

## Mediating the Tough Ones!

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### Why the tough ones are often the best ones

- More focused, heightened emotions, more to hear and understand and greater impact. The “stakes” are higher and so are the opportunities for everyone involved to learn and understand real issues and concerns.
  - (The discourteous ones are, “Yes, I could have done this, you could have done that. OK.” They work, but only at a certain level.)
- Typical IA investigation of the hard ones just doesn’t deal with either the officer or citizen underlying concerns and issues. Generally, the officer follows policy, everything is OK. Which doesn’t really benefit either party. “Tough mediations” get to the issues that really matter to both the officer and the community member.
- In these tough mediations, it is imperative (!) that the participants be appropriately prepared for the conversation, especially the officer. (i.e. The conversation and interaction may be intense, emotional and sometimes tough to listen to constructively). The mediator will take care of both parties and not allow “brow beating” or intimidation. Trust.

### Benefits to the Citizen

- Able to relive, re-experience the incident in a safe and managed environment. This enables the community member to identify and process fears, emotions and concerns constructively. This is particularly helpful for racial fears and treatment, histories with police, family, etc.
- Significantly impacts juveniles and their future interaction with police.
- Self-awareness and personal responsibility. The citizen often “remembers” the event in a selective manner and the reality of the conversation with the officer is helpful for the future.

### Benefits to the Officer

- Ability to understand and process police actions and his/her impact upon the community member in real time v. adrenalin time.
  - So often there is a flurry of activity, handcuffs, etc. Then the event is over, consequences are rolling out and there is no explanation.
- Opportunity to explain the event in a complete and contextual manner, why they took the action they did. (What the job requires, and the culpability of the person.)
- Experience first-hand the value of engaging with community members both for themselves and the department.
- Self-awareness and how they are perceived. (Who else is going to tell them?) Interestingly enough, the citizen stands there, afraid and wondering if they are dealing with a good cop or a rogue cop who will beat them or shoot them. In the same way, the officer stands there wondering if the citizen will cooperate, or take the opportunity to harm them and keep them from going home safe.

## Stories

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Complainant related that several officers were in her neighborhood searching for suspects on foot. Complainant alleges her 14-year-old son was curious and outside watching officers. The next thing when she looked out her window the officer was pointing a gun at her son, and hollering at him to get out from behind their vehicle. She watched as the officer took her son across the street, handcuffed him, and searched him. He was later let go. Her 14-year-old son was very upset. He has never been in trouble before and now has a very fearful and negative perception of the police.

The officer was part of a team looking for two suspects, armed and considered dangerous. There was a police helicopter assisting, which was what got the kid's attention. The boy was in the corner of the alleyway, next to the bushes, watching them. It was late at night.

Officer Garcia was by herself. She was following procedure when she took the boy down at gunpoint. She did not know if he was one of the suspects or not and took all necessary precautions.

In mediation, the 14-year-old boy, his mother and the officer were able to discuss the situation in a safe and controlled environment, learn from all three perspectives and ultimately the boy asked if he could do a ride-a-long.

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Officer had stopped this young man earlier in the evening for parking illegally while dropping off a friend. When the officer approached the young man, he responded with an attitude and words. The young man drove away. The officer ran the license and received information regarding the vehicle, style, color etc. that didn't correlate to the type/color of vehicle. The officer then proceeded to pursue the vehicle because it appeared to be either a stolen vehicle or switched plates. (It later turned out the DMV records were incorrect). The young man sped away from the officer and pulled into a driveway, running for the house. The officer ordered the young man to stop. He didn't. The officer pulled his gun and yelled again. This time the young man saw the officer's drawn gun and fell to the ground. At this point, there was a woman at the door of the home shouting at the officer hysterically. The officer cuffed the boy and then turned to the woman. Turns out this was the young man's home and that the hysterical woman was his mother. She was incredibly upset because all she saw was the red laser dot on her son's forehead.

Mom filed a complaint of excessive force, it was referred to mediation. At the mediation, the mother spent time telling the officer what a fine son she had, honor student, athlete, church awards, and that the officer could have killed someone good.

The officer listened and heard the woman. He spent time explaining that the her son had given him some serious attitude about cops and profiling and that he sped away, the officer had no idea that the home he pulled into was the young man's, and when he started running towards the house, the officer felt he had to stop the boy because he may have caused harm to the people of the house.

The mom spent time explaining that she had been harassed more than once by the Denver Police for being a black woman standing on the corner and soliciting, when in actuality she was waiting for a bus. She said her son had seen that and had little respect for the police. He was now frightened, fearful, and angry with the police. The officer talked sincerely to this woman and made sure the woman was satisfied as to why he had stopped her son and pulled his weapon. She did not like that it had happened the way it did, but she understood. The officer then took it further to speak about her son's fear of the

police and how they (mom and officer) could mitigate that. The solution reached was for the son to do some “ride along” with an African American officer.

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Citizen filed a complaint against the officer for his aggressive and threatening behavior. OIM referred this to mediation. The officer had stopped the 20+ male citizen for speeding on I-25 at 1:30 AM. The citizen challenged the officer regarding the speed and the reason for pulling him over. He had just entered I-25 from Broadway and was exiting at University, and would not have had time to get to the speed suggested. He was driving a restored red Mustang. He had just gotten off work, picked his sleeping 2 year old son up from his mom’s and had him in the back seat and was heading home.

The citizen claimed the officer was very angry, aggressive, and just inches from his face, shouting so loud that he sprayed him with spittle. The officer confirmed that he was in the citizen’s face and that as he confronted the citizen, the citizen raised his hands. This lead the officer to feel the citizen was getting ready to attack.

The citizen then carefully explained that because the officer was so aggressive, he was raising his hands to show the officer he had no weapons and fully believed the officer was getting ready to shoot or club him. The citizen was making sure that if anyone was watching or there were cameras, they could see he was not armed, and was not a threat to the officer.

The officer was visibly stunned to hear this was how he was being perceived by the citizen. The officer pursued a discussion on what he could have been done differently while still staying within protocol and in control of the situations. The two of them discussed; what specific actions might have been better? What specific language? During the conversation the officer expressed how he really wanted to learn from this experience. A very constructive and positive dialogue ensued and both citizen and officer expressed their respect for each other.

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Recently there was an accident in Denver with a dog tangled up in the accident and seriously injured, eventually dying at the scene. This became a big story in the media and it created significant negative reaction because of the perceived actions of Denver’s Animal Control and the Police Department.

Denver sent the situation to mediation. The dog owner, her attorney, the Denver Police Department, and Animal Control met together. As you can imagine, the mediation was very emotional, open, honest and confidential – which could not have happened in any other setting. There was the significant potential for a lawsuit being brought, a long drawn out process, media and lots of misunderstanding. An agreement was reached, specific steps were outlined should any future incident of this nature happen, and the parties walked away satisfied and feeling their concerns and needs were met, both on the City and the complainant’s side.

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Two groups of kids were from different schools/clichés and got into an argument over a cell phone that wound up missing. The arguing escalated, the police were called. The officer entered into the pushing/shoving and directed the kids to be quiet, step back, and sit down...normal procedure. One of the girls pulled an attitude with the officer about how she didn’t have to do what he told her, etc. She wouldn’t listen, agitated her friends and the situation was escalating again. In the course of getting the girl under control, the officer forced her to the ground where she skinned her arm and knee. As this was

happening, the girl's mother came on the scene and started demanding what was going on, and why the officer was roughing up her daughter. The officer and his partner had called for the EMT's to come check out the abrasions. Mom filed the complaint because the officer did not respond to her demanding questions and essentially ignored her.

During the mediation, the officer was defensive. Mom was very well spoken and skillfully worked around anything the officer came up with such as policy to control the situation, getting medical attention to the girl, wasn't sure who this woman was who was asking so many questions, etc.

Finally, the officer explained to the mom that she did not have the full story, and with the daughter there, explained that the girl had called the officer a fucking pig, gestapo, and some other total trash talk.

Mom turned to the daughter and asked if she had done this. Total silence. Then admission that the officer was right. Mom made her daughter apologize on the spot.

However, mom was still upset with the officer for how he handled the situation and ignoring her and her reasonable questions. This was going nowhere. Mom was ready to leave.

We caucused to cool things down. Our mediator spent a few minutes with the officer asking him to speak to the mom's concerns, not using policy to hide behind. Then asking mom to step into the officers shoes for a minute and understand the situation from his perspective.

We reconvened. The officer did a 180 and said that as a dad with a teenage daughter, he too would have been upset to walk up and see the commotion and blood. The mom softened some and said she did understand the need to control but that his actions were too much, and this had all been talked about at the church, (this had all occurred at a church fundraising fair on the church premises) and many kids were now really fearful of the police after seeing how this situation had been dealt with. The church was holding sessions to talk with kids and how to deal with the police.

This had a real visible impact on the officer. He asked the mom if it would be OK for him to be part of those church meetings or if he could have the church work with DPD. The tone changed dramatically and they created a schedule for the officer to come to the church and speak to the kids...on his time off.