



DALLAS POLICE DEPARTMENT

COMPLAINT MEDIATION PROGRAM



Mediation Team Chain of Command

Deputy Chief Calvin A. Cunigan

Internal Affairs Division Commander

Lieutenant Manny Guevara

Unit Commander Complaint Mediation Team

Sergeant R. M. Terrones

Complaint Mediation Coordinator



**The History of Mediation
in the Dallas Police Department**

Citizens Police Review Board

- A Citizen voices his willingness to have his dispute with an officer mediated
- In 2003, Ms. Ann Carlson, Police Citizens Review Board, contacts Mr. David Renfro of the Federal Mediation Conciliation Service
- Mr. Renfro presents methodology & offers guidance to the program



Organizations Involved

- *Citizens Police Review Board*
- *Internal Affairs Division*
- *City Attorney's Office*
- *Dallas Police Association*
- *Texas Peace Officer Association*
- *Latino Police Officer Association*



Inception

- In 2005, the program begins
- Administration & criteria for the program is established
- General Order 507.07 is developed



Mediation Defined



What is Mediation?

- Mediation is a process whereby a trained mediator facilitates discussion between parties in dispute for the purpose of seeking greater understanding and possible resolution

The Value of Mediation



- Mediation promotes efficiency, understanding & support
- Mediation helps resolve incidents of conflict & offers an immediate way to handle problems



The Mediation Mission



Mission Philosophy

- To offer an alternative method of addressing citizen complaints
- To promote mutual understanding & resolution; not to determine fault
- Voluntary participation
- Confidentiality
- Achieve better working relationships



Mediators

- Independent
- Professional
- Skilled & Impartial
- At this time, not from within Dallas Police Department



Location

- Neutral site
- Convenient to all parties
- Comfortable atmosphere



The Mediation Process

Acceptable Mediation Complaints

- Internal Affairs Division Commander determines criteria for assignment
- Cases designated for mediation are incidents of rudeness & discourtesy; citizen allegations of inadequate investigation or failure to fully investigate
- Complaint is then assigned to the Complaint Mediation Team
- Cases of alleged use of force will not be submitted for mediation

Complaint Mediation Coordinator Action

- Complaint referred to Mediation Coordinator
- Employee contacted within 5 business days
- Employee accepts or rejects mediation within 10 business days
- Employee submits signed agreement forms

Complaint Mediation Coordinator Action

- Upon receipt of employee's written consent to mediate, the citizen is contacted within 5 business days
- Citizen accepts or rejects within 10 business days
- Citizen submits signed agreement forms
- If option verbally rejected, case is returned to the Internal Affairs Division for investigation

Referred to Mediation

- After receipt of citizen signed agreement forms
- Within 5 business days: (1) a mediator will be contacted & a meeting date will be set, (2) the employee will be contacted, (3) the citizen will be contacted
- The meeting should occur within 30 days unless a time extension is agreed upon by all parties

Complaint Caveats

- Upon completion, no further investigation
- If either party refuses to complete the meeting, the case will be returned to the Internal Affairs Division for investigation
- Citizen failure to appear – no further action
- Employee failure to appear – case will be returned to the Internal Affairs Division for investigation
- Mediator will return the case to the Internal Affairs Division if allegations surface outside scope of meeting

Complaint Caveats

- No departmental obligation to provide translators or interpreters
- Mediator & Mediation Coordinator can limit number of participants
- No electronic or written recordings – any notes taken will be destroyed prior to leaving the meeting
- DPD adheres to the law regulating mediation: Texas Civil Practices and Remedies Code, Title 7, Chapter 154



The Mediation Program Trial Period

Trial Cases

- A total of 50 cases will be heard
- On October 4, 2005, no further action was taken in regards to MO5-#1 because the citizen failed to appear
- On October 4, 2005, MO5-#2 was heard and it was successfully resolved
- On October 11, 2005, MO5-#8 was heard and it was successfully resolved
- Four additional cases are pending

Major City Survey

- 17 major cities surveyed
- Houston Police Department mediation program: started 1999 & the first police department in Texas with a mediation program; under Professional Development Command headed by an Asst. Chief; independent from IAD; hears citizen to employee & employee to employee complaints; uses outside & in-house mediators; removes approx. 10-15% case load from IAD; citizen to employee complaints = 70% success rate; employee to employee success rate = 86%
- San Diego Police Department mediation program: started 2003, administered through IAD, but cases heard by outside mediation source; hears citizen to officer complaints only; grant funded; 15 cases for 2005 -7 successfully resolved
- Seattle Police Department mediation program: started August 1, 2005; under the Office of Professional Accountability with Civilian Director over site; mediation program separate from IAD; 7 cases selected for external mediation; none heard at this time



Benefits for the Department and the Citizens

The Officers

- No documentation on Internal Affairs resume, personnel file or unit file
- No Control Number or Internal Statements generated
- Speedier process
- Achievement of satisfactory results without determining fault
- Mutual understanding & resolution of differences



The Citizen

- Opportunity to explain position
- Opportunity to share feelings
- Opportunity to have one-on-one interaction with the police officer
- Opportunity to resolve differences
- Opportunity to gain mutual understanding
- Speedier Process



Discussion