

Denver's Citizen/Police Complaint Mediation Program:

A Comprehensive Evaluation

By

Jon L. Proctor, Management Analyst

Richard Rosenthal, Independent Monitor

AJ Clemmons, Community Relations Ombudsman

ABSTRACT

This study evaluates the citizen/police mediation program operated by the Office of the Independent Monitor in Denver, Colorado. The evaluation seeks to answer several research questions concerning officer and complainant satisfaction, the effect of mediation on citizen complaint rates, and case resolution timeliness. Satisfaction rates for officers and complainants who participated in mediation were compared with officers and complainants who had gone through the traditional complaint handling process; a formal internal affairs investigation. Additionally, a sample of officers who participated in mediation were compared with a control group of officers—those who had not participated in mediation—on their citizen complaint rates. A final sample comparing case resolution time among mediation, formal, and informal cases, consisted of those cases received and closed between August 1, 2005 and November 1, 2008.

Results showed higher satisfaction rates among both officers and complainants who participated in mediation compared to those who went through the formal investigation process. Also, officers who participated in mediation had statistically fewer citizen complaints and allegations during the post mediation follow-up. Specific allegations of discourtesy and improper procedure decreases significantly for the mediation officers but not the control group officers. Mediation cases were resolved, on average, in 58.7 days, which was statistically less than formal cases at 132.6 days.

The significance of this study indicates that mediation is an effective alternative to the formal Internal Affairs investigation process for resolving citizen complaints. Improved satisfaction, fewer citizen complaints, and faster case resolution are achievable with a mediation program.

INTRODUCTION

Citizen complaints against the police are inevitable given the inherent nature of police-citizen contacts (Wagner & Decker, 1997). These contacts often result in citizens complaining about various actions taken by the police. The majority of these complaints tend to involve allegations of excessive force, discourtesy, improper procedure, and “prejudicial conduct.”

The Internal Affairs Bureau (IAB) of police departments are traditionally charged with the role of investigating citizen and department-initiated complaints. Citizen-initiated complaints are externally generated and usually involve some type of confrontation between a citizen and police officer. Department-initiated complaints are internally generated and can involve confrontations between officers, observations by peers or supervisors, or violations against departmental procedures such as failing to qualify with a firearm or failure to appear in court.

Traditionally, IAB would investigate a citizen complaint, and command staff would make a finding and, where appropriate, impose discipline. IAB therefore serves as an internal control mechanism used by police departments to assist in managing the behavior of its employees. While there have been questions concerning the difficulty of proving misconduct one way or the other, there were simply no alternatives for dealing with citizen complaints.

Recently however, there has been some movement towards a more conciliatory and non-adversarial model of complaint handling. That model is mediation.

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Mediation of citizen complaints against police officers involves both parties meeting face-to-face in a neutral setting to discuss the specifics of the complaint. The meeting is facilitated by professional mediators who attempt to get the parties to a point of mutual understanding concerning the actions of the parties that led to the complaint (Clemmons and Rosenthal, 2008).

Mediation is not a new concept. It has been effectively used in a variety of other settings including contract issues, divorces, employee grievances, and neighborhood disputes (Clemmons and Rosenthal, 2008). The use of mediation in handling citizen complaints against the police is a relatively new phenomenon however, that is still in its early stages. As of 2002 there were approximately 16 citizen/police mediation programs that were in operation around the country (Walker and Archold, 2002).

In the Fall of 2005, the Office of the Independent Monitor (OIM) in Denver, Colorado implemented a citizen/police mediation program. In conjunction with Internal Affairs command staff, Monitor-staff identify citizen-initiated complaints that tend towards communication-related conflicts. These complaints usually involve allegations of discourtesy, unnecessary use-of-force and racially biased policing.

The OIM has completed over 120 citizen/police mediations in the three years since the mediation programs inception.

The question that comes to mind is this: is mediation a successful alternative for handling citizen complaints compared to formal investigation? The answer depends upon the meaning of "successful"—which may refer to any number of measures including higher levels of satisfaction, lower complaint rates, lower costs, or more timely resolutions.

A major problem with evaluation is that most of the mediation programs have only mediated a small number of cases, which in turn limits any attempt to conduct an effective evaluation of the program. In many cases, several years worth of data are necessary in order to obtain sufficient sample size to perform even a modest assessment of a program's effectiveness.

Fortunately, the OIM program has not only mediated a significant number of complaints but has also compiled three years worth of data. During this time the office has conducted 126 police/citizen mediations involving 328 participants. This is ample sample size to conduct an effective evaluation of the program.

What are the important questions to answer for an evaluation? Walker et. al. (2002), proposed a list of major research questions for conducting such an evaluation. Given the nature and amount of data collected by the OIM, we were able to evaluate our program with respect to five of Walker's research questions. These questions are presented below.

Research Question #1: Are citizen complainants more satisfied with mediation outcomes compared to traditional complaint handling outcomes?

Research Question #2: Are citizen complainants more satisfied with the mediation process compared to traditional complaint handling process?

Research Question #3: Are police officers more satisfied with mediation outcomes compared to traditional complaint handling outcomes?

Research Question #4: Are police officers more satisfied with the mediation process compared to the traditional complaint handling process?

Research Question #5: Do police officers who resolve complaints through mediation have fewer citizen complaints filed against them?

We added an additional research question not derived from Walker's questions but one that is important to answer for evaluation purposes:

Research Question #6: Is case resolution time faster for mediation cases compared to informal or formal case processing?

The purpose of this study is to answer these research questions and provide a basis for additional evaluation research on mediation programs. In doing so, we will establish some mediation protocols that can assist other agencies in the implementation and evaluation of a successful citizen/police mediation program.

LITERATURE REVIEW

The philosophy of community policing embodies the ideal of listening to citizens and proactively working with them to find solutions to community problems (Jordan and Zager, 2001). The community policing model also seeks to establish and build relations between the police and community residents.

Community policing is widely used in America with approximately 90% of police departments, in areas with over 25,000 in population, incorporating community policing into their operations (Hickman and Reaves, 1999). Even within this model, conflict between officers and citizens will occur. This is primarily the result of the nature of the relationship between a formal control mechanism—the police, and the citizenry.

Within the community policing model, police department personnel continually meet with members of the community including residents, private businesses, faith-based groups, and other government organizations to improve police/community relations

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(Renauer, Duffee, and Scott, 2003). Participants seek to develop strategies and policies to reduce crime, increase quality of life, and build trust.

In their research of officer satisfaction with the complaint handling process, De Angelis and Kupchik (2007) found that officer satisfaction with the complaint handling process was predominantly driven by four factors—satisfaction with timeliness/communication, belief in procedural fairness, trust in internal affairs, and trust in administration. Officers that scored higher on these factors had higher levels of satisfaction with the complaint handling process. Interestingly, having a sustained complaint had no direct effect on satisfaction with the process nor did one's level of trust in citizen oversight.

The main finding showed that trust in command staff and internal affairs has positive direct effects on satisfaction with the complaint process while trust in citizen oversight did not.

The researchers concluded that investigative factors that can be improved—timeliness, communication, thoroughness, and respect—are those things that matter most in regard to officer satisfaction with the complaint process. While officers may not agree with particular outcomes, the fact that they were treated fairly and kept informed of the process likely resulted in increased satisfaction. Thus, police departments should focus on improving those investigative processes mentioned above.

The responsibility for determining whether complaints against the police are valid, lies with the police Internal Affairs Bureau (IAB) and the involved officers' immediate chain-of-command. It is the job of IAB to investigate complaints and submit documentation of the investigation to the department command staff to make findings on

the validity of the specific allegations of the complaint. The types of findings that can be rendered include: sustained, not sustained, unfounded, and exonerated. Sustained allegations are cases where the investigation concluded that the allegation was true. Not sustained are cases where there is not sufficient evidence to prove or disprove the allegations. Unfounded cases are those in which the incident did not occur whereas, cases that are exonerated support the officer's actions as lawful and justified under the circumstances (Lersch & Mieczkowski, 2000).

How often are citizen complaints sustained, that is the specific allegations are found to be true? The rate of sustained citizen complaints is usually low, yet varies by jurisdiction and type of police organization. Research by Pate and Fridell (1993) found that, on average, about 10% of citizen complaints are sustained. In Denver, the sustained rate for citizen complaints over the last three years ranged from a low of 8.6% in 2005 to a high of 24% in 2007. Even where the sustained rate is in the double-digit range, more often than not those allegations sustained are seldom amongst the most serious alleged.

In a study of internal and external allegations of misconduct against police officers, Lersch and Mieczkowski (2000) found that officers who received an external complaint (citizen-initiated) were more likely to have received an internal complaint (department-initiated) as well. In fact, these officers were twice as likely to receive an internal complaint when compared to the entire department. This finding suggests that citizen-initiated complaints may be a more valid indicator for identifying problem officers than previously thought. Citizen complaints combined with other measures of police performance such as internal complaints and peer evaluations can effectively enhance the evaluation of officer performance (Lersch & Mieczkowski, 2000).

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Department managers, however, must be cognizant that relying solely on citizen complaints to evaluate an officer's performance is fraught with problems. Active officers will likely receive more complaints than inactive officers and a significant number of citizen complaints either fail to state misconduct, or are clearly false or so untimely as to make them irrelevant. Both the Portland Independent Police Review Division (IPR) and the Denver Independent Monitor's Offices have monitored "filtering" processes wherein anywhere between 60% and 72% of citizen complaints are declined after an initial managerial review (IPR & OIM Annual Reports 2001-2008). It has been noted that oftentimes, citizens who have legitimate complaints do not make complaints against the police and citizens who do not have legitimate complaints aggressively pursue this remedy.

While allegations of officer wrongdoing filed by citizens are varied, the allegation of excessive or unnecessary force is a particularly serious complaint. This often involves some type of physical altercation between an officer and citizen. Although very few force allegations are ever sustained, the use of excessive force has negative repercussions on police/community relations including less public confidence, decreased officer morale, and more police/citizen conflict (Langworthy and Travis, 1994; Wagner and Decker, 1997).

Cao, Deng, and Barton (2000) studied the impact of several police department organizational variables on excessive force complaints. These variables included education level, racial composition, FTO (Field Training Officer) program, length of service, gender makeup, and whether the department had a civilian review board. A key

hypothesis of their study was that civilian review boards would reduce the citizen complaint rate.

Their analysis showed the opposite, that departments with Civilian Review Boards had higher rates of citizen-initiated excessive force complaints. However, it is likely that Civilian Review Boards increase the rate of excessive force complaints through increased public confidence and/or awareness in the system, thus leading to higher rates of reporting.

Arrests per officer, was also positively associated with the number of citizen-initiated complaints. This is not surprising given that the more interactions officers have with citizens, the higher the probability that some of those citizens will file complaints.

Two organizational factors that reduced excessive force complaints were having an FTO program and providing in-service training. Both variables were negatively associated with force complaints indicating departments that had these two organizational factors had lower force complaints compared to departments without them (Cao, Deng, and Barton, 2000).

This research suggests that improvements in officer training can be an effective mechanism for lowering citizen complaint rates; in particular, those alleging excessive force.

Improving satisfaction with the police may be another method for lowering citizen complaint rates. Research has also shown that citizen satisfaction with the police is positively associated with increased levels of police performance (Brandl and Horvath, 1991; Coupe and Griffiths, 1999).

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In a study of attitudes towards the police in Harrisburg, PA, researchers found that citizens generally have positive attitudes towards the police particularly in the areas of response times, ease of contact, and valuing citizens' opinions (Sims, Hooper, and Peterson, 2002). Citizens also rated the police high on their willingness to work with citizens in the community to provide solutions to community problems. The more citizens are concerned about crime producing factors—physical and social characteristics of the city—the more favorable attitudes they have towards the police.

Citizen-initiated contact with the police had no effect, good or bad, on perceived attitudes of the police (Sims et. al. 2002).

Reisig and Chandek (2001) analyzed the impact of different types of citizen/police encounters, voluntary and involuntary, on two dimensions of citizen satisfaction. Findings from their analysis showed that satisfaction was significantly correlated with the level of service received from the police. This was true for both types of contacts. The researchers concluded that citizen satisfaction with the police is a function of both individual expectations and perceptions of actual service. When these two factors are congruent then satisfaction is high. When the services provided by the police are not in line with citizen expectations, then satisfaction is low.

Citizens have certain expectations of the police and when the services provided by the police fail to meet those expectations, complaints are likely to occur. Police behavior is the most salient determinant of citizen satisfaction with the police. Improved training of police officers in the areas of communication and civility may well improve citizen satisfaction which may ultimately reduce the rate of citizen complaints.

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Reisig and Parks (2000) found that citizens who were satisfied with their contact with the police were more satisfied with the police, overall, compared to citizens who had no contacts with the police.

Mediation is an effective method for restoring positive relationships between citizens and officers through discussion of the expectations and services rendered. This is important given that positive contacts with the police can improve satisfaction and build community trust.

Mediation has also been a primary component of restorative justice which seeks to hold the offender accountable for his/her actions against the victim and to acknowledge the harm caused to the victim and the community (Lightfoot and Umbreit, 2004). The use of victim-offender mediation programs is growing with 29 states having developed and implemented such programs (Lightfoot and Umbreit, 2004). There is some empirical support for the success of restorative justice at increasing victim satisfaction and reducing recidivism (Nugent, Umbreit, Wiinamaki, and Paddock, 2001).

Colorado has a uniform state-wide system of victim-offender mediation that is statutorily defined (C.R.S. 19-2-309.5). The program in Colorado is voluntary and is officially named "Victim-Offender Mediation." The types of offenses in which mediation is authorized is not specified in the Colorado statute but rather left to the discretion of the authorities (Lightfoot and Umbreit, 2004).

Improving police/community relations and providing effective relationships between the community and police to solve community problems that lead to crime is the substance of community policing. Given the findings of previous research, mediation would appear to fit well within the community policing model. Alleviating conflict and

improving satisfaction and trust between the citizenry and the police may be enhanced through mediation.

The present study provides an evaluation of the citizen/officer mediation program operated by the Office of the Independent Monitor in Denver, Colorado. Our evaluation seeks to ascertain the success of the program in relation to officer and complainant satisfaction, complaint rates before and after mediation, and case processing time.

RESEARCH METHODOLOGY

Samples

To answer research questions one through four concerning officer and complainant satisfaction, a sample of 168 officers and 160 complainants who participated in mediation from October 2005 through October 2008 was used. This sample represents all mediation participants from the program's inception to the writing of this article.

Additionally, a total of 1,533 officers (replicated sample) and 324 complainants were included in the sample to assess satisfaction with the traditional complaint handling process. This represents multiple officers surveyed over three waves. Some complainants may have been surveyed more than once but only if they had filed more than one complaint over the study period.

To answer research question five, "Do police officers who resolve complaints through mediation have fewer citizen complaints filed against them?" a total of 262 officers were selected. The officers were evenly split between an experimental ($n = 131$) and control ($n = 131$) group. Officers in the experimental group included only those officers who participated in at least one mediation since the program's inception. Some

officers participated in multiple mediations during the study period; in those instances, only the first mediation was used.

Since random assignment was not possible, a matched comparison group was selected. For every officer in the experimental group—officers who mediated—a similar officer was selected for inclusion into the control group. Control group officers were matched with experimental group officers on the following factors: race, age, sex, years of service, and rank.

In cases where there was more than one control officer that matched the experimental officer's characteristics, officers were randomly selected from the control officer list. For example, if five officers from the control sample had the same characteristics as one experimental officer, the first officer from that list was selected. The next time multiple officers from the control sample matched the experimental officer, the second officer from the list was selected. This process was used throughout selecting the control group.

The samples for research question six, case processing time of mediation cases compared to informal and formal cases, involved all cases that were received on or after August 1, 2005 and closed before November 1, 2008. The resulting sample sizes for the three types of cases were, 127 mediation cases, 253 formal cases, and 304 informal cases.

Procedures

Since the OIM began operations in August 2005, the office has collected objective data for the purposes of evaluation and assessment. With these goals in mind, two types of surveys were developed.

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First, an external survey was developed and implemented by researchers outside of the OIM. This survey was designed to measure several areas of the traditional complaint handling process including fairness, satisfaction, and respondent demographics for both police officers and complainants.

The surveys were sent out in three waves—2005, 2006, and 2007 and were administered via the mail with the exception of the 2007 officer survey which was administered using an on-line survey vendor.

Complainant surveys were sent to those individuals who had filed a complaint against a Denver police officer and had their complaint resolved in the specified calendar year. Aggregate responses—covering 2005 through 2007, for the complainant surveys showed that 324 completed surveys were returned to the OIM out of 2,229 sent out. This amounted to an overall response rate of 14.5%.

Officer surveys were sent to all sworn Denver Police Officers (N = 1,500) through their precinct mailboxes. It is important to note that this is a replicated sample in that all officers were surveyed three times for a total population of 4,500. From this cohort, there 1,533 completed surveys returned, representing an overall response rate of 34.1%.

Secondly, an internal survey was developed for mediation participants. The survey measures satisfaction with mediation outcomes, processes, information, and mediators. Additional information includes likelihood of using mediation for future complaints, recommending mediation to others, and demographics.

Participants complete the surveys at the conclusion of the mediation session. Although the surveys are voluntary and anonymous, completion rates are extraordinarily high—99% for both officers and citizens.

Measures

For research questions one through four, four measures of satisfaction were used. Satisfaction with the traditional complaint handling method was measured using two questions from the external officer/complainant surveys—1) How satisfied were you with the outcome you received? and 2) How satisfied were you with the complaint process in general?

Satisfaction with mediation was measured using two questions from the internal mediation surveys—1) How satisfied were you with the outcome of mediation? and 2) How satisfied were you with the mediation process in general?

For research question five, several measures were used. The variables included total complaints, total allegations, discourtesy allegations, force allegations, and improper procedure allegations. All variables were measured as numerical counts of citizen complaints filed against city police officers.

The specific allegations of discourtesy, force, and procedure were selected due to the perceived likelihood that these types of allegations would be most positively affected through mediation; that is, lower post-mediation rates.

Measures were conducted at two time frames—six months prior to the date of mediation and six months after the date of mediation. Pre-mediation counts were made from the date of mediation to six months prior to the mediation date. Post-mediation counts were made from one day after the mediation date to six months past the day after mediation date. This was done for both experimental and control groups. The dates used for the control officers were the exact same dates used for their matching experimental officer.

A single item measure—case processing days—was used for research question six. Specifically, the measure was the number of days that elapsed between the date the case was received and the date the case was closed. This information was extracted from the IAB internal database.

RESULTS

Table 1 provides the sample characteristics of survey respondents for both the external and internal surveys.

The external surveys comprise the aggregate totals over the three year time period in which officers and complainants were surveyed about their perceptions of traditional complaint handling. Demographic data was collected at each phase.

The internal surveys consist of officers and citizens that participated in mediation. While the surveys have been ongoing since the program’s inception, demographic data was only added to the instrument in the second quarter of 2007.

Table 1. Sample Characteristics of Officers and Complainants

Variables	<u>External Surveys</u>		<u>Internal (Mediation) Surveys</u>	
	Officers	Complainants	Officers	Complainants
Gender				
Male	88.1%	54.9%	43.6%	27.0%
Female	11.9%	45.1%	7.0%	26.0%
Unknown			49.4%	47.0%
Race				
Black	5.5%	15.5%	2.9%	29.4%
Hispanic	16.0%	13.7%	9.9%	11.7%

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White	71.0%	62.5%	37.8%	47.2%
Other	7.6%	4.1%	.6%	8.0%
Unknown	-	2.8%	48.8%	3.7%
Age				
18 – 24	1.4%	6.0%	4.7%	5.5%
25 – 34	18.9%	18.3%	17.4%	13.5%
35 – 44	42.2%	22.6%	21.5%	16.0%
45 – 54	31.2%	36.2%	7.0%	7.4%
55 & over	6.7%	17.0%	.6%	7.4%
Unknown	-	1.8%	48.8%	48.5%

Note. The high percentage of unknowns on the internal surveys for both officers and complainants is the result of demographic data not being collected until the second quarter of 2007. One exception was complainant’s race which was back collected as part of an earlier research project.

Table 2 provides the sample characteristics for the experimental and control groups. Since officers in the control group were matched with officers in the experimental on each of the five characteristics, there is little variation between the groups.

Table 2. Sample Characteristics of Mediation Participants and Non-Participants

Variables	Group	
	Experimental	Control
Gender		
Male	119 (90.8%)	119 (90.8%)
Female	12 (9.2%)	12 (9.2%)

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Rank

Officer	100 (76.3%)	99 (75.6%)
Other ¹	31 (23.7%)	32 (24.4%)

Race

White	94 (71.8%)	96 (73.3%)
Minority ²	37 (28.2%)	35 (26.7%)

Age

Mean	37.5	37.2
Standard Deviation	8.0	7.9

Years Employed

Mean	8.7	8.9
Standard Deviation	7.6	7.7

¹ The other rank categories included the following for each group: control—captain (1), detective (11), lieutenant (1), sergeant (9), and technician (10). The experimental group included: captain (1), detective (10), lieutenant (1), sergeant (9), and technician (10).

² The other race categories included the following for each group: control—American Indian (3), Asian/Pacific Islander (1), Black (7), Hispanic (24). The experimental group included: American Indian (3), Asian/Pacific Islander (1), Black (7), Hispanic (26).

Our first set of research questions dealt with satisfaction with outcomes and processes for both traditional complaint handling and mediation. Table 3 provides the results for these comparisons.

The satisfaction level of complainants with the traditional complaint handling process was extremely low for both outcome and process (7.3% and 11.9% respectively). This is not surprising given that sustained rates for complaints are not high to begin with (yearly rate). Police officers were more satisfied than complainants; however, their

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satisfaction levels were not overwhelmingly positive. Slightly more than half were satisfied with the outcome while only one-fifth were satisfied with the process.

Mediation participants have statistically higher rates of satisfaction for both outcome and process and this is the case for both complainants and officers. Nearly 60% of complainants were satisfied with the outcome of mediation while three-fourths of complainants were satisfied with the process. This is interesting in that mediation does not result in a sustained finding for the complaint, however complainants likely feel they have a greater stake in the process because somebody, in this case the officer and mediators, are willing to listen to their concerns.

Similarly, officers were more satisfied with the outcome and process of mediation than with the traditional complaint method. Approximately 68% were satisfied with the outcome while 79% were satisfied with the process. There are two incentives for officers that participate in mediation. First, they have the opportunity to explain their actions and behaviors to the complainant in a confidential environment and second the complaint is not formally investigated thus resulting in a declination rather than a possible sustained finding.

All results were statistically significant.

Table 3. Satisfaction with Outcomes and Process by Method and Participant

Participant	<u>Complaint Method</u>		Chi-Square	Significance
	Traditional	Mediation		
Complainants				
% satisfied with outcome	7.3%	58.3%	210.3	.00
% satisfied with process	11.9%	76.4%	269.8	.00

Police Officers

% satisfied with outcome	51.3%	67.7%	38.0	.00
% satisfied with process	21.8%	79.0%	368.4	.00

Our next research question sought to determine if mediation impacts officer behavior by decreasing citizen complaint rates. As stated earlier, we used a quasi-experimental design comparing complaint rates between mediation participants (experimental) and non-participants (control). We also included the number of allegations, as well as, three specific types of allegations believed to be positively affected by mediation—lower post mediation rates.

Table 4 provides the results of the t-test analyses used to make these comparisons.

Complaint and allegation counts decreased significantly for both the experimental and control groups. Although the decreases for the experimental group were more pronounced than the control group, these differences are likely the result of higher start values—before mediation complaints for the experimental group.

When looking at particular types of allegations, both discourtesy and improper procedure allegations were statistically lower after mediation for the experimental group but not the control group.

Although unnecessary force allegations decreased from pre-mediation to post-mediation, the changes were not statistically significant for either group. This is likely due to the small number of unnecessary force cases that were mediated.

Table 4. Average Complaint-Allegation Counts Before and After Mediation

Measure	Time_1 ^{Before}	Time_2 ^{After}	t value	significance
Citizen Complaints				
Experimental	1.56	.61	8.90	.00
Control	.47	.27	2.44	.02
Citizen Complaint Allegations				
Experimental	1.79	.73	7.67	.00
Control	.64	.32	2.53	.01
Discourtesy Allegations				
Experimental	.80	.24	7.36	.00
Control	.18	.09	1.73	.09
Force Allegations				
Experimental	.26	.17	1.56	.06
Control	.15	.08	1.75	.08
Improper Procedure Allegations				
Experimental	.26	.15	1.89	.03
Control	.12	.11	0.15	.89

Note¹. All count values are averages.

Note². All t tests for the experimental group are one-tailed as we hypothesized decreased complaints/allegations at post mediation.

As a method of comparison, we also looked at formal case processing for both sustained and non-sustained cases. The method was similar to that used for mediation cases. We selected a sample of cases that were received and assigned as formal

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investigations between fall 2005 and fall 2008. These cases only involved officers who had not mediated and had their case closed in the designated time period. We counted the number of complaints six months prior to the case outcome and six months after the case outcome; similar to the procedure used for mediation.

The goal of this comparison was to determine if other case processes have a similar effect to that of mediation. That is, do complaint and/or allegation counts received by officers decline after the case outcome? The results of the comparison are provided in Table 5.

The findings show statistically significant reductions for both officers with sustained and non-sustained complaints and allegations. Similar to mediation, the reductions for sustained cases were more pronounced compared to non-sustained cases. While the t statistics are larger for the non-sustained cases, this is the result of larger sample size for that group (n = 139) compared to the sustained group (n = 35).

Table 5. Average Complaint and Allegation Counts Before and After Case Closure

Measure	Time_1 ^{Before}	Time_2 ^{After}	t value	significance
Officers—Sustained				
Citizen complaints	1.31	.57	3.67	.00
Citizen allegations	1.97	.66	4.22	.00
Officers—Not Sustained				
Citizen complaints	1.14	.45	7.58	.00
Citizen allegations	1.45	.53	7.34	.00

Note. Not sustained includes formal cases where the allegation was not sustained, unfounded, or the officer was exonerated.

The final research question asked whether case processing time would be faster for mediation cases compared to other types of cases, specifically formal and informal cases. To test this we sampled all cases that were mediated, formally, and informally investigated between August 1, 2005 and November 1, 2008. These cases must have been received and closed during this time period. The dependent variable was average number of days to resolve the case (e.g., days between date received and date closed).

Analysis of variance was used to test the hypothesis that the population means would be statistically different. The variance of one group, formal cases, was nearly twice as large as that of the other two groups. To correct this, we used a square root transformation of the data which narrows the upper right tail of the distribution by normalizing higher positive values.

The analysis confirmed the research hypothesis, that the means were statistically different ($F = 113.19, p \leq .000$). Tukey’s HSD test was used to determine which means were statistically different. As shown in Table 6, mediation cases were resolved, on average, in 58.7 days which was statistically less than formal cases at 132.6 days.

Table 6. Matrix of Mean Differences for Case Processing Time (days to resolve)

	Mediation (M = 58.7)	Formal (M = 132.6)	Informal (M = 49.8)
Mediation (M = 58.7)	—	73.9*	8.9
Formal (M = 132.6)		—	82.9*
Informal (M = 49.8)			—

Note. * $p \leq .05$

DISCUSSION

This study sought to determine if the citizen/police mediation program operated by the OIM in Denver, Colorado is a successful alternative to the formal investigation process. The empirical evidence indicates that the mediation program is highly successful.

First, both officers and complainants were much more satisfied with the outcomes and processes of mediation compared to formal investigations. This is not surprising given that mediation enables both parties; that is, allows the officer and complainant to communicate their perceptions and views in a neutral setting.

The external surveys showed very little satisfaction from complainants or officers with how well the police department listened to or considered their views prior to rendering a decision on the complaint. The percentage of officers satisfied ranged from a low of 21% in 2006 to a high of 27% in 2007 while the percentage of complainants satisfied ranged from a low of 8.5% in 2006 to a high of 11.9% in 2007.

The internal (mediation) surveys asked respondents if mediation allowed them the opportunity to explain their points of view. Approximately, 96% of both officers and complainants responded—yes. Additionally, 87% of officers and 85% of complainants stated that mediation was either somewhat or very effective at helping them to understand the actions of the other party.

Mediation allows the parties to take ownership of the complaint handling process. Through open dialogue and interaction both the officer and complainant can explain their actions and thought processes that led to the altercation or misunderstanding. Through

this process both parties realize they share responsibility for the outcome which leads to greater satisfaction.

The success of mediation is very dependent upon the parties' involvement in the process. The OIM also conducts surveys with the mediators asking about the particulars of the mediation session. Two items on these surveys were designed to assess the level of participation in the mediation session by the officer and complainant according to the mediators' perceptions. Results indicate that 94% of the time the parties were very involved in the mediation session. In only 26% of mediations did the mediators feel that it was difficult to get the parties to communicate.

One of the problems identified earlier in this paper was that many programs mediate a small number of cases. In a study of the Pasadena Police Department's police-community mediation program, the researchers' evaluation was based on only three completed mediations (Buchner, Bobb, Root, & Barge, 2008). The evaluators suggest that one of the primary problems encountered in Pasadena was finding more cases to mediate which appears to be a common theme throughout mediation programs.

The Denver program however, has not encountered the difficulties of other programs in this regard. Over the last three years, the Denver program has averaged 43 completed mediations per year. In 2007, the Denver program mediated a total of 10% of all citizen complaints filed against the Denver Police Department.

These high numbers are likely due to the OIM's decision to "sell" mediation to complainants after a case has been determined by IAB Command and OIM staff to be related to underlying problems in communication. A dedicated staff member is assigned to contact and explain the process to each complainant, and solicit the complainant's

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agreement to mediate. In 2008, approximately 56% of complainants contacted agreed to mediate while 84% of officers agreed to mediate after being informed of the complainant's offer to mediate. This high rate of officer agreement to mediate has been based on a number of factors.

1. Officers have a built-in incentive to mediate as the complaint is dismissed upon completion of the mediation, regardless of any mediation outcome, or whether the complainant refused to mediate or failed to appear to the mediation.
2. The police union supported the creation and implementation of the mediation program.
3. The OIM conducted informational sessions at roll calls and academy classes.
4. Training videos were created explaining the benefits of the mediation program.

In addition, with high satisfaction rates, both complainants and officers appear to be selling the program to others. Analysis of an item on the internal survey showed that 95% of officers and 86% of complainants were either somewhat or very likely to recommend mediation to others.

We would expect that respondents who have a positive mediation experience will become active promoters of the program. Among officers who were satisfied with the outcome, 100% indicated they would recommend mediation to others while 99% of satisfied complainants would recommend mediation. Interestingly, even among officers who were dissatisfied with the mediation outcome, a majority (64%) would recommend

mediation to others, while 42% of complainants would make such a recommendation. Similar results were found for satisfaction with the mediation process.

An additional reason for the high numbers achieved by the Denver program is the belief that most citizen-initiated complaints are amenable for mediation in lieu of the traditional complaint handling process. Complaints referred for possible mediation include excessive force complaints and racially biased policing complaints, in addition to the types of complaints traditionally considered for mediation: discourtesy or improper procedure. The OIM philosophy is that any complaint, wherein the basis for the conflict involves a communication issue, is likely better resolved by empowering the involved parties to resolve the complaint themselves. In addition, community satisfaction rates for the traditional handling of excessive force and racially biased policing complaints are notoriously low as they are almost impossible to prove without either video or an admission by an involved officer.

With respect to excessive force complaints, most are the result of an officer issuing an order to the complainant and the complainant failing to follow that order, thereby resulting in an escalation of the incident into an use of force. Giving the complainant an opportunity to explain why they did not follow the initial order and giving the officer an opportunity to explain why that order was issued in the first place, often results in better understanding of the underlying incident and less chance of future communication problems resulting in unnecessary uses of force.

Even so, the OIM program has had difficulty in mediating use of force cases, primarily due to complainants' lack of willingness to participate. In the future, the OIM

plans to more aggressively “sell” the mediation alternative to complainants in these cases where the likelihood of a “sustained” finding after an investigation is almost non-existent.

The OIM has had significant success in mediating racially biased policing complaints, which like excessive force complaints, are almost impossible to prove when using the traditional investigatory process. On their face, these would seem difficult cases to mediate. The complainant comes into the process believing that the officer is a racist; the officer comes into the process insulted about the allegation and defensive about their conduct. In reality, however, once both parties are brought to the table, the officer is given an opportunity to explain his or her conduct and the complainant often leaves with a better understanding of the officer's perspective. In addition, the officer often leaves with an increased degree of sensitivity to the racially biased policing concerns as perceived by community members.

Satisfaction rates for complaints involving a perception of racially biased policing have been found to be similar to the satisfaction rates reported in the article in general.

Next, we sought to determine whether mediation positively impacted officer complaint activity through decreased rates of citizen complaints.

The results of this analysis were somewhat mixed. While citizen complaint and allegation rates dropped significantly for officers who participated in mediation, the rates for control group officers were also statistically lower during the post-mediation period. Additional analyses of officers that had formal investigations on citizen complaints revealed statistically lower rates of citizen complaints regardless of whether the complaint was sustained or not.

These results indicate that the type of intervention—mediation or formal investigation—does not have as big an impact on officer behavior as believed. What appears to be happening is that officers “self-correct” their behavior. Just receiving a complaint influences the officer to change the way they interact with citizens thus reducing the likelihood of obtaining future complaints.

There were two specific types of allegations where mediation appeared to have a more meaningful impact—discourtesy and improper procedure. Officers that mediated had statistically lower rates during the post-mediation follow-up while control group officers did not. This is significant in that approximately 50% of citizen-initiated complaints involve allegations of discourtesy or improper procedure. That equates to about 300 complaints per year. Decreasing these complaints would save valuable time and resources for IAB.

Information from the mediator surveys revealed that a majority of the mediation cases involve misunderstandings, erroneous perceptions, and lack of communication. This seems logical given the nature of discourtesy and improper procedure allegations. Improving officers' communication skills and providing more thorough explanations of their actions will likely lead to lower rates of citizen complaints.

Finally, we looked at case resolution time. The results showed that mediation cases were resolved, on average, in 83 fewer days than formal investigation cases. What is the tangible benefit of faster case resolution?

According to Buchner et. al. (2008), mediation cases cost, on average, \$144 per case compared to an average of \$429 per case for formal investigations. Their figures

were based on salary and benefits of those working these cases. Simply put, mediators cost less than investigators. Unfortunately, their analysis is incorrect on two points.

First, the program that was evaluated only conducted three mediations; too few cases to achieve any cost savings. Second, there is no real dollar savings achieved since the internal affairs investigators are receiving their salary and benefits regardless of the number or type of cases they work. Dollar savings could only be realized if a large number of citizen complaints were mediated such that staff cuts could be made in internal affairs. In fact, such a resolution is unlikely, as internal affairs staffing is notoriously low in most departments. Instead, it would likely be a better managerial decision to reduce the case load of internal affairs investigators, thus causing more timely case handling of complaint investigations.

There is significant benefit to faster case resolution for cases regardless of whether they are mediated or handled through the traditional internal affairs process. Officer morale is likely negatively affected by having unresolved cases pending for significant periods of time. Officers are more likely to engage in “de-policing” when they do not know whether the department will support them in the resolution of a case. In addition, the ability to affect officer behavior is negatively impacted when the behavior has taken place many months or even a year or more before. In order for an employee's behavior to be corrected or improved to avoid future misconduct, timely imposition of discipline or mediation of the complaint is clearly a benefit to both the department and the affected employee.

This study has shown that the citizen/police mediation program in Denver, Colorado is a successful alternative to the traditional complaint handling process.

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Increased levels of satisfaction for both officers and complainants, lower rates of citizen complaints, and faster case resolution time provide adequate empirical support to the programs successfulness.

Police departments that adopt a citizen/police mediation program can expect improved police-community relations, as well as, a more efficient and satisfying process for handling citizen complaints.

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