

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
 INDEPENDENT POLICE MONITOR

AGENDA

MAY 6, 2013 CPMP PLANNING COMMITTEE MEETING

Legend:

Resources from other documents

2:00- 2:10 Meet & Greet/Document Review

Recap of last meeting- the decision for the program coordinator to make the decision of what cases will be mediated.

Simone: Would it be best if Mike Cowen, part of the crime coalition, was only part of the financial subcommittee? We could then lower our quorum level to ten, it is at eleven right now. The board approved the past decisions. The board is open to the mediation occurring within the 14days period or there could be an extension of the 60 days based on individual officer's approval. They requested that we have more than a 50% majority when deciding exclusion and inclusion criteria, 2/3 instead.

2:10 -2:40

Ursula: Westbrook wanted us to clarify what we meant by questions of law and we need to discuss officer past history as an exclusion criteria

Continuation of Discussion: Process Parts 1-3 Inclusion/Exclusion Criteria

<i>Mediation inclusion criteria</i>		<i>Mediation exclusion criteria</i>	
	Complainant alleges racial, ethnic, or gender slurs (see below)		Complainant alleges racial, ethnic, or gender slurs (see below)
	Officer used mild physical force		Complaint stems directly from an arrest
	Officer engages in stop-and-frisk		Officer use of force
	Officer seizes or damages property		Officer has a recent use of force history
	Officer refuses to identify him/herself		Officer threatens to use force
	Officer used discourteous or offensive language		Potential criminal charges against the officer
	Officer misuses authority or engages in biased policing		Officer named in 3 citizen complaints in past 12 months
	Officer responds too slowly to a request		Officer has chronic or serious misconduct issues
	Officer neglects duty		Officer has a sustained a case in past 12 months or had mediation within past 6 months or 3 mediations in past 2 years
	Selective enforcement (not responding to violations by family, friends, acquaintances)		Officer named in a similar misconduct or serious misconduct allegation in past 3 months
	Officer has not been the object of a mediated complaint in past 12 months.		Officer is a witness against a complainant in a pending criminal case
			Questions of law
			Complaint alleges corruption



		Officer drug and/or alcohol use	
	Any others?	Any others?	

Allison: Past mediations should not matter, each case is different. We should not set a limit on the number of complaints an officer can have to qualify for mediation.

Lou: The concern is that, for example in S.F., the officers could use the mediations to avoid actual penalties.

Ursula: S.F. only mediates sustained complaints

Lou: Mediations are to make sure that people are heard

Glasser: mediations are for the citizens. Citizens would decide if they want to mediate their complaint. Mediations are for essentially minor complaints. I do not think complaint history should factor in.

Hargrove: The complaint history of officers might come into play depending on the intake process. If complaints, and mediations, continue to go through the police office they could eventually notice that one officer has a lot of the same minor complaints and upgrade the complaint to something more serious.

Glasser: Have to take officer assignment into account when the complaint history is taken into account

Simone: the coordinator would decide what cases are mediated

Norwood: The coordinator would decide cases with input from PIB. The more commonsense criteria is the better. The criteria needs to be tailored to the public and be as general as possible.

Lou: Can they just be guidelines? There should be flexibility

Allison: Sensitivity training could be assigned to officers with many minor curtsey complaints

There are 12 members present

The board decided that there could be no investigation after the mediation is completed. The mediation is deemed unsuccessful, and thus an investigation could be started, if the officer refuses to take part and has a bad attitude.

Simone: Let's focus on officer history

Hargrove: Let's take criteria one at a time. There should be oversight. Someone should keep track of history. When the PIB is concerned about a pattern the complaint is classified as DI-1. A mediation would not be conducted on a DI-1 complaint.

Ursula: PIB receives the complaints, then classifies them, and then would give them to the coordinator- once PIB receives a complaint we would have 14 days to conduct the mediation. We would mediate DI-3 complaints.

Hargrove: First PIB would decide if a case is okay to be mediated, then they would send the case to the coordinator

Ursula: Or if the coordinator had access to officer history

Norwood: We might be over thinking this. Things will change. Can't account for everything

Simone: It could take PIB a long time to classify the complaint, which would take away from the 14 days we would have to conduct the mediation

Glasser: Most complaints go through PIB. The classification of complaints is not a complicated process, it should not take them that long

Allen (sp?): the coordinator could tweak the process

Glasser: PIB would determine the initial exclusionary factors

Ursula: What would be a reasonable time limit for PIB to classify the complaints?

Glasser: that is hard to answer, it is in the best interest of PIB to make that process quicker, PIB needs to fix the process



Lou: PIB would make the initial decision of which complaints the coordinator would choose from, we want anyone to be able to mediate their complaints, and we need as many days of those 14 days as possible

Ursula: Does everyone agree that we should take eliminate Officer complaint history criteria, bring the process issue to PIB, and then revisit once we get a response?

Abigail: qualified yes-

Decision: unanimous vote to remove officer complaint history from criteria

Mediation Inclusion Criteria discussion

- What the committee wants to explicitly include
- The complaints would first be screened by PIB
- We would need to restate the inclusion criteria for the public

Abigail: If civilian did some of the complaints they would be charged with a misdemeanor

Ursula: assuming PIB screening

Norwood: These are all allegations

Glasser: If the allegations are of an illegal nature those would not qualify for mediation

Allison: Do we need an inclusion list? We already have an exclusion list. We do not want to confuse the public, we want more people to want to mediate their complaint than less

Lou: We should not publicize the inclusion list, it could set up a prejudicial process. The inclusion criteria should be for the coordinator not the public, they are guidelines for the coordinator.

Allen: We would put out information to the public in general commonsense language

Ursula: Anything that people want included on the inclusion list?

Decision: The inclusion criteria is private, just for the coordinator. Internal information. The inclusion list is not exhaustive. This decision was a unanimous consensus. Accepting the inclusion criteria as a whole

2:40-3:15 Suitability Criteria

Ursula: Criteria to help the coordinator decide which cases should be mediated

- Red flags for no mediation, such as a lawsuit, wanting the officer to be fired

Simone: Constant shouting, mentally ill complainant

Allison: Mentally ill classified as someone unable to participate and understand the mediation process

Norwood: Normal for people to be initially irate, it depends if later on they can see the value of the mediation

Lou: The coordinator has to be clear about what the mediation is for

Allen: mediation in the courthouse setting, the judge explains to the participants what the mediation is for. Need to have a clear understanding in the beginning

Hargrove: It may take multiple phone calls to the complainant for them to want to participate in mediation. Someone skilled in mediation should make the calls.

Allison: Whomever speaks to the parties, they should speak to the complainant first. It may take a couple calls. It is all about the attitude coming in, they have to be willing. Maybe general guidelines would make sense

Allen: expectations have to be clear

Hargrove: may want to put a sample mediation online

Norwood: mediation not about finding the facts of the complaint, it is about trying to get people what they want and need. It needs to be clear that the mediation is not the same as an investigation. The coordinator should be a qualified counselor



Lou: the guidelines should be flexible

Norwood: We should not include the number of calls that the coordinator should make. There needs to be coordinator protocols elsewhere.

What about people under the age of 18?

Hargrove: A guardian would have to be present

Suitability Criteria Vote: Unanimous consensus on the fact that the complainant should understand the expectations of the mediation and willing to participate, the complainant should be able to understand and participate in the mediation

2:15 -3:30 Attendance Policy Discussion

Next meeting: June 10th 2 pm same place

Ursula: Should we reduce the quorum to ten?

Decision: Unanimous consensus- Yes, we should reduce the quorum to ten unless there can be a replacement found for Mike Cowen

