

## October 22, 2012 Mediation Committee Meeting Notes

### *How to read this document:*

- *Individual comments are in the margins.*
- *Tasks are highlighted in yellow*
- *Agreed upon changes are done in track changes mode. If you see a strikethrough and replacement, we all agreed to that change.*

09:00 PRINCIPLES -

1) Should Mediation be Voluntary?

11:00 DEFINITION OF MEDIATION:

Key Phrases that Simone started from: "Mutual understanding" "mutual Accountability"

"1) The Mediation Process helps parties develop a **mutual understanding and mutual accountability** over a conflict to work toward building a practical and lasting resolution.

2) The parties identify disputed issues and generates options that help the parties reach a mutually acceptable resolution.

3) The agreed upon resolution reached at the end of a mediation session may not necessarily represent a final decision but may be part of the process toward building a larger and lasting solution".

Key question: have we defined mediator? NO, but it is in our agenda. Susan Norwood actually thinks that this definition should focus solely on what happens in the mediation and the mediators' roll should be defined separately e.g. "mediator is a neutral 3rd party" should be separate.

7: "agreement between parties"

#? : "keep resolution and add "between the parties"

No consensus, so we did a finger vote where 1 means strongly agree 2 somewhat agree 3 disagree.

“A mediation process helps develop a mutual understanding and mutually accountability over a conflict and works toward building a practical and lasting agreement between two parties.”

1 Vote	2 Vote	3 Vote
7	5	0

**Final Version of Sentence 1: “A mediation process helps develop a mutual understanding over a conflict. resolution.** he parties identify disputed issues and generates options that may help the parties reach a mutually acceptable resolution.

Lost this language but want to keep: **and works toward building a practical and lasting**

Sentence 2:

“The parties identify disputed issues and generate options that help parties reach a mutually acceptable agreement between themselves.”

1 Vote	2 Vote	3 Vote
10		1

Mutually Acceptable Resolution

1 Vote	2 Vote	3 Vote

Mutually Agreed-Upon Resolution

1 Vote	2 Vote	3 Vote

**We got stuck so a sub-committee will work on sentence 2 and 3 where they bring 2 or 3 proposals and send a poll out to the group.**

**Committee will be: Albert Grandoit, Simon Hargove and Susan Norwood.**

HEATHER AND SIMONE’S RESEARCH REPORT BACKS

Current Mediation Resource:

- Community Mediation Services: Lou Furman Established in 1984 and active since that time. January 2011 merged with Turning Point Partners that focused on restorative practices. Combined, they were able to broaden to mediation and restorative practices. We consider transformative mediation a restorative practice. Work in Bridge City Youth Correctional Center; Recovery School District, Positive Behavior Intervention and Support across the state to use restorative practices as an alternative to school discipline. Also have a goal to implement preventive restorative practices like restorative circles with police and community.
- Kids Rethink NOLA Schools: Students are trained to do restorative circles in schools.
- MAPS
- Vera Institute of Justice

All are non-legal mediation services.

NACOLE Conference

Mediation Workshop lead by SF program director and DC program director. Both programs mediate police complaints.

- NOT Compulsory
- SF police resisted mediation at first, but documentation of satisfaction levels, the SFPD loves the program
- Program directors are key. SF has no mediation requirements and their mediators are two volunteers per session with one being an attorney.
- The program vets officers and complainants and complainant can have a supportive person present who does not speak.
- Never happens in PD or IPM office.
- They always have a pre meeting to introduce mediator to the issues and go over ground rule.
- Officers aren't expected to have a specific outcome.
- Went from 6 – 65 mediations when they hired a coordinator.
- They don't mediate racial slurs or anything involving a pending civil or criminal case or issues involving searches.
- Mediated complaints are kept on the record for the purpose of Early warning system. The record just says that it's mediated without allegations.
- Officers wear uniform and gun and they do get paid to come.
- They do exit surveys.

DCPD

- Compulsory mediation for officer once officer determines complaint should be mediated
- DC satisfaction numbers similar to SF
- If the complainant doesn't show up, the complaint is dismissed. If officer doesn't show, there's a disciplinary sanction for Failure to Appear and it goes through IA investigation. Staff makes lots of effort. No officers have failed to appear this year.
- They do exit interviews with positive results
- DC contacts a 3<sup>rd</sup> party program as an independent contractor. This officer also works with the US attorneys' office.
- Each costs \$800 and they mediate about 8% of total
- They have a staff person that spends about 5% of their time on coordinating.
- Mediations are in IPM office.
- Process is confidential but if an agreement is not reached, it goes back IA for investigation.
- No mediation if there is a similar complaint in the past 12 months.
- Provided copies of resolution agreements: 1) College professor asked the PO to come to his class and teach. 2) PO went to complainant's church to see that he was an esteemed member of his own community
- Officers can be disciplined for not honoring agreement but its usually minor discipline.
- There is no time limitation on what cases can be mediated
- Officers are in uniform, with gun, paid time.
- Recommended contact with JAMS

#### Kansas City

- Every complaint goes through Mediation supervisor to accept or decline for mediation
- A letter goes to complainant explaining the process.
- Voluntary for officer
- If the complainant is not satisfied, the investigation goes no further.
- Confidential process
- Have both mediation and conciliation programs. Conciliation is when we just sit down with the officers' boss or internal affairs and the complainant. They usually start with the division commander, down to watch commander, down to supervisor or Sgt who sits down with the complainant. Complainant is given a choice and told that process isn't confidential.

Chicago – still researching it.

Sam Walker was at the conference and is available for questions.

Community Mediation Maryland: They offer training for mediators. Suggested we find a body of mediators and get them trained.

Civil Service: Officers have a right of appeal. CC says that the inclusion exclusion criteria are to see if it affects the appeal. Simone invited them to come join a meeting. CC rules reform probably won't affect appeals. If there were fines or suspensions involved in mediation process that might affect appeals.

Chief Westbrook: Does NOT need a recommendation that PIB not accept certain complaints. When we meet, we will discuss Consent Decree Clause might address our resource problem and we got DOJ's support.: NOPD agrees to participate in a community based restorative justice project... (439)

SH asked for an officer/civilian breakdown on satisfaction numbers.

MES did anyone use restorative circles? There was a panel given on Seattle's use of restorative circle for a Native American civilian killed by a SPD officer.

Followup Questions:

- 1) What types of mediation models is Community Mediation Maryland uses
- 2) Did language access issues come up? SF Uses an interpreter but Simone will follow up
- 3) CMS's funding structure. They get state or federal funding and CMS contracts. PIBS comes from Education Department. Ursula will call juvenile court to find out where their alternative justice funding. Also, Families in Need of Services process. Might be funded by Supreme Court. Louisiana Children's' Trust Fund is also a funding source.

GOALS

Ursula will email Lou and Susan copies of all mediation documents

Dot Votes on Goals:

Use A Green Yellow and Red Flag. Blue is very love it. Yellow is for needs work. Red is for completely reform.

1. Understanding- problems stemming from community-police interactions are often based on miscommunication and so the goal is to build understanding between the parties. (majority Yellow flags with a few blue)

Listening: Parties will listen to and hear one another's concerns so that they may better understand the other parties point of view

Listening: Parties will engage in active listening whereby they hear and acknowledge the others' perspective.

Listening: Parties will actively listen and hear one another's concerns so that they may better understand the others' point of view.

2. Problem solving- determine what factors lead to the complaint-misunderstanding, failure to communicate, and/or inappropriate behavior. (majority blue flags but need to work on the wording)
3. reconciling- reaching some outcome through the parties listening and gaining better understanding; dialogue may result in outcomes including, but not limited to, an apology. that the parties have listened and gained a better understanding through listening and dialog, and may include an apology. (mix of yellow and red flags, no blue)

Resolution: parties work towards concrete steps to resolve or ameliorate the source of conflict.

Resolution :- reaching some outcome through the parties listening and gaining better understanding; interactive dialogue may result in outcomes including, but not limited to, an apology.

4. Lou Furman suggests a fourth goal of being heard and agreed to join IPM team assigned to craft some options for number 1 and 3. The full team will discuss and make proposals around how sentence 2 should be crafted.

Simone will research what other jurisdictions discuss apology as possible outcome and how they do so. Simone will also find sample outcomes.

UP added that Sam Walker document talks about empowerment.

Next meeting is December 10<sup>th</sup>. Heather is going to check attendance to find out who we need to call and update.

Tasks:

- 1) Committee of Albert Grandoit, Simon Hargove and Susan Norwood will craft 3 proposals for sentences 2 and 3 of "Defining Mediation"

- 2) Simone will get an officer/civilian breakdown on satisfaction numbers in those offices that do exit surveys
- 3) Did language access issues come up? SF Uses an interpreter but Simone will follow up with other jurisdictions
- 4) CMS's funding structure. They get state or federal funding and CMS contracts. PIBS comes from Education Department. Ursula will call juvenile court to find out where their alternative justice funding. Also, Families in Need of Services process might be funded by Supreme Court. Louisiana Children's' Trust Fund is also a funding source. Ursula will research all these funding streams.
- 5) Ursula will email Lou and Susan copies of all mediation documents
- 6) Lou Furman suggests a fourth goal of being heard and agreed to join IPM team assigned to craft some options for number 1 and 3 sentences under goals.
- 7) The full team will discuss and make proposals around how sentence 2 should under goals be crafted.
- 8) Simone will research what other jurisdictions discuss apology as possible outcome and how they do so. Simone will also find sample outcomes.
- 9) Heather is going to check attendance to find out who we need to call and update.
- 10)
- 11)