



## COPS Evaluation Brief No. 2

### EVALUATION OF A PILOT COMMUNITY POLICING PROGRAM: The Pasadena Police-Community Mediation and Dialog Program

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## Evaluation of a Pilot Community Policing Program: The Pasadena Police-Community Mediation and Dialog Program

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(PARC)

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The Internet references cited in this publication were valid as of the publication date of this document. Given that URLs and web sites are in constant flux, neither the authors nor the COPS Office can vouch for their current validity.



## ABOUT THE AUTHORS

The Police Assessment Resource Center (PARC) is a national nonprofit organization based in Los Angeles that advances effective, respectful, and constitutional policing. PARC performed this research project pursuant to a grant from the COPS Office. PARC staff and consultants working on this project included the following:

**Brian Buchner** was the lead PARC researcher on the project and principal author of the report. After leaving PARC in September 2006, he has worked in the Office of the Inspector General of the Los Angeles Police Department. He holds a master's degree in criminology and criminal justice from the University of Missouri-St. Louis.

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# LETTER FROM THE DIRECTOR

Dear Colleagues:

Successful community policing and crime control are the result of a partnership between the community and local law enforcement. An important part of that partnership is the community's perception of the police—their integrity, honesty, and genuine interest in helping, serving, and working with the community. When members of a community have positive perceptions about, and trust in, their local police, they are more likely to turn to the police for help and to work with them to prevent and solve crimes. Local programs that work toward this end are important for advancing the community policing philosophy.

This report, *COPS Evaluation Brief No. 2: Evaluation of a Pilot Community Policing Program: The Pasadena Police-Community Mediation Program*, was prepared by the Police Assessment Resource Center, a Los Angeles-based organization that advances effective and accountable policing, in partnership with the Western Justice Center Foundation and the Los Angeles County Bar Association's Dispute Resolution Services, Inc. The report examines an innovative approach used by the city of Pasadena, California, that combines mediation with community dialog to address citizen complaints against police officers and to strengthen police-community relationships.

The Office of Community Oriented Policing Services appreciates the importance of learning from the experiences of others. We are pleased, therefore, to present this report about a local approach to enhancing community/police collaboration. We hope that you will find it of value in your local efforts, and we encourage you to share this publication, as well as your successes, with other law enforcement practitioners.

Sincerely,



Carl R. Peed

Director

Office of Community Oriented Policing Services



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# CHAPTER 1

## INTRODUCTION

Pasadena, California—a diverse city of 133,000 residents adjacent to Los Angeles—is engaged in an innovative effort to overcome frayed relationships between the Pasadena police and the city’s African-American and Latino populations. The effort is entitled the Pasadena, California, Police-Community Mediation and Dialog Program (Pasadena Program). For a pilot year starting July 1, 2005, the Pasadena Police Department (PPD), under the leadership of Chief Bernard K. Melekian, brought concepts of alternative dispute resolution—mediation and dialog—to bear in encounters facilitated by mediators and in community forums.

The PPD culled citizens’ complaints to identify those amenable to possible resolution through mediation, offered face-to-face mediation between the complainants and the involved officers, and enlisted the assistance of mediators from the Los Angeles County Bar Association to act as neutral facilitators. The PPD also held three citywide forums, one to discuss the role of race in police-community relations and two forums to probe the relationship between youth and the police.

The Police Assessment Resource Center (PARC), a Los Angeles-based organization that advances effective and accountable policing, has concluded that the Pasadena Program holds great potential for improving police-community relations in Pasadena and can be beneficial as a model for other communities. The combination of mediation and dialog in Pasadena is unique and promising, enriching the concept and practice of community policing. The PPD and its chief, having opened channels for positive interaction and mutual understanding, are dedicated practitioners of community policing. The contributions of outside participants, notably the Western Justice Center Foundation (WCJF) and the Los Angeles County Bar Association’s Dispute Resolution Services, Inc., were indispensable.

The particular strength of the project was that its planning, design, and implementation used the very techniques that the Pasadena Program itself was intended to inculcate: dialog, inclusiveness, reconciliation, and consensus building. This open process sent a powerful message throughout the community and among the officers that the Pasadena Program would be fair and acceptable to all those involved.

PARC examined and conducted a detailed analysis of the procedures followed to select citizens’ complaints deemed amenable to resolution through mediation. PARC examined the planning and initial implementation of the Pasadena mediation process and surveyed participants. PARC also assessed whether three public dialogs between the community and the police helped to improve relations. Finally, PARC considered whether Pasadena’s unique combination of mediation and dialog was more effective than either component taken alone.

As the authors demonstrate in this report, the planners of the Pasadena Program confronted controversial issues and policy questions at each stage of the design and implementation of the mediation and dialog components. How the planners resolved those issues is the main story told here. Two key insights made the Pasadena Program particularly innovative: first, that the mediation and public dialog components must reinforce and inform each other to achieve the greatest community impact and second, that the planning, designing, and implementing of the two components must mirror the values of dialog, conciliation, and inclusiveness of the Pasadena Program itself.

In brief, at all stages of planning and implementing the project, Chief Melekian brought a wide spectrum of interested parties to the table. Notably, he invited the Pasadena police unions and community members into the planning and design process, thereby assuring the cooperation and support of groups and individuals who otherwise could have scuttled the project. The chief also included outside experts at the planning stage, including the WJCF for its expertise in all areas of conflict resolution and community reconciliation. The WJCF works locally and nationally with children, communities, schools, governments, and courts to ensure peaceful conflict resolution and improve access to justice. The WJCF, in turn, engaged the Los Angeles County Bar Association’s Dispute Resolution Services, Inc. (DRS), for its expertise in alternative dispute resolution and mediation. DRS trains mediators who deliver dispute resolution services and programs to more than 25,000 people annually.

Consequently, the planning and design process itself was an exercise in community-based dialog and mediation, signaling to the public at large the police department’s commitment to inclusiveness and power-sharing. The inclusion of the unions—whom other police chiefs might have deemed too adversarial and obstructive—proved to be a wise choice in Pasadena. It signaled to rank-and-file officers and their representatives that there was great sensitivity to the concerns and fears of officers that mediation would simply prove to be an exercise in humiliation and forced apologies. The planners of the Pasadena Program carefully calibrated the carrots and sticks so that the officers, on balance, had more incentives to participate than reasons not to.

Similar to the initial year of similar mediation programs elsewhere, the first year in Pasadena generated a small sample from which to assess the mediation program’s effectiveness. During the pilot year, members of the public filed 109 complaints against Pasadena police officers. Six were deemed eligible for mediation of which three were eventually mediated to successful conclusions. The three that were not mediated were a case in which the officer turned down mediation because he thought the complainant would be too hostile; a case in which the complainant refused mediation for unspecified reasons; and a third case where the officer was not on active duty.

1. The value of such an approach has been demonstrated in other assessments of police-complaint mediation programs and broader community conflict resolutions programs, particularly those that were subject to similar limitations and small sample sizes (Berger, 2000; Hill, R., K. Cooper, R. Young, and C. Hoyle, “Meeting Expectations: The Application of Restorative Justice to the Police Complaints Process,” *Occasional Paper No. 21*. University of Oxford Centre for Criminological Research and Probation Studies Unit, 2003; Young et al., 2005). The present study does not seek to engage in any systematic comparison of the Pasadena mediation program with similar programs elsewhere.

As a result of this small sample, PARC adopted a qualitative, case study-based method to explain the differences between mediation and traditional complaint investigations and to assess the benefits of the community dialogs.<sup>1</sup>

PARC reviewed program materials, including training and orientation materials, planning documents, correspondence between stakeholders, and program policies and procedures. PARC also interviewed key program personnel, mediators, mediation participants, and those who participated in the public forums. PARC researchers were present at meetings during the pilot year to provide contemporaneous feedback on the success or effectiveness of the program and to suggest model policies and practices, if warranted. With the consent of all parties, PARC attended all three mediations.<sup>2</sup>

Because PARC was able to examine only what happened in the pilot year, it was beyond the scope of this study to follow up with officers and the police department to determine whether the mediations led to changes in the officer's subsequent behavior or generated fewer citizens' complaints.<sup>3</sup> It is also important to keep in mind that the Pasadena Program was still at the beginning of its implementation phase when PARC began to observe and evaluate it. It is to Pasadena's credit that it welcomed outside evaluation while the mediation and dialog program was still a work in progress. Accordingly, it is important to keep in mind that this report does not deal with a program that is fixed and established. It continues to evolve, and in many of the areas in which this report makes recommendations, Pasadena has already responded.

2 Hill et al., 2003, note that the usual retrospective study of police mediation programs must deal with "[t]he fallibility of memory, the tendency for accounts to be colored by knowledge of the outcome of the complaint and the lack of any sound basis for the researchers to reach an independent view of what actually took place within the complaints process" (Hill et al., 2003: 6). It is best, therefore, to interview respondents and collect data at the very beginning of the complaints process. PARC consultants were unable to do so, although they attended and observed each of the three mediations and two of the three dialogs. The only other instances in which parties present during actual mediations describe their observations as part of a scholarly exercise were Berger, 2000, and Hill et al., 2003.

3 The small sample of mediated cases means that results cannot be generalized to mediation programs in general and the absence of a comparison group precludes broader inferences about whether mediation changed officers' attitudes. PARC surveyed the Pasadena Police Department and residents of Pasadena about perceptions of each other prior to the pilot year. It is PARC's intention to conduct the same survey at a future time to determine whether the mediation and dialog programs have changed attitudes.





# CHAPTER 2

## BACKGROUND

The attitude of the public concerning its police department is critical to a community's health and safety. Among other reasons, public distrust and negative perceptions can hamper police efforts to control crime because the public is less likely to report crimes and cooperate with the police in criminal investigations.<sup>4</sup> The lack of public cooperation leads to a downward spiral of police effectiveness, more crime, and, as a consequence, further deterioration in police-community relations.<sup>5</sup>

In general, the United States public views the police positively.<sup>6</sup> In a survey of 13,000 people in 12 cities across the United States, almost 80 percent of the residents in each city were satisfied with the police in their community.<sup>7</sup> Satisfaction with the police, however, varies across different segments of society. Most studies show that relationships between police and African-Americans and young people are more negative than those between police and Whites and older people.<sup>8</sup> Research likewise demonstrates that police-community relations are more negative in poorer communities than in more affluent ones.<sup>9</sup>

Commencing in the 1960s, high-profile police-corruption scandals and officer-involved shootings and beatings prompted government, law enforcement, academia, and minority communities to reexamine the traditional model of American policing, culminating in a strong push toward community-oriented and problem-oriented policing, among other important reforms. Specifically, police reformers emphasized increased transparency of police procedures and practices, greater internal and external police accountability, a heightened focus on police professionalism, and the proliferation and expansion of community-oriented and problem-oriented policing. Since that time, community-oriented policing has become the dominant policing philosophy in the United States. Community-oriented policing encourages civilians to have an expanded role in shaping police priorities to better address the needs and desires of the community. It includes a broad range of initiatives by the police to build trust and positive relationships with the communities.

Despite these efforts, relationships between police and communities continue to be strained in many places across the country because of perceived police misconduct, a frequent subject of citizens' complaints. Historically, the responsibility for investigating citizen complaints rests with the police themselves through internal affairs investigations. Yet internal affairs investigations have not always proved satisfactory to community members or potential complainants who perceive those investigations as slow and incomplete or suffering from bias in favor of the accused officer—perceptions which tend to alienate and discourage complainants, further undermining police-community relations.<sup>10</sup> In response, there were calls for more independent complaint investigations and for local government to limit and reform the authority of the police to investigate themselves. The creation of civilian oversight agencies, such as civilian review boards and police commissions, followed. Yet some observers found that these boards and commissions, much like internal affairs, were perceived to sustain few complaints and to be overly deferential to the police.<sup>11</sup>

4. Brown and Benedict, 2002; Decker, 1981; Decker, 1985.

5. Brown and Benedict, 2002.

6. Brown and Benedict, 2002; Benedict et al., 2000; Cao et al., 1996; Chackerian, 1974; Chermak et al., 2001; Cheurprakobkit and Bartsch, 1999; Davis, 1990; Dunham and Alpert, 1988; Furstenberg and Wellford, 1973; Gourley, 1954; Hadar and Snortum, 1975; Hindelang, 1974; Kaminski and Jafferis, 1998; Koenig, 1980; Marenin, 1983; Priest and Carter, 1999; Reisig and Giacomazzi, 1998; Scaglione and Condon, 1980; Shaw et al., 1998; Smith et al., 1991; Smith and Hawkins, 1973; Sullivan et al., 1987; Thomas and Hyman, 1977; Zevitz and Rettammel, 1990.

7. Brown and Benedict, 2002; Smith et al., 1999. Pasadena is no exception, and its police department enjoys exceptionally high levels of community support, including impressive levels of approval by the African-American community (Police Assessment Resource Center/Vera Institute of Justice, 2006).

8. Bouma, 1973; Hurst and Frank, 2000; Leiber et al., 1998; Weitzer and Tuch, 1999.

9. Cao et al., 1996; Dunham and Alpert, 1988; Jesilow and Meyer, 2001; Sampson and Bartusch, 1998; Skogan, 1978; Weitzer, 1999.

10. Bobb, 2003; Walker, 2005.

11. Walker, 2005.

Traditionally, internal affairs investigates the facts underlying a citizens' complaint against a particular police officer and presents the case for resolution to the commanding officer of the unit employing the police officer in question. The disposition is based on the strength of the evidence, and if there is sufficient evidence to sustain the complaint or deem it "founded," the factual record is reviewed through the chain of command and referred to the chief of police for disciplinary action. The final disposition of the citizens' complaint may be subject to further review by a civilian review board or police commission.

If it is ultimately found that the officer in question did not commit the acts complained of, the complaint will be held as "unfounded." If it is not possible to conclude one way or another whether the officer engaged in wrongdoing, the complaint will be deemed "not sustained." On the other hand, if it is proved that the officer did commit the acts in question but that they were proper and within policy, a police officer will be "exonerated." As in the criminal justice system, these investigations focus on punishment if there is sufficient proof of wrongdoing.

The overwhelming majority of citizens' complaints are not sustained, resulting in the complainants feeling even more isolated from the process than a crime victim.<sup>12</sup> Typically, police departments and civilian review boards sustain between 10 and 13 percent of all complaints.<sup>13</sup> The complainant, then, may walk away feeling like the officer "won" nearly 90 percent of the time.<sup>14</sup> Punishment of the officer, however, may not be the only thing a complainant is after. As perceptively put by the Independent Police Review Division, Office of the City Auditor (Portland, Oregon) "Not everyone who has a complaint against a police officer wants to see the officer disciplined... Some simply want to understand why an officer took a particular action, or to explain their own actions and perceptions... Others want to retain control over how the complaint gets handled."<sup>15</sup>

More recently, in response to perceived dissatisfaction with the internal affairs and civilian review process, police departments and some civilian oversight agencies have introduced mediation as an alternative means to resolve certain carefully selected complaints against the police. Mediation is a process in which the complainant and the police officer meet face-to-face in the presence of a neutral mediator in an attempt to resolve the issues underlying the complaint.<sup>16</sup>

Mediation does not focus on punishment or a "right-wrong" determination. Mediation is conciliatory in nature, emphasizing resolution of the conflict and focusing on the outcomes sought by the parties.<sup>17</sup> This approach is especially useful in the context of the subset of citizens' complaints against the police that are based on perceptions of rudeness and discourtesy, or simple misunderstandings, which mediation can often address better than an investigative system.<sup>18</sup>

Traditional police investigations fail to deal adequately with the most common types of citizens' complaints against the police involving discourtesy or attitude.<sup>19</sup> Where there are no witnesses other than the complainant and the officer, these complaints are difficult to prove, and most often

12. Walker and Archbold, 2000; Walker et al., 2002

13. Walker, 2005.

14. Walker et al., 2002.

15. Portland, Oregon. Independent Police Review Division, Office of the City Auditor, 2004, p. 47.

16. Bartels and Silverman, 2005.

17. Kovach, 2000.

18. Portland, Oregon. Independent Police Review Division, Office of the City Auditor, 2002; 2004.

19. Attard, 2000.

are not sustained. As a result, complainants may conclude that they have not been heard and that the process failed them. Mediation offers both the officer and the complainant a chance to be heard and an opportunity to understand why the other person acted as he or she did. Further, a trained and neutral mediator can help the parties understand the underlying issues, deal with stereotypes and misperceptions, and overcome any perceptual barriers. These opportunities are not generally realized by traditional police investigations.

Using mediation for complaints of rudeness or discourtesy or similar relatively minor misconduct gives the parties more control over the process and allows for more creative outcomes, such as an apology, explanation, or an understanding of the officer's perspective.<sup>20</sup> Then, even if the officer is not disciplined, complainants may conclude that they got a positive result from making the initial complaint. The mediation process, therefore, may give complainants a greater sense of ownership and procedural justice, resulting in higher satisfaction rates overall for complaint procedures.<sup>21</sup>

In one study of the benefits of mediation in resolving citizens' complaints against police, the authors cite benefits of mediation in five broad areas:

1. Mediation programs benefit the officers, including providing a better understanding of interactions with citizens, an opportunity to explain actions to citizens, greater satisfaction with the complaint process, and a chance to learn from mistakes.
2. Mediation offers citizens a greater opportunity to meet their goals in lodging a complaint, greater satisfaction with the complaint process, a better understanding of policing, and a sense of empowerment.
3. Mediation makes the police accountable not just to the chain of command, but to citizens directly through face-to-face meetings, thereby ameliorating a perception in police culture that no one but the police themselves have standing to criticize the police.
4. Mediation is consistent with the notion of community policing by presenting an opportunity for dialog between the police and the public.
5. Mediation helps reduce crime by raising community trust and cooperation with the police, thereby lowering crime rates.<sup>22</sup>

Although mediation helps reduce crime by raising community trust and cooperation with the police,<sup>23</sup> not all cases should be mediated. Even under expanded notions of what is amenable to mediation, it will not and, indeed, should not replace internal affairs or external investigations. Cases involving wider issues of police and public policy, excessive force, repeated misconduct by a given officer, discriminatory law enforcement, sexual harassment, retaliation, criminal misconduct, and corruption are not appropriate candidates for mediation. Public policy requires that truly serious cases like these are investigated thoroughly and adjudicated fairly. It is inappropriate to mediate cases where the officer should be given substantial discipline, demoted, or fired.

20. Portland, Oregon. Independent Police Review Division, Office of the City Auditor, 2004.

21. Walker et al., 2002.

22. *Ibid.*

23. *Ibid.*

Where more is at stake than a relatively minor dispute specific to the parties on a single occasion, wider issues should be dealt with in a full, complete, and fair internal investigation subject to outside independent review. There may be a temptation to use mediation inappropriately because not enough internal investigations meet these standards. Although some cases with racial implications may be mediated, the bulk of cases with racial issues should not. Similarly, complaints of force—beyond the minimum force necessary for handcuffing—should be investigated rather than mediated. There are policy reasons not to offer mediation to officers with repeated problems of discourtesy or rudeness or misuse of force. Nonetheless, there should be a robust mediation alternative for the large numbers of citizens’ complaints in the band of cases amenable to mediation.

# CHAPTER 3

## PRIOR RESEARCH

Mediation of citizens' complaints is in its infancy, making it difficult to determine long-term program effects.<sup>24</sup> Research is sparse because few mediation programs exist and few cases are mediated. Anecdotal evidence shows that participants in these programs are generally satisfied with the process and feel that it gave them a chance to explain themselves and better understand the other's perspective.<sup>25</sup>

To date, there have been only three studies of police-complaint mediation in the United States:

1. Professor Walker describes, among other things, the extent to which mediation is being used by law enforcement or civilian oversight agencies and discusses in detail the planning process and structure of several programs.<sup>26</sup>
2. Bartels and Silverman examine the level of satisfaction with the New York City's Civilian Complaint Review Board's mediation program, the largest program in the United States. These authors found that participants in mediation were more satisfied with the process *and* with the New York Police Department as a whole than those whose complaints were fully investigated.<sup>27</sup>
3. Ms. Berger analyzed three mediations she conducted in New York City. She concluded that, where the police and the community feel rejected and misunderstood by the other, mediation allows participants to express emotions, clear up misunderstandings, and help the participants understand each other's perspectives.<sup>28</sup>

Police-complaint mediation programs have begun to spread across the United States. In 2002, only 16 mediation programs were in existence in more than 16,000 police departments.<sup>29</sup> Since then, programs have started in Denver, Colorado; Eugene, Oregon; Pasadena, California; and Seattle, Washington.

24. Bartels and Silverman, 2005; Walker and Archbold, 2000; Walker et al., 2002.

25. Attard, 2000; Denver, Colorado. Office of the Independent Monitor, 2006; Portland, Oregon. Independent Police Review Division, 2004; Seattle Police Department Office of Professional Accountability, 2006. Research on police-complaint mediation programs in the United Kingdom (UK), also demonstrates the effectiveness of these programs, although these evaluations focused on multiple informal complaint resolution methods of which mediation is only one type. In reality, mediations, or restorative conferences as they were referred to in the UK research, were rare (Hill et al., 2003). Instead, studies in the UK focused to a greater extent on conciliation, a much more common practice where a third party serves as a liaison between the two disputing parties who never actually meet face-to-face.

26. Walker et al., 2002.

27. Bartels and Silverman, 2005.

28. Berger, 2000.

29. Walker et al., 2002.



# CHAPTER 4

## DESIGNING PASADENA'S POLICE-COMMUNITY MEDITATION AND DIALOG PROGRAM

### The City of Pasadena

Pasadena, California, is a demographically and economically diverse community within the greater Los Angeles area. According to the United States 2000 Census, Pasadena's population was 133,936: 40 percent of the population is White; 33 percent, Latino; 14 percent, African-American; and 11 percent, Asian. This represents a significant racial and ethnic shift in the city since 1990, when the proportions of Whites and African-Americans were higher and that of Asians and Latinos considerably lower.

Even though Pasadena as a whole is quite diverse culturally and economically, this diversity is not equally distributed throughout the city. One neighborhood in particular, Northwest Pasadena, has much higher concentrations of poverty and persons of color than all other parts of the city. In addition, Northwest Pasadena is one of the most densely populated areas of Los Angeles County, with about 50,000 residents in 4 square miles. Of the population in Northwest Pasadena, 64 percent is Latino and 28 percent is African-American.<sup>30</sup> According to the 2000 Census, the median family income is \$27,355. Over the years, this neighborhood has been at the forefront of initiatives for more responsive policing and better treatment of its residents by police.

Additionally, during the past several decades, Pasadena has undergone a substantial shift in the proportion of its residents who were not born in the United States. Approximately 40 percent of Pasadena's immigrant or foreign-born population came to the city between 1990 and 2000, representing a 20 percent increase in the immigrant population overall. At the same time, Pasadena experienced a 5 percent decrease in the U.S.-born population. Demographic shifts reflected in the 2000 census resulted primarily from the increase in the immigrant population.<sup>31</sup>

The Pasadena Police Department (PPD) has 379 full-time employees, including 241 sworn personnel. The most recent demographic information demonstrates that 41 percent of the sworn staff are White, 32 percent are Latino, 17 percent are African-American, and 83 percent of them are male. The average age of the officers is 39 years old. Thirty-one percent have at least a 4-year college degree, 62 percent hold the rank of police officer, and 52 percent are in patrol.

In 2006, the Police Assessment Resource Center and the Vera Institute of Justice conducted a study of police-community relations in Pasadena<sup>32</sup> which found, among other things, that Pasadena police officers had a positive view of their relationship with the community: seventy

30. U.S. Bureau of the Census, 2000.

31. Recent immigrants present unique challenges to a police department's community relations. Often, immigrants in Southern California come from countries where the police are chronically corrupt, brutal, threatening, and untrustworthy. Immigrants are reluctant to contact the police, even in the United States. Undocumented persons also avoid encounters with the police because of fear of deportation. Hence, to establish relationships of mutual trust, the police must work extra hard.

32. Police Assessment Resource Center/Vera Institute of Justice, 2006.

percent agreed that the relationship between the public and police in Pasadena was very good; almost all felt that the prevention of crime was the joint responsibility of the community and the police; nearly 75 percent believed that police officers have reason to trust most citizens; and 80 percent felt that police should make frequent, informal contacts with citizens. The residents in Pasadena were equally as positive toward the police department. The majority of Pasadena residents believed that the PPD is effective; 85 percent felt that police officers treat people in a fair and courteous manner; and 87 percent reported that the PPD is successful at promoting positive police-community relations.

Although the relationship between the Pasadena police and community has generally been positive, controversial police shootings, in-custody deaths, and accusations of racial bias have had a negative impact on perceptions of the PPD, particularly within communities of color across the city. According to the PARC/Vera study, Asians, African-Americans, and Latinos were significantly more likely than Whites to conclude that police misconduct in Pasadena is a problem. African-Americans by far held the most negative view of police misconduct, more than half recording that racial profiling and police stops for no reason were at least a minor problem. Black citizens of Pasadena were also more than twice as likely as Whites to report that police are verbally or physically abusive or use offensive language.

## Designing the Overall Structure of the Program

The Pasadena Program officially began on July 1, 2005. Originally the idea of Chief Bernard Melekian, the Pasadena Program was one of several steps taken by the city and police department to improve residents' satisfaction with the citizens' complaints process and police-community relations generally. In August 2004, Chief Melekian approached the Western Justice Center Foundation (WJCF) to assist in the design of and to implement the program. Key WJCF personnel who worked on the program were the executive director and the program director.

The WJCF conducted a thorough investigation and analysis of different community policing programs designed to build trust between the public and police through varying models of engagement and decided to combine two methods of engagement: mediation and public dialog. The Pasadena Program is distinctive because it takes a two-pronged approach to issues that are creating friction between residents and the police: One prong works to resolve those issues in individual cases through mediation of citizens' complaints; the other uses ongoing public dialog to address the same or similar issues on a community-wide basis. According to the WJCF, the goals of the Pasadena Program were the following:

- “Provide the Pasadena community and police department with an effective method of resolving situations that emerge between police and community members through a neutral third-party intervention of mediation.”



- “Provide the Pasadena community and police department with an effective method of engaging one another on community-wide issues through a dialog process that is both responsive for particular situations and available as an ongoing tool for discussing issues.”

The dialog component in and of itself is not unique—in fact, police-public dialogs, particularly those organized around specific conflicts, have been in existence for more than 30 years.<sup>33</sup> What makes the Pasadena Program distinctive is that it uses both police complaint mediation and ongoing police-public dialogs to build stronger police-community relations. As a sergeant from the PPD noted during the program’s evaluation component:

The community dialogs focus on issues resonating within the community that have the potential of disrupting police-community relations...The community dialogs’ strength is the involvement of police personnel who voluntarily attend as participants...In these sessions, the police personnel have the opportunity to listen to the community members’ perceptions and feelings about police contacts they have experienced or heard about. The employees are afforded an opportunity to express their feelings associated with providing public safety, and their feelings about the expressed perceptions. This process is invaluable as a tool to provide initial orientation of community members and police employees to the mediation process. Although occurring in a larger setting than traditional mediations, the format of the dialogs is less lecture and more interaction.

The dialogs allow officers and community members to engage one another outside the context of a particular incident or current hot-button issue. The dialogs are ongoing and proactive, not retrospective and limited to the resolution of specific issues or a particular incident; they are incorporated into the Mediation Training program, where officers learn about the general concerns of the community and how mediation can be used to resolve specific issues on a one-on-one basis. The dialog component positions mediation within a larger context such that the community identifies mediation as a means of strengthening communication and relationships with law enforcement rather than a means for officers merely to avoid formal investigation or discipline.

Specific and practical reasons for having the dialog and mediation components not just informing one another but existing in concert with one another include these five:

1. The private, one-on-one nature of mediation inherently precludes transparent public accountability. The dialog component allows the nature and outcome of mediations to influence broader relations with the community. The use of community members as the facilitators of such dialogs allowed members of the community to participate in the mediation program beyond the one-on-one dispute resolution of a mediation session.

33. U.S. Department of Justice, Community Relations Service, 2003.

2. Mediation, when used effectively in those cases that meet selection criteria, was anticipated to be a less-expensive means of resolving a dispute than a traditional, formal investigation.<sup>34</sup>
3. The number of mediations in a new program was predicted to be low during the program's initial implementation. Ongoing dialogs served as a means of preserving the saliency of the mediation program for both the community and the officers and keeping all stakeholders engaged in the program.
4. Just as distrust from officers could pose a problem in implementing the program, distrust among the community about the efficacy of mediating disputes could compromise the success of a comprehensive mediation program. The dialog component sought to build trust among participants and community organizations in the mediation program.
5. With more than 20 Pasadena officers participating in the dialogs, the sessions offered a means, removed from mediation sessions themselves, of creating officer trust in the program.

The following is a more detailed discussion of the specific structure of this dialog.

## Designing the Mediation Component

The PPD, Dispute Resolution Services, Inc. (DRS), and the WJCF developed the mediation component of the program after several interviews with police administrators of mediation programs in California. Eventually, the planners modeled the Pasadena Program on the one used by the San Diego Police Department (SDPD) for three reasons:

1. The PPD mediation program closely approximates the successful SDPD model because both are administered by the respective agencies' internal affairs unit.
2. The process for receipt and investigation of police complaints in San Diego closely approximates the process in Pasadena.
3. The mediation program in San Diego is relatively successful and was extensively chronicled by Walker et al., 2002.

The SDPD documented its planning process extensively. The openness of the SDPD provided the WJCF with a wealth of useful information from which to begin building the Pasadena Program. The PPD mediation protocols are in the Appendix.

Many Pasadena stakeholders were invited to participate in the planning process. In addition to the PPD, its internal affairs unit, and its chief, the police unions—the Pasadena Police Officers Association and the Pasadena Police Sergeants Association—were included in the planning process, as were the Los Angeles County Bar Association and the City Attorney's Office. The importance of having everyone at the table was emphasized by one program official:

34. This prediction was confirmed during the implementation of the program where, according to PPD's calculations, mediation cost approximately \$144 per mediation, including the cost of salary, benefits, and other miscellaneous expenses incurred during the average 2-hour session. An internal affairs investigation of the case typically costs an average of \$429 in salary, benefits, and other expenses incurred during an average investigation of 6 hours.

I think each one of the organizations brings its own expertise into the process. Collaboration like this is complicated and requires strong and open communication. Sometimes, during the process, it's been more challenging and sometimes it's worked better, but I do think that it's been a useful and positive collaboration...What was good about [the discussions] was that you had everybody in the room – you had reps from the police, the police officers association, which I think was critical, Western Justice..., Dispute Resolution Services...and I think it brought into the room a broader perspective, as well as realities on the ground.

**Another key PPD employee put it this way:**

All those perspectives had to be there. Some in the community thought, and many still think, that mediation is a scam to let officers off the hook. Their concerns were just as real as the officers' concern that they'd be hung out to dry by making statements in an unguarded way during mediation. We had to get all the groups together and get everybody on board.

The stakeholders stressed the benefits of having the union present during the planning process. Union opposition is typically one of the main obstacles to successful mediation programs.<sup>35</sup> The mediation program in Pasadena was not presented as a fully formed, settled program; rather, the union was involved in the project from the beginning, which allowed their concerns and issues to be heard, considered, and incorporated into the project. The union in Pasadena ensured that the concerns and interests of line officers were heard and considered, and the union's cooperation in, and strong support of, the program resulted in high levels of cooperation by individual officers and helped build a foundation for long-term program success, as well.

The openness to the unions and incentives for officers to engage in mediation contributed to positive results. Pasadena police officers have a strong incentive to agree to mediation. If the complaint is successfully resolved through mediation, there will be no further investigation and no adverse entries in the officer's personnel file. After mediation, the case is closed and is not subject to appeal. One union official stated:

I don't know where this came from, but for some reason there was a perception that the [union] was opposed to the mediation program and that we were recommending that officers not participate in the program. This can't be further from the truth. I have talked to several people about the mediation program and have never recommended that someone not go to mediation. If someone asks about the mediation program, I tell them what I know and let them make their own decision about their participation in the program.

35. Walker and Archbold, 2000; Walker et al., 2002.

Involving multiple stakeholders during implementation was important, as well. The WJCF, whose staff have extensive experience in conflict resolution theory and practice, is not a direct service delivery organization. It therefore enlisted the DRS to train volunteer mediators and Pasadena police officers and to manage the mediation program.

The PPD itself addressed chronic fears and misconceptions of line officers about mediation of citizens' complaints. Many officers mistakenly believed that they would be compelled to apologize or admit wrongdoing in mediation. Others thought that the complainant would be unreasonable or unpleasant, that they would be subject to a complainant's verbal attack, or that their words would be twisted in a later legal proceeding. The program planners confronted these fears directly in trainings of all sworn personnel and intensive orientation for union officials and department executives. Officers could attend all training sessions, including those principally directed at other groups.

Finally, to increase community involvement and confidence in the process, program officials formed a panel of volunteer mediators drawn from an applicant pool that included individuals with extensive mediation experience and others who were active in the Pasadena community but had less training and experience in mediation. To be selected, potential mediators had to have at least 25 hours of basic mediation training at a minimum. Ultimately, a skilled professional mediator assisted by a Pasadena-based community leader with at least some mediation training and experience conducted the three Pasadena mediations.

## Designing the Dialog Component

A dialog is "a forum that draws participants from as many parts of the community as possible to exchange information face-to-face, share personal stories and experiences, honestly express perspectives, clarify viewpoints, and develop solutions to community concerns." Dialog, as a regular course of action and not in response to crises, can be a critical tool in developing responsive policing programs and community-based, problem-solving strategies.<sup>36</sup> The WJCF and the PPD perceived that dialog is particularly useful for large groups, can address broader issues of community concern, allows for discussion of ongoing issues, and promotes both community and police accountability.

To design and plan the dialogs, the PPD and the WJCF enlisted community partners to help with the process. The larger group, named the Points of View committee, included officials from the PPD, Pasadena City Human Relations Commission, Young Women's Christian Association Racial Justice Committee, Office of Reconciliation Ministries, and Office of Creative Connections,

36. U.S. Department of Justice, Community Relations Service, 2003, p.4; Volpe, 2000; Volpe and Loudon, 1992.

representing a wide variety of cultural backgrounds and belief systems. Although the WJCF was the key organizer of the dialog component of the program, program officials at the WJCF made a conscious decision to decentralize the planning process. Of this decision, a WJCF official said the following:

Decentralization is positive. The notion of community engagement dictates that the project should be spread out more. This presents challenges in terms of logistics sometimes, but part of the way it's designed is because of the nature of the goal of the program—engaging a broad spectrum of the community.

As noted earlier, a great strength of the Pasadena Program was that it was designed and planned using the same techniques of dialog, inclusiveness, and conciliation that would be used within the program itself.

Part of the organic nature of the process was intentional, and WJCF took careful measures to build a cumulative process. For example, the first public dialog, held on March 24, 2005, was a continuation of a leaders' dialog which featured the executive director of the WJCF, chief of police, and the head of the Office of Reconciliation Ministries on March 24, 2005. The leaders' dialog focused on racial reconciliation and the June 6 public dialog continued the theme. The focus of each subsequent dialog was determined by the participants to ensure internal coherence and procedural integrity.



# CHAPTER 5

## TRAINING AND OUTREACH PRIOR TO IMPLEMENTATION

Prior to beginning the mediations and public dialogs, the program planners conducted four comprehensive, in-depth orientations and training for Pasadena Police Department (PPD) officers and executives, the union hierarchy, community members, and potential mediators.

The training addressed the following:

- The mediation process in general
- All elements of the Pasadena Program
- The use of two mediators functioning together (co-mediation) in each mediation
- Role-play with scenarios geared toward police-community issues
- Opportunities to hear from and interact with Pasadena residents and police officers
- A assessment of volunteers' readiness and appropriateness to mediate in the program, including the ability to maintain neutrality with respect to law enforcement
- An assessment of potential mediators' ability to handle highly emotionally charged interactions and conflicts.

The initial sessions took place on June 6 and 7, 2005. The first day focused on department leaders. Attendees included the PPD's Administrative Services lieutenant, the presidents of the two police unions, an internal affairs sergeant, a community services officer, and several representatives of the Pasadena City Attorney's Office who provided legal advice and guidance in the design of the program. Participants received conflict resolution training and an orientation to the program.

On the second day, the meetings familiarized potential mediators with the program and provided further mediation training specific to police-community conflicts. PPD officers participated fully. The second day was also open to members of the Western Justice Center Foundation (WJCF) Leadership Roundtable, which is composed of major Pasadena community and faith groups. Attendees engaged in role-play, acting out police-community mediations. Police officers assumed the role of police officers. Mediators and community members similarly played themselves. These mock mediations usually ended with the police officers explaining police policies and procedures and telling community members why they were wrong.

In the next phase of the training, the roles were reversed. Police officers played the role of complainants and community members took the role of the police. Unsurprisingly, the participants began to understand how differently things can appear from the perspective of the other side. These mock mediations were much less adversarial, usually ending with candid discussions about

what happened during the mediation, how each party was feeling, what went wrong, and how the mediation could have gone differently. The role-playing also provided an opportunity to assess potential mediators and community volunteers. It became apparent very early during the exercises that certain individuals expressing overt biases against law enforcement would not be appropriate to mediate in the Pasadena Program, at least without additional training.

Reaction to the June training was mostly positive. Participants found the written and verbal instructions helpful, particularly the specifics of the mediation process in Pasadena. All participants stated that the training met their expectations and rated the overall training program positively. Some commented that it was helpful to have the officers present because they were able to clarify any misunderstandings about police policies and procedures in Pasadena.

Some participants, however, complained of a lack of focus in the sessions. Paradoxically, others found the descriptions of the mediation process overly detailed. Program administrators attributed these differences to variations in familiarity with mediation techniques within the group. More experienced mediators felt the training and orientation moved too slowly through the basics of mediation.

From June 6 to 15, concurrent with and following these training sessions, all Pasadena police officers received training in the mediation program in 90-minute sessions.

A third training session for mediators took place on August 16 and included presentations and discussions by a panel of sworn and nonsworn PPD representatives and a second panel of community leaders.

One purpose of this training session was to expose biases, myths, and mistaken cultural or racial assumptions held by the police and community members alike. Interestingly, the sworn officers had more positive perceptions of the community than nonsworn personnel. For example, one nonsworn PPD panelist felt that the community was just “out for the cops” and that community members do not like the police because they do not understand that the police “are just doing their jobs.” Sworn officers on the panel expressed a concern that mediators would not understand or appreciate police policies and procedures. The officers also believed that it was necessary for supervisors to affirmatively encourage officers to participate.

The panel of community leaders worried that the existing power imbalance between police and minority communities in Pasadena and elsewhere might unfairly influence the mediation process or individual cases of mediation. Community leaders thought it important that mediators should be local and understand the history and culture of Pasadena. Community leaders wanted mediators to be neutral yet understand the historical oppression and treatment of persons of color by police. Conversely, the police also wanted the mediators to be neutral yet understand the nature of policing and police policies and procedures.



Responses to the second block of training were mixed. Most participants rated the overall experience positively and felt that the session met their expectations. One attendee felt that the training was “good for learning police and community perspectives but [I] did not learn much on how to mediate.”

The fourth and final training block, on February 17, 2006, was primarily for the benefit of mediators who were 7 months into the program. Here again, the goals and objectives of the Pasadena Program were discussed, as well as more in-depth instruction in mediation. Role plays were used during this session, as well.

Program leaders were surprised by how sensitive officers were about the perception that they would have to apologize. As one mediator noted during early training sessions with officers:

One of the very first things that the police were saying is that they wouldn't be apologizing for their actions. They were very clear that this was a situation where they were learning to communicate about their jobs and roles, but they were only going to take cases where their behavior was already, in their minds, appropriate. This was especially the impression from command, who didn't seem like they expected to have their police officers to run around apologizing.

As a sergeant similarly noted, “officers were concerned that resolution could [only] be achieved by patronizing the complainant with an apology” because of an “expectation [that] the officers would apologize” during the mediation session. Consequently, the leaders took steps to emphasize to police officers that apologies are only one of several successful outcomes—that a mediator does not try to push for an apology for its own sake or try to influence the choice of the parties about how best to resolve the dispute. A lesson, therefore, from this process is that officers will not invest fully in a mediation program unless they accept that a mediation session does not require an apology if the discussion between officer and community member does not warrant or proceed naturally to such a resolution. As has occurred in similar programs in Portland and Denver, successful mediations build momentum; as more cases are mediated successfully and officers discuss their general experiences with one another, officers feel less threatened by the process and embrace mediation as a tool for personal and professional growth.

As a result of the program’s outreach efforts, 19 percent of Pasadena residents citywide are aware of the mediation program; and in Northwest Pasadena, where outreach was particularly targeted, 32 percent of residents were aware of the program.<sup>37</sup> Outreach was particularly targeted to residents in Northwest Pasadena because the WJCF had strong relationships with numerous community and faith-based organizations in that area, and Northwest Pasadena was particularly affected by civil unrest after the police-involved deaths of two young Black men in 2004. Outreach activities included public presentations at two community centers in Northwest Pasadena in May and June 2006, and a brochure that was distributed throughout the city. These outreach efforts should continue with the goal of raising awareness of the Pasadena Program in the rest of the city.

37. Police Assessment Resource Center/Vera Institute of Justice, 2006.

# CHAPTER 6

## THE MEDIATION PROGRAM IN PRACTICE

### Selecting Cases for Mediation

In Pasadena, any person may file a citizen's complaint against any officer. The Professional Standards Unit (PSU or internal affairs) conducts an initial investigation and, if the complaint appears suitable for mediation, the PSU will recommend it. The decision to mediate a given complaint is nominally made by an Administrative Services lieutenant outside of the PSU, but in practice, sergeants in the PSU appear to drive the selection process. In general, suitable cases are those for which the Pasadena Police Department (PPD) believes that mediation will result in greater complainant satisfaction, improve citizen understanding of police procedures and actions, result in improved officer conduct, and contribute to improved citizen-police relations. But the determination of suitability does not stop there.

The PPD offers mediation for complaints that deal with police tactics, police procedure, quality of service, and rudeness or discourtesy. Citizens' complaints deemed unlikely to be sustained after a full internal affairs investigation are excluded on the theory that an officer who knows there will be a positive outcome from an investigation will have little incentive to mediate. Complaints not considered suitable for mediation in Pasadena, and which remain formally investigated by internal affairs, include complaints of excessive force, racial profiling, and discriminatory policing.<sup>38</sup> The major stakeholders, including the PPD, the union, and the Western Justice Center Foundation (WJCF), agreed that serious allegations or incidents should not be eligible for mediation.

On paper, Pasadena does not mediate allegations of racial discrimination or racial slurs. Race nonetheless played a prominent role in two of the three cases mediated in the pilot year.<sup>39</sup> Allegations of racial slurs or profiling are often difficult to prove unless there are witnesses or the officer admits pulling an individual over because of his race. Under traditional practice where complaints are investigated by the PSU, an allegation that cannot be proven often means complainants' concerns are left unresolved. Mediation, on the other hand, is particularly suited for those kinds of cases.

The Police Assessment Resource Center (PARC) authors do not favor mediation for most such cases. Race often is the unspoken, tacit topic in social debate in America. The differential effects of the criminal justice system and policing on African-Americans and other persons of color is chronic and a source of deep discontent to all Americans of good conscience. While clearing perceptions or misperceptions of race-based policing between a given complainant and a given officer is of value, it is less important than squarely confronting the differential effect. An officer who has a record of racial insensitivity should be retrained or disciplined. A police department whose practices differentially affect persons of color requires thorough and sensitive internal and external examination. Accordingly, police departments implementing or managing mediation programs may reasonably determine that public policy concerns outweigh the benefits of mediation in a racial context.

38. In contrast, in Portland, Oregon, and Seattle, Washington, force complaints are mediated on the theory that the force often results from failed communications. Mediation, then, according to officials in Portland and Seattle, is ideal for providing the citizens and police with the opportunity to understand each other and the incident and to prevent future problems.

39. What happened in the given mediation and the subject matter of the underlying complaint is confidential according to California law and the agreements all parties to enter into in advance of a PPD mediation. Hence, this report does not contain a discussion of the specific content of any mediation.

One union official in Pasadena similarly attempted to distinguish carefully between racial complaints that should and should not be mediated:

I believe that some complaints that allege racial overtones should be allowed to enter the mediation process. If there is a complaint about procedure, service, courtesy or tactics that qualifies for the mediation, but also alleges that the officer pulled them over because of their race, the complaint would not qualify for mediation. I believe these types of cases should qualify for mediation. Complaints of true racial slurs or racism definitely should be investigated as true complaints and not enter the mediation process.

All department personnel, in theory, are eligible for mediation. Additional factors considered in determining specific eligibility include the employees' previous mediations, if any, and the current allegations. Further, department policy allows an employee up to three mediations in a calendar year. With respect, PARC personnel wonder whether the rules are too liberal if an officer who has drawn three complaints in a given year remains eligible to mediate. Generally, a mediation program should interact dynamically with an early warning or intervention system so that officers with excessive complaints that go to mediation, or are eligible for mediation, can be identified and appropriate steps can be taken to retrain or address such a pattern of behavior.

In theory, the final authority over whether mediation is warranted and whether employees are eligible for mediation lies with the Administrative Services lieutenant. In practice, however, the PSU sergeants, and one sergeant in particular, seem to drive the process. The role of the Administrative Services lieutenant has remained somewhat unclear. This, in part, was the result of a personnel change in the early stages of implementation when the lieutenant involved in the original program planning and training exercises was promoted to captain. There also may have been some confusion about respective roles. A union official put it this way:

The policy that was developed for the mediation program discusses the purpose, procedure, process, and the resolutions obtained through the mediation process. What it does not cover is what happens before the decision is made by Administrative Services to determine if a complaint is eligible for the mediation process. What happens before the complaint reaches Administrative Services is the responsibility of the line-level supervisor who first receives the complaint or has the first contact with the complainant. This first contact is where the mediation process should be introduced and explained to the complainant. To be able to do this, these supervisors must have a complete knowledge of the mediation process and be willing to discuss this process with the complainant. Unfortunately this has not always happened or the complainant was given incorrect information about mediation, and this has excluded mediation as an option. The department has recently looked at this problem and is taking steps to resolve it.

Halfway through the program's pilot year, only one case had been mediated of the three that were deemed suitable up to that point. Faced with the reality that the mediation program was getting off to a slower than expected start, the PPD modified its selection criteria to allow complaints that were unlikely to be sustained after an internal affairs investigation to remain eligible for mediation. Independent of its effects on the pool of complaints suitable for mediation, good policy reasons support this change. Citizens' complaints that are unlikely to be sustained after an investigation often are ones where it cannot be determined whether the officer or the citizen was telling the truth. They may involve misunderstandings of police policy or practice, or they may be examples of communication failures. Hence, they may be more suitable for mediation than investigation because mediation will lead to a resolution where an investigation may lead only to a result.

Selection criteria aside, the slow start-up in Pasadena followed a pattern set earlier in Portland, Oregon, now one of the largest and most successful mediation programs in the country. During Portland's first full year in operation, only 50 out of 761 complaints met the selection criteria, and of these, only 20 were mediated successfully. In Portland's first year, only 6.5 percent of all complaints were referred for mediation and 40 percent of those were mediated successfully. Similarly, in Pasadena's first year, 5.5 percent of all complaints were referred for mediation. Of those six cases, three, or 50 percent, were convened and mediated successfully. There were no unsuccessful mediations.

Some have suggested that the Pasadena Program may benefit if the ultimate goal is to eventually send at least 10 percent of all complaints to mediation. The suggestion may have merit. As did the WJCF and the Dispute Resolution Services, Inc. (DRS), Chief Bernard Melekian thought that the initial selection criteria may have been applied too restrictively:

We need to broaden the reach of [the program]. We tailored it so narrowly that it's been 100 percent successful but not that many cases. I'm told that's the experience of other cities. It is time to expand the window, and I think we can do that.

**Another program official agreed, and said:**

[We] probably need to revisit the kinds of cases that we're referring so that we can be a little more liberal with that. We were pretty narrowly limiting the kinds of cases that we were considering, and it would be helpful to re-visit that.

PARC personnel encourage mediation of all appropriate cases and does not discourage an eventual goal of 10 percent as long as it is not interpreted as a quota. PARC personnel also favor searching for more cases to mediate under current criteria liberally applied, but does not favor expanding the criteria themselves merely for the sake of numbers. For reasons stated above, PARC personnel do not favor mediation of almost all excessive-force cases and cases with racial implications. Applying current criteria liberally, as contrasted to expanding the criteria, should produce substantially more cases for mediation, moving toward an eventual goal of 10 percent.

## The Mediation Process

If a complaint is suitable for mediation, a PPD sergeant contacts the involved officer and union representative to propose mediation in lieu of a formal internal affairs investigation. There are significant incentives for police officers to agree to mediate:

- Complaints resolved through mediation are deemed withdrawn and cannot be appealed. Complaints that ultimately are mediated may not be used for purposes of promotion, transfer, or discipline.
- Mediations are protected by confidentiality laws that prohibit statements made during mediation to be used in future legal proceedings. Any notes taken during mediation must be destroyed.
- If at any point officers wish to disengage from the process, they may, and the complaint will be referred back to internal affairs for a formal investigation. In that case, the complaint will proceed through the regular investigation as if mediation never existed.

Despite these incentives, it appears that some misunderstandings persist. A department official noted:

Sometimes the fear is that, and it's not unreasonable, that if they're going to meet and talk about this, could it ever eventually be used in such a fashion against the officers when they're having a forthright conversation with the involved party? Let's say you say one thing and another piece of info comes up and people think that there's a separate violation involved: why would I want to subject myself to other discipline in that context?

The leaders in Pasadena understood the value of voluntary participation for citizens and police officers alike. Police officers in Washington, D.C., for example, have no choice in the matter. An officer's failure to participate in mediation or a refusal to do so in good faith may result in discipline. Similarly, if complainants do not participate or refuse to mediate in good faith, their

complaints can be dismissed. As was recognized in Pasadena, mandatory mediation is less likely to succeed. Even though it may increase the number of complaints mediated, it strips officers and citizens of their ability to choose and take ownership of the process, both of which affect levels of satisfaction and perceptions of fairness and procedural justice.

If a Pasadena police officer chooses to mediate, the complaint is referred to the DRS, which in turn contacts the complainant and offers mediation. If the answer is yes, the DRS will schedule the mediation at a neutral location and convenient time. All three PPD mediations, for example, took place at a community center in Northwest Pasadena.

Pasadena mediations are conducted by two mediators to help ensure that the mediators remain neutral and are not caught up in the subject matter to the detriment of the participants. The use of outside mediators increases the extent to which both officers and community members can view the mediation process as neutral. The Pasadena Program uses transformative mediation, which aims to help the parties see each other as human beings, rather than as stereotypes or adversaries. The primary goal of transformative mediation is to get the parties talking about the incident and their feelings about it. In transformative mediation the parties define the rules and the mediators must follow the rules, as well. Further, ground rules for how the mediators interact during mediation are defined by the mediators prior to the mediation. For example, mediators may agree that they will not interrupt one another and that one particular mediator may take the lead role during the mediation.

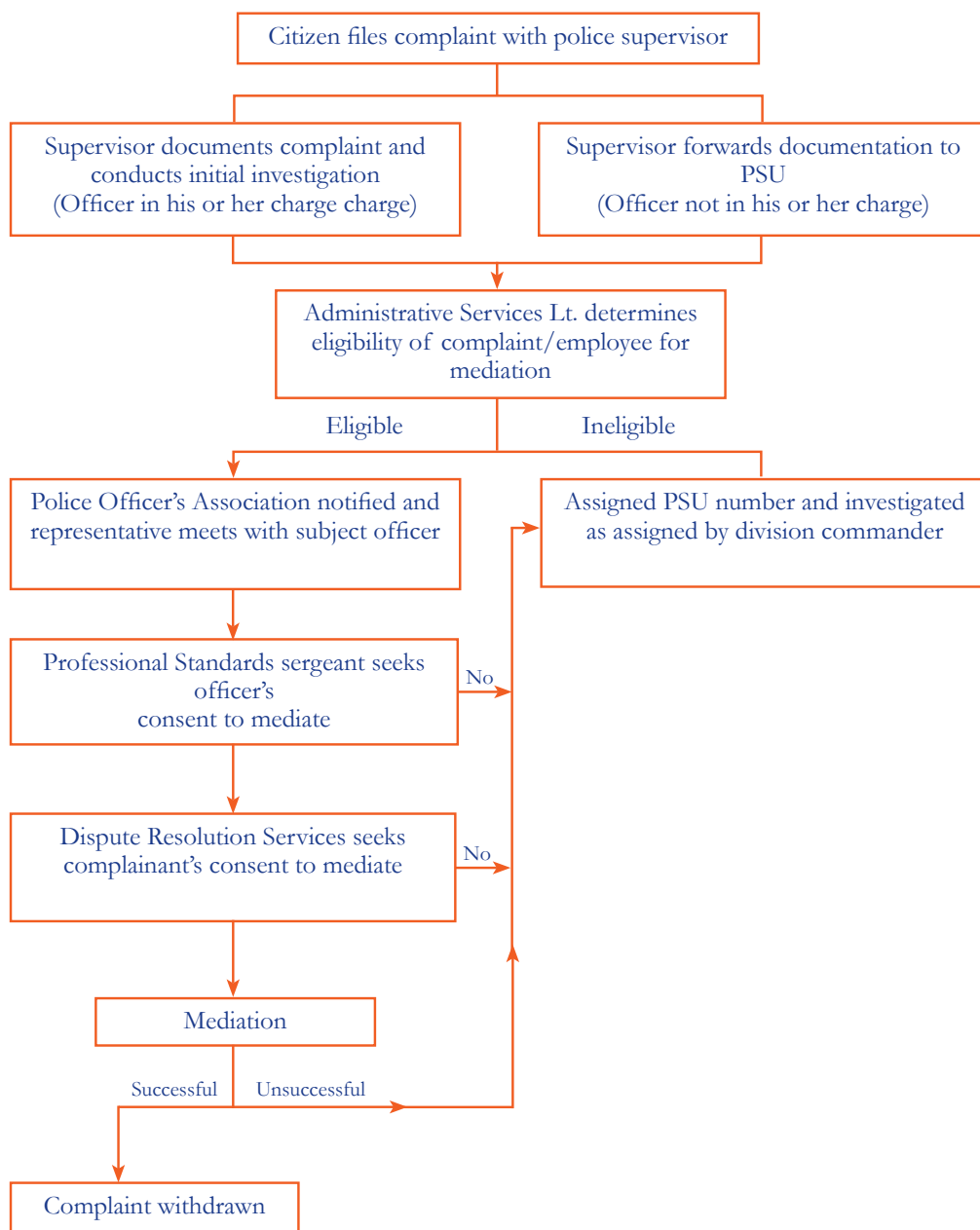
The procedures for mediation of citizens' complaints are no different than those used in other mediations. The mediators welcome the parties and allow the parties to set mutually agreed on ground rules, such as those regarding courtesy and mutual respect. The parties must sign a mediation consent and confidentiality agreement. During the pilot year of the Pasadena Program, the parties were also asked to sign an additional consent form allowing PARC researchers to be present and observe.

Typically, complainants are asked to speak first and explain why they requested mediation and what happened from their perspective, the officers then explain the incident from their perspective. Next, the mediators facilitate a constructive dialog, analyzing why the incident happened, why the parties behaved as they did, and what, if anything, could have been done in a better way. This discussion continues until the parties feel that their concerns have been addressed and they come to a mutually agreed-on resolution. An example of a mutually agreed-on resolution is when both parties agree that they now have a better understanding of the other's perspective. Professor

Walker describes other, more creative examples of mutually agreed-on resolutions: a White officer agrees to accompany an African-American man to his church; an officer takes a complainant's son on a police ride-along; and an officer agrees to serve as an employment reference for the complainant.<sup>40</sup>

Either party in Pasadena is free to terminate the mediation before a resolution is reached, in which case the complaint will be referred to the PSU for a standard investigation. In Pasadena, as in other programs, mediations are strictly confidential, and if a complaint is referred back to the PSU, no party can use any statement made during mediation. Mediated agreements are not subject to appeal and, if mediation is successful, the complainant must agree to withdraw the complaint. Figure 1 displays the Pasadena mediation process.

**Figure 1: Pasadena Police-Complaint Mediation Process.**



40. Walker et al., 2002.



## Satisfaction with the Mediation Process

Although the current study involved only three mediations, participants felt that the process was fair, were satisfied with the outcome, and would recommend mediation to others.

### Comments by Officers

Very satisfied. Worked out very well. Works better than going through an internal affairs investigation.

I felt good about it when I left. [The complainant] said “keep doing what you’re doing.”

All in all, I don’t have anything bad to say about the program.

### Comments by Complainants<sup>41</sup>

Got everything out during mediation. [The officer] was doing [his] job. As a person at the time, I felt [the officer] was against me. [The officer] was not. [The officer] was doing what [the officer] was supposed to.

I was satisfied with the whole process. It worked well for me and it worked for [the officer]. It was a great process. I would tell anyone to ask for the mediation route.

As is typical in mediation, participants were asked to complete satisfaction surveys. In Pasadena, all three sets of officers and complainants completed surveys. The surveys used a scale of 1 to 10, with a score of 1 for the most negative and a score of 10 the most positive. Respondents rated their overall experience, the fairness of the process, their willingness to use mediation again, and if they would recommend it to others. Surveys were kept anonymous and the surveys completed by officers could not be distinguished from those completed by complainants. The results of the six surveys are presented in Table 1.

**Table 1: Satisfaction with Mediation.**

Based on your experience with the program, please rate the following on <sup>a</sup> scale of 1 to 10:	Average:
Overall Service	8.8
Fairness of the Process Used	9.3
Use the Service Again	9.2
Recommend the Service to Others	9.5
Fairness of the Agreement	9.8
Adequacy of the Agreement	10

41. One complainant did not respond to multiple requests by the research team and program officials to be interviewed after the mediation. Therefore, complainant comments made reflect only participants in two cases of mediation.

The following remark made by an officer who was reluctant to participate in mediation at first but ultimately decided to do so demonstrates that one successful mediation may lead to another and another, thereby slowly building a program.

I didn't want to do it at first because of the prior complaint [the complainant] filed against me. I was angry. I spoke to the other officer that had gone through mediation and he felt positive about his experience.

Another officer compared his experiences with the formal process to mediation:

I'm very weary of the internal affairs process. I spent [many] years at Pasadena and have seen several good officers meted out excessive punishment for their alleged violations (two got their jobs back). I believe in punishment that is fair and commensurate with the violation...I have been the subject of several investigations over the years and on the most part, treated fairly. I believe the fairness and objectivity of an IA investigation depend largely on the character (or lack thereof) of the investigating Sgt. and Lt. and the likeability of the officer. So do I believe the IA process is fair? No. It largely depends on rank and the above mentioned factors.

I had a very positive experience with mediation. I regret, during my earlier years, not taking more time to explain to unhappy citizens/suspects the reasons for the actions that I took.

In Pasadena, as with any new mediation program, officers worry about being opened up to legal liability. One PPD employee said this:

I never got the sense that police officer reluctance was based on fear of confrontation but on fear of what they said being used against them in a subsequent legal process.

Although these fears were addressed by training and to the inclusion of the unions in the program's design, they will best be put to rest through the diffusion of positive experiences through the ranks. Police officers, typically a very tight-knit group of professionals, trust and highly value the opinions and feelings of other officers. This appears to be happening in Pasadena. It might be of additional value for the PPD to stage mock mediations in front of groups of officers to quickly correct misimpressions and unrealistic fears.

**Mediators reported satisfaction with the process as well. One mediator stated:**

The three mediations that I did were all dynamically inspiring and enriching. Not only the process itself, but the individuals—there was learning, awareness, empowerment. It was so rich, and that’s the whole thing I love about mediation—when two sides follow the process, listen to the other side, and share honestly and openly.

**Another mediator reported:**

What this program does is that it allows the individual officers and the people who had the encounters with the officers to have a more positive environment to realign their previous prejudices or beliefs about what the other person is like. These particular mediations—because police stops are usually about a perceived factual event, an analysis of that event, and either a “yes or a no” decision, there’s an element of every police encounter that’s a story. What I like to allow is for each side to have the free and safe space to tell each other their stories. When they do that, I find that, at least in the ones that I did, they tend to change, in a small way, and see each other more as individuals.

**The mediator also stated about the Pasadena cases:**

Police officers were able to articulate very well the reasons for why they did what they did. The citizens who were stopped never got that explanation when they were stopped. What they got was scared or threatened. They didn’t see the human side of the police officer. The main thing [in a mediation] is you get the human side of both people. And that allows them, for a moment, to not see the race or system or relative power of the other. ...

The two sides...didn’t necessarily leave as friends, but the citizens felt comfortable, at least in body language, that they didn’t want to continue their complaint. ...

The police officers did seem concerned about any racial implications for police work, and they were taking that seriously. That came across.

The positive outcomes of the three Pasadena mediations demonstrate the strengths of the process.



# CHAPTER 7

## THE PUBLIC DIALOGS IN PRACTICE

The three public dialogs were reasonably successful, but because many more players were involved, the planning for the dialogs was more cumbersome than for the mediations. Like any extended collaborative effort, over time, group members attended less and less regularly, and it was a struggle to schedule planning meetings near the end of the year. Part of the problem seemed to be the ad hoc nature of the planning process: The topics for the dialogs were not selected well enough in advance by the community stakeholders. The ad hoc nature also made it difficult for everyone to understand his or her roles, expectations, and responsibilities. It proved difficult to plan long-term strategies. And although the Pasadena Police Department (PPD) was one of the more committed partners, PPD representatives missed a few meetings, thereby slowing the decision-making process. Also, the PPD representatives attending the meetings changed regularly. Nonetheless, the partners worked well together and were able to arrange three public dialogs during the program's first year. Impressively, the planning sessions for the dialogs used the technique of dialog and conciliation of differences to set the agenda and resolve disputes.

### Dialog 1: A Community in Dialog and Reconciliation

The first public dialog was held on June 25, 2005. This “Day of Reconciliation” was an opportunity to promote better race relations and communication between Pasadena residents and police. The dialog followed intense public criticism of the PPD after the police-involved deaths of two young African-American men in the spring of 2004.<sup>42</sup> According to the program brochure, “The purpose of this event is to further the task of better community relations where pressure points and potential problem areas exist between the city and the citizens, law enforcement and people of color.” In addition to general outreach, program officials engaged in targeted outreach to faith-based community and organizations that represented groups who needed to engage in racial reconciliation with the police.

To begin the dialog, Chief Bernard Melekian apologized on behalf of the Pasadena Police Department for injustices in the past, real or perceived. He acknowledged the historical treatment and abuse of minorities by police. The chief had previously publicly apologized on behalf of the police department and told a group of community members in March 2005, that “we must move forward or we will be stuck in this cesspool for another 100 years.”

42. Tensions escalated shortly before the first dialog when the officers involved in these two deaths were cleared of any wrongdoing by the city attorney and Federal Bureau of Investigation.

These comments by the chief at the first dialog helped begin the process of reconciliation and set a positive tone. One attendee said that “[t]he vulnerability and honesty of Chief Melekian and humanness/openness of other police officers” was what he liked most about the dialog. Others stated that the “chief’s words and commitment” and “Chief Melekian’s apology for the errors of the past that have occurred in Pasadena by our police department” were what they liked most about the day. Yet not all in the audience reacted as positively, feeling that more than comforting words were needed and looking for the chief to hold his officers more accountable for police misconduct. The chief’s conscious decision to offer an apology was of significant emotional value and served to reinforce that the dialogs would really be equals talking and listening to equals.

Following the chief, three individuals offered personal narratives of their experiences to begin the dialog and reconciliation process:

- An African-American man described his negative contacts with the police.
- A representative of the Latino community also described negative contacts with the police.
- A Los Angeles County Sheriff’s Department deputy residing in Pasadena explained his personal experience with a deadly force incident.

Many community members were profoundly affected by the deputy’s explanation of the dangers law enforcement officers face and the difficulty of the split-second decisions they must make concerning the use of deadly force.

After the presentations, participants were separated into small discussion groups consisting of two facilitators, police officers, and community members. Eighteen facilitators were present. To try to ensure that the meeting moved beyond venting frustrations, the leaders instructed the small group facilitators to have the group identify specific issues that they believe had to be addressed to improve relations between police and the community. The facilitators were instructed to ask the group for suggestions on how each issue could be resolved and have the police officer in each group articulate relevant police procedures and perspectives. The idea was to foster a well-rounded discussion and to suggest realistic solutions. Each group was asked to formulate specific recommendations, defining the roles each entity and participant would play in trying to solve the identified issue, thereby creating dialog to action.

Attendees were encouraged to identify problems and solutions. Although some facilitators reported problems practicing dialog to action, the groups made concrete suggestions for improving communication, understanding, and building relationships. Other suggestions were to encourage more positive coverage of the police in the media, to use painful lessons of the past to build future relationships, and to include more youth in community events, especially in events like the dialog. As one dialog participant put it, “[the] level of dialog will grow naturally as relationships/personal connections develop. A most excellent beginning!”

While the invitees were positive about their experience, the facilitators and organizers largely felt the day was less successful because the event was not planned with short-term goals for the dialog. The organizers were disappointed with the turnout from the faith community. Some churches produced fewer participants than they had promised. Yet on balance the event was received well, noted positively in the press, and seemed to move the participants closer. As a direct result of this first dialog, Chief Melekian began holding regular meetings with the Latino advisory group.

## Dialog 2: Youth-Police Relations

The second dialog, which focused on youth-police relations, had three goals:

1. Foster the ability for police and young people to listen to each other.
2. Empower young people to identify challenges in youth-police relations and suggest and implement changes.
3. Set the stage for future developments and dialogs.

The planners held the forum at a local elementary school and used a small discussion group format. Although there were substantial outreach efforts and support from the local school system and community partners, the second dialog fell short of expected participation by young people. The event was well-attended by the police department (at least 25 officers), but not equally well-attended by youths, at least not voluntarily. Approximately 40 young people from a local program that works with foster children and children at risk and from an alternative probation program at a group home were forced to attend. Many wore uniforms. Mandatory attendance undermined the willingness of some young people to approach the event with an open mind.

During the closing sessions of the event, the Police Assessment Resource Center (PARC) researchers observed a number of the young people displaying gang signs. Some caused disturbances throughout the larger group sessions. Although just getting these young people to talk to the police may have been a positive first step, the nature of the forced participation may have prevented this dialog from truly empowering the young people involved to identify challenges in youth-police relations.

The dialog began with opening remarks from Chief Melekian and two youth presenters, then three stereotypes were presented for later small-group discussion:

1. Police always assume that bad things are happening when youths hang around in groups.
2. Police are always present when you do not need them and never there when you do.
3. Police do not explain why they are doing what they are doing.

Next, the young people and the police officers went to the small group discussions while parents and community members had their own group discussion about youth-police relations in Pasadena. The young persons' groups were carefully planned to separate friends to encourage open and honest communication. Nonetheless, despite the Western Justice Center Foundation's (WJCF) efforts, some of the kids did not go into their assigned group but instead went with their friends. This resulted in one group being disproportionately large. The group discussions were facilitated by young people, community members, and WJCF personnel. The youth facilitators were specifically chosen and trained to help facilitate the program with the goal of increasing participation by young people. No adults were allowed (except the group facilitators and police representatives) in the youth discussion groups.

The adult discussion group was led by a local church pastor. The issues raised there moved beyond youth-police relations to a lengthy discussion of holding schools and families more accountable and how to achieve greater engagement by the community.

A few police officers in attendance that day were heard making negative comments and remarking that they try to stay away from events like this because they might lose credibility. By attending an event where they are expected to participate in discussions with youths, they worried that they lost authority and the ability to command respect on the street. A few officers reportedly laughed at some of the issues raised and solutions suggested by some of the young people.

It appears, however, that discontented officers were in the minority. PARC/Vera in a 2006 study showed that 91 percent of the officers who attended at least one dialog were satisfied with the experience, and 70 percent of the PPD said they would attend an event in the future, whether they had attended an earlier dialog or not. Furthermore, nearly 6 in 10 of the officers who attended felt that the public had an open mind during the dialog.<sup>43</sup> Moreover, according to an internal report by the WJCF, all nine police officers who completed evaluation forms at the end of the dialog said that they thought there was value in holding such dialogs and promised to come to another event. The officers said what they enjoyed most was the opportunity to interact with youths and hold a frank exchange of ideas. One officer had this to say:

That was one of the best experiences I have ever had. The use of active participation with the youth was a hit. I think we [the PPD] should make this an ongoing program that we could take into the schools. The best time would be at the start of every new school year. We could also make it a regular program (out of our Community Services Section) on demand if any youth group cared to ask us to appear. The kids really responded to the skits and learned a lot. The feedback from the kids was the yardstick on which I make my commentary.

43. Police Assessment Resource Center/Vera Institute of Justice, 2006.



A senior officer had the following assessment of the dialog:

My involvement in the process left a lasting impression that although the dialogs were interesting, the children we interacted with were for the most part, made to participate. If we could have met with those students that were truly the ‘problem’ kids, those leaning towards inappropriate behavior, the outcome might have possibly been more substantial, on both us and them. Of course, I’m of the opinion that to have a lasting impact on any of the kids, most likely requires more than one meeting for a couple of hours [but] rather it requires a long-term mentoring relationship.

Personally speaking with the participants in this environment reminded me how fragile these kids really are. Their fears and concerns are largely a by-product of their environment. The time we spent helped me to personalize some of the conditions many of them spoke about, and helped refresh my commitment to improving conditions that negatively impact them or their families.

As at the first dialog, some participants questioned whether the right group was targeted for the event. One participant stated mixed reactions when later interviewed:

Thing I was left [with] was a sense that this was just people who were already on one side of an argument. I felt like there didn’t appear to be that much outreach or interest in engaging people who had been in the prison or probation system, for example. Maybe the right people weren’t even in the room. [However, the] department should be commended for even undertaking the effort. Dialogs weren’t revolutionary, but I do believe that I’ve observed real changes in manner from the police department toward citizens, at least in terms of defensiveness.

Only 11 of the 74 nonpolice participants completed evaluation forms. Those who completed forms said the youth focus, open sharing and informal discussion, and the willingness by the police to listen and understand the concerns of the community were what they enjoyed most. These persons also added that more time was needed for group discussions and that the stereotype scenarios were not necessarily helpful. Although most of the feedback was positive, according to a parent of youth participant, “A lot of youth left feeling that they will still get harassed by police. Power issues were a major concern.” Power imbalance is something that can prevent open

and honest dialog. Issues of power are particularly important where young people are reluctant to open up to authority figures generally and there is social distance between the participants. Pasadena attempted to address this by asking that police officers not wear uniforms to the event. On the overall experience, one participant said:

Pretty awesome, pretty fantastic. In this case, what we had was input from police and gangs and also educators, both from schools and religious people. It was tremendous because it was an opportunity for young people to get together, on their own, with a little coaching from a facilitator. Allowed young people to express themselves, and the police, as well, to do the same. We had an opportunity to put out what we felt would be a good idea with better relations between police and young people, as well as the community. So much input and information. Could have easily taken up two days.

At least five of the young people expressed interest in attending a youth police academy, and several police officers on their own time later met with some of the young people at local social service organizations.

Twelve of the twenty-two facilitators also provided feedback. Facilitators felt that the event was successful and that there were some positive moments but that more young persons were needed in future events. One facilitator in particular noted the experience in their group where one young person expressed hatred for police at the beginning of the group discussion but that at the end “made an exception” for the officer in the group and remarked that that officer “was different” and “alright.”

A contributing factor to the low attendance of young people was that the dialog was held early on a Saturday morning. If the goal was to attract teenagers, it would be more effective to hold the event during school hours. The programmers did just that for the third dialog. It took place as part of the school day so that the entire school could attend.

### **Dialog 3: Youth-Police Relations**

The third dialog, which focused on youth-police relations, was held during the school day at a local middle school in Northwest Pasadena and involved the entire school. The event had three objectives:

1. Start an open exchange between youths and police with each side listening to the other in a way that will promote better understanding between them and set the stage for further communication in the future.

2. Empower youths to identify the challenges in police-youth relations and to suggest joint solutions.
3. Share information on existing programs for youths that relate to police-youth relations.

The event was attended by students and teachers alike. Chief Melekian opened the dialog by stating that the day was important to him and the PPD as a means to open lines of communication between his officers and youths in Pasadena. A trained facilitator then took the podium and opened with music and a story perceived by some as irrelevant to the topic at hand.

The facilitator asked students to participate in role-playing exercises on stage that were intended to illustrate how different people approach different situations, in particular, police and young people. The scenarios quickly became opportunities for the teens to show off in front of their peers and the exercises strayed far from highlighting the challenges and misunderstandings of interactions between youths and police. Teachers reported that students then lost interest, were not paying attention, and failed to understand how the role-playing or stories related to them.

The small group discussions were more successful. The groups included students, police officers, group facilitators, and teachers. One teacher said that the most important thing about the dialog was “Officers coming into the classroom and talking to the students. This was a good way for students to relate better to police.” One police officer said that the most important part of the event was the opportunity for “listening to students and their viewpoints.” And although the small group discussions were supposed to focus on the stereotypes, most of the time was spent by students asking officers “What if...” questions. Officers tried to dispel myths about police work that the teenagers got from family, friends, and television. Officers answered any and all questions and seemed to make effective use of their time. Unfortunately, several groups did not have a police officer present, leaving students, in the view of one teacher, even more alienated from the police department. Most teachers, however, had positive feelings about the event. One in particular felt that the police were able to “communicate to students that they are valued and that they have a voice.”

To examine whether one day of dialog would have an impact on youths’ perceptions of police, program officials administered survey instruments before and after the dialog; these instruments, however, were different and as such, results from both surveys cannot be directly compared.

The pre-dialog survey was administered during class, at least several weeks before the dialog. According to the results of this survey, 19 percent of the students had previously asked the police for help and 81 percent of those felt the police were helpful. Sixty-five percent of the students trusted the police, while only 25 percent actually knew a police officer in Pasadena. Even though nearly two thirds of students reported that they trusted the police, more than half believed that officers unfairly target young people based on their race. According to post-dialog results, 84 percent of the students said that it was at least somewhat important for youths to trust police officers and 60 percent agreed that Pasadena police officers are available to help youths. Furthermore, 68 percent indicated that they learned something new about interactions between the youths and police in Pasadena and more than 50 percent that ideas shared during the dialog were helpful. Only 40 percent agreed that Pasadena police respect and listen to youths.

# CHAPTER 8

## DISCUSSION AND EVALUATION

In its first year of operation, the Pasadena Program has demonstrated clear signs of ultimate success. Like any new program in its pilot year, the Pasadena Program is, as it should be, a work in progress. Although only six cases were referred to mediation during the program's first year, three were mediated successfully. Police officers and members of the public in the main reacted positively about the three public police-community dialogs.

There needs to be a stronger connection between the mediation and dialog components. The mediations, and issues that surface in citizens' complaints, are not yet informing the dialogs. The first mediation raised issues of race, disrespect, and a lack of understanding of police procedures; the second mediation also involved race and disrespect; the third mediation was also about disrespect. Yet only the first dialog was about race, and it took place nearly 6 months before the first mediation ever happened. The second and third dialogs were about youth-police relations, admittedly important topics but not directly related to the issues stemming from the three mediations. The recurrence of race and disrespect in the mediations should consciously inform the content of future dialogs. Functionally, the mediation and dialog components have seemingly been run as two separate programs. Independently, each has experienced success; nonetheless, the two components should be better bridged and coordinated in the future. One method suggested by those involved with the program is to maintain an ongoing focus on how the mediation program can be structured, used, and publicized to help address the concerns and issues discussed in dialogs on the one-to-one basis of an officer interacting with a citizen through mediation.

The relative independence of the program components in part stems from the small size of the mediation program. The Pasadena Police Department (PPD) should continue its education efforts, both internally and externally, making good use of the positive evaluations of the process by both complainants and officers who have been through the mediation process. The insights and outcomes garnered from past and future dialogs should continue to inform the refinement of the mediation program.

Outreach efforts to apprise the public of its existence were successful. According to the Police Assessment Resource Center and the Vera Institute of Justice (2006), 19 percent of Pasadena residents were aware of the mediation program. Thirty-one percent were aware of the dialog program and 20 percent of those who were aware of the dialogs attended at least one of them. Planners need to continue outreach efforts to gain even greater public awareness of the dialogs and increase levels of participation. One way to achieve this may be to target communities outside of Northwest Pasadena. Yet it is equally important to increase the depth of awareness and participation in the African-American community.

The problem of finding more cases to mediate remains. This is not cured simply by amending department policy to mediate inappropriate cases or using an artificial quota. Because so few citizens' complaints are sustained in the first place, an officer may choose to take his chances that an investigation will clear him entirely rather than participate in a mediation that could lead to an ambiguous result. Many citizens' complaints involve the citizen's word against the officer's, with no other witnesses. Typically, in these cases, the "tie goes to the officer," resulting in no discipline. Accordingly, there is not a strong incentive for the police officer to mediate when the chances of exoneration after an investigation are good.

Mediation can also be time-consuming and unpleasant. If an officer agrees to mediate, he or she will have to take time out of the day, meet with a potentially hostile complainant face-to-face, and explain himself or herself. The PPD did a good job of adjusting and calibrating incentives to maximize participation by officers—including the unions from the inception—providing that successfully mediated complaints will not affect promotions, transfers, or discipline, and addressing the officer's fears and prejudices about mediation forthrightly and directly.

Nonetheless, it may be the case in general, without specific reference to Pasadena, that mediation will not be a preferred option for police officers until internal affairs investigations have greater rigor, are less stacked in favor of the officer, and lead to appreciable and predictable discipline. As long as police officers see that the internal affairs process is most likely to clear them, there will be no real incentive to mediate.

In sum, the Pasadena Program encountered obstacles that are not at all uncommon when a mediation program is introduced. What makes Pasadena different was the inclusion of all stakeholders in the process and a willingness to draw on recognized outside experts like the Western Justice Center Foundation (WJCF) and Dispute Resolution Services, Inc. (DRS). As a result, the program was given every chance for success because all stakeholders, including the union and the outside experts, were involved and supportive very early in the process, thereby laying the foundation for long-term success.

The PPD under Chief Bernard Melekian has wholeheartedly embraced community policing, as evidenced by the number of community policing initiatives and the high levels of support from its officers for working with the community. The Pasadena Program is just one such innovative initiative. As the program continues to go forward, the PPD and Chief Melekian are clearly committed to the program and are taking steps to increase the numbers of complaints referred to mediation, with the chief noting:

We're getting ready to roll out values-based policing over here, and some way of really broadening the number or kinds of incidents suitable for mediation and documenting those is going to be real critical. At some point, working compulsory or something more formalized into the [mediation] process may be best. I haven't thought through how to do that, though.

Future dialogs, as well as mediations, will benefit from lessons learned during the first year. The creative design of the Pasadena Program—by the WJCF, the DRS, and the PPD—holds great potential for improving police-community relations in that city and provides a model that other community-minded police departments would benefit from studying.





# CONCLUSION

In some instances, but by no means all, mediation offers advantages over traditional procedures, where citizens' complaints are investigated and adjudicated by internal affairs.

The investigation and adjudication model does not provide opportunities for complainants and police officers to interact in a controlled setting calculated to increase mutual understanding and bring closure to painful incidents. The model may leave complainants and police officers further alienated from each other. According to Chief Bernard Melekian, Pasadena residents are frustrated with the internal affairs process and feel that the system does not work for them.

This report has demonstrated that mediation and dialog, as practiced in Pasadena, have great promise for building greater mutual understanding and trust. Yet it cannot be reasonably expected that mediation and dialog will entirely supplant the investigation and adjudication model. Mediation will always be limited to a relatively narrow band of citizens' complaints, primarily ones alleging rudeness or discourtesy or minor instances of excessive force or disrespect. The cases that will be mediated most often are ones that pit a complainant's word against that of an officer.

Criteria for selecting cases for mediation should be calculated carefully and not be inappropriately broad.

During the first year of the Pasadena Program, six cases were referred for mediation, three of which were mediated successfully. Although the rate at which cases were mediated in Pasadena was similar to those of other police-complaint mediation programs during their first years of operation, more needs to be done to find additional complaints appropriate for mediation. Cases that are clearly the result of misunderstanding and miscommunication, with no overtones of excessive force or race-based policing, may be addressed effectively through mediation. Programs in Denver, Colorado; Portland, Oregon; and Seattle, Washington, have mediated similar complaints with success.

Intensive outreach and education efforts within the police department and community are critical to program success.

Despite reasonable outreach efforts, community organizations outside of the Western Justice Center Foundation's (WJCF) network and residents in communities outside of Northwest Pasadena, where two of the three dialogs were held, were less likely to be aware of the program. In other areas of Pasadena, police-community relations may not be as strained as they are in the Northwest Pasadena area; nonetheless, police-community relations in these areas are not as strong

as they could be. Program officials should expand their efforts and engage the broader Pasadena community, which up until now has largely been beyond the reach of the program because of the focus on one particular geographic region of the city.

*Additional efforts should be made to educate police officers, union officials, supervisors, and executives about the promise of mediation and that participating in mediation is in the officer's and department's best interest.*

Obtaining support from line officers for community policing programs can be difficult. Officers may resist efforts to add additional duties and responsibilities, especially ones that blur the distinction between their law enforcement responsibilities and community engagement efforts. This is true even though most police officers and community members agree that crime prevention is the joint responsibility of the police and community.<sup>44</sup> Pasadena Police Department executives, including the chief, have taken steps that clearly demonstrate the department's commitment to the program and its mission. Program officials must work with the police department to continue educating officers about the program and its potential benefits.

*The mediation should be used to do more than resolve individual complaints against the police.*

By applying alternative dispute-resolution practices to police-community relations, the Pasadena Police Department (PPD) has demonstrated commitment to the proposition that conflict, which is inherent in human interaction, can nonetheless be resolved in a way that promotes mutual understanding through shifts in mutual perceptions. The PPD, the WJCF, and Dispute Resolution Services, Inc., agree that the “emphasis should always be on the key issues of empowering the key parties, ensuring fair process [for] harm and its repair.”<sup>45</sup> Pasadena has taken important steps in this direction. In conjunction with the mediation program, Pasadena has organized a series of public forums designed to address issues of broader community concern, some of which are related to issues that lead to specific complaints against the police. Allowing the mediation program to inform larger community policing initiatives like the dialogs is vital to increasing satisfaction with the complaint process and improving police-community relations in general.

*Future steps and further research.*

As proposed by the WJCF, expanding mediation to other stages of the process for resolving citizens' complaints is being explored. The Police Assessment Resource Center (PARC) supports these efforts.

- **Precomplaint.** Opportunities exist to resolve disputes before a formal citizen's complaint is filed. Mediation techniques may be applied in the field by community relations officers when notified that a dispute is taking place.

44. Police Assessment Resource Center/Vera Institute of Justice, 2006; Skogan and Hartnett, 1997.

45. Hill et al., 2003, p. 77.

- **Post investigation.** Even if the outcome of a formal internal affairs investigation is “not sustained” or “unfounded,” mediation might be used to resolve lingering concerns of either side. This step may be of particular benefit to the complainant. Usually, a complainant simply receives a cold letter stating that the complaint was unfounded or not sustained, leaving him or her dissatisfied and perceiving rightly or wrongly that the police always absolve their own. Mediation at this stage could assuage those feelings and correct misimpressions.

PARC personnel support the WJCF’s proposal to study different kinds of complaints to show PPD supervisors how to better identify cases that would be appropriate for mediation.



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# APPENDIX

## I. COMMUNITY MEDIATION PROGRAM

A. Purpose – To resolve disputes and concerns between complainants and Pasadena Police Department employees through the mediation process.

1. Definition – Mediation is a voluntary process designed to resolve disputes through negotiation and constructive communication with the assistance of a trained neutral party mediator. It is an informal, non-disciplinary and non-adversarial process, agreed to by both the complainant(s) and member(s) of the Pasadena Police Department

2. Objectives

- To increase the satisfaction of community and Department members in the resolution of the public's complaints;
- To foster understanding and open communication between parties in a neutral setting;
- To promote effective police/community partnerships, and
- To develop problem-solving opportunities.

B. Procedures

1. The Administrative Services lieutenant will evaluate complaints to determine if they are eligible for mediation. Complaints eligible for mediation will be given a mediation case number (i.e., 00-000M). The Administrative Services lieutenant will evaluate the complaint based upon the case and Department member eligibility, and will confer with the employee's division commander.

a. Complaints with the following allegations should be considered for mediation:

- i. Procedure
- ii. Service
- iii. Courtesy
- iv. Tactics

b. Complaints with the following allegations are generally inappropriate for mediation:

- i. Force
- ii. Arrests
- iii. Slurs
- iv. Criminal Conduct.

2. Employee eligibility – All personnel of the Pasadena Police Department are eligible for mediation. In determining eligibility, the Administrative Services Section will consider employees' previous mediations and the nature of the present allegation. Generally, employees may participate in up to three mediations in a calendar year.

### C. Mediation Process

1. Once a complaint is determined to be eligible for mediation, the Administrative Services lieutenant will contact the department employee, and the Dispute Resolution Service (DRS) will contact the complainant, to determine if both are willing to participate. If so, the lieutenant will forward the intake form to DRS.
2. The Administrative Services lieutenant, or his designee, will contact the Department employee to facilitate the mediation. DRS will contact the complainant to facilitate the mediation. DRS will ensure that professionally trained and experienced mediators will be used.
3. The scheduling of the mediation will take into account the mediators, complainants and employees' work schedule. Every effort will be made to schedule the mediation during a time convenient for the complainant. If the time does not fall within the employee's normal working hours, employees will be given overtime compensation in accordance with their Memorandum of Understanding. Every effort will be made to schedule and complete the mediation within 30 calendar days from the time a case is deemed suitable.
4. To ensure neutrality, the mediation will take place at a location other than a police department facility.
5. Department members will attend mediation in full uniform, appropriate business attire, or a police department polo shirt and slacks.
6. Once a Department member accepts a date and time for mediation, that member must appear on the scheduled date and time unless he or she received notification of a schedule change from the Administrative Services lieutenant or his or her designee.
7. Employees who cannot attend mediation due to an illness or other emergency must notify the Administrative Services Section lieutenant or sergeant as soon as it is evident that they will not be able to appear. If the illness or emergency precludes the employee from making this notification, the employee's supervisor must do so.
8. The complainant and the officer will sign the Confidentiality Agreement and Consent to Mediate document before the mediation commences.
9. Upon concluding a mediation session, the mediator will deliver a Statement of Outcome to the Professional Standards Unit, categorizing the resolution as one of the following:
  - a. Agreement
  - b. Non-agreement
  - c. Partial agreement.

10. Mediations are confidential and tape-recording is prohibited.

11. There shall be no appeal of the mediation agreement.

#### D. Resolution

1. If the citizen complaint is successfully mediated, the complainant will agree to authorize the Professional Standards Unit to “officially” withdraw the complaint. The case will then be logged and tracked by the assigned mediation “M” number. Both parties will receive a letter outlining their successful mediation and declaring the issue(s) fully resolved.
2. The mediation file shall contain the following forms: Complaint Control Form, Confidentiality Agreement, Consent to Mediate Form, and the Statement of Outcome. Mediation files are confidential and governed by California Evidence Code Sections 1115 – 1128. Mediation files will be maintained in the Chief’s Office for one year, commencing from the date of the mediation, before being removed and destroyed. Mediation resolutions contained in the Personnel Performance Database will be deleted from the database after one year from the date of the mediation.
3. Pursuant to P.C. 832.7, the original complaints will be maintained in the Professional Standards Unit for five years. The disposition for the original complaint will state that it was resolved through the mediation process.
4. The confidentiality of mediations shall not preclude the Professional Standards Unit from capturing general statistical information necessary to evaluate the effectiveness of the mediation process.
5. If a case is successfully mediated, the original complaint will not be used against the officer for any disciplinary purposes, transfers, or promotions.
6. If a mediation is either unsuccessful, or during the course of the mediation either party requests a formal investigation, the case will be returned to the Professional Standards Unit for investigation. If an investigation occurs after mediation is attempted, no party will be permitted to refer to any statements made during the mediation process.
7. After the mediation program has been in effect for twelve months, the Administrative Services lieutenant will evaluate the effectiveness of the program in a written report to the Chief of Police. The report will be based on data collected from complainants, mediators, and police officers that participated in the mediation process.



FOR MORE INFORMATION:

U.S. Department of Justice  
Office of Community Oriented Policing Services  
1100 Vermont Avenue, N.W.  
Washington, DC 20530

To obtain details about COPS programs, call the  
COPS Office Response Center at 800.421.6770

Visit COPS Online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov)

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