

S E A T T L E P O L I C E D E P A R T M E N T

*Office of
Professional
Accountability*



Statistical Review of the
SPD Mediation Program

2006

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ACKNOWLEDGEMENTS

The Office of Professional Accountability gratefully acknowledges Judicial Dispute Resolution and the Judges and staff that have so graciously volunteered their time and resources to the OPA citizen-police mediation program; Judge Terrence Carroll, Judge George Finkle, Judge Larry Jordan, Judge Steve Scott and Beth Forbes.

This report provides only a statistical review and comparison. For a detailed explanation of the program and a complete reference of documents used, go to:

<http://www.cityofseattle.net/police/OPA/Docs/2005MediationReport.pdf>

Cases Selected for Mediation January to December 2006

From January through December, the OPA Director selected thirty-four cases for mediation. Of that number, thirteen (39%) were actually mediated.

Cases selected included allegations of:

- service quality
- rudeness/courtesy
- excessive force
- misuse of authority
- biased policing
- failure to identify
- professionalism

The status of the 34 selected cases is as follows:

| | | |
|--|---|----|
| Mediation Completed | - | 13 |
| Mediation Scheduled then Canceled ¹ | - | 3 |
| Citizen refused mediation | - | 10 |
| Employee refused mediation | - | 5 |
| Other ² | - | 3 |

¹ One complainant changed his/her mind and elected to not participate after talking with friends. One complaint advised after initial agreement and employee agreement that his attorney had advised against participation and withdrew from the process; and one complainant was deployed on military assignment and elected to discontinue his involvement in the process. All complainants were advised that the cancellation would result in the complaint being closed with no further action.

² One complainant could not be reached; one complainant wanted to both mediate and have the complaint completely investigated with discipline being a possible outcome; and one employee was no longer with the department, having left between the date of the alleged misconduct and the complaint.

SYNOPSIS OF COMPLETED MEDIATIONS

Mediation #1:

The complainant stated that the named employee was unprofessional and said, "You guys better back up. I really want to hurt somebody tonight, and you'll end up in jail if you mess with me."

At the conclusion of the mediation, the mediator rated the participant's satisfaction level as a "five" on a scale of one-to-seven. The mediator stated that the case was an excellent candidate for mediation that allowed both parties to have an opportunity to explain their actions and perceptions.

Comments from the Participants

Written comments by the citizen and officer included the following:

"I felt the mediator did a great job, but the officer and I disagreed fundamentally." (citizen)

The officer stated that he believed the process provided an opportunity for each party to politely explain why the other party was wrong. He felt mediation should be used for "...more serious cases." (officer)

Both parties believed the other party understood their perspective better at the conclusion of the mediation.

Mediation #2:

The complainant stated that the officer "bullied" him on a traffic stop. Further, that while he was signing the ticket, he wanted to write "UNDER PROTEST" on the citation to contest the ticket and the officer pulled him out of his vehicle and threatened to arrest him. This was said in front of the complainant's children and it scared them.

The mediator stated that the process was very successful and that both parties communicated positively.

Comments from the Participants

Written comments by the citizen and officer included the following:

"I think it (mediation) is a much better and probably more productive approach (to complaint resolution). It seems to me that this type of non-confrontational interaction between individual police officers and members of the public should be expanded." (citizen)

"The citizen was able to see that the Police Officer is also a citizen, but has difficult decisions to make while performing duties." (officer)

Mediation #3:

The complainant alleged that the named employee was rude and intimidating during a traffic stop. He further stated that the employee failed to immediately return his driver's license, but rather sent it in the mail, which he received several days later.

The mediator advised that while he believed the mediation to be useful, the parties had sharply different views of the legitimacy of the stop and the resulting citation.

Mediation #4:

The complainant's son was being interviewed concerning a robbery. In the course of that interview, the complainant believes that the employee acted rudely and made comments that were insulting and derogatory in nature.

This mediation involved an adult parent and an underage teenage son. The son was the party involved in the complaint that led to mediation. The mediator believed the mediation to be highly successful.

Comments from the Participants

Written comments by the citizen included the following:

The citizen did express some frustration, but acknowledged, "...the opportunity to educate an unhappy complainant exits in this function. Whether or not it can always happen is another issue."

The officer did not provide any comments.

Comments from the Participants

Written comments by the citizen and officer included the following:

"The (process) gives people the opportunity to meet and discuss their feelings. I am eternally grateful for this process. I feel that my voice was heard and respected." (citizen)

"It was nice to be able to go face to face with the complaining party." Personally I wanted to hear the complaint and answer with my own words." (officer)

Mediation #5:

The complaint was generated as the result of an interaction between members of the Seattle Police Department and another City Agency. Employees of the agency's work crew alleged that the named employee became loud, unprofessional, and rude over what were perceived as safety issues at a job site.

The mediator rated the session highly successful noting that both groups realized they were a "team". The mediator further stated the officer was very open and took responsibility for the original conduct that caused the issue to escalate.

Mediation #6:

The complainant had been involved in an accident and advised that the responding employee was rude, demeaning, and failed to fully investigate the collision.

The mediator rated the session as successful. The evaluation indicates that the officer was more satisfied than the citizen, but that both parties communicated their feelings and the reasons for their actions.

Comments from the Participants

Both groups rated the mediation as highly satisfactory. None of the participants provided any written comments.

Comments from the Participants

While no written comments were received, the citizen indicated that they believed the officer better understood their perspective and that the mediation was worthwhile. The officer indicated that she was completely satisfied with the mediation and that she too believed it to be worthwhile.

Mediation #7:

The complainant alleged that the named employee offended her when he stopped her from walking across the street, and then he yelled at her to return to the sidewalk. The complainant was also upset that the employee grabbed her arm and escorted her back to the sidewalk.

The mediator advised that both the officer and citizen were polite and focused on the events, but that they sharply disagreed on the facts.

Mediation #8:

The complainant alleged that his jaywalking stop was too intrusive, when the named employee patted him down for weapons before citing him.

The mediator indicated that the parties were highly satisfied in the resolution and process. The mediator advised that the employee was "...understanding and contributed a great deal, in my view, to the success of the mediation."

Comments from the Participants

Written comments by the citizen and officer included the following:

The citizen stated that in principle, she strongly supports mediation. She stated that, "I don't think he got it, but that's OK. It was worth while for me to be heard."

The officer indicated that he was highly satisfied and believed that the process allowed for a much better exchange than the traditional OPA investigative process. "The citizen gets more of the officer's perspective and what he is doing and why."

Comments from the Participants

The citizen indicated that he believed a better understanding had been reached at the conclusion of the mediation. He felt that he had a better understanding of the officer's perspective and that there had been something gained by mediating this case.

The officer stated that he was completely satisfied with the mediation and that by participating he will remember how he (the complainant) felt in the future.

Mediation #9:

The complaint alleged that the citizen was attempting to assist police at the scene of a fight, but then officers responded in a rude, challenging, and threatening manner.

The mediator stated that he believed that neither party was fully satisfied in this mediation. He indicated that there might have been unwillingness on the part of the officer to recognize that there may have been another side to the story or that some insight or understanding could be gained. Both parties had very strong perspectives on what had occurred.

Mediation #10:

The complainant alleged that the named employee stopped and cited him for exceeding the posted boat speed limit on Lake Union. The complainant stated that the employee refused to identify himself when asked.

This case was scheduled for mediation and the citizen had to cancel on multiple occasions due to scheduling conflicts. The citizen spoke directly with the employees supervisor who conducted an "informal mediation" with which the citizen was fully satisfied with.

Comments from the Participants

Written comments by the citizen and officer included the following:

The citizen indicated that he was not satisfied. He felt the employee "...wasn't willing to meet him half way." He does state that he believes that mediation works and he was appreciative for being able to tell his side of the story directly to the officer.

The employee indicated that he believed the mediation had been partially resolved to his satisfaction. He advised that, "...while uncomfortable at first, I think it was a positive experience."

Comments from the Participants

The citizen was very appreciative of the efforts of the department to resolve his complaint. He thanked us for taking the complaint seriously and having a mechanism in place for resolution.

Mediation #11:

The complainant alleged that the named employee mistakenly identified the vehicle her son was driving as being stolen, stopping her 16-year old son. She believed that the employee's actions were rude, aggressive, and inappropriate.

The mediator indicated that the parties were satisfied in the resolution of the issue through mediation.

Comments from the Participants

Due to an administrative error by the service provider, satisfaction surveys were not provided to the participants at the completion of the session. Surveys were mailed to the participants, but only the employee responded. The employee indicated that he was highly satisfied with the process but that he did not feel the citizen understood his perspective any better.

Mediation #12

The complaint alleged that while attempting to file a report, she was treated in a rude and condescending manner, and, also, the employee failed to assist the citizen as had been requested.

The mediator indicated that the parties were able to successfully resolve their issues and come to an understanding. This mediation took an unusual amount of time to schedule (from the time of the event and the actual mediation) due to extended vacations for both parties. This may have impacted the final outcome. (i.e., it may have had a more lasting impact had it occurred closer to the event.

Comments from the Participants

The citizen indicated that she certainly had a better understanding of the officer's perspective, but was unsure if the officer shared that feeling. She stated that mediation was the most effective way to resolve this conflict and would recommend it to others.

The employee stated that while satisfied with the process, she had only a partially better understanding of the citizen's perspective. The employee did agree that mediation was appropriate to resolve the complaint and that she would recommend the process to others.

Mediation #13:

Complainant became involved in a traffic incident with the named officers after they had to abort a lane change, because he was in their blind spot. He alleged that as he passed the officers, the passenger officer was pounding his forearm and fist against the window while staring at the complainant. He alleged that the officers maneuvered behind him, then pulled up on his right side, and that the officer who was driving stuck his head out of his window and yelled at the complainant. He further alleges that the officers stopped him, and that the officer driver yelled at him so excitedly that he was spitting on him.

The mediator categorized this session as highly successful. He believed that both parties were able to resolve their issues and come to an understanding. He reemphasized that for most officers and citizens, a meeting between them, overseen by an experienced mediator, can go a long way towards better understanding.

Citizen's Decline to Participate

There were 10 cases selected for mediation where the citizen elected not to participate. The main reason cited for not participating was a preference to have the employee punished. On occasion, citizens saw minor infractions and de minimus behavior as very serious and requiring discipline. Complaints of rudeness have included the complainant demanding the employee be terminated.

In an additional case selected for mediation, the complainant stated that they were "afraid" of the officer and did not want to be anywhere near him again.

Comments from the Participants

Both parties strongly agreed that they had a better understanding of the other's perspective. Both parties also strongly supported the mediation process with the employee stating that, "...you have a chance to help the citizen understand your view of the matter..." and the citizen stating that, "...I've seen it (mediation) work in other situations and believe it's worthwhile." Both parties also stated that they believed there was value in mediating this complaint.

Officer's Decline to Participate

There remains a certain amount of distrust and skepticism among officers. Significant discussion and outreach continues as the mediation program is included in all post-BLEA training as well as an item of discussion during the 2006 Sergeants Academy. As more mediations are completed, it is hopeful that the program will become more attractive to the internal audience, and there will be fewer objections to participation.

One issue that has been discussed when looking at officer refusal is the type and manner of cases selected. Officers have cited a lack of incentive to participate in mediation in cases alleging rudeness. These cases are normally classified as Preliminary Investigation Reports or Supervisory Referrals. Neither of these case types is included in tracking an officer's complaint history. Cases classified as either Line Investigations or Internal Investigations Section investigations *are* tracked and mediation provides the employee a opportunity for resolution outside the investigative arena and for the complaint to be excluded in their performance history. The more significant the complaint, the more incentive there is for the employee to participate.

Employees continue to "not want to bother" with mediation as the complainant "...wouldn't listen to me at the time of the incident, what makes anyone think they'll listen now (at mediation)."

INITIAL AND CONTINUED PROMOTION OF THE MEDIATION PROGRAM

The OPA made immediate efforts to inform both the Department and the community about its new mediation program.

Internally, OPA has:

- Published an SPDALL (e-mail to all Department employees) on mediation
- Met with the SPOG Executive Board
- Trained OPA-IS staff on the program
- Met with Sergeants, Lieutenants, and Captains at each of the Five precincts
- Produced and distributed literature for officers about mediation
- Completed orientations at all precincts/watches and specialty units
- Included in all post-BLEA training and 2006 Sergeants Academy

Externally, OPA has:

- Produced and distributed literature for citizens about mediation
- Issued a press release
- Provided information and interviews for a news story and editorial
- Presented information about the Mediation Program to: the Citywide Advisory Council, the Seattle Human Rights Commission, Seattle NAACP, ACLU, numerous City and County dispute resolution centers, and multiple other police jurisdictions looking at initiating similar programs
- Presented information during a community forum (March 2006)

In addition, the OPA includes updates on mediation cases in its monthly reports to the Mayor; these reports are available on the City of Seattle website:

<http://www.seattle.gov/mayor/issues/OPA.htm>

The OPA has also posted all of documents related to the mediation program on the OPA website at:

<http://www.cityofseattle.net/police/OPA/mediation.htm>

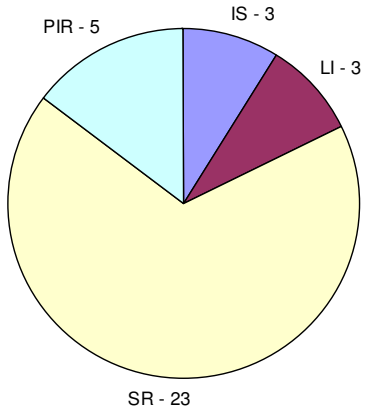
CONCLUSION

We continue to share our efforts with other agencies and the program has been cited as a "best practice" in numerous discussions. While the raw numbers appear low, the implementation of this program has been instrumental in furthering our efforts of transparency, outreach to the community, alternative conflict resolution, and to further "demystify" the issues concerning police culture. To date, this program has been generally rated by the participants as highly successful and beneficial to improving police-community relations.

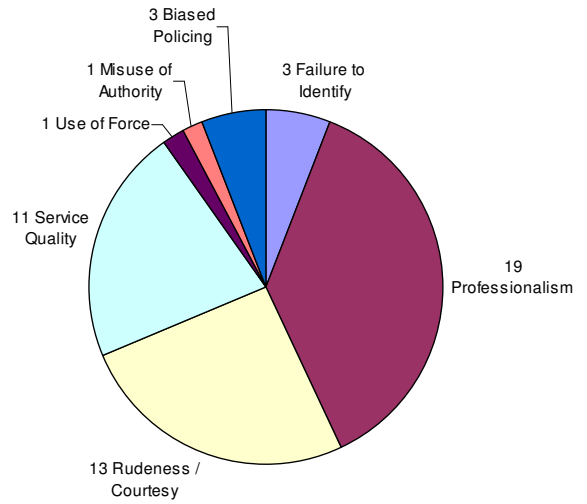
For many citizens who bring complaints and concerns to OPA, and for the officers who are the subject of the complaints, mediation provides a more immediate, effective, and gratifying alternative. It provides the potential for both parties to walk away feeling they were understood, and it affords them the opportunity to understand more about themselves about how their words, actions, and attitudes impact others.

In 2007, the OPA will continue to evaluate and refine the mediation program, and report on the cases mediated in the monthly reports to the Mayor.

**Cases Selected for Mediation
(original classificaitons)**

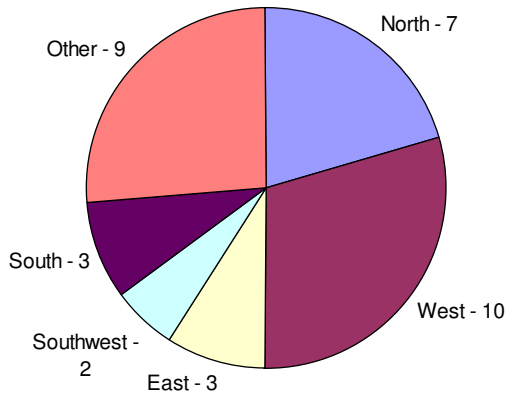


Allegations included in Cases Selected for Mediation



*Note: One case could include multiple allegations. Chart above is all inclusive. 34 cases were selected for Mediatoin in 2006. Those cases included 53 allegations/issues.

**Cases Selected for Mediation
(by Precinct)**



**Cases Selected for Mediation
(by Watch)**

