

FAQ – Mediation

What is mediation?

Mediation is an alternative dispute resolution mechanism used to resolve issues between parties. In the context of the ACRB, mediation provides a voluntary opportunity for a citizen and officer to discuss an incident in a safe and supportive environment with the assistance of a trained professional neutral mediator.

How much does it cost to mediate a complaint? Do I have to pay?

Mediation is FREE. You do not have to pay for the service.

Why might I want to use the mediation program to settle my complaint?

Some complaints arise from misunderstandings of police procedures. Some complaints arise just from the sheer nature of the stress of an incident. Mediation can make a significant long-term difference in how the citizen views the police and how officer actions are perceived by citizens. In the field, officers may not have the time or opportunity to explain their actions. Mediation provides that rare opportunity for both citizens and officers to receive feedback with regard to their actions and words that may provide an opportunity for self-behavioral modification that will benefit both citizen and officer in future encounters.

What can I get out of mediation?

For the citizen, the most important thing you can get out of mediating your complaint is satisfaction. You have the chance to tell the officer why you were upset with what the officer said or did and the opportunity to ask questions of the officer.

For the officer, when an agreement is reached through mediation, the matter is ended. There is no further investigation or disciplinary process. A successfully mediated ACRB complaint will not negatively impact the officer's employment record.

For the citizen and officer, mediation offers a faster resolution of the citizen complaint, empowerment through your participation in the process to resolve the complaint, and an opportunity to gain better understanding of the impact of your actions in a safe environment.

What types of citizen complaints are eligible for the program?

Citizen concerns involving courtesy, language (excluding race, gender, and sexual orientation), abuse of authority, appropriate action (minor detentions without legal authority), and harassment are eligible for mediation.

If I want to file a complaint against an officer, but believe mediation would be a suitable alternative, what do I need to do?

You should contact the ACRB as soon as possible at 404-865-8622 or at acrbgov.org. The sooner you contact the ACRB the greater the chances of having a meaningful discussion about the incident.

What are the steps of the mediation process?

1. Once you have contacted the ACRB with a complaint or concern about an encounter with an Atlanta police officer, an ACRB investigator will review the complaint to determine if the complaint is suitable for mediation.
2. If the complaint is suitable for mediation, the agency will seek an agreement to mediate from the citizen and officer. If both agree to mediate, the agency will schedule a mediator and location for the mediation. Notices of the mediation will be sent to the parties.
3. The parties will be required to attend the mediation once a date has been set.
4. At the mediation, the parties will meet with the mediator to begin working toward a possible agreeable solution.
5. During the mediation, the citizen and officer will share their perspectives of the incident, make acknowledgements and agreements when suitable. The parties control whether the complaint or concern is resolved.

Do I have to agree to settle the complaint or concern?

Neither the citizen nor officer is required to settle the complaint or concern. Agreement is totally voluntary.

What if we cannot agree to settle the complaint?

The complaint is forwarded to the ACRB investigations unit for a full investigation; however, the investigation will not include discussion from the mediation. Failure to reach an agreement has no impact on any later consideration of the complaint.

How can I prepare for mediation?

Mediation works best if the citizen and officer come prepared to listen with an open mind to what the other side has to say. Bring mental or written notes of your perspective of the incident so you can tell your story more directly and succinctly in mediation.

How long does the mediation process take?

The mediation process is designed to provide an opportunity for mediation as quickly as possible. The scheduling of a mediation session is dependent on the citizen and officer's availability to meet.

How long is a mediation session?

It depends. Sessions typically last a couple hours, but they can be as short as one hour. The citizen and officer control the length of the mediation.

What can I reasonably expect as an outcome of a mediation?

In many cases, after the citizen and officer have had a chance to explain their perspectives regarding the incident that led to the complaint, and hear from each other, the perspective sharing has often increased the parties' understanding of the incident and led to an agreement that resolves the complaint. All agreements are totally voluntary and must be agreed to by both parties. The citizen and officer are in control of how the complaint should be resolved and is limited to the parties' creativity and to the extent which the parties can agree and deliver. Agreements have included apologies by the citizen, the officer, or both parties. Some citizen and officers have agreed to plans for a ride along to continue to share perspectives and learn more about the different perspectives.

Can the information discussed in the mediation be used in a formal investigation if the complaint does not settle during the mediation session?

No. All discussions during a mediation session are strictly confidential and parties must agree to this confidentiality before beginning a mediation session.

What are some tips for a successful mediation?

- Be prepared to participate with an open mind
- Be prepared to provide and receive honest feedback
- Participate in good faith
- Resist the temptation to attack
- Talk to convey your perspective.
- Listen to understand the other side
- Understand what you would like to achieve through mediation
- Listen to the mediator

What is good faith participation?

Good faith participation means participating in the mediation with an open mind and a sincere willingness to listen to the other side and share your perspective of the incident.

Can I bring a friend, lawyer, or representative to the mediation?

No, because the mediation process is a confidential opportunity for the citizen and officer to have open and honest dialogue with the goal of resolution of the complaint. Outsiders are only allowed in very limited situations. Minors and those needing an interpreter or assistance related to a disability may have someone accompany them in a mediation.