

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Agenda

June 10, 2013 CPMP Planning Committee Meeting

Legend:

[Resources from other documents](#)

Continuation of Discussion – Steps of Mediation

2:00- 2:10

Discussion Point: Should the police officer wear a uniform to mediation? YES/NO

- No to uniform because it upholds the power dynamic experienced between citizen and officer, where the officer is the one with the power via his uniform. The uniform dehumanizes the officer, reinforcing the inability for the citizen to view the officer as someone to be mediated with.
- Yes to uniform because it is the officers job to wear the uniform and taking off the uniform does not actually change the power dynamic. While on duty, this power dynamic is relevant, as it is relevant to the purpose of the mediation. If the officer is in his uniform it will provide a more effective/better breakthrough. Also, if the officer is not in his uniform, the communication between officer and citizen will change because as Hargrove suggested the profession evokes a different identity. Lu added that in order to build trust between community and police we need to acknowledge and work with the institution of the police.
- Simone noted that in San Francisco, officers are encouraged to not come in uniform, but they are ultimately have the option whether to wear it or not.
- Evaluation question: assess how people feel about the uniform after mediation has taken place
- **DECISION: Officers are to wear their uniforms for the mediations and people's responses to the uniform will be evaluated after the mediation has taken place.**

2:10 -2:40

Step 5: Arrange the meeting

Discussion Point: Incentives in mediation is required. Please tick the incentives you think should be included for mediation.

Incentives for successful mediation

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| | Content is confidential. |
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| | Content cannot be used in any future judicial proceeding or be subject to public discovery. |
| | The allegation is removed from the officer’s record and replaced with “mediated” with no further investigation. |
| | The case cannot be appealed. |
| | A copy of the mediation agreement is placed in the PIB/NOPD file and not circulated further. |
| | Letter of recognition to the police officer’s supervisor that a successful mediation occurred |

- **1. The case cannot be appealed.**
- **2. Officer has the option of placing a copy of the mediation agreement is placed in the PIB/NOPD file and not circulated further?**
 - The document is confidential unless requested, on the basis that the mediation does take place, and the document would indicate that both officer and citizen agreed to engage in mediation.
 - In order for the mediation to be resolved, officer and citizen must come to a consensus, which some of the people in this meeting agreed to be rare; but if both officer and citizen reach a solution it can go into a file
 - PIB made it clear that they want the history of officer mediation.
 - Halgrove asked: if an agreement is reached it will go into the file, but if an agreement is not reached will it not go into the file? Does that reflect the officer negatively? Even if the officer gets 2 commendations and 2 allegations, the unsuccesses will outweigh the successes.
 - If they agree to do something, it will be recorded → documentation based on consensus?
- **Supervisor notification**
 - It makes the officer look good that he/she agreed to engage in mediation with the citizen.
 - Supervisors are not always aware of complaints being placed about their officers
 - If mediation remains at IPM, it is open to public records unless the information is considered private
 - Levels of confidentiality come into question
 - **DECISION everyone agrees content is confidential, everyone agrees the case cant be appealed, and the officer has the option to put mediation document into file and the option to share the information with his/her supervisor**
- **Allegation: Removing it entirely vs. Removing it with mediator**



- Three options: substantiated, unsubstantiated, or exonerated
- Allison asked what would be best for the officers?
- Glasser said that making it go away completely would be best because the reason the mediation was being brought up was due to an incident that was negative; even if you agree to the mediation, the complaint has still been placed.
- The incentive for the citizen is clear: they will have their voices and concerns brought to the front stage
- The officer's incentive is slightly unclear because if the fact that they had a complaint and agreed to a mediation, it would still be on their record, therefore ideally, they would rather it just go away
- Simone indicated that the mediation being documented/recorded would not be found in IA pro
- A possible incentive for the officer would be that the complaint will NOT be on his/her record if the officer willingly participates in the mediation; not sustained would be good!
- Officer incentives are important, Mary Ellen asked if we do think of incentives, what other positives can be produced: 1. Merits? 2. Make it a valuable part of police culture
- Halgrove: PIB can still determine if the complaint can be mediated, thus it is not only analyzing the content of the complaint, but also the individual(s) involved
- **Ursula held a vote: do we note on officer disciplinary file that it was mediated or no record kept in file:**
 - 5: no record in file
 - 5: mediated in file
 - 1: uncertain
 - ****NOT ENOUGH FOR CONSENSUS → MOVE FORWARD, COME BACK TO THIS DISCUSSION LATER****

2:40 -2:50

Discussion Point: Unsuccessful mediation may also include some consequences. Please tick the consequences you think should be included for mediation.

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| | Return the complaint to traditional investigation methods |
| | Letter in file that indicates an unsuccessful mediation |
| | <i>Any others?</i> |
| | |

- How is the term unsuccessful defined?
- Officer AND citizen can be marked for not cooperating
- If officer initially agrees to the mediation but then backs out, there needs to be consequences



- Simone suggests that the board favors unsuccessful as defined as if participation is lacking

**NEXT MEETING DATE IS Monday June 24th @ Louisiana Bar Association
601 St. Chalres Avenue from 2:00- 3:30 PM**

