ensures that her son will only skateboard in public skate parks and not in areas that prohibit skateboarding.
- Officer Jones visits the Parisite Skate Park to learn more about skateboarding.

Scenario 2: Communication During an Investigation

Conflict Scenario: Mr. Baldwin's son was recently murdered and the police investigation to find his body is still underway. Mr. Baldwin received information that he thinks could help the police find the body but every time he calls the station to speak with Detective Everett (who is handling the case), he either gets voicemail or is told that the Detective is not available and will call him back. It's been two weeks and Mr. Baldwin hasn't received any return calls and he is extremely frustrated. He even went to the station in person and was told the Detective would be back shortly. After waiting for three hours, he filed a complaint for neglect of duty.

Sample agreements made in mediation:

- Detective Everett returns calls within 24 hours.
- Detective Everett asks his supervising sergeant and the district commander to improve the system of relaying messages so that messages aren't lost.
- Mr. Baldwin gets Detective Everett's email address so he can communicate in ways other than the phone.
- Mr. Baldwin gets Detective Everett's partner's contact info so that there are other people he can contact when Detective Everett is off duty.
- Detective Everett leaves an "away message" when he is on vacation with his return date.
- Detective Everett comes to Mr. Baldwin's home to discuss more details of the case.
- Detective Everett provides regular updates each Friday morning on the status of the investigation to Mr. Baldwin.
- Mr. Baldwin understands that his case is one of many that the detective has to investigate.
- Mr. Baldwin contacts Silence is Violence, a community non-profit, to receive support and help other murder victim's families with support and navigating the system.

New Mediators Training class with officers and community members





SYSTEMIC CHANGE OUTCOMES 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, important issues to surface during mediation sessions. During the past year, civilians and officers have engaged in productive conversations about:

- how to decrease violence in New Orleans
- race relations
- police response times
- what public safety looks like to each participant
- food truck vending at second lines and parades
- managing and living with trauma and violence
- biases within the police department and community
- the value of cultural traditions and ritual
- the importance of supporting and protecting local businesses
- the importance of having a voice and being heard
- the history of policing and violence in New Orleans and nationally
- 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 creates a much-needed safe space for civilians and officers to talk about what is important to them, including how to keep their communities safe.

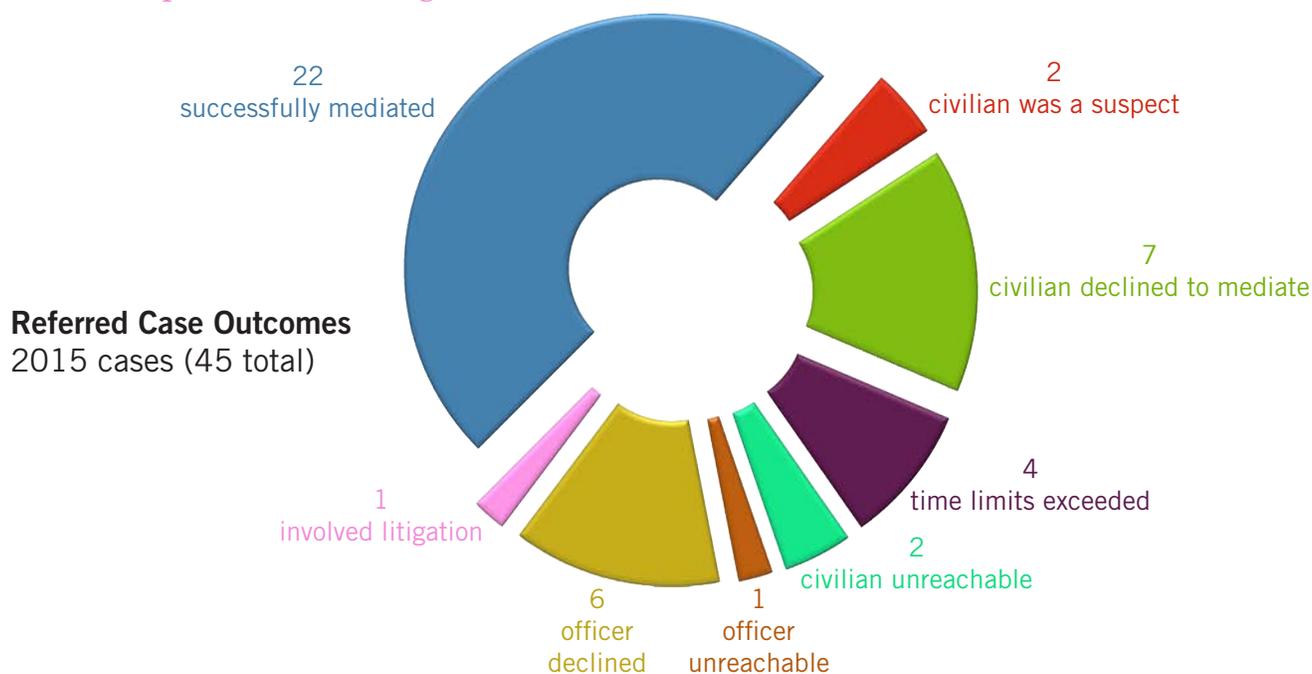
Part Two Program Evaluation

2015 MEDIATION CASE DATA

NUMBER OF CASES

In 2015, the Program's first full year of operating, the PIB referred a total of 45 cases to the Community-Police Mediation Program. 49% of the referrals were successfully mediated. Of the 45 referrals:

- Twenty-two cases were successfully mediated.
- Two cases did not go to mediation because the civilian complainant was the suspect of the crime related to the officer's alleged misconduct.
- Seven civilians declined to mediate for various reasons such as: one felt that writing a letter to NOPD, the mayor, and others would help obtain the solution they were looking for; one needed to use any of her spare time to find her missing loved one; another didn't have time to mediate; and one couldn't take any time off from her jobs for a mediation.
- Four cases did not go to mediation because time limits were exceeded in accordance with NOPD Policy 1025 and the police officers "Bill of Rights" in regards to timing of investigations of alleged officer misconduct.
- Two civilians could not be contacted because of non-working phone numbers provided.
- One officer could not be contacted for mediation.
- Six officers declined to mediate either because they decided they would receive a more favorable outcome of the investigation on their disciplinary record through the traditional complaint investigation process of PIB or because they felt that the civilian filed the complaint to have a ticket dismissed and elected not to mediate for that reason.
- One complaint involved litigation.



MEDIATION SESSION LENGTH

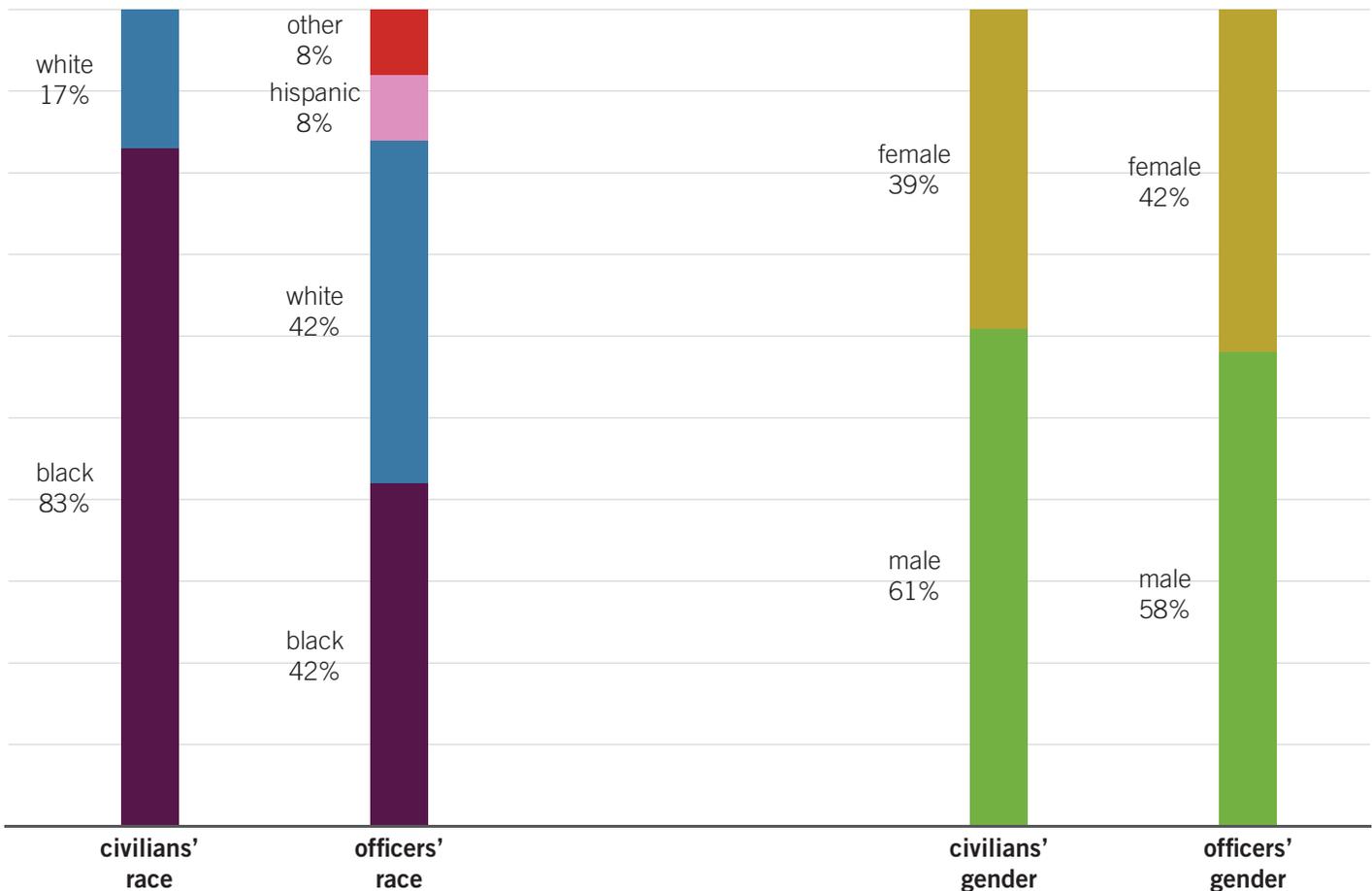
Of the 22 cases mediated in 2015, the average length of each mediation session was 100 minutes.

DEMOGRAPHICS OF MEDIATION PARTICIPANTS

In 2015, 26 civilians and 27 officers participated in mediation sessions through the Program. Both officers and community members may bring a non-speaking support person to the mediation session and several participants elected to bring a support person with them in 2015.

Mediation Participants' Demographics

2015 race & gender of civilians and officers



AT A GLANCE: Who Participated in Mediation?

Demographics of Civilian Participants

83% black, 17% white
61% male, 39% female
72% employed, 11% students, 17% unemployed

Demographics of Officer Participants

42% black, 42% white, 8% Hispanic, 8% other
58% male, 42% female
Average # of years of police service: 13 years

LOCATIONS OF MEDIATIONS

Mediations take 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 2015, mediations took place at the following locations:

- A. L. Davis Park, NORD
- Algiers Branch, New Orleans Public Library
- Ashé Cultural Arts Center
- East New Orleans Regional Library
- Franklin Avenue Baptist Church
- Galilee Baptist Church
- Greater St. Stephen Full Gospel Baptist Church
- Hope House
- Joe Brown Park, NORD
- Main Branch, New Orleans Public Library
- Neighborhood Housing Services (NHS)
- Norman Mayer Branch, New Orleans Public Library
- Pleasant Valley Missionary Baptist Church
- Rosa Keller Branch, New Orleans Public Library
- St. Gabriel the Archangel Catholic Church
- St. Paul the Apostle Catholic Church
- Tremé Community Center, NORD



MEDIATOR DATA: DEMOGRAPHICS AND VOLUNTEER HOURS

The New Orleans Community-Police Mediation Program currently has 32 mediators. In 2015, 12 new mediators were carefully selected from a pool of nearly 100 applicants. These new mediators received a free initial 50 hours of CLE-approved mediation training. Throughout the year, the Program offers monthly professional development training to help the mediators maintain and build their skills. In 2015, the Program provided 24 hours of Professional Development training through in-service mediator training.

MEDIATOR DEMOGRAPHICS

RACE	GENDER	AGE
45% Black	47% Male	16% 30 yrs & under
43% White	53% Female	30% 31 to 40 yrs
7% Hispanic		27% 41 to 50 yrs
5% Native American		27% 51 yrs & up

Mediators volunteer for all training, prep work, and professional development time. Mediators also volunteer their time to help with programming, operations, and evaluation. For each mediation session they facilitate, mediators receive a stipend.

AT A GLANCE: Hours Mediators Volunteered their time for in 2015

850 hours donated towards programming, evaluation, mediation prep

600 hours donated for new mediator training

270 hours donated for professional development training

TOTAL: 1,720 hours of donated time



2015 New Mediators Training Group Photo

SURVEY DATA AND PARTICIPANT FEEDBACK

At the end of each mediation session, the officer, civilian, and two mediators are asked to complete surveys. The surveys are anonymous, voluntary, and aim to gather feedback for program evaluation and improvement. 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 opinions and experiences of the mediation process.

QUANTITATIVE SURVEY RESULTS

Evaluation findings from pre- and post-mediation session surveys include:

- **100%** **53 out of 53** of all police officers and civilians thought that the mediation meetings were unbiased.
- **100%** **53 out of 53** of all police officers and civilians appreciated having the opportunity to speak with one another.
- **89%** **23 out of 26** of civilians agreed that, “This session helped me gain a better understanding of policing.”
- **92%** **25 out of 27** of police officers agreed that, “Mediation is a good way of resolving disputes between civilians and police officers.”
- **100%** **27 out of 27** of police officers agreed that, “The mediation session helped build mutual respect between me and the civilian.”
- **83%** **22 out of 26** of civilians agreed or strongly agreed that, “The mediation session helped build mutual respect between me and the officer.”
- **92%** **25 out of 27** of police officers agreed that, “This session helped me gain a better understanding of the civilian’s point of view.”
- **100%** **27 out of 27** of police officers agreed that, “If I receive a civilian complaint in the future I would agree to a mediation meeting.”
- Most civilians agreed that, “If I have a complaint against a police officer in the future, I would agree to a mediation meeting.”
- Most civilians agreed that, “If I had information about a crime or incident in my neighborhood I would share that information with the police officer who participated in the mediation.”

After the mediation session, surveys showed an **increase** in:

- Both police officer and civilians’ view that mediation would help resolve the issue(s).
- Civilians’ view that mediation is a better option than formal disciplinary actions against police officers.
- Civilians’ view that police officers have respect for the community they serve.
- Police officers’ view that mediation is a better option than formal disciplinary action.

QUALITATIVE SURVEY RESULTS

Feedback from participants in the mediation room most accurately reflects the transformations that happen in the relationships between civilians and officers.

FEEDBACK FROM CIVILIAN COMPLAINANTS:

 “More than anything in the world, I wanted to sit down at a table with this officer and tell him how I felt. This Program helped me do that. It felt so different and I was glad my case was referred to mediation. I was able to confront the officer in a respectful way that helped us get down to the root of what was going on. It wasn’t just about me and him but about this city, public safety, and how what he does can contribute to whether this city will survive, if local people will continue moving away, or if locally-owned businesses like mine will stay in business.”

 “I feel so much better after talking to the officer in mediation. Really, we just had different perceptions about what was happening and now we are able to see each other’s sides rather than get mad about it. I really feel like she [the officer] understood me and cares about me.”

 “I learned about police protocol and challenges and would recommend it to friends or family considering the process.”

 “I never thought I’d say it, but maybe New Orleans cops aren’t that bad. Officer B. really took the time to hear me out and I truly appreciated the chance to speak eye to eye with him.”

 “I liked to be able to share my perspective with the officer and that he was able to understand my point of view and apologize about the way he approached me.”

 “I got the chance to speak out. I was able to speak up about the situation, and get some clarification about what happened and tell her what I felt like she did wrong.”

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

 “I liked to be able to share my perspective with the officer and that he was able to understand my point of view and apologize about the way he approached me.”

 “The mediators reiterated what I felt as well as what the officer felt. Solutions were offered and I felt that my voice was heard.”

 “I learned new things. The process was more in depth than I expected.”

FEEDBACK FROM POLICE OFFICERS:

 “After the mediation, I became more aware of community needs. I got a better understanding of how people view the police. I would encourage others to take advantage of the opportunity.”

 “It opened my eyes that I should treat the public better and communicate with residents in a new way... even though I might be having a bad day. I should remember that they are the victim and that no matter how bad my day is going I should take them into consideration because they are the victim of a crime or something or else they wouldn’t be calling the police.”

 “I valued being able to hear each other and establish common ground. I also appreciate that there is an option for handling complaints in a non-punitive way.”

 “I liked getting to have both participants sit down and work through things to find out how we can better things in the future, whether it be something that I made a mistake in or whether it’s something that they can do differently.”

 ““It was helpful getting the average person who’s not the police to understand your side as a police officer as well as get you to understand their feelings because a lot of times when you’re interacting with people on the street, they don’t really express how they’re feeling until after. It’s like they want to say so much but everything doesn’t come out and I guess because people’s emotions are all over the place so it [mediation] just gives you a chance to really understand.””

 “We were able to sit down face to face and talk about our perceptions of each other, how she perceived me as an older white officer and how I perceived her as a young, black activist even to the detail of what the symbols on her jewelry make me think of her. We had a good lengthy discussion about race in a safe space we couldn’t have during our first encounter. I didn’t want to go into it but she brought up race so the mediators invited us to talk about it since it was important to her. Although I was uncomfortable at first, I realized how important it was to her. It was eye-opening for me as I’ve never had these conversations with someone of color. I was able to tell her what the policy was and why I acted the way I did and she also shared how she felt about how I treated her. Please tell anyone in the community or in the police they can contact me if they want to know more about mediation. This is good for our city.”

FEEDBACK FROM MEDIATORS:



“Every time I mediate, I am impressed by the commitment of both officers and civilians to making New Orleans better, and amazed at the solutions they come up with to do so. It’s amazing to see so much positive change, especially since much of what you see and hear about police is negative. The officers and civilians who I see in mediations are heroes and I hope everyone in New Orleans takes advantage of opportunities to mediate!”



“It’s hard to explain how incredible it is to witness the transformations that happen during mediation. It is truly humbling and inspiring to watch officers and civilians hash out deep, hard problems like violence, crime, racism, and equality and really work together to find common ground and solutions. It is so rare for people to have a space and a process for solving conflict in a healthy way and its really incredible to see it working and making changes in people’s lives and their relationships with the police and with our city.”



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



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



“This program is an awesome example of how to create a safer, more peaceful and more just city. I am honored to be a part of it.”

Part Three Program Activities

NOPD AND COMMUNITY ENGAGEMENT

NOPD POLICE ACADEMY TRAININGS

The Community-Police Mediation Program conducted regular trainings at the NOPD Police Academy on approaches to conflict, mediation, active listening skills, and conflict resolution skills. In 2015, the Program provided a total of 16 hours of training to more than 150 Field Training Officers, Public Integrity Bureau Supervisors, Lieutenants, and Sergeants.

Police Officers provided overwhelmingly positive feedback on the training in their written evaluations. More than 90% of officer surveys reported strong agreement that the instructor demonstrated knowledge of the subject, provided constructive feedback, covered the course objectives, and was interactive during the training. More than 90% also strongly agreed that the Program was useful and informative and that the training can be applied to enhance their job performance. Qualitative feedback included:

- “This class was truly helpful and should be part of the training for all officers so all of them will have better understanding and the skills to work better with the public.”
- “The class was very interactive. She kept the entire class engaged through-out, which is very difficult, especially with police officers.”
- “Sister McCrary really cares about both civilians and officers!!! I hope this is also being taught to the new recruits in academy. The class was a pleasure.”
- “This was an enjoyable class. The training was great. The instructor was absolutely fabulous.”
- “The instructor was well-prepared. Understanding the importance of and practicing how to ask open-ended questions was helpful in my work with the community.”
- “This training was very helpful in learning how to work with the community we serve and the interactiveness of the class kept all of us engaged for the full four hours. The role play scenarios helped us practice what we learned.”
- “This class gave me new perspectives on communication. I learned how and when mediation can be used to resolve conflict. I learned to see things differently.”
- “This class was a sole reminder to try and understand how the public feels about the situation, not just the outcome. Practical exercises helped with hands on implementation.”
- “I liked how we learned to work together and better understand how to resolve and identify different types of conflicts and the various approaches to conflict.”



OUTREACH TO NOPD IN 2015

- Presented the Mediation Program at 24 NOPD roll call meetings at all eight police districts during day watch, second watch, and night watch.
- Provided ten hours of free services to help resolve internal NOPD conflict.
- Provided a three-hour large group mediation in one police district to help resolve a district-level conflict between the community and district police supervisors and detectives.
- Presented at two Community-Police Advisory Board Meetings and to NOPD chaplains.
- Provided 50 hours of Inclusive Mediation Training to four officers and sergeants who participated in the training provided to a new class of mediators. Officers gained an in-depth understanding of the Program and mediation process to serve as advocates for the Program and also provided crucial insight on policing to new mediators.

Active Listening, Conflict Resolution, and Mediation class at NOPD Police Academy





Mediation Trainer, officer, and new mediators during the “Graduation Circle” at 2015 New Mediators Training

COMMUNITY MEDIATION WORKSHOPS AND TRAININGS

Through partnerships with the Louisiana Public Health Institute, Community Mediation Services, the Center for Restorative Approaches, and Loyola University College of Law Skills Courses, the OIPM trained **more than 150 people** in community mediation skills in 2015. Some students of the mediation classes anonymously provided written feedback after the class:

- “This is the best skills class at Loyola that I have attended. I would highly recommend it to others. The courses paired great instruction with useful information.”
- “This is the best skills course that I have ever taken! It was definitely a skill that will help me in the future.”
- “This was probably the most useful skills class I have been to.”
- “This course has been my most favorite. It got us out of our seats and interacting with each other. I loved being able to get a hands on experience with the mediation process.”
- “Having mediators come and demonstrate what they do in a mediation was an invaluable experience! Loved this course.”
- “It is always such a joy to attend a skills course when Alison McCrary is the person hosting the course. Her knowledge is always useful and practical for anyone in attendance.”

By providing community training, increasing awareness, and promoting understanding of mediation, the OIPM increases the use of community mediation to resolve conflicts in the community that would usually be handled by law enforcement. In turn, the utilization of community mediation has assisted with effectively resolving conflict with lasting solutions, reallocating police resources to where it is needed most to prevent or address violent crime, and decrease police response times to calls.

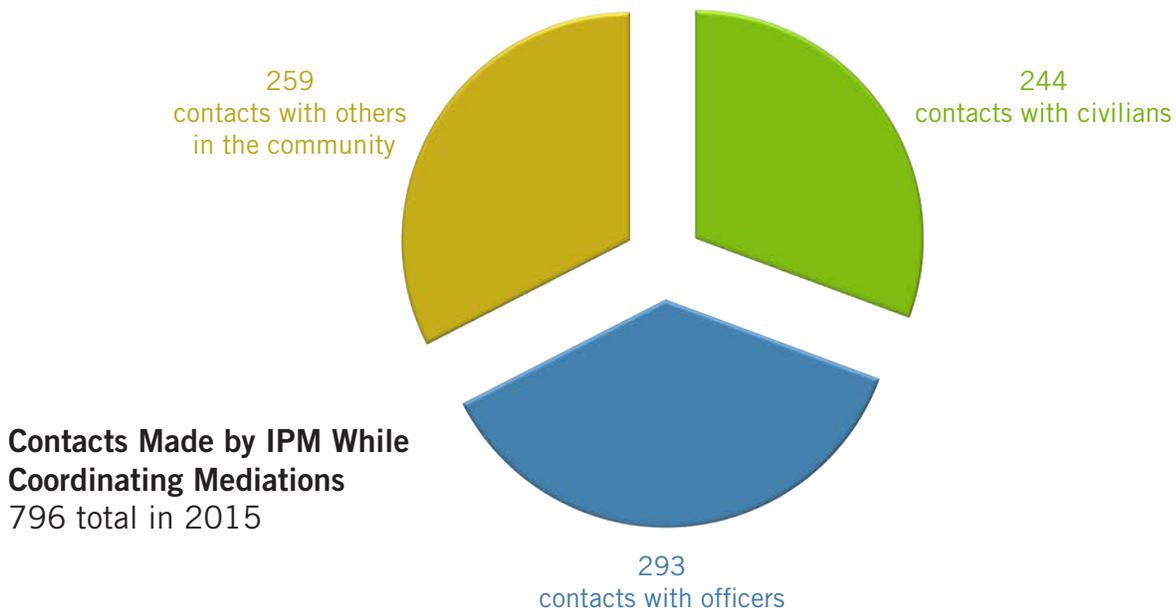
CONTACTS WITH THE COMMUNITY

Each communication that the Program has with people contributes to achieving the overall goals of the Mediation Program and the OIPM. The process of coordinating mediations involves an extraordinary amount of time and communication with the various mediation participants including the civilians who filed a complaint, their family members, the officers, their supervisors, and community organizations that serve as venue hosts. Through the process of setting up mediations, Program staff and volunteers engage the community by educating them about mediation as a tool for conflict resolution, modeling active listening and communication skills, making people feel heard and understood, and informing the community about the Office of the Independent Police Monitor.

AT A GLANCE: How Many Connections?

In 2015, the Community-Police Mediation Program engaged via phone, email, and in-person:

- 244 contacts with civilians
- 293 contacts with officers
- 259 contacts with others in the community (such as venues, people calling about the Program, family members, supervisors, and other support people)



In addition to community contacts for coordinating mediations, in 2015, the Community-Police Mediation Program Director made contacts locally and nationally. Sister Alison McCrary served on the Leadership Team for the Association for Conflict Resolution's Community Mediation Section and was elected President of the Louisiana Chapter of the National Lawyers Guild, the oldest public interest bar association in the United States. In these capacities, she helped serve the local and national community of professionals in the fields of mediation, conflict resolution, police oversight and accountability, and public interest law.



Presentation to Distinguished African Leaders with Community Mediation

PRESENTATIONS AND PUBLICATIONS

As part of our community outreach and education, the Community-Police Mediation Program of the OIPM presented to several local community organizations and national conferences, including the following:

- **February 23, 2015** — Presentation to Indonesian Delegation visiting New Orleans through the New Orleans Civilian Diplomacy Council
- **May 27, 2015** — Public talk radio on Judge Calvin Johnson’s radio show on 102.3FM WHIVfm with Susan Norwood and Lou Furman of Community Mediation Services
- **June 18, 2015** — “Community-Police Mediation Programs as a Restorative Approach to Reconcile Relationships and Rebuild Reliance in Police Departments” presentation at New York Chapter of Association for Conflict Resolution Conference
- **September 8, 2015** — Presentation at 8th District Police-Community Advisory Board Meeting
- **September 10, 2015** — Presentation at 6th District Police-Community Advisory Board Meeting
- **September 23, 2015** — Presentation to the Inter-American Council on Human Rights
- **October 8, 2015** — “Facing and Foiling Ferguson: Community-Police Mediation Programs as a Restorative Approach to Reconcile Relationships and Rebuild Reliance in Police Departments” presentation at the National Association for Conflict Resolution Conference in Reno, Nevada
- **October 10, 2015** — “Using Community Mediation as a Tool for Systemic Change in Criminal Justice Reform” on Community Mediation Day at the National Association for Conflict Resolution Conference in Reno, Nevada
- **December 11, 2015** — Presentation to Distinguished African Leaders through the New Orleans Civilian Diplomacy Council with Community Mediation Services

In addition, the Program Director co-authored an article in the October/November 2015 Louisiana State Bar Association Bar Journal entitled “Building Trust in Law Enforcement: Community-Police Mediation in New Orleans.”¹³

13 <http://files.lsba.org/documents/publications/BarJournal/Feature2-Furman-McCrory-LBJ-OctNov2015.pdf>



New Mediators Training class with officers and community members

Part Four NATIONAL SURVEY DATA RESULTS ON COMMUNITY-POLICE MEDIATION PROGRAMS

One of the OIPM's commitments when creating the Community-Police Mediation Program was to regularly evaluate the Program for efficiency and effectiveness. The New Orleans Community Police Mediation Program created and distributed an online national survey, with ten-point platform for community mediation¹⁴ as a guide, to compile and compare mediation program results. The comparison ensures that the Program has high quality results.

The following eleven programs' data and responses are included in this survey:

- (1) Albany Civilians' Police Review Board, **Albany, New York**
- (2) Office of the Police Monitor, **Austin, Texas**
- (3) Police Review Commission of the City of Berkeley Police, **Berkeley, California**
- (4) Boston Police Department, **Boston, Massachusetts**
- (5) Community Mediation Center of Calvert, **Calvert County, Maryland**
- (6) Office of Community Complaints, **Kansas City, Missouri**
- (7) Internal Affairs Group of the Los Angeles Police Department, **Los Angeles, California**
- (8) Office of the Independent Police Monitor, **New Orleans, Louisiana**
- (9) NYC Civilian Complaint Review Board, **New York, New York**
- (10) Independent Police Review, **Portland, Oregon**
- (11) Office of Citizen Complaints, **San Francisco, California**

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



The chart below shows a comparison of some of the numeric data collected in survey responses of the eleven cities that participated in the survey and of collecting data from other sources:

NATIONAL SURVEY DATA RESULTS

CITY	MEDIATIONS IN 2015	TOTAL COMPLAINTS RECEIVED IN 2015	SWORN OFFICERS IN POLICE DEPARTMENT	FIRST FULL YEAR PROGRAM BEGAN
Albany	0	39	331	2015
Aurora	3	unavailable	682	unavailable
Austin	5	68	2,300	2011
Berkeley	1	21	172	1984
Calvert County	1	48	125	2000
Denver	38	396	1,442	2006
Kansas City	6*	327	1,354	2000
Los Angeles	34	137†	9,891	2014
Minneapolis	1	344	848	unavailable
New Orleans	22	830	1,163	2015
New York City	205	4,469	34,500	1997
Portland, OR	8	388	948	2002
San Francisco	45	673	2,208	1995
Washington, D.C.	42‡	407	3,789	2001

* Kansas City reported completing 6 mediations and 29 conciliations.

† 137 complaints in Los Angeles were reported as eligible for mediation as only cases of biased policing and some discourtesy complaints are eligible.

‡ Washington, D.C. Office of Police Complaints mediation counts are for the fiscal year from October 1, 2014—September 30, 2015.

Using the national survey results and field observations, the OIPM compared its Program to others to see whether other programs use the strategies that the OIPM and others have identified as best practices. The following best practices were examined:

- **Employing a full-time mediation coordinator**

 **64%** 7 of 11 programs employ a full-time mediation program director. 36% of programs employ a part-time director. The New Orleans Community-Police Mediation Program has one full time Mediation Program Director who also assists with other responsibilities at the Office of the Independent Police Monitor and who has the assistance of two part-time volunteer interns.

- **Surveying participants after mediation**

 **91%** 10 of 11 of programs survey participants after a mediation. The New Orleans Community-Police Mediation Program provides an anonymous survey for the officer, civilian complainant, and two mediators after every mediation. In addition, a 30-day follow up survey is conducted by phone to the officer and civilian by a program volunteer.

- **Voluntary mediation**

100% **11 of 11** programs responded “Mediation is voluntary for officers and civilians.” Research shows that voluntary participation is essential to the mediation process. When mediation is imposed on unwilling participants, it hinders its efficacy and compromises its process. When participants are invited to participate on their own free will, they engage more fully and the benefits of the process increase.¹⁵ The New Orleans Community-Police Mediation Program is voluntary both for officers and civilians. In 2015, officers and civilians in 22 out of 45 (49%) cases referred to mediation had officers and civilians voluntarily agree to mediate. In 2015, 14 out of 45 (31%) potential participants including both officers and civilians declined to participate for various reasons.¹⁶

- **Co- mediation**

64% **7 of 11** programs use two co-mediators. 36% of programs use one mediator. Research shows that participants benefit from a co-mediation model for matters involving dynamics such as age, gender, ethnicity, and cultural background. Participants benefit from a combined set of skills and there are more checks for potential biases participants may have of a mediator’s shortcomings. The mediators are also more likely to represent the demographics of the participants which increases the chance for building trust with participants.¹⁷ Co-mediation supports quality assurance, mediator skill growth, and mediator comfort.¹⁸ The New Orleans Community-Police Mediation Program utilizes co-mediation in all of its mediations.

- **Officers are in full uniform for mediation**

55% **6 of 11** programs have their officers in full uniform. 27% are in full uniform most of the time. 18% are not in full uniform. Many community mediation programs are concerned about this issue, as the uniform can symbolize the unique power of the officer and could create a power imbalance in mediation. While some mediation programs instruct officers to appear in civilian attire, others (including New Orleans) believe that since the complainant and officer first made contact in these status positions and a power imbalance is a real aspect of their relationship, the uniform may actually increase the significance of a satisfactory mediation.¹⁹ It also allows for officers to respond to calls for service before or after or on their way to or from the mediation session. The New Orleans Community-Police Mediation Program has officers in their full uniform during the mediation.

- **Days to complete mediation from date of complaint**

44% **4 of 9** of the programs surveyed²⁰ have no time limit in which to complete the mediation process. Two programs have 45 days to complete the mediation. One program has 30 days to complete the mediation. One program has 90 days to complete the mediation. The New Orleans Community-Police Mediation Program has the fewest number of days nationally to complete the mediation session with 25 days from the date the complaint was filed.

15 Smith, Gary. “Unwilling Actors: Why Voluntary Mediation Works, Why Mandatory Mediation Might Not.” *Osgoode Hall Law Journal* 36.4 (1998) : 847-885.

16 Another nine cases did not move forward with mediation for reasons other than that the participant was not interested or willing to mediate.

17 Keys, Bianca. “Co-mediation: positives, pitfalls, and lessons learned.” *ADR Bulletin*: Vol 11: No 4, Article 3. 2009

18 “Best Practices in Volunteer Management.” *Community Mediation Maryland*. <http://mdmediation.org/sites/default/files/VolunteerManagementBestPractices.pdf>

19 Walker, Samuel, Carol Archbold and Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders Web Version* (Washington, DC: Government Printing Office, (2002).

20 Two of the eleven programs surveyed did not respond to this question.

- **Mediations take place in neutral community spaces**

45% **5 of 11** of programs host mediations in community spaces like libraries and community centers. 55% of programs host mediations in the office that coordinates the mediation. A best practice in community mediation is hosting the mediation in the neighborhood where the dispute occurred.²¹ The New Orleans Community-Police Mediation Program host mediations only in spaces that are comfortable, neutral, safe, and convenient for both participants of the mediation. In line with best practices, during intake, as much information as possible is obtained about what a convenient location would be for the participant.²² Many mediations take place within a one mile of the civilian's residence. In 2015, the majority of cases took place in community centers, public libraries, churches, and recreation department center meeting spaces.

- **Matching demographics of officer and civilian to the mediators**

55% **6 of 11** programs “match or try to match the demographics of the mediators to the participants.” 45% of programs do not match or try to match demographics of the participants to the mediators. Studies say that having at least one mediator at the table match the race of the participants is positively associated with participants reporting that they listened and understood each other and that they jointly controlled the outcome.²³ The New Orleans Community-Police Mediation Program matches the race, gender, age, and socio-economic background of the officer and civilian to that of the two mediators as much as possible and reviews the demographics to identify which areas they need to focus on in recruiting new mediators in line with best practices.²⁴

- **Training of Mediators**

New Orleans' Community-Police Mediators receive the most extensive specialized initial and ongoing training in the country for community-police mediation. Training and quality control of mediators is essential to the success of a community mediation program. New Orleans' mediators undergo 50 hours of specialized rigorous training in the Inclusive Model of community mediation whereas other cities' programs require 40 hours at most. The New Orleans Mediation Program also provided monthly in-service training for all mediators in 2015 for three hours each month. Only 54% of surveyed community-police mediation programs provided such ongoing in-service training even though it is a best practice in community mediation centers around the country. Nine NOPD lieutenants, sergeants, and officers participated in the 50-hour initial training and other officers voluntarily participate in monthly training sessions.

- **Volume of Cases**

To determine the effectiveness of the New Orleans Community-Police Mediation Program as it relates to the volume of complaints mediated in the program's first year of operation, the OIPM asked other cities' programs for data related to their volume of cases in their first years of program implementation. Nearly all cities that were surveyed reported significantly less cases mediated than the New Orleans Program. In its first year of implementation, San Francisco reported zero mediations, New York City reported two mediations, Berkeley reported five mediations, Los Angeles reported twenty-five mediations, and Calvert County reported one mediation. New Orleans mediated 22 civilian-initiated complaints in its first year.

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

22 “Best Practices in Case Management.” Community Mediation Maryland <http://mdmediation.org/sites/default/files/BestPracticesCase.Management.pdf>

23 Charkoudian, Lorig and Ellen Kabcenell Wayne. “Fairness, Understanding, and Satisfaction: Impact of Mediator and Participant Race and Gender on Participants' Perception of Mediation.” *Conflict Resolution Quarterly*, vol 28:1, Fall 2010

24 “Best Practices in Volunteer Management.” Community Mediation Maryland. <http://mdmediation.org/sites/default/files/VolunteerManagementBestPractices.pdf>

Part Five LESSONS LEARNED, RECOMMENDATIONS, AND CONCLUSION

LESSONS LEARNED

In 2015, the Community-Police Mediation Program became more developed and streamlined in its processes for trainings, intake, and mediation case tracking. In addition, lessons were learned around our use of technology to facilitate mediations, the need to create a more formal cancellation policy, and the use of electronic signatures.

Mediations Using Technology

In 2015, the Community-Police Mediation Program was able to experiment with how to accommodate civilians who would like to participate in mediation and reside outside of New Orleans or outside of Louisiana. The OIPM had three opportunities to utilize mediation by phone and by Skype video call. Through the two phone mediations, the OIPM learned that community mediation is best conducted face-to-face and in person. While other methods of conflict resolution such as negotiation and arbitration may be conducted by phone, mediation usually involves a relationship and a wide array of feelings that are expressed using non-verbal communication that cannot be communicated by phone. Phone mediations also did not result in the same level of accountability for the participants and thus hindered the depth of the interaction. As a result, the OIPM decided to not utilize the phone for mediations for participants who reside outside of Louisiana moving forward. However, in 2015, the OIPM had their first mediation by Skype video call and it was successful. The video allowed for participants to see each other and for mediators and participants to read the body language and non-verbal communication being expressed. As a result, in the future, the OIPM will continue to provide Skype or another video conferencing tool for mediations between officers and civilians.

Mediation Cancellation Policy

In 2015, two mediations were cancelled within 24 hours of the scheduled day and time for the mediation. As a result, the Program decided that a mediation may only be rescheduled at the officer or civilian's request with a minimum of two days of notice. A mediation session may only be rescheduled one time after the originally scheduled day and time.

Electronic Signature

Through the OIPM's first full year of operation, obtaining signatures from civilians and officers in person on the necessary mediation forms provided a hindrance to four cases moving forward with mediation because of strict timelines within NOPD Policy 1025. As a result, in accordance with Louisiana Revised Statute 9:2607²⁵, the Community-Police Mediation Program began offering electronic signatures on forms.

25 RS § 9:2607—Legal recognition of electronic records, electronic signatures, and electronic contracts:

- A) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
- B) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
- C) If a law requires a record to be in writing, an electronic record satisfies the law.
- D) If a law requires a signature, an electronic signature satisfies the law.

RECOMMENDATIONS

Increase Officer's Willingness to Mediate Cases

Finding #1: OIPM has anecdotal evidence that officers are concerned that mediations will reflect negatively on their personnel record.

While 2015 saw an increase in officers' willingness to try mediation to resolve disputes between them and civilians, towards the end of 2015 there was a decrease in officers' voluntary consent to mediate complaints. Officers shared that a reflection on their disciplinary record of a "mediated" complaint to them, signifies that they were guilty of the accusation and see "unsustained" or "exonerated" as a more favorable outcome. A culture shift is needed for officers to understand that mediating a case does not mean they are admitting to any wrongdoing.

Recommendation #1:

- **NOPD educate and inform all NOPD employees each quarter through roll call and staff meetings about the positive outcome of mediations and that it closes the misconduct investigation in a more timely and satisfactory manner.**
- **NOPD educate and inform all NOPD employees that a "withdrawn-mediated" outcome is not interpreted by supervisors or NOPD leadership as an admission of wrongdoing.**
- **NOPD adjust their misconduct investigation and discipline policy to explicitly state that there will be no penalty for unsustained allegations whether through discipline or missed opportunities for promotions or training.**



Finding #2: OIPM has observed and received feedback from officers, civilians, and mediators about successful agreements and outcomes around race and discriminatory policing.

NOPD's Policy 1025 currently states that discriminatory policing allegations may not be referred to mediation. Though no cases alleging discriminatory policing or racial profiling were sent to mediation in 2015, the issue of race, racial profiling, and discrimination were under the surface of the feelings and what was important to Program participants that came out during several mediation sessions. As a result of the feedback from mediation participants and mediators and in discussing the inclusion of this allegation with other programs nationally, the OIPM determined that mediation would be an effective means to create a safe space to share, explore, discuss, and make agreements around race and issues that are affected by race between officers and civilians. The U.S. Department of Justice's report "Mediating Citizen Complaints Against Police Officers" states that "mediation is uniquely suited to help bridge the racial and ethnic divide because it is the only procedure for investigating complaints that bring the disputing parties together in a face-to-face meeting."²⁶ Mediation allows an opportunity for empowerment and self-determination and gives participants control over the process. Currently, Albany, New York's Citizens Police Review Board, San Francisco's Office of Citizen Complaints, Kansas City Missouri's Office of Community Complaints, Calvert County Sheriff's Office, Portland Oregon's Independent Police Review, Berkeley California's Police Review Commission, Los Angeles, California's Internal Affairs Group, Boston Massachusetts and Harvard University's Mediation Program, and New York City's Civilian Complaint Review Board allow mediation of racial profiling and discriminatory policing complaints.

Recommendation #2:

- **NOPD amend Policy 1025 to permit allegations of discriminatory policing or bias-based profiling to be eligible for mediation.**

Ensure Confidentiality on Officers' Records

Finding #3: The OIPM observed that the Public Integrity Bureau was not initially in full compliance with Policy 1025 as it related to NOPD employees disciplinary records and the confidentiality clause of NOPD's Policy 2015 stating that the agreement to mediate and the outcome of a mediation shall not be reflected on an officer's disciplinary record also known as a "short form." Upon learning of how the outcomes were being reflected and meeting with NOPD's PIB, PIB agreed to work on this technical issue to be in full compliance with NOPD Policy 1025.

Recommendation #3:

- **PIB create and maintain a system and practice for ensuring that the agreement to mediate and the outcome of mediation remains confidential and the complaint allegation is not reflected on the officer's "short form."**

26 Page 22. <http://restorativejustice.org/am-site/media/mediating-citizen-complaints-against-police-officers.pdf>

Increase Number of Mediation Referrals

Finding #4: As the Program was in its first year of full operation, the OIPM observed that the NOPD Public Integrity Bureau did not refer every eligible complaint for mediation.

As with the implementation of any new program, there is a steep learning curve for employees and time is required to create a routine of practice. Throughout 2015, NOPD's Public Integrity Bureau grew in its ability to put a system into practice to screen cases for mediation eligibility. As both NOPD's PIB and the OIPM's system unfolded and created more efficient processes, more cases were referred as months went on even though cases that were eligible were overlooked. In 2015, 45 cases were referred from the PIB to the Mediation Program.

Recommendations #4:

- **PIB Supervisors remind the NOPD employees who perform complaint intake about referring cases to mediation.**
- **PIB screen complaints daily for mediation eligibility.**
- **PIB ensure that any new PIB employees who perform complaint intake are thoroughly trained about the Mediation Program policy and referral process.**
- **PIB refer every eligible complaint to mediation that is not excluded by the thirteen criteria in Policy 1025.²⁷**

²⁷ 1025.3.1 Complaint Eligibility: Certain civilian complaints will be considered eligible for mediation, for example: professionalism, discourtesy, and neglect of duty.

The following complaints will not be considered eligible for mediation:

- 1) Where a complaint involves a criminal allegation against the NOPD employee;
- 2) Where a complaint could result in NOPD employee termination;
- 3) Where a complaint alleges false arrest;
- 4) Where a complaint alleges unreasonable use of force;
- 5) Where a complaint alleges discriminatory policing;
- 6) Where a complaint alleges the planting of evidence;
- 7) Where a complaint alleges untruthfulness/false statements;
- 8) Where a complaint alleges unlawful search;
- 9) Where a complaint alleges retaliation;
- 10) Where a complaint alleges sexual misconduct;
- 11) Where a complaint alleges domestic violence;
- 12) Where a complaint alleges theft; or
- 13) Where the misconduct complained about implicates the conduct of the supervisory or command leadership of the subject NOPD employee.

The complaint will not be eligible for mediation if the NOPD employee against whom the complaint is made has already mediated two complaints within the previous twelve months.

Eligibility determinations will be final and not subject to appeal.

THE INDEPENDENT POLICE MONITOR'S NEXT STEPS

OUTREACH

The Community-Police Mediation Program works hard to raise awareness about the Program, improve services, and increase the number of mediations. In 2016, the OIPM hopes to continue to make improvements to the Program's website²⁸ to help educate officers and the community about mediation and the benefits it offers, and new brochures and posters have been created and distributed throughout the community. The OIPM is working to create additional education materials, including videos of mock mediations and testimonials from past participants.

POLICY RECOMMENDATIONS AND PROGRAM EFFECTIVENESS IMPROVEMENTS

The Community-Police Mediation Program continues to survey participants for feedback and evaluate the Program regularly to improve and make changes in line with best practices in community mediation. The Program Director meets regularly with the Public Integrity Bureau to determine and implement effective procedures for mediation referrals during the complaint intake process. NOPD Policy 1025 is subject to annual review and the OIPM will continue to work with NOPD's Compliance Bureau to make any necessary adjustments to the policy.

In 2016, the OIPM will look at, monitor, and analyze what is happening around cases involving more than one officer. Currently, San Francisco Police Department, Berkeley Police Department, Calvert County Sheriff's Office, and Portland's Police Department allow bifurcation of cases when more than one officer is involved. Bifurcation of multiple allegations in one complaint would allow the civilian complainant the opportunity to sit face-to-face with the officer and determine the outcome for what will meet their needs moving forward and allow the one officer who would like to mediate to do so.

The OIPM will also look at, monitor, and analyze what is happening around cases involving more than one allegation. Some complaints involving professionalism, discourtesy, or neglect of duty may benefit from mediation but have an administrative allegation attached such as a body-worn camera violation. If bifurcated, mediation could help resolve the conflict between the officer and the civilian and traditional investigation and discipline could be taken as needed for the administrative violations. Bifurcation of these allegations could allow mediation to improve community and police relationships while also holding the officer accountable for any administrative violations.

Commendation Opportunity for Officers Who Engage in Mediation

In 2015, several officers went above and beyond the call of a traditional mediation session and voluntarily engaged in the more challenging conversations that transformed relationships and transpired throughout the community to improve trust and confidence in NOPD. Some officers scheduled meetings with the civilian after the mediation to further discuss and take action on the agreements they made during the mediation. Some exchanged phone numbers and stayed in touch after the mediation. Several civilians voluntarily reached out and notified the Community-Police Mediation Program about how impressed they were with the officer's behavior and interaction during

²⁸ www.CommunityPoliceMediation.org

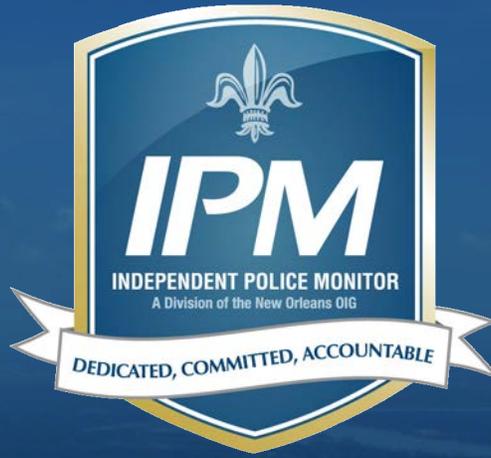
the mediation session. Some shared how much they appreciated the officer's willingness to engage and the level of authenticity communicated to rebuild the relationship that had been broken during their previous interaction. In the future, community-police mediators and civilians will be given the opportunity to provide a commendation about the session (without violating confidentiality) after the session when an officer goes beyond what was necessary to repair the harm that was done and rebuild trust in the relationship between civilians and officers. The commendation will be placed in an officer's record jacket and can be given by civilians or mediators who feel that the officer went above and beyond in the mediation to transform the relationship.

CONCLUSION

Over the past year, the New Orleans Community-Police Mediation Program has created safe spaces for authentic conversations that get to the root of a lack of trust and confidence in NOPD and made significant steps towards transforming community-police relationships. Participant surveys and anecdotal feedback have shown that mediation provides benefits for officers, complainants, for the complaint process, and for community policing. The process has helped democratize policing 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 a sense of empowerment, a 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 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 and in the overall criminal justice system, in turn lowering crime rate and increasing safety for all.

2015 Community-Police Mediation Program New Mediators Training with four NOPD officers





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