

Prepared Remarks of Police Commissioner Raymond W. Kelly
Mediation Settlement Day Kick-Off Celebration
NY County Lawyers' Association
14 Vesey Street, Manhattan
Thursday, October 7, 2010 – 1800 Hrs.

Good evening.

I want to thank Judge Ann Pfau and the members of the Unified Court System for inviting me here tonight, and for giving me the opportunity to serve as honorary chair for Mediation Settlement Day.

Since 2001, this event has helped to raise public awareness about the benefits of mediation, emphasizing conflict resolution over adjudication.

I want to commend everyone here— the mediation professionals, judges and lawyers, teachers, trainers and students— for the outstanding job you do. By working to resolve conflicts and to mediate disputes in communities throughout New York, you are helping to make the city a safer, better place for everyone to live and work.

This is also the goal of the New York City Police Department. It is an ongoing effort that requires a tremendous amount of time and resources.

Every year, our police officers respond to some 11 million calls for help. They handle every type of job imaginable, from crimes in progress and cases of domestic violence, to noise complaints and conflicts between tenants and landlords. When it comes to handling disputes in their earliest stages, police officers stand on the front lines. For that reason, they need to be good listeners and effective communicators. They need to be patient and impartial, and they need to have the ability to de-escalate volatile situations.

In short, police officers need to be skilled at conflict resolution, and they are.

In the Police Academy, every recruit is trained in defusing situations through a form of tactical communication, called “Verbal Judo.” They also participate in role plays involving professional actors, which teach them how to recognize bias and manage different types of encounters.

We have police officers with Masters degrees in Negotiation and Conflict Resolution. Others have been trained in arbitration by the New York County Lawyers' Association right here in this building. Two years ago, the police department sent more than 200 members of our Community Affairs Bureau to the mediation program run by Safe Horizon, one of the largest community dispute resolution centers in the country. In a day-long conflict resolution workshop, they learned about the core skills of a mediator, including listening, reflecting and reframing, and how to apply those skills to the work we do.

Former Supreme Court Justice Sandra Day O'Connor once said: "The courts of this country should not be the places where resolution of dispute begins. They should be the places where the dispute ends, after alternative methods of resolving disputes have been considered and tried."

The police department couldn't agree more. Time and again, our police officers find themselves returning to the same locations where an ongoing, non-criminal dispute is taking place. While they are adept at keeping the peace, they don't always have the time to address particular issues between the parties.

In addition to knowing when to make an arrest and when to direct a complainant to civil court, police officers need to know when to refer members of the public to mediation. We are exploring new ways to benefit from this process in a mediation pilot project we've developed, starting in the 76th and 84th precincts in Brooklyn.

The Commanding Officers of those precincts will assign a Mediation Liaison to coordinate appointments with the Safe Horizon Mediation Center. Police officers in the field will carry referral slips that they can give to anyone who qualifies for mediation. The completed forms will be retrieved at the precinct by staff members from Safe Horizons who will then contact the disputants, explain the mediation process, and schedule a session to take place at the mediation center within two weeks of the referral.

We expect that by referring disputants directly to the mediation program, we will increase the likelihood that clients follow through with these sessions. This in turn will decrease the potential for violence, repeated calls for police intervention, and court involvement.

I also want to talk about those cases in which a police officer is the subject of a complaint referred to the Civilian Complaint Review Board.

Created in 1993, CCRB is an independent agency that investigates non-criminal allegations of police misconduct, including excessive or unnecessary use of force, abuse of authority, discourtesy, and offensive language.

It is the largest civilian oversight agency of its kind anywhere in the United States, with some 100 investigators handling thousands of cases every year. They collect in-person statements from the complainants and witnesses as well as documentation from the police department. Then they tape record interviews with all of the officers involved. Eventually, the board rules on a case and, if any of the allegations are substantiated, it recommends that the police department take disciplinary action.

As you can imagine, all of this takes a lot of time, coordination and effort. Increasingly, mediation is seen as a viable option for the accused and for the accusers. Nearly half of all CCRB cases are eligible. This provides an opportunity for the police officer and the civilian complainant to meet face-to-face in a room with a mediator, but without lawyers, to explain themselves. If mediation works, the case is closed and the allegation is erased from the police

officer's record, so it won't be used against the officer when he or she is considered for a transfer or promotion.

In 1998, five years after the creation of CCRB, only 14 cases were successfully resolved through mediation. Last year, there were 204. By the end of this year we expect the number of mediated cases to exceed 300.

This dramatic increase has been the result of a concerted effort by CCRB and the police department to educate police officers and members of the public about the benefits of mediation. One year ago, the department distributed brochures to all of our 35,000 officers, explaining the mediation process. Since then, the percent who accept mediation when it's offered has risen from 75% to 82%.

I believe it is a win-win for both the public and police officers. Civilians have the chance to express their concerns. Police officers can explain why they do their jobs the way they do. And together, they work toward a resolution. More times than not, the process results in each party leaving with greater respect for the other and greater understanding as well. We find that approximately 98% of the cases mediated at CCRB are successfully resolved with a handshake.

The police department trains all of our officers to treat the people we serve with courtesy, professionalism, and respect. But we also know that because of the nature of our work – enforcing laws, making arrests, and issuing summonses—we're not always going to win popularity contests.

New York City is a unique environment for policing. We have approximately 23 million contacts with the public each year. We strive to ensure that every one of them is conducted professionally, and I believe we're making progress. In a survey released last February by Quinnipiac University that sampled all five boroughs, 74% of voters approved of the police in their community.

That's a very encouraging result. But we know there is always more we can do to improve, and much we can learn from mediation's proponents and experts. Your work holds the promise of an even better, fairer, more efficient system of justice for the city and the nation. Working together, I am confident we can achieve that goal.

Thank you for all you do, and let's keep up the great work together.