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POLICE EXECUTIVE
RESEARCH FORUM

Legitimacy and Procedural Justice: The New Orleans Case Study

A Report by the Police Executive Research Forum (PERF)

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Edited by Craig Fischer



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INTRODUCTION

As today's police executives strive to maintain the progress in reducing crime while serving as effective agents of change, many are taking on a new challenge: applying the concepts of "legitimacy" and "procedural justice" as they apply to policing. Legitimacy and procedural justice are measurements of the extent to which members of the public trust and have confidence in the police, believe that the police are honest and competent, think that the police treat people fairly and with respect, and are willing to defer to the law and to police authority.

The Police Executive Research Forum (PERF), with support from the Bureau of Justice Assistance (BJA), is producing a series of reports on legitimacy in policing, beginning with "Legitimacy and Procedural Justice: A New Element of Police Leadership." In that paper, Yale Law Professor Tom Tyler, one of a few nationally recognized experts on this topic, defines legitimacy and procedural justice, and provides examples of how these concepts have been applied by police leaders in New York City, Philadelphia, and Cambridge, Mass.

In this paper, PERF provides a more extensive analysis of the connections between leadership and legitimacy through an unusual case study: the New Orleans Police Department (NOPD).

The case study is unusual in that the NOPD "has long been a troubled agency" in which "basic elements of effective policing ... have been absent for years," in the words of the U.S. Department of Justice (DOJ).¹ Since July 2012, the NOPD has been operating under a DOJ consent decree to correct civil rights violations in the department. NOPD Superintendent Ronal

¹ U.S. Department of Justice, Civil Rights Division. "Investigation of the New Orleans Police Department." <http://www.justice.gov/crt/about/spl/nopd.php>

Serpas, who launched a wide-ranging reform program when he took control of the NOPD in 2010, is working to incorporate the principles of legitimacy and procedural justice in his efforts to reform the department. This paper analyzes Serpas's efforts in terms of legitimacy, procedural justice, and leadership.

Among the roughly 18,000 law enforcement agencies in the United States, the New Orleans Police Department is one of a handful that are operating under a DOJ consent decree or are otherwise under investigation. While the NOPD is not typical of law enforcement agencies in the United States, it does serve as a case study of how the principles of legitimacy and procedural justice can play an important role in a police leader's efforts to restore a department's credibility in the community.

We will address these and other questions:

- Which types of reform policies and practices depend most heavily on whether the public has a strong sense that the police demonstrate legitimacy and procedural justice in their daily operations?
- How can strong leadership by a police chief contribute to a greater sense of legitimacy and achievement of a police department's goals?
- How can police chiefs generate support for reform efforts among police officers by developing a parallel type of "internal procedural justice" within the department, in which police employees are treated fairly and with respect as they pursue their careers in policing?
- And how should police chiefs reconcile issues of legitimacy with the need to trust their own judgment about the best way to handle difficult issues, in cases where community members have a perspective that differs from the chief's?

PERF's overall conclusion is that Superintendent Serpas's efforts to reform the NOPD have benefited from his belief in the value of the concepts of legitimacy and procedural justice in policing. By a number of measures, including public opinion surveys conducted twice a year in New Orleans, residents' opinions of NOPD officers' honesty, integrity, professionalism, and competence have improved significantly.

PERF intends to continue this series with additional papers highlighting case studies of police executives who demonstrate leadership by incorporating the principles of procedural justice and legitimacy in their daily operations.

How Supt. Ronal Serpas Is Attempting to Restore Public Trust In the New Orleans Police Department

BACKGROUND:

Ronal Serpas and the Underpinnings of Legitimacy

Since taking office in 2010 as New Orleans Police Superintendent, Ronal Serpas has been undertaking a comprehensive overhaul of the Police Department aimed at establishing integrity and accountability mechanisms within the department, while reaching out to solicit residents' views about the kind of police department they wish to have.

Superintendent Serpas brings a mix of experience and skills to the job of reforming the New Orleans Police Department (NOPD): 32 years of experience in three law enforcement agencies, in which he has demonstrated a belief in the principles of community policing and accountability.

It can be said that Serpas was demonstrating support for the elements of legitimacy and procedural justice, years before those words became terms of art in policing.

A New Orleans native, Ronal Serpas began his career in 1980 with the NOPD and served there for 21 years. He was appointed Assistant Superintendent and first Chief of Operations in 1996. At that time, the NOPD was being investigated by the U.S. Justice Department's Civil Rights Division. NOPD Superintendent Richard Pennington had been brought in from the Washington, D.C. Metropolitan Police Department, where he was Assistant Chief, to reform the NOPD, following a series of scandals involving corruption and other crime, including murders, by NOPD officers. As the second-ranking official in the NOPD under Superintendent Pennington, Serpas played a key role in implementing Pennington's reform initiatives.

Serpas left New Orleans to take a position as chief of the Washington State Patrol from 2001 to 2004, and then as chief of the Metropolitan Nashville, TN Police Department from 2004 until 2010. He returned to New Orleans and was sworn in as NOPD Superintendent on May 12, 2010.

Transparency and Accountability: On the occasion of Serpas's departure from Nashville, the *Nashville City Paper* published an article on his legacy, which noted that the changes that Serpas brought to Washington State and to Nashville included an emphasis on data-driven policing initiatives such as Compstat. They also included an emphasis on concepts of decentralization and community policing. In Nashville, one of Serpas's first major actions was to decentralize the structure of the department. Serpas explained that his goal was to increase accountability and "place greater decision-making authority closer to our neighborhoods."

When interviewed for the *Nashville City Paper* article, Serpas cited his efforts on decentralization, accountability, and community policing as critical to the success the department had attained in reducing crime to its lowest level in 31 years during his tenure there.

"We've really got to build up a cadre of precinct or district commanders who fully understand how important it is to have open, transparent, accountable relationships with neighborhoods," Serpas said.² That's what we've done here [in Nashville], and that's what we're going to do in New Orleans. We're going to rekindle this issue [that] accountability starts closest to the people farthest from headquarters."

Serpas also made a statement to the newspaper reporter that touched on the idea that residents' feelings about the effectiveness and integrity of their police department are critical to

² "The Sun Sets on Serpas," *Nashville City Paper*. May 16, 2010. <http://nashvillecitypaper.com/content/city-news/sun-sets-serpas>

any success. “Certainly I’ve gotten the [reputation] of being data-driven, and I am,” Serpas said. “But I’m data-driven in the regard that, when I go into the neighborhoods, I hear people tell me that they feel safer or they *feel more confident in their police department*, [and] *that’s the most important data point that there is.*”³

In saying that the confidence of the community in the police is “the most important data point that there is,” Serpas touched on the first element of legitimacy as it is defined in this report: “public trust and confidence in the police.”

During his time leading the Washington State Patrol, Serpas emphasized accountability, problem-solving, and community policing. Five months after taking over at the State Patrol, Serpas announced that he was launching weekly accountability meetings, in which district and division commanders reported to him about “how they are accomplishing their mission, creatively solving problems with communities, [and] working with other criminal justice partners....”⁴ By emphasizing the importance of building relationships with communities, Serpas again demonstrated an instinctive understanding of the first element of legitimacy, public trust.

During his career, Serpas has demonstrated a commitment to accountability and integrity in other ways. In an article co-written with Nashville Police Captain Michael Hagar, Serpas argued that officers who tell lies must be fired. “Truthfulness by employees is not only an issue of witness credibility in a court of law; it is the fundamental nature of law enforcement service and strikes to the core of the ability to provide appropriate service,” Serpas and Hagar wrote.⁵

³ Ibid.

⁴ “Washington State Patrol Quarterly Report for Agency Bureaus, April-June 2002.”

⁵ “The Untruthful Employee: Is Termination the Only Response?” The Police Chief, August 2010. http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2163&issue_id=82010

“As a result, untruthful conduct must be met with the most serious disciplinary action: termination.”

Again, in taking a hard line against untruthfulness by police officers, Serpas reinforced the first element of legitimacy as defined by Professor Tyler: “public trust and confidence in the police, ...[which reflect] the belief that the police are honest.”

It should be noted whether officers should be automatically fired for any untruthfulness, including small transgressions, is a live issue in policing. There are well-respected police chiefs who contend that a policy of termination for any lie, not matter how minor, can sometimes be excessively strict, and that police chiefs should reserve the authority to make judgment calls in individual cases.⁶

In their magazine article, Serpas and Hagar explain their zero-tolerance approach, arguing that lying by officers “tarnish[es] the image of those who serve honorably” and thus impairs the entire police department. And they conclude with an argument that resonates with the principles of police legitimacy and procedural justice: “The disciplinary action taken by an agency head is taken *on behalf of the community*,” Serpas and Hagar wrote. “Law enforcement employees are stewards of the people’s trust, and often, their oaths of office were taken with the pledge that they would serve their communities honestly and faithfully. A betrayal of that oath is a violation of policy and a violation *against the community as a whole*.”⁷

By emphasizing that lying by officers harms the community (not just the police department and the justice system), Serpas and Hagar reinforce the underpinnings of legitimacy

⁶ “PERF’s Town Hall Meeting Focuses on Sanctions Against Officers Who Lie,” *Subject to Debate*, October 2009. http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2009/debate_2009_oct.pdf
See comments by Chiefs William Lansdowne and John Timoney, pp. 7-8.

⁷ “The Untruthful Employee: Is Termination the Only Response?” *The Police Chief*, August 2010. http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2163&issue_id=82010.
Emphasis added.

and procedural justice. If the community learns that some officers lie and is left to wonder whether lying by officers may be routine, it is impossible for the community to know whether the police are honest, trying to do their jobs well, protecting the community, and making decisions fairly and honestly. Thus, Serpas argued, lying by officers should be seen as an offense against the community, and any disciplinary actions are taken on behalf of the community. This echoes the discussion of legitimacy offered by Professor Tyler.

The concept of police legitimacy also figured prominently in an article Serpas wrote in 2008, with Nashville Police Research Analyst Eric Cardinal, regarding “accountability-driven leadership.”⁸ In this article, Serpas and Cardinal describe mechanisms developed by the Nashville Police Department for measuring the effectiveness of the department according to various criteria. The CompStat model can be applied not only to measuring crime reduction, but also to measuring other goals, such as quality of life initiatives and community policing, Serpas and Cardinal explained.

Significantly, this is how Serpas and Cardinal, in the first sentence of their article, described the purpose of creating accountability tools:

*“Decisions made by police patrol supervisors on a daily, sometimes minute-by-minute basis can serve as the underpinnings of a successful U.S. police department, or [they can] provide clear indications that the department is out of touch with the residents of the community it serves.”*⁹

⁸ “Accountability-Driven Leadership: Assessing Quality versus Quantity.” The Police Chief. December 2008. http://www.policchiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1692&issue_id=122008

⁹ Ibid.

Thus, to Serpas, being “out of touch with the residents of the community” is a significant failure of leadership—regardless of how well the police chief and police department may think they are doing on crime reduction or other goals they have set for themselves. It is not up to police chiefs to set goals for their agencies and proceed based solely on their own expertise, in Serpas’s view. Rather, police leaders must consult with members of the community about what they want from the police department, because without support from the community and a sense among most residents that the police are “legitimate,” efforts toward the achievement of any goals will be compromised.

Indeed, Serpas and Cardinal concluded their 2008 article about accountability mechanisms with this:

“The Metropolitan Nashville Police Department continues to enjoy significantly positive approval rankings from the residents and business owners of Nashville as the city experiences its fifth consecutive year of overall major crime reduction, both in incidents and crime rates.”¹⁰

It is interesting that Serpas did not simply cite the reduction in crime in Nashville only as an achievement in itself, but rather as an achievement that helped the Police Department to earn the approval of its residents. Thus, in 2008, before the terms “legitimacy” and “procedural justice” had come to the attention of most police chiefs, Serpas was incorporating the concept of legitimacy in his analyses.

Yale Law Professor Tom Tyler, a leading expert on legitimacy in policing, has noted that even though violent crime rates have dropped by nearly 50 percent nationwide since 1992, public opinion surveys show no increase in public confidence in the police. In his article, Chief Serpas

¹⁰ Ibid.

tried to establish that connection by linking high approval ratings from the public with major reductions in crime.

Setting the Stage: Superintendent Serpas Takes the Top Police Job in New Orleans

On May 12, 2010, Ronal Serpas was sworn in as New Orleans' new Police Superintendent. A week earlier, when Mayor Mitch Landrieu announced his choice of Serpas for the top police job, the mayor had requested that the U.S. Department of Justice initiate an investigation of the NOPD. The Police Department was in crisis, with numerous officers facing charges for crimes committed in the aftermath of Hurricane Katrina in 2005.

Mayor Landrieu and Superintendent Serpas were not the first local officials to invite federal investigators to review a local police department. A number of police chiefs have pointed out that federal intervention can help to create a sense of urgency about reforms that they wish to implement in any case, along with political and financial support by city council members, and less resistance from police labor unions.

This view was expressed by Chief Robert McNeilly, who led the Pittsburgh Police Bureau in the 1990s when it became the first major police agency to receive federal oversight under the then-new federal law that gave the Justice Department authority to investigate “patterns or practices” of civil rights violations by police. At a 2008 meeting of police chiefs and federal officials, McNeilly said, “I firmly believe that without the [DOJ] consent decree, we would not have made the progress we did. The FOP was opposed ... and grieved many of the changes. But with the consent decree, changes were mandated....And the federal oversight helped convince local officials to provide all of the resources required to make those changes.”¹¹

¹¹ “PERF Chiefs Tell the Inside Story on Consent Decrees.” Subject to Debate, a Newsletter of the Police Executive Research Forum. April 2008.
http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2008/debate_2008_apr.pdf

Other police chiefs have made similar comments.¹² For example, Thomas Streicher, then chief of police in Cincinnati, said his department “absolutely” benefited from DOJ involvement, in part because the Justice Department gave the reform efforts credibility with the public. “If the Department of Justice says, ‘Yes, they are making progress,’ then you are not only a better Police Department, but in the eyes of the community, your stock goes way up,” Chief Streicher said.¹³

Thus, Mayor Landrieu and Superintendent Serpas were not the first city officials to welcome help from the Civil Rights Division in reforming a police department. However, Serpas showed leadership by deciding not to wait for the Civil Rights Division to produce its findings and recommendations. Rather, Serpas immediately launched his own major reform initiative.

Serpas’s 65 “First Steps,” Steeped in Legitimacy and Procedural Justice

Several months after taking office, Serpas released a report titled “Rebuilding the New Orleans Police Department—First Steps,” in which he listed 65 actions he was taking to reform the NOPD.¹⁴ Of the 65 steps, 32 fell in two categories that have strong connections to legitimacy and procedural justice: “Community Outreach and Transparency” and “Integrity-Accountability.” These reforms included the following:

- Opening all Compstat meetings to the public, so residents can observe what police officials are saying and thinking about specific crime problems and solutions in each district and citywide.

¹² Ibid. See comments by Chiefs Dean Esserman, John Timoney, and Thomas Streicher.

¹³ Ibid, p. 5.

¹⁴ http://media.nola.com/crime_impact/other/NOPD-65-point-plan.pdf

- Creating a “Citizen Callback System” in which a random sample of crime victims are contacted every month and asked to assess whether the police handled their cases professionally.
- Creating a new position of “Community Coordinating Sergeant” in each district, whose responsibilities include a variety of tasks related to responding to the community’s concerns. Since October 2010, Dr. Michael Cowan, a Professor at Loyola University New Orleans and civil rights leader, has led monthly community relations development seminars for the community coordinating sergeants.
- Creating a “Cops, Clergy and Community Coalition” to improve police services and problem-solving strategies with input from community members.
- Appointing, for the first time, a civilian Deputy Superintendent to head the Public Integrity Bureau.
- Implementing stricter sanctions against officers who lie, make false reports, or fail to report misconduct by colleagues.
- Restructuring the NOPD’s “Early Warning System,” which is intended to trigger automatic alerts about officers who may be engaging in improper behavior or experiencing stresses in their lives that could contribute to problems with their job performance. The NOPD’s existing system, once considered a national model, “has not maintained the necessary level of excellence and will be fundamentally restructured,” Serpas said.
- Building trust on a controversial issue by banning cash payments to officers for off-duty paid details, and implementing other controls to document every off-duty paid hour

worked by every officer, in order to ensure compliance with regulations governing that practice.

- Expanding the use of in-car video systems and GPS vehicle locator systems in patrol cars in order to ensure officer accountability and provide supervisors with training and/or disciplinary tools.

The first page of Serpas's 65-point plan began with the following statement that reflects the principles of legitimacy and procedural justice in policing:

“The New Orleans Police Department will no longer tell neighborhoods what their problems are; instead, the NOPD will listen, collaborate and respond proactively.”¹⁵

In March 2011, about seven months after Serpas released his report, the Justice Department issued several reports on various aspects of its investigation of the New Orleans Police Department. The Civil Rights Division confirmed that it found reasonable cause to believe that the NOPD had demonstrated patterns or practices of unconstitutional conduct and/or violations of federal law in the use of excessive force, biased policing, and unconstitutional stops, searches, and arrests.¹⁶

A separate report, “Crime in New Orleans: Analyzing Crime Trends and New Orleans’ Response to Crime,” funded by DOJ’s Bureau of Justice Assistance, made recommendations for

¹⁵ Ibid.

¹⁶ “Investigation of the New Orleans Police Department.” U.S. Department of Justice, Civil Rights Division. <http://nolaipm.org/main/inside.php?page=materials>

reform, and said that Superintendent Serpas had already anticipated many of its recommendations in his 65-point plan, which it characterized as “impressive¹⁷.”

The DOJ report added: “It is encouraging to note that the preamble to the NOPD plan to rebuild the department begins with a commitment to community policing, with 10 principles that lay the foundation for achieving community respect and collaboration to address community problems. ... The Department has made remarkable strides in implementing the comprehensive plan released on August 23, 2010. This plan contains many of the most innovative and effective strategies that are being used today to reduce crime and violence in other cities.”¹⁸

On July 24, 2012, Mayor Landrieu, Superintendent Serpas, Assistant Attorney General Thomas E. Perez (who at that time served as head of the Justice Department’s Civil Rights Division), and other officials signed a 124-page consent decree, filed in the U.S. District Court for the Eastern District of Louisiana.¹⁹

In terms of legitimacy, it is noteworthy that Attorney General Eric Holder, Mr. Perez of the Civil Rights Division, Mayor Landrieu, and Superintendent Serpas held a joint press conference to announce the consent decree. And Mr. Holder began the session by telling the news media about the high level of cooperation the Justice Department had received from the local officials.

“I’m pleased to be in New Orleans to join Mayor Mitch Landrieu [and] New Orleans Police Superintendent Ronal Serpas in announcing the latest action that the Department of Justice has taken, along with the city of New Orleans—and I really want to emphasize that, along

¹⁷ “Crime in New Orleans: Analyzing Crime Trends and New Orleans’ Responses to Crime.” Bureau of Justice Assistance. <http://nolaipm.org/main/inside.php?page=materials>

¹⁸ Ibid., p. 27.

¹⁹ “U.S. vs. City of New Orleans, Consent Decree Regarding the New Orleans Police Department.” July 24, 2012. http://www.justice.gov/crt/about/spl/documents/nopd_consentdecree_7-24-12.pdf

with the city—to reduce crime and to promote the highest standards of effectiveness, professionalism, and integrity at every level of America’s law enforcement community,” Attorney General Holder said.

Relations between the City of New Orleans and the Justice Department over the consent decree later deteriorated in the spring of 2013, largely over a dispute over whether the city had been misled about a separate issue: the costs of reforming conditions at the Orleans Parish Prison, which were estimated at \$20 million or more, in addition to the costs of reforms in the Police Department.

But Attorney General Holder said that “meaningful progress” had already been made before the consent decree was signed, because of the leadership of Superintendent Serpas and other city officials. “Mayor Landrieu and Superintendent Serpas did not wait for our findings to begin the reform process,” Holder said.

In the following pages, this report examines the reforms undertaken by Superintendent Serpas that demonstrate leadership in bringing the concepts of legitimacy and procedural justice to a local police department.

Key Elements of Serpas's Response

Following is a more detailed account of the work done by Superintendent Serpas in his first three years leading the NOPD, especially with regard to the concepts of legitimacy and procedural justice in policing.

“Internal” Legitimacy: Developing Trust Among Employees

The concept of police department legitimacy as discussed earlier—involving the public's perceptions of whether the police are honest, trustworthy and competent—must also be applied to how the police department is viewed by its own employees. This is sometimes referred to as “internal” legitimacy, and it can be seen as a parallel concept to the “external” legitimacy involving the community's views about the police.

In fact, the concept of internal legitimacy is being researched and developed not only in the field of policing, but in other fields as well, according to Prof. Tom Tyler, a leading expert on these issues who wrote an earlier section of this report.²⁰ All types of workplaces can be expected to operate more effectively if employees believe that they are treated fairly and with dignity by management.

Thus, just as members of the public will form opinions about whether the policies and actions of their local police are legitimate and procedurally just, police employees will form their own judgments about whether disciplinary procedures, hiring and promotions practices, and other aspects of the way they are treated are legitimate and procedurally just. When police officers believe their department is run in a legitimate and procedurally just way, they may be

²⁰ An extensive list of writings on legitimacy and related topics can be found online at “Welcome to the Tyler Lab in the Social Psychology Program at NYU.” <http://www.psych.nyu.edu/tyler/lab/>

more likely to adhere to department rules and policies in their everyday lives as officers on the street.

In Serpas’s “65-Point Plan,” 10 of the 65 points have to do with improving procedures for hiring, training, and maintaining good relations with employees and ensuring that there are systems to ensure that employees are treated fairly. Recruit training and in-service training are being expanded in several ways. And one of the 65 points provides details about the NOPD’s new Job Performance Improvement Plan, which is designed to create clearly defined performance objectives for employees. Another point establishes a new transfer selection process policy. “The purpose of the selection process is to promote the fair, equitable, and transparent selection of applicants for positions within the department,” the plan states.²¹ “The policy will provide applicants with a defined set of standards so that an applicant can prepare himself/herself with the qualifications for a preferred position.”

Other points of the Serpas plan mandate monthly meetings of NOPD management with police labor organizations, and a new “In Touch” anonymous communication system that allows employees to communicate directly and freely with the police superintendent.

Superintendent Serpas said that these formal, written policies and systems will help to ensure that employees believe they will be treated fairly and rewarded for their initiative and work.

Furthermore, Serpas and Mayor Landrieu said that most NOPD employees endorse the elements of the 65-point plan that are designed to prevent corruption, because police officers, like the public, want to believe that the NOPD has integrity.

²¹ “Rebuilding the New Orleans Police Department – First Steps.” Point No. 63.
http://media.nola.com/crime_impact/other/NOPD-65-point-plan.pdf

Mayor Landrieu has noted that the hard-working and honest members of the NOPD were never given adequate credit for their response to the Hurricane Katrina disaster of 2005, because the news media (understandably) were focused on the crimes being committed by a relative handful of NOPD officers at that time.

“In the days after Katrina, many men and women of the NOPD committed brave and selfless acts of sacrifice,” Mayor Landrieu said at the press conference announcing the signing of the DOJ consent decree. “Thousands of New Orleanians owe their lives to members of this Police Department. Unfortunately, *their* stories will never likely get told, because of the sheer thuggery, thievery, and callous disregard that some officers had for the truth [in the aftermath of the hurricane].”²²

Similarly, Superintendent Serpas noted that officers in Nashville and New Orleans have supported his zero-tolerance policy for lying by police officers. “I have found that that resonates with the hard-working cops, because that attitude [of zero tolerance] is what they want to be around,” Serpas said.²³

Following are discussions of other elements of Serpas’s reform plan and their implications for legitimacy and procedural justice in policing.

A Serious Approach to Internal Affairs and Discipline

The NOPD has taken steps to demonstrate its commitment to increasing confidence in the agency, both among its officers and the public, most notably by reorganizing the internal affairs

²² “Mayor Landrieu, Justice Department announce details of consent decree.” YouTube video, published July 25, 2012. <http://www.youtube.com/watch?v=Fkhrv4xgl-4>

²³ Interview of Superintendent Serpas conducted by PERF Executive Director Chuck Wexler. See next section of this report.

and disciplinary processes. As mentioned above, in June 2010 Serpas altered the Public Integrity Bureau (PIB) by appointing a civilian Deputy Superintendent to lead this unit.

“We appointed, for the first time in the history of the city of New Orleans, someone to run our internal affairs unit who is not a lifelong police officer,” Serpas said. “I believe there are only three large police departments today that have a civilian licensed attorney running their internal affairs—Seattle, Nashville and New Orleans. I’ve been the chief in two out of those three departments that used attorneys this way with no prior police experience. I welcome that change, and our officers welcome that change.”²⁴

Between May 2010, when he took control of the NOPD, and October 2012, Superintendent Serpas terminated 36 officers or supervisors, and Public Integrity Bureau investigations resulted in 26 employees resigning or retiring while under investigation. These employees held ranks ranging from police officer to deputy chief.

The PIB also has established a partnership with the FBI. Beginning in September 2011, two FBI agents have been located in the PIB to be involved in investigative strategies. They are provided with unrestricted access to the PIB leadership in order to coordinate with or monitor any PIB investigation.

The PIB also performs proactive integrity checks to ensure that training, policy, and disciplinary processes are functioning properly. The PIB conducted 243 “integrity checks” in 2011—undercover operations in which officers are offered bribes or otherwise tested in various types of scenarios. This is a major increase over the 40 checks that were conducted in 2010.

In addition, the NOPD implemented three new policies concerning employee truthfulness, which reflect the strict view of lying that Serpas has advocated:

²⁴ “Mayor Landrieu, Justice Department announce details of consent decree.” YouTube video, published July 25, 2012. <http://www.youtube.com/watch?v=Fkhrv4xgl-4>

- An “Honesty and Truthfulness” policy that calls for the presumptive termination, without progressive discipline, of any employee who makes, allows, or causes to be made a false or inaccurate oral or written report of an official nature.
- A “Failure to Report Misconduct” policy that requires all employees who observe or become aware of misconduct by another employee to immediately report that incident to a supervisor.
- A “Failure to Cooperate/Withhold Information” policy that forbids employees from withholding information, interfering with, or disrupting an authorized investigation.

By taking a hard line against inaccurate statements by officers and attempts to cover up the untruthfulness of other officers, Serpas is aiming to demonstrate that even in the extreme case of the NOPD, with its history of corruption scandals, police executives can work to win the public’s trust and raise the department’s level of perceived legitimacy.

At the district level, during the first two and one-half years under Serpas’s leadership, the NOPD Compliance Unit, Integrity Control Officers, and Platoon Supervisors followed up with over 5,450 persons who have called the police for assistance. These phone calls or personal visits reviewed the reporting officer’s behavior, professionalism, compliance with policy and procedure, and the accuracy with which the officer reported crime information.

These calls and visits are designed not only to gather information about officers’ responses, but also to create legitimacy and procedural justice by letting residents *see* that the NOPD is conducting checks to determine whether officers are treating residents with respect. The NOPD also shares the results of these follow-up calls and visits with the officers and their supervisors. Sharing the positive or negative feedback further reinforces in the officers’ minds the idea that the delivery of services is critical to the NOPD’s purposes and to the development of community support.

In another development, the NOPD “Professional Performance Enhancement Program” (PPEP) was rewritten in 2011. The PPEP is a 40-hour training session designed to give needed follow-up to officers identified in the Early Warning System for behavior that may be unprofessional, complaints about behavior and attitude, or other indicators of potential problems. The curricula development involved the assistance of the U.S. Attorney’s Office, the Independent Police Monitor, and others, and a review of training programs in other similarly sized cities.

These changes give employees a message that the NOPD will not tolerate misconduct. By building integrity into department procedures, the NOPD is attempting to create a situation in which open and honest communication can occur when dealing with the public. Transparency and honesty are central to creating and maintaining police legitimacy in the eyes of the people of the New Orleans community, and transparency can be achieved only if the NOPD is perceived as a department that no longer has misconduct to hide.

Engaging the Community to Fight Crime

One view of policing (often seen in news media articles) is that communities have to choose whether to accept police tactics that produce safety, even if they are viewed by at least some in the community as unfair, or else to accept high levels of crime in their community.

Advocates of procedural justice in policing reject this premise, and say that fairness in how people are treated is not at odds with crime reduction. They argue that police can engage in focused interventions in high-crime districts if they do so within a procedural justice framework.

A key element of such an approach is that police need to involve the community as they identify crime and disorder problems and develop a strategy for dealing with those problems. An

example of a successful policy of this type is the Ten Point Coalition in Boston. Working with church leaders, the police identified problems that the community viewed as needing police focus, and the two groups worked together to identify policing strategies acceptable to the community. As a result, policing activities were developed from a shared understanding of problems in the community, and were *seen* as having developed that way, and thus were more acceptable to the community.

“Laboratories of Community Policing”

Legitimacy and procedural justice are not special programs that can be launched and perhaps discontinued during a time of economic cutbacks. Rather, legitimacy and procedural justice are concepts to be applied consistently to all aspects of policing.

However, that is not to say that police departments cannot have specific programs that have the effect of building legitimacy. In New Orleans, Superintendent Serpas has initiated a number of community policing programs designed to build bridges with the community and empower officers to respond to residents’ concerns about crime, disorder, and quality of life. A new position of “Community Coordinating Sergeant” was established in each of the eight police districts, and the primary responsibility of these sergeants is to establish connections with the community and direct police resources to community concerns.

The department has also designated two of the eight districts as “laboratories” of community policing, where commanders are encouraged to experiment with programs to improve interactions between residents and officers while reducing crime and increasing residents’ feelings of safety.

One of these districts—District One—serves as an example of how efforts by the police to improve their relations with residents, even in simple ways, can have a significant impact.

Centrally located, District One includes the Tremé historic district, many of the city's hospitals, the city courts and jail, and the Iberville Housing Development, the city's last remaining Section 8 housing. Just 4.4 square miles, District One, with a population of approximately 40,000, is the most densely populated police command, as well as the most economically and racially diverse. Historically, District One has generated the highest number of calls for service.

District One Commander Bobby Norton developed and implemented a plan to improve communications between his officers and residents. He instructed his officers to "treat people with dignity and respect," and initiated a series of meetings with some of the district's vocal critics of the police. These meetings helped to reduce the public criticism of the department and eliminate issues of conflict.

For example, a long-standing point of contention between the police and the community was over the "second lines," the traditional New Orleans brass band parades. Often operating without permits, the impromptu parades occurred on many Sundays throughout the year. To police officers not raised in New Orleans, the second lines were viewed as illegal street parties, and they repeatedly caused friction between the police officers and second-liners. Norton, a native New Orleanian and son of a New Orleans police officer, saw these parades as an opportunity to create goodwill. Relying on local historians and veteran second-liners, he developed a training and awareness program for officers and asked the second lines to alert police about upcoming events. Today, the once contentious second lines provide an opportunity for positive interactions with the police. Officers can sometimes be found walking alongside the parades, rather than breaking them up as they did in the past.

Commander Norton also has directed his Community Coordinating Sergeant to develop opportunities for positive interactions with residents. The sergeant attends all meetings of the

District's 26 separate community groups, and organizes a monthly meeting open to all residents at the District station. When speeding and traffic safety seemed to be the top concern of community groups, Commander Norton assigned three traffic officers to the Community Coordinating Sergeant to ensure that traffic enforcement was consistent with community needs. The sergeant organized Neighborhood Watch programs and regularly goes door to door throughout the community to introduce himself, pass along crime prevention information, and encourage residents to report crime and any tips they have regarding crime problems.

Changing Operational Procedures: "Selling the Stop"

A number of protocols about police interactions with residents have been found to be helpful in building police legitimacy. One major effort launched by Superintendent Serpas was a department-wide campaign of training, and constant reinforcement by commanders, directing officers and investigators to "sell the stop." Under these protocols, when officers stop someone on the street, they should respectfully explain the reasons for the stop, which often are about deterring crime in the neighborhood. Officers should emphasize their concern for the well-being of the people they are dealing with. They should provide opportunities for the person to respond, and should emphasize that any complaints about mistreatment will be investigated.

District One Commander Norton believes that each encounter between an officer and a resident is an opportunity to "present the department in a positive light," and that the accumulation of positive stops eventually will increase residents' trust in the department. This initiative is not an effort to discourage officers from making stops. Rather, officers are encouraged to be proactive, exhibit professional behavior, and treat individuals with dignity and respect, all geared toward enhancing residents' perceptions of the department.

Measuring Police Performance to Build Legitimacy

Quality control has become a point of emphasis in the NOPD, and is being implemented through a variety of telephone and in-person follow-up contacts with residents that focus on quality control and officer integrity.

Traditionally, in most police agencies officers on the street and commanders are evaluated against a set of metrics related to their performance in combating crime. These include street stops, citations, arrests, and levels of crime within a particular area. All of these indices remain important, but the new model of legitimacy and procedural justice in policing provides additional metrics of police success that could be called “customer service” metrics.

For example, telephoning people who have requested police services, several days after the police responded—to ask if they are all right and if they received what they needed from the police—not only helps to build trust and confidence in the police; it also provides a new metric that allows a department to measure how well officers are doing in terms of building legitimacy. The performance of individual officers (or groups of officers under a certain command) can be assessed according to how often they interact with residents in ways that leave the residents satisfied or pleased.

The NOPD employs a three-tiered approach to auditing officers’ interactions with residents—a headquarters compliance unit; and at the district level, integrity control captains and platoon supervisors. Each plays a distinct role in maintaining quality control. As mentioned above, these three entities have made “callbacks” or personal visits to more than 5,450 persons who have called for police assistance. Residents are asked to assess the officer’s behavior, professionalism, compliance with policy and procedure, and accurate reporting of crime information. In addition, these reviews help to identify officers who may need additional

training in any of these areas, as well as identify those officers who have performed well. And by sharing the results of these callbacks with the officers and their supervisors, the NOPD reinforces the idea to its employees that the department cares about community feedback.

Conducting Community Surveys to Gauge Legitimacy

The “callbacks” described above are one way to measure the NOPD’s perceived legitimacy among residents who have called for police assistance. The NOPD also conducts community surveys in order to reach a broader range of residents who have not necessarily had recent direct contacts with the Police Department. And for survey respondents who *have* had recent contact with the police, the NOPD surveys include questions about how the respondent was treated by the police and other indicators of legitimacy and procedural justice.

The surveys, conducted by the New Orleans Crime Coalition (NOCC), have been conducted eight times between August 2009 and August 2013. They have fluctuated but have shown a general upward trend in overall citizen satisfaction with the NOPD. In August 2009, 33% of respondents answered that they were satisfied with the NOPD. This rating increased to 60% by February 2011, but fell back to 47% in August 2011, which the NOPD attributes to extensive news media coverage of the trials of officers charged with wrongdoing following Hurricane Katrina. Satisfaction levels bounced back to 61% in February 2012, and then declined slightly to 56% in August 2012, perhaps because an NOPD officer was indicted by a local grand jury for the shooting death of an unarmed citizen while the officer was serving a search warrant for drugs. By August 2013 the overall satisfaction rating had climbed back somewhat to 58%.

The surveys also explore residents’ feelings about particular aspects of the Police Department’s level of service. In August 2013, 56 percent of respondents said they were satisfied with the honesty and integrity of NOPD officers; that figure had improved steadily from the

initial finding of 40 percent in 2009. Similarly, the positive ratings for “professionalism” of NOPD officers rose from 49 percent in 2009 to 66 percent in 2013. And 61 percent of the August 2013 survey respondents said they were satisfied with “the general attitude and behavior of officers toward citizens,” compared to 50 percent in 2009. Finally, 61% of New Orleanians citywide perceive that the NOPD is cooperating with them to address their concerns, up from 41% in August 2009.

These surveys also measure satisfaction levels with individual police officers. Among residents who had had a recent contact with police officers (either because they or a member of their household had been a victim of crime, or because they had called police or visited a police station or had had other contact with officers), the level of satisfaction has been climbing. Among that group, 72% of the survey respondents in August 2013 said the police encounter was “very pleasant” or “somewhat pleasant,” compared to 53% in August 2009.

Finally, an NOCC survey conducted in August 2013 showed that 87% of the respondents who had been a victim of crime in the previous 12 months said they reported the crime to the Police Department. That is an increase in New Orleans from a rate of 79% in August 2010. It also compares favorably to national statistics; according to the Bureau of Justice Statistics’ most recent crime victimization survey, only 49% of violent crime victimizations nationwide and 37% of property crimes were reported to the police.²⁵

Superintendent Serpas believes that the high rate of reporting crime in New Orleans is a result of Community Coordinating Sergeants telling community members at every meeting that the department will be more effective if the community reports all crimes to the police.

²⁵ Bureau of Justice Statistics. “Criminal Victimization, 2011.” NCJ 239437, October 2012, page 8. <http://www.bjs.gov/content/pub/pdf/cv11.pdf>

“I think this is an important issue that speaks to the topic of legitimacy,” Serpas said. “It shows that we can try to convince the public that we care about them and we want to know what’s affecting them. And when they respond by giving us critical information about crime, it suggests that community members do trust that we will use the information to try to help them, which is a big part of legitimacy.”

Measuring Reaction to “Selling the Stop”: In order to advance legitimacy in policing by assessing whether New Orleans officers are “selling the stop,” Superintendent Serpas in 2013 added several new questions to the survey instrument, specifically asking residents who had had encounters with the police during the previous 12 months whether the officers had explained the reason for the contact.

The results were encouraging. In March 2013, among residents who had had some contact with an officer, 61 percent said the officer had explained the reason for the contact very clearly or somewhat clearly, compared to 19 percent who said the officer had not explained the reason clearly. By August 2013, the favorable rating had climbed from 61 percent to 70 percent.

Serpas also noted that 83% of the August 2013 survey respondents said they have been residents of New Orleans for more than 15 years. “To get such high favorability numbers and high rates of reporting crime from people who have lived in the city for such a long time is encouraging,” Serpas said. “These are people who have seen the good, the bad, and the ugly of the NOPD’s history. We hope that the high numbers mean that the public shares our positive attitude about our ability to improve the department and policing in New Orleans.”

Because legitimacy and procedural justice are defined as the extent to which community members trust and have confidence in their police and believe that the police perform their duties fairly and with respect, community surveys are an important mechanism for measuring

legitimacy and procedural justice. Ironically, there may be a feeling among some members of the community, and even with a police department, that a community survey is a luxury item, a “frill” reserved for police departments in wealthy communities or an item to be cut during a time of tight budgets. However, if police departments are serious about developing legitimacy and procedural justice, they must have a way of measuring whether they are succeeding at it. Community surveys are a fairly inexpensive way to obtain hard data, and surveys that are repeatedly annually can give police executives a firm sense of whether they are making progress on this critically important objective of building public perceptions of legitimacy.

For a more detailed exploration of Superintendent Serpas’s views about legitimacy and procedural justice in policing, the next section of this report is a transcript of a PERF interview of the Superintendent.

An Interview with Ronal Serpas: Leadership, Reform, Legitimacy, and the New Orleans Police Department

PERF Executive Director Chuck Wexler interviewed New Orleans Police Superintendent Ronal Serpas on June 26, 2012 regarding his efforts to reform the NOPD and his views about legitimacy, procedural justice, and police executive leadership:

Wexler: Superintendent, you've been working to fix the NOPD for the last two years, and you played a role in the earlier reform efforts back in the 1990s. What differences do you see between those two eras, in terms of leadership and the reforms that were undertaken?

Serpas: In each era, we were up against significant problems. But the problems back then were not nearly as endemic as they are in this 2010 era. In the 1990s, we had a handful of officers in the department who just ran amok. Antoinette Frank robbed a restaurant and murdered three people. Len Davis directed a drug dealer to shoot a woman who filed a brutality complaint against him. Michael Thames robbed a bank twice. But these people were lone wolves. In 2010, we had much more systemic problems to deal with.

Wexler: What made you decide to go back to New Orleans in 2010?

Serpas: I left New Orleans in July 2001, but I read the New Orleans newspaper and stayed in contact with the city every day I was gone. My family has been in New Orleans since the 1800s. My children and my father live here; it's home. I started thinking about it long and hard and realized that my hometown needed something and that maybe I could help. And there was the challenge of making reforms.

Wexler: When you went back to New Orleans, did you correctly read what you were coming back to?

Serpas: I'll tell you what I missed: the depth of the destruction of the systems that any local police department should have. Going into it, I didn't know how badly the discipline system had fallen apart, the policy and procedures system, the training systems, promotional practices—every system that you need to hold a police department together had completely disintegrated. The DOJ report recognized this—that every system that you would expect to see in a well-running police department had completely come off the tracks. The systems were there in name only, not in reality. We had people purposefully creating conspiracies and engaging others up the chain of command to cover up the Glover and Danziger killings. How does that change so fast? It was only in 2004 that the Justice Department had finally closed the file on its 1994 investigation and given the department its OK. And then in 2005 Katrina hit and we had these murders and conspiracies and cover-ups. That's the amazing thing to me.

Wexler: Were there lessons you learned during the earlier reforms of 1996 that you have applied again in 2010?

Serpas: The most important thing for me has always been winning over the community. It's a day-to-day effort to get the community on your side, especially when the community has been injured by the department. [Then-Superintendent] Richard [Pennington] is one of the best in the world at that. He helped me to understand it. I watch and learned. You've got to work to get the community support, because the people inherently want a good police department. They want to work with the police department; they want to believe in the police department.

Wexler: Specifically, what did Superintendent Pennington do to restore public confidence?

Serpas: He was out in the community, he was very visible, he was perceived as deadly honest, and he was perceived as 100 percent committed to making the department better, not protecting the status quo.

Wexler: For example?

Serpas: In early '97 the news media took a good hard run at our crime reduction numbers and tried to discredit them. They found a few reports that supported their case, ignored the thousands that didn't support their case, and accused us of fudging the numbers to make it appear that crime was going down more than it was. But Richard did a smart thing. He didn't just deny there was a problem; he went on TV and said, "I will fire any officer who lies about a crime." That was something new. Automatic termination for lying had never been made part of policy before then.

Wexler: You were able to fix the NOPD in the 1990s to the point that it was considered a model department, weren't you?

Serpas: Yes, we started making a lot of changes. We brought Compstat to the department, and crime started coming down very well. Murders were declining, we created a cold case unit, and clearances started going up. The COPS Office and our local police foundation helped provide a funding stream that allowed us to hire and train over 500 people. We won pay raises for officers, who had been making little more than minimum wage. That helped make the officers feel like they were part of a credible, professional agency. We also created a new internal affairs unit called the Public Integrity Bureau, and the FBI embedded two of its agents in it. Having the FBI there brought us resources and good insights and oversight of the investigations, which helped build credibility.

So the NOPD started getting a reputation as a model for reform. People were coming from all over the world to see what we did. In fact, the reason I was hired to be chief in Washington State was that the NOPD was seen as a success and a cutting-edge organization. Before that, NOPD employees did not leave to run bigger organizations. The NOPD had a new, fresh reputation in the field.

Wexler: And you moved on to the Washington State Patrol and later to the Nashville Police Department.

Serpas: Yes, and in both cases, the Governor in Washington and the Mayor in Nashville wanted dramatic organizational and cultural changes in those agencies. For the Governor to bring in an outsider—and an outsider who was a local cop, not a state cop—it was clear that Gary Locke was looking for a shaking-up of that organization. And not because it wasn't a good organization; it was one of the best state police agencies in the country. But we had a good 2½ years where we became better. We put Compstat for the first time into a state police agency, called it Accountability Driven Leadership, and it improved the effectiveness of every bureau in the agency.²⁶ The concept has now been taken to all branches of the state government. The current Governor, Christine Gregoire, was previously the state Attorney General, and she liked Compstat so much in the AG's office that when she became Governor she won passage of statutes requiring it in every branch of government under her control. They call it GMAP—Government Management Accountability and Performance²⁷—but it's essentially Compstat. And she took it and made it better, and she made it law.

So we were making big changes in the State Patrol, but I missed being a city cop, and the Mayor of Nashville, Bill Purcell, was looking for some changes in the Police Department there. So I went there, and I consider the 6½ years I spent in Nashville the most successful time of my career, because we were able to do everything. Anything and everything we wanted to do, we

²⁶ “Beyond COMPSTAT: Accountability Driven Leadership in a Statewide Agency.” <http://www.wsp.wa.gov/information/docs/saf/compstat.pdf>

²⁷ For further information, see <http://www.results.wa.gov/>.

did. We hired over 700 people, built new precincts, started the process of building a new crime lab; we had six years of crime reduction.

And we brought a community orientation to the Police Department. In 2004 when I arrived there, Nashville was a very good “Dragnet-era” police department. But they were not connected to the community. The black community felt especially disenfranchised from the police department. But we really made inroads into developing ties with all parts of the community.

We also put “you lie, you’re fired” into effect in Nashville. I had seen what that did in New Orleans. You’re essentially telling the public, “We believe so much in what we do, that if somebody tells us a non-truth on anything that’s job-related, we don’t want them to be part of our organization anymore.” I have found that that resonates with the hard-working cops, because that attitude is what they want to be around. And it resonates with the public, because they usually believe that cops lie to protect each other. “If you lie, you get fired” has changed the culture of what officers expect from one another and from me. We’ve run a few people off because of it, and we’ve prevailed in civil service on it.

Wexler: So now you’re back in New Orleans, and on the day you are sworn in, the Mayor announces he has called in the DOJ Civil Rights Division. Was that a surprise?

Serpas: No, I knew the DOJ was coming, and I was all for it, because I knew what it was like when we went through it in 1996, and given the state of affairs in the NOPD in 2010, I knew we needed that resource. But I told the Mayor, “I don’t want to wait for them,” and he agreed, so we did the 65-point plan, which is completely in place now.

Wexler: Did the economic crisis add to your problems?

Serpas: Yes, in the two years I've been chief, we've had a 14-percent reduction in staff. And in a city that is very dense and very old and does need an officer-per-capita rate that is higher than the national average, it is very taxing on us to have 220 fewer people. You just can't get around that. Whatever size department you think you need, 220 is a lot of people gone. That kind of drags down on the team; they get tired. They go to work and there's not as many people at roll call, and it's distressing to them. So we try to do things like put office people out in the field on Friday and Saturday, so on weekends we have extra people in the field. That's not a permanent solution, but at least it gives them a sense that we're all in the fight.

Wexler: Let me ask about a couple missteps you've had in New Orleans. You started putting out information about the criminal records of homicide victims. What was the idea behind that?

Serpas: We were trying to show to the community that the police need help in dealing with the homicide problem. We have young men being killed on the streets of New Orleans who have themselves been in and out of jail all their lives. For many of these victims, there are plenty of clues along the way that they need help, and they don't get the help they need to stay out of trouble. Parts of the city responded well to the idea; they said, "Keep doing this, because it helps us to understand the nature of the murder problem in New Orleans." But others did not support it. Clergymen told me, "Chief, we understand what you're trying to do, but we should hate the sin, not the sinner." To end the divisiveness about it, I stopped it.

Wexler: What about the posting of notices on drug houses indicating that police had served a drug-related warrant at the location? The idea was to let the neighborhood know that the police weren't ignoring residents' complaints about drug dealing going on, right? But it provoked a mixed response.

Serpas: That was strange. That was one of the most successful things we did in Nashville; people loved it there. But here, I miscalculated people's perceptions of what that would look like. So we backed off when we realized it was going to be a red herring. It wasn't worth it. My mistake was relying on my experience in another city and not spending enough time to find out how it would be received here.

Wexler: For your entire career, you have been promoting community policing, accountability, transparency, decentralization—all of these things that figure into the next big thing in policing: legitimacy and procedural justice. Do you feel like you were ahead of your time on this?

Serpas: [laughter] I wish I could say I've had an original thought in my life, but I really haven't. I learned from Richard Pennington how important it was to win back a community.

When I went to the State Patrol, I stated getting another perspective about talking to the community in terms of "selling the stop." In the training academy, it was presented in terms of officer safety. They tell you, "You're by yourself all the time. When you pull someone over, don't say something stupid and get yourself hurt." But I also started to see the value of "selling the stop" in terms of getting community support. We made the troopers go out and do more work, and they increased traffic stops 20 percent. And yet our independent surveys conducted by Washington State University found that the people had greater respect and confidence in the state troopers. So increased enforcement was compatible with increased respect for the police.

The way we explained that to the troopers was to say, "The people want you to do your job, but they want you to do it in a way that's professional and reliable."

Wexler: How do you know whether you are getting support from the public?

Serpas: In Nashville we used a company to conduct citizen surveys about the police every six months. In New Orleans there's an independent group that does that same survey. One of the

findings that excites me is a question that's put to people who have had a recent contact with a police officer in the field—how they feel about it. And we're above 70-percent approval on that, which tells me again that public support is not inconsistent with high levels of enforcement.

So my statement to the department and to the community is, "We're rebuilding the Police Department one officer at a time. One cop at a time is going to go out there and, by doing the right thing, build one more supporter for us." If you ask about the department as a whole, the positive numbers are lower. But when you ask about individual officer contacts, the people in New Orleans are satisfied. That's a finding I use to increase morale in the department when officers feel the department as a whole is unfairly criticized.

CONCLUSION

In May 2010, the New Orleans Police Department suffered from a reputation as possibly the most corrupt, brutal, and incompetent police agency in the nation. Mayor Mitch Landrieu and his new Police Superintendent, Ronal Serpas, announced plans for a comprehensive effort to turn the department around, with the expressed intent of improving police performance and responsiveness to community concerns. The department has implemented a variety of policies and programs designed to reduce crime and enhance residents' feelings of safety, and ultimately to change the department's reputation among New Orleanians so that it is viewed as competent and legitimate. At the same time, the department is operating under a consent decree stemming from a U.S. Justice Department investigation that the Mayor and Police Superintendent requested.

While the department is modifying policies and programs to achieve a level of policing that meets U.S. Constitutional standards and to improve its performance by traditional measures, such as crime rates, it is also undertaking initiatives to increase its legitimacy in the eyes of the community.

Thus, the NOPD is demonstrating that a police department can focus on the relatively new issues of legitimacy and procedural justice – concepts that were largely unheard of in the field of policing just a few years ago – even as it undertakes wrenching reforms on basic issues like excessive use of force, racial bias in policing, and unconstitutional stops, searches, and arrests.

The multiple challenges of reducing crime, achieving compliance with consent decree standards, and changing the community's perceptions of the NOPD have been daunting. Unexpected problems within the NOPD or the community have stalled progress on particular initiatives at times. For example, there were new allegations of officer misconduct regarding off-duty security details in early 2011. The trials of police officers from the Katrina-era scandals have also undermined efforts to increase public satisfaction with the police. And budget cuts in police agencies resulting from the economic crisis that began in 2008 pose challenges to many police agencies, in particular those that are undertaking costly reforms.

The NOPD understands that problems that go back decades will not be overcome in a matter of months, and it is continuing to move forward with its plans. This remains a work in progress. Police Superintendent Serpas is heartened by public opinion polls that show increasing support by residents for the NOPD, particularly with respect to questions indicating that the public is satisfied with how the police treat them during various types of encounters—an indicator of legitimacy and procedural justice.

Many elements of the reform programs being undertaken in New Orleans incorporate the concepts of legitimacy and procedural justice. Such an approach can raise the department's standing in the community and produce greater levels of public cooperation with the police. With greater trust and confidence, police can play a more active role in the health of the communities they serve. One important goal is to build the sense of security and reassurance that underlies economic and social vitality. If people feel safe, they are more likely to come to a community to visit, to work and to live. This in turn produces economic strength and the type of revenue base upon which expanded police services and other public services can be built.

Legitimacy in policing does not mean that “the customer is always right.” Some aspects of policing are inevitably regulatory and coercive, but the police must be seen as exercising their regulatory and enforcement authority fairly. People can accept the appropriateness of regulation, even if they are not happy about being regulated in a particular situation. The essence of a procedural justice model is that people see the law as being administered in a professional and neutral manner, so that even when authorities do not give people exactly what they want, people trust that the police are acting for the good of the entire community.

The following is a summary of lessons learned about legitimacy and procedural justice from the New Orleans case study:

- **Legitimacy and procedural justice are new concepts with old antecedents:** The concepts of legitimacy and procedural justice are new terms in the field of policing, reflecting a new focus on measuring the success of a police department in part on the extent to which community members trust the police and believe police are acting in the public interest.

However, a review of NOPD Superintendent Ron Serpas’s work in New Orleans, as well as his prior work in policing going back decades, demonstrates that long before legitimacy and procedural justice became terms of art in policing, some chiefs, including Serpas, were striving to bring to their departments many qualities that contribute to legitimacy and procedural justice. These qualities include:

- **Transparency:** Members of the public cannot make informed judgments about their local police unless the police provide information about what they are doing.

- **Accountability**: Residents of a community will not trust their police if the police seem distant, uncaring, uninformed, or otherwise removed from the daily concerns of the residents.
- **Commitment to achieving public confidence**: As he took office in New Orleans, Superintendent Serpas said in a newspaper interview that he has always aimed to be a “data-driven” police chief, basing police initiatives on hard facts, and that “the most important data point that there is” is whether residents have confidence in their police. That statement reflects a belief that legitimacy is crucial to the success of a police department by any measure, including traditional measures such as crime rates.
- **Honesty and integrity**: Strict policies against any type of lying by officers, and strong systems for investigating corruption, are essential to developing perceptions in the community that the police are legitimate and procedurally just.
- **“Internal” legitimacy**: Police chiefs who strive to provide “internal” legitimacy within their departments – by treating officers fairly, rewarding hard work and initiative, and giving officers opportunities to advance in their careers – promote external legitimacy as well, because officers who believe they are treated fairly can be expected to do a better job for the public.

What is new about legitimacy and procedural justice? As noted above, many of the issues that are connected to legitimacy and procedural justice are not new. However, what is new is the commitment by a growing number of police executives to focus explicitly on legitimacy and procedural justice.

That requires meaningful efforts to assess public perceptions about the police.

Public opinion surveys are one important tool for generating hard data on whether a police department is achieving legitimacy. Questions can be specifically tailored to measure whether residents who have had recent contacts with the police came away from those encounters feeling that they were treated fairly and respectfully. The views of people who have not had recent encounters with the police are also important, because these residents may develop opinions of the police based on news media articles, discussions with friends and relatives, or other data. If surveys are conducted periodically and questions are generally kept consistent, police leaders can chart progress or setbacks in their perceived levels of legitimacy and procedural justice over time.

“Callbacks”: Personal visits by police officers to persons who recently called for police assistance are another way of measuring legitimacy. The NOPD has made extensive use of this technique. Residents are asked to assess the responding officer’s behavior, professionalism, compliance with policy, and other indicators. Callbacks not only serve to measure legitimacy; they also help to achieve legitimacy and procedural justice by giving residents an opportunity to tell their story, voice any complaints, and see that the police care about their problems.

Striving for legitimacy and procedural justice in encounters with residents should be a primary responsibility of police leaders. Police leaders should be sensitive to the fact that virtually every phase of their operations eventually has an impact on their community. Leaders should ensure that their agencies are competent, fair, honest and responsive to the needs of individual residents. Police chiefs must ensure that their agencies establish an effective partnership with the community as a whole, the foundation of which is mutual trust and

understanding. A growing number of police leaders realize that legitimacy in policing is a “win-win” proposition, because police can increase public trust without in any way retreating from their commitment to enforce the law and reduce crime.