



Seattle Office of
Police Accountability

Mediation Research & Assessment

MARCH 2019

REPORT PURPOSE

The purpose of this report is to document community-police mediation best practices from across the country and compare them to the current structure and practices of OPA'S mediation program. The best practices identified here represent critical program components that research show contribute to a robust mediation program.

INTRODUCTION TO MEDIATION

Community-police mediation brings together community members and police to discuss dissatisfaction or conflict that resulted from an interaction. Mediation is a type of alternative dispute resolution that relies on voluntary participation between disputing parties. It is a confidential process that provides an opportunity for participants to engage in dialogue inside a safe space, facilitated by a neutral third party. The participants own the process and are responsible for reaching a mutual understanding of the conflict, without influence from the mediator.¹

There are a wide range of benefits to community-police mediation, including:

- Providing **police officers** an increased understanding of community perspectives, an opportunity to explain policing practices, and greater satisfaction with the complaint process.
- Empowering **community members** with a face-to-face opportunity to explain dissatisfaction with police interaction and to gain an increased understanding of police practices.
- Strengthening **community policing** channels such as growing partnerships with community-based organizations and facilitating open dialogue between police officers and community.
- Improving the **complaint process** by saving on costs associated with traditional complaint investigations and reducing the time to reach a resolution.²

Despite its benefits, there are inherent challenges to community-police mediation. Across the US, low rates of complaints are resolved through mediation.³ Reasons for this include lack of support from officers and police unions, lack of public knowledge about mediation, lack of appropriate incentives for participation, and lack of resources to allocate toward program administration.⁴

¹ Walker et al., "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders," (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

² Ibid.

³ Greenwald and Beck, "Bringing Sides Together: Community-Based Complaint Mediation," *Police Chief Magazine*, accessed January 7, 2019. <http://www.policechiefmagazine.org/bringing-sides-together/>.

⁴ Walker et al., "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders," (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

SOURCES AND METHODOLOGY

Literature Review on Mediation Best Practices

To understand the community-police mediation field and gather information on best practices, OPA conducted a literature review. One publication that proved particularly helpful was a US Department of Justice-funded research report produced by experts at the University of Nebraska at Omaha in 2002. This report was the most comprehensive and useful OPA found, even though it was published nearly two decades ago.

Assessment of OPA Mediation Program

This report assesses OPA's mediation program as it existed in 2017 and 2018. The purpose of the assessment is to better understand current OPA mediation procedures (see flow chart in Appendix F), particularly as they compare to best practices. The pages below outline nine key components of mediation. Each section lists what the research says are best practices and compares that to OPA's current procedures regarding that component. Letter grades have been assigned to each component to demonstrate how OPA's program stands up to best practices. These grades are color-coded and listed next to the heading of each component. As and Bs indicate excellent alignment with best practices; Cs indicate average alignment; Ds and Fs indicate a need for improvement.

Data for the assessment was collected through three primary channels: interviews, surveys, and program documentation.

- **Interviews** – OPA conducted 13 interviews with current and former OPA staff (Appendix B). The interviewees included the OPA Director, two lieutenants, multiple sergeants, and staff who currently or formerly handled most of the program administration. OPA also interviewed six mediators who mediated OPA cases during the past two years.
- **Surveys** – OPA examined a total of 32 exit surveys completed by complainants, named employees, and mediators following each mediation session. In 2017 and 2018, OPA collected surveys from 11 complainants, 11 named employees, and 10 mediators (Appendix C and D).
- **Program Documentation** – OPA analyzed the files of all 29 cases classified for mediation in 2017 and 2018 (Appendix A). Case files provided information about program structure, records management, communication, and timeliness. OPA mediation marketing materials (Appendix E) and police union collective bargaining agreements were also analyzed as components of program documentation.

MEDIATION PROGRAM COMPONENTS

Component 1: Program Vision & Goals



| Mediation Best Practices | OPA Mediation Program |
|---|--|
| <p>Mediation programs should have a well-defined program vision and clearly articulated program goals focusing on themes such as:</p> <ul style="list-style-type: none"> • Building understanding between disputing parties rather than determining guilt or innocence. • Identifying root causes of conflict and uncovering what factors led to the initial complaint. • Reaching an agreement between parties by listening and engaging in dialogue to gain perspective.⁵ | <p>OPA has a clearly defined program vision and goals. The vision is for a process that creates a moderated, safe space for named employees and community members to discuss complaints. The goals are:</p> <ul style="list-style-type: none"> • To increase communication and dialogue between law enforcement and the public. • To share understanding of law enforcement and community perspectives and concerns. • To improve relationships and establish trust between law enforcement and community. • To prevent similar dissatisfying behaviors and practices from occurring in the future.⁶ <p>Complainants and named employees expressed satisfaction on the exit survey when asked about achievement of program goals. Nearly all respondents felt the mediation was beneficial and increased understanding between parties.⁷</p> |

⁵ Walker et al., “Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders,” (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

⁶ Retrieved from OPA Mediation Fact Sheet; The City of Seattle and Seattle Police Management Association, *Agreement By and Between The City of Seattle and Seattle Police Management Association* (2014).

⁷ Results of OPA 2017-2018 Mediation Exit Surveys.

Component 2: Voluntary Participation

A

| Mediation Best Practices | OPA Mediation Program |
|--|---|
| Voluntary participation of both parties is the foundation of the mediation process. ⁸ | OPA mediations require voluntary participation from both involved parties. ⁹ Mediation is not offered to the named employee until the complainant agrees to participate. |

Component 3: Case Eligibility Criteria

F

| Mediation Best Practices | OPA Mediation Program |
|--|---|
| Mediation delivers the best results when conflict is moderate rather than intense. Most experts agree that some categories of complaints should be ineligible for mediation based on severity of alleged misconduct. Suitable categories of complaints include those such as professionalism and bias. ¹⁰ | Criteria used to determine eligibility of cases for mediation is not standardized, well-documented, or conveyed to staff. ¹¹ Staff differ in the eligibility criteria they use. For example, some do not offer mediation in cases where allegations include excessive use of force. The most common types of complaints referred to mediation in 2017 and 2018 involve allegations of bias, lack of professionalism, or general miscommunication/dissatisfaction. ¹² |

⁸ Walker et al., "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders," (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

⁹ The City of Seattle and Seattle Police Management Association, *Agreement By and Between The City of Seattle and Seattle Police Management Association* (2014); The City of Seattle and Seattle Police Officers' Guild, *Agreement By and Between The City of Seattle and Seattle Police Officers' Guild* (2015).

¹⁰ Carnevale and Pruitt, "Negotiation and Mediation," In M. Rosenzweig and L. Porter, eds., *Annual Review of Psychology*, Vol. 43, Paolo Alto: Annual Reviews, (1992); Greenwald and Beck, "Bringing Sides Together: Community-Based Complaint Mediation," *Police Chief Magazine*, accessed January 7, 2019, <http://www.policechiefmagazine.org/bringing-sides-together/>; Walker et al., "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders," (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

¹¹ Staff (City of Seattle Office of Police Accountability), interview with Monique Guevara and Geneva Taylor, 2019.

¹² Bias cases include allegations pertaining to SPD Policy 5.140 Bias-Free Policing; Professionalism cases include allegations pertaining to SPD Policy 5.001 (10) Standards and Duties – Employees Shall Strive to be Professional; Miscommunication/Dissatisfaction cases involve a wide range of policy allegations but generally include conflicts that entail a misunderstanding between named employee and complainant.

Component 4: Trained Mediators

B

| Mediation Best Practices | OPA Mediation Program |
|--|---|
| <p>Mediation programs should source and employ professionally-trained mediators who have a strong blend of human relations and arbitration skills, alongside the ability to exhibit neutrality.¹³</p> <p>Positive experiences are reported by complainants who participate in mediations facilitated by mediators that reflect their backgrounds and respective communities.¹⁴</p> | <p>OPA mediators are contracted through King County Office of Alternative Dispute Resolution and jointly selected by OPA and SPOG.¹⁵ This partner was chosen, in part, because of its ethnically-diverse pool of mediators.¹⁶</p> <p>Mediators contracted through King County Office of Alternative Dispute Resolution are required to complete a 48-hour mediation training and a two-year practicum to become certified (Appendix F).¹⁷</p> <p>OPA mediators have a wide range of professional backgrounds, including law, racial justice, and human resources.¹⁸</p> <p>All complainants and named employees reported they felt the mediator was fair to both sides and seemed genuinely interested in helping resolve the complaint.¹⁹</p> |

¹³ Walker et al., "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders," (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

¹⁴ Greenwald and Beck, "Bringing Sides Together: Community-Based Complaint Mediation," *Police Chief Magazine*, accessed January 7, 2019, <http://www.policechiefmagazine.org/bringing-sides-together/>.

¹⁵ The City of Seattle and Seattle Police Management Association, *Agreement By and Between The City of Seattle and Seattle Police Management Association* (2014); The City of Seattle and Seattle Police Officers' Guild, *Agreement By and Between The City of Seattle and Seattle Police Officers' Guild* (2015).

¹⁶ Staff (City of Seattle Office of Police Accountability), interview with Monique Guevara and Geneva Taylor, 2019.

¹⁷ As a component of the two-year practicum, mediators complete a two-day training with the City of Seattle, Race and Social Justice Initiative. This training helps prepare mediators to mitigate the power dynamic and level the playing field between complainants and named employees.

¹⁸ Mediators (King County Office of Alternative Dispute Resolution), interview with Monique Guevara and Geneva Taylor, 2019.

¹⁹ Results of OPA 2017-2018 Mediation Exit Surveys.

Component 5: Confidential Process

A

| Mediation Best Practices | OPA Mediation Program |
|---|---|
| The success of mediation depends on ensuring confidentiality. Establishing confidentiality agreements between participants creates a safe space for discussion without fear of retaliation or further investigatory or legal examination. ²⁰ | Collective bargaining agreements mandate a confidential OPA mediation process and require that participating parties and mediator(s) agree to mediate in confidence (Appendix G and H). |

Component 6: Structured Session Format

B

| Mediation Best Practices | OPA Mediation Program |
|--|--|
| <p>Mediation sessions typically last one hour. A structured session format is advised because it can be applied more consistently and evaluated more accurately. A typical process includes:</p> <ol style="list-style-type: none">1. Introduction: Mediator introduces parties, explains process, and sets ground rules2. Problem determination: Parties acknowledge conflict and exchange viewpoints3. Summary: Mediator summarizes conflict4. Issue identification: Mediator guides parties to determine specific issues5. Development of alternatives: Parties brainstorm potential solutions to the dispute6. Selection of appropriate alternatives: Parties leave with an agreed upon resolution7. Conclusion: Participants complete an exit survey²¹ | <p>Mediation sessions last an average of one hour and typically follow this format:</p> <ol style="list-style-type: none">1. Caucus: Mediator separately discusses conflict with parties prior to the session2. Introduction: Mediator convenes parties, explains the process, and sets ground rules3. Opening statements: Participants share perspectives regarding conflict4. Issue identification: Mediator reframes issue and asks questions that encourage dialogue5. Development of understanding: Parties engage in dialogue to gain understanding of each other's perspective6. Conclusion: Mediators and participants complete an exit survey <p>Mediators often use their discretion, training, and experience to format sessions.²²</p> |

²⁰ Walker et al., "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders," (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

²¹ Mitchell and Dewhirst, *The Mediator Handbook* (Columbus, OH: Capital University Law and Graduate Center, 1990); Ibid.

²² Mediators (King County Office of Alternative Dispute Resolution), interview with Monique Guevara and Geneva Taylor, 2019.

Component 7: Program Administration

D

| Mediation Best Practices | OPA Mediation Program |
|---|---|
| <p>Research suggests that the success of a community-police mediation program depends on the level of allocated program resources. Mediation program resources—or lack thereof—are often a reflection of the current leaders’ support and/or interest in the initiative.</p> <p>The most successful programs have dedicated personnel that are responsible for mediation program administration, which often includes scheduling, marketing, data collection, and process improvement.</p> <p>Marketing and outreach, in particular, can ensure that mediation is viewed as a valuable and legitimate resource and that information is widely disseminated amongst the public and within police departments.²³</p> | <p>OPA’s current Director fully supports mediation, but due to workload and staffing constraints, was not able to focus resources on strengthening the existing program until now.²⁴</p> <p>OPA has one staff member administering the program, but this is one among many other job responsibilities.²⁵</p> <p>OPA collects individual feedback from mediation participants in a written exit survey at the end of each mediation session (Appendix C and D). Before now, the data was not analyzed or used to inform programmatic decision making.²⁶</p> <p>There has been virtually no internal and external marketing of the program over the last two years.²⁷</p> |

²³ Greenwald and Beck, “Bringing Sides Together: Community-Based Complaint Mediation,” *Police Chief Magazine*, accessed January 7, 2019, <http://www.policechiefmagazine.org/bringing-sides-together/>; Walker et al., “Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders,” (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

²⁴ Staff (City of Seattle Office of Police Accountability), interview with Monique Guevara and Geneva Taylor, 2019.

²⁵ Staff (City of Seattle Office of Police Accountability), interview with Monique Guevara and Geneva Taylor, 2019.

²⁶ Retrieved from OPA 2017-2018 Mediation Program Files.

²⁷ Staff (City of Seattle Office of Police Accountability), interview with Monique Guevara and Geneva Taylor, 2019.

Component 8: Standard Timeline

D

| Mediation Best Practices | OPA Mediation Program |
|---|--|
| <p>There should be a standard timeline to guide the sequence of steps throughout the mediation process.</p> <p>Specifically, research shows that the amount of time between when a complaint is filed and the mediation occurs greatly impacts program participation rates and outcomes.</p> <p>One expert in the field advises that the sooner mediation takes place after a complaint is filed, the more likely the participant will be to agree to mediate and the more accurate their memory of the interaction will be.²⁸</p> | <p>Collective bargaining agreements state that mediations should be scheduled as soon as reasonably possible. However, OPA does not have a set timeline or goal for when to contact the named employee or convene the mediation.</p> <p>Contractually, mediation must be offered to complainants within 30 days of them filing a complaint.</p> <p>In 2017, it took an average of 18 day days to contact named employees after the complainant had agreed to mediate; in 2018, it took an average of 55 days to contact named employees.</p> <p>In 2017, it took an average of 50 days to convene mediations, compared to an average of 98 days in 2018.</p> |

²⁸ Greenwald and Beck, "Bringing Sides Together: Community-Based Complaint Mediation," *Police Chief Magazine*, accessed January 7, 2019, <http://www.policechiefmagazine.org/bringing-sides-together/>; Steve Charbonneau (Executive Director, Community Mediation Concepts, Longmont, Colorado), personal communication with Barbara Biondo (graduate student), August 9, 2012.

Component 9: Participant Incentives

C

| Mediation Best Practices | OPA Mediation Program |
|---|--|
| <p><i>Named Employee:</i> No discipline should be imposed if the officer successfully mediates the complaint, and no record of the complaint should appear in their file.</p> <p>Officers should be compensated for time spent in mediation, meaning mediations should either occur when they are on duty or they should receive overtime if the session occurs when they are off duty.²⁹</p> <p><i>Complainant:</i> Mediations should be scheduled for a time that works with complainant’s personal and professional responsibilities.</p> <p>The location should also meet the complainant’s needs. The session should preferably be held outside of the police department or accountability office.³⁰</p> | <p><i>Named Employee:</i> Participation for named employees is non-disciplinary and considered on duty time, with pay.</p> <p>If the named employee participates in good faith, resulting in a successful mediation, the case is closed and the complaint will not appear on the employee’s complaint history.³¹</p> <p><i>Complainant:</i> OPA attempts to schedule the mediation at a time that is convenient for the complainant. Mediations typically occur at the OPA office rather than a neutral location or somewhere more convenient for the complainant.³²</p> |

²⁹ Walker et al., “Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders,” (U.S. Department of Justice, Community Oriented Policing Services and University of Nebraska, Department of Criminal Justice, 2002).

³⁰ Greenwald and Beck, “Bringing Sides Together: Community-Based Complaint Mediation,” *Police Chief Magazine*, accessed January 7, 2019, <http://www.policechiefmagazine.org/bringing-sides-together/>; Ibid.

³¹ The City of Seattle and Seattle Police Management Association, *Agreement By and Between The City of Seattle and Seattle Police Management Association* (2014); The City of Seattle and Seattle Police Officers’ Guild, *Agreement By and Between The City of Seattle and Seattle Police Officers’ Guild* (2015).

³² Staff (City of Seattle Office of Police Accountability), interview with Monique Guevara and Geneva Taylor, 2019; Ibid.

OPA ALIGNMENT WITH BEST PRACTICES

| BEST PRACTICES COMPONENT | OPA'S CORRESPONDING GRADE |
|------------------------------|---------------------------|
| 1. Program Vision & Goals | A |
| 2. Voluntary Participation | A |
| 3. Case Eligibility Criteria | F |
| 4. Trained Mediators | B |
| 5. Confidential Process | A |
| 6. Structured Session Format | B |
| 7. Program Administration | D |
| 8. Standard Timeline | D |
| 9. Participant Incentives | C |

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APPENDIX

APPENDIX A – OPA Mediation

| Mediation Cases | 2017 | 2018 |
|---------------------------------|------|------|
| Cases Referred to Mediation | 12 | 17 |
| Cases Successfully Completed | 5 | 7 |
| Cases Declined | 5 | 6 |
| Cases Closed ³³ | 2 | 2 |
| Cases in Progress | 0 | 1 |
| Cases Returned to Investigation | 0 | 1 |

³³ Complaints that were unsuccessfully mediated but not returned to investigation because complainant could not be reached or failed to appear.

APPENDIX B – Interview Questions

OPA Staff Interview Questions

1. How often are you introducing mediation to complainants during intake? Why?
2. What information do you provide to participants about mediation?
3. What has worked well for the mediation program over the last two years?
4. What have been some challenges of managing the mediation program over the last two years?
5. What recommendations can you share to improve these challenges?
6. Data show significant increases in the number of days it takes to convene mediations and initiate contact with named employees in 2018 as compared to 2017. What are the possible causes of this?
7. IAPro and O:Drive mediation files show increased gaps in documentation and data tracking in 2018 as compared to 2017. What are the possible causes of this?
8. What has your personal experience been with mediation? OR How familiar are you with mediation?
9. What are your thoughts about the effectiveness of mediation to resolve disputes?
10. How did you or would you measure the success of the mediation program?
11. What is your vision for OPA's Mediation Program? Short-term goals? Long-term goals?
12. How would you measure the success of the mediation program? Over 6-months? Over 1 year?
13. After participants agree to mediate, what are some barriers you encounter in coordinating the mediation?
14. What are the criteria used to classify cases for mediation?
15. What types of cases do you believe are most suitable for mediation?
16. What are some variables that slow down and/or prevent a case from being classified for mediation?
17. How are mediation sessions conducted at OPA?
18. What is your knowledge on best practices for mediation session formats? Should mediations follow a standard structure? Should mediations be tailored on a case-by-case basis?
19. How useful would it be to train mediators specifically for OPA needs?

Mediator Interview Questions

1. How long have you been doing mediation? What got you into this work?
2. How long have you been doing mediation with OPA?
3. Walk me through the process of mediation at OPA?
 - a. How long is a session?
 - b. What are the questions you ask?
 - c. What do you think works well?
 - d. What do you think are some of the challenges?
4. How do you address power dynamics during the mediation?

APPENDIX C – Participant Exit Survey

Mediation Program Exit Survey

| | | |
|-----|---|--|
| 1. | Are you a complainant or a named employee in this mediation? | _____ Complainant _____ Named Employee |
| 2. | Was the dispute resolved to your satisfaction? Please explain why or why not: | 1 _____ 3 _____ 5 not at all partial/unsure completely |
| 3. | Do you feel you understand the other party's perspective better (even if you disagree with it)? | 1 _____ 3 _____ 5 no partial/unsure yes |
| 4. | Do you feel the other party understands your perspective better (even if they disagree with it)? | 1 _____ 3 _____ 5 no partial/unsure yes |
| 5. | Whether or not this mediation ended the way you wanted it to, do you feel there was anything gained by mediating this case? If so, what? | 1 _____ 3 _____ 5 no partial/unsure yes |
| 6. | Do you think you would have been more satisfied if this case had been handled by a supervisor or OPA-IS Sergeant, instead of through mediation? | 1 _____ 3 _____ 5 no unsure yes |
| 7. | Would you recommend the mediation process to others? Why or why not? | 1 _____ 3 _____ 5 no partial/unsure yes |
| 8. | The mediator was fair to both sides. | 1 _____ 3 _____ 5 disagree unsure agree |
| 9. | The mediator seemed genuinely interested in helping to resolve this complaint. | 1 _____ 3 _____ 5 disagree unsure agree |
| 10. | Was there anything else the mediator(s) could have done to contribute to a positive outcome to the mediation? | |
| 11. | Do you have any other observations or recommendations you wish to share with us about this case, mediation generally, or ways we could improve the mediation program? | |

Thank you! Your comments will help us to evaluate and improve our mediation program. Your participation and comments are confidential.

If you would be willing to waive confidentiality for evaluation, educations, or marketing purposes, please provide a name and number at which you may be reached. You will only be contacted if the other party agrees to a full or partial waiver of confidentiality.

APPENDIX D – Mediator Exit Survey

I. Certification of Completion and Participation in Good Faith

a. This certifies that the mediation of this case has been completed. Both parties participated in good faith. _____(initials)

or

b. The following parties failed to participate in good faith:

_____Citizen _____Officer _____(initials)

II. Exit Survey

1. How many minutes did the mediation last? _____

2. How much total time did you spend on this project? _____

3. How suitable was this case for mediation? (If not, please explain briefly why not)

1 2 3 4 5 6 7

Unsuitable Somewhat suitable very suitable

4. Were parties able to successfully resolve their issues or come to an understanding?

5. What (briefly) contributed most to the success (or lack of success) in this case?

6. Rate the difficulty in helping the parties to negotiate and communicate effectively in this case

(1 = impossible, 2 = very difficult 3 = somewhat difficult 4 = average 5 = somewhat easy 6 = easy 7 = very easy)

_____ Citizen 1 1 2 3 4 5 6 7

_____ Officer 1 1 2 3 4 5 6 7

7. Rate the level of engagement of the parties in the process on a scale of 1-7

(1- extremely resistant 2- very resistant 3-somewhat resistant 4- neutral 5-somewhat involved 6- very involved 7 extremely involved)

_____ Citizen 1 1 2 3 4 5 6 7

_____ Officer 1 1 2 3 4 5 6 7

8. Rate the level of satisfaction of the parties with the process (as you perceived it):

(1= completely dissatisfied, 7 = totally satisfied)

_____ Citizen 1 1 2 3 4 5 6 7

_____ Officer 1 1 2 3 4 5 6 7

9. Are you aware of any problems or barriers to successful mediation that existed in this case?

_____ party's assumptions or expectations

_____ party's bias or resistance

_____ my bias

_____ time issues

_____ location

_____ other (please explain)

10. Was there any additional support or information you needed from OPA in this case?

11. Are there aspects of this case or lessons learned (excluding confidential case details) that you think would be valuable to share with other practitioners, or with the OPA?

APPENDIX E – OPA Mediation Fact Sheet

What A Mediation Session is:

- An alternative to the traditional complaint and disciplinary process.
- A voluntary, confidential process where a professional mediator helps citizens and officers talk and listen to each other.
- A chance for officers to hear how their actions affected citizens and vice versa.

What a Mediation Session is Not:

- A process to make judgments about who is right or wrong. No evidence or witnesses are needed.
- A session where parties are forced to shake hands and make up.

The Benefits of Using Mediation:

- Mediation allows officers and citizens to resolve complaints themselves, rather than depend on the judgment of others.
- Mediation is more satisfying than the regular complaint process. Nearly all those who have mediated say they would recommend it to others.
- Mediation can make a real difference in the understanding, attitude, and behavior of participants.
- Mediation can improve relationships between community members and police.
- Mediation is cost effective.

How Mediation Cases are Selected:

Complainants are generally offered the option of mediation during the intake process; it is first and foremost the complainant's choice. Potential mediation cases must also be reviewed and approved by the OPA Director, the Captain of Internal Investigations, and the supervisors of the officers named in the complaints. If the officers also agree to participate, mediations are scheduled for a mutually agreeable time and place (including weekends and evenings).

What the Role of the Mediator is:

The mediator is a neutral third party trained and experienced in helping people talk through and resolve their differences in constructive ways. The OPA has contracted with some of the finest professional mediators in the Pacific Northwest to conduct citizen-police mediations.

The Mediator will:

- Explain the process and ground rules and answer any questions.
- Listen to both sides of the story.
- Ask questions to clarify what happened and identify central issues.
- Help keep the discussion focused, productive and non-threatening.
- Not take sides, place blame, or pass judgment.

Some Reasons Citizens Mediate:

- To be fully heard and understood.
- To hear the officers' perspectives.
- To speak directly with the officer, rather than having the complaint decided by others.
- To give officers feedback.
- To prevent similar incidents.
- To regain their confidence in police services, and respect for officers.

Some Reasons Officers Mediate:

- To be understood – officers can't always explain their actions in the field.
- To hear the citizens' perspectives.
- To speak directly with the citizen, rather than having the complaint decided by others.
- To improve relations with citizens and communities.
- To resolve the complaint outside of the disciplinary process.

FREQUENTLY ASKED QUESTIONS AND ANSWERS**Will I have to apologize or admit wrongdoing?**

No. You may not have done anything wrong. In any case, what you say is up to you. Some participants do apologize to each other – if they *choose* to do so.

The incident was unpleasant the first time, won't mediation be the same?

Not necessarily. Mediation can work even with difficult people. Mediators are trained to help people resolve issues in constructive ways.

What if the other party just wants an opportunity to verbally attack me?

It is part of the mediator's job to prevent a mediation session from deteriorating to verbal attacks. While some venting (on both sides) is common, verbal abuse or threatening conduct are not acceptable in mediation. Mediators may separate the parties and work with them individually, or terminate the mediation if necessary.

Could something said in mediation get used against me later?

Mediation is confidential: all participants sign a legally binding confidentiality agreement. The contents of a mediation session are not subject to subpoena or discovery, and courts have upheld the mediator-client privilege. The one exception is where mandatory reporting requirements apply for admissions of criminal acts by any party.

What if I am unhappy with how the mediation is progressing?

Either party can leave mediation at any time. No one is compelled to reach conclusions or agreements. 3

SUGGESTIONS FOR MEDIATING CONSTRUCTIVELY:

Avoid temptations to blame or attack

Casting blame or antagonizing others is most likely to just make them defensive, or push them fight back, rather than encouraging them to really listen to you or to see your point of view.

Speak for yourself, and let others speak for themselves

Avoid assuming that you know why the other party behaved as they did. Instead, tell them how their behavior looked from your perspective, and how it impacted your behavior. Let them tell you what was going on from their perspective.

Show that you are listening

Mediation requires listening. Each side needs to be heard.

Talk it all through

Talk out everything that is important to you, whether or not it's significant to others.

Work toward a solution

Try to focus on solutions, not blame. The goal is to resolve the conflict and prevent similar ones.

APPENDIX F – Mediator Racial Justice Training Grid

| Day One | | Day Two | | Day Three | | Day Four | |
|---|--|--|--|--|--|--|--|
| <i>Systems & Concepts</i> | | <i>Empathy & Understanding</i> | | <i>Mediation Skill Building</i> | | <i>Implementation</i> | |
| <ul style="list-style-type: none"> ▪ Intros, icebreaker, values for the training ▪ Overview Training and RJ (what is RJ?) ▪ Implicit bias – test & debrief ▪ Institutionalized racism, school-to-prison pipeline (what is it? Impact on you and society) ▪ Show mediation clip and discuss | | <ul style="list-style-type: none"> ▪ Check-in ▪ communications (feelings, 'I' statements) ▪ Listening skills ▪ Asking Questions and practicing ▪ Power balance ▪ Trauma ▪ Panel - | | <ul style="list-style-type: none"> ▪ Check-in ▪ Dilemma stories ▪ Solutions – generated by the parties ▪ Brainstorming ▪ De-escalation techniques ▪ Co-mediating ▪ Intake “the story” and practice ▪ Panel – | | <ul style="list-style-type: none"> ▪ Check-in ▪ Restorative processes overview ▪ Entire mediation role plays ▪ Speaker ▪ Closing and certificates | |

APPENDIX G – OPA Participant Agreement to Mediate Form

I have read the OPA Mediation Fact Sheet and understand the mediation process as outlined.

I agree to try to resolve this situation through mediation. I understand mediation is voluntary and I may withdraw from the process at any time. I acknowledge the mediator also has the discretion to terminate the mediation if an impasse occurs or if the mediator believes there is nothing to be gained by continuing.

I understand the mediator is an impartial facilitator who assists parties in their communication and negotiation. The mediator will not be serving as a fact-finder or as an advocate for either party. The parties are in control of and responsible for any agreement to be reached.

I understand mediation is an alternative to the investigation and discipline process, and once the mediation is over, the case will be closed. Even if the mediation outcome is unsatisfactory to one or more parties, no further investigation or discipline will occur. If the complainant withdraws from participating after the employee has agreed to participate, the complaint may still be investigated but will not result in discipline or a record on the employee's complaint history.

I agree all matters discussed during the mediation are confidential and cannot be used as evidence in any subsequent administrative or judicial proceeding. Mediators may, however, be required by law to report threats of violence or actual violence. I agree I will not subpoena the mediator, program staff, or the other party to disclose matters discussed during the mediation. I also understand no recording devices will be allowed at mediation sessions.

I understand the Office of Police Accountability (OPA) has a duty to report on the kinds of cases received and how they are handled, and they may include in their reports and presentations summary descriptions of cases (including mediation cases). However, the OPA will do this in a manner that protects the identities of the involved parties.

Signature: _____

Printed Name: _____

Date: _____

Cell Phone Number: _____

APPENDIX H – OPA Mediator Confidentiality Form

During your interactions with the Office of Police Accountability, you may be privy to private, confidential information regarding Seattle Police Department personnel. As an employee or mediator with of the King County Alternative Dispute Resolution Program, you understand the need for this information to be kept confidential.

This means all personnel information, including that relating to the identity of individuals involved and allegations of misconduct shall be kept confidential. Such information shall not be released to anyone within the King County Alternative Dispute Resolution Program or to any member of the public without prior approval of the Office of Police Accountability Director.

I have read and understand the conditions summarized above and acknowledge the consequences involved with violation of this agreement.

Signature

Date

APPENDIX I – OPA Mediation Process Flow Chart

