



Whatcom Dispute Resolution Center

360.676.0122 | whatcomdrc.org | 13 Prospect Street, Ste. 201 | Bellingham, WA 98225

Creating a Safe Space for Complaints

Final Report

June 7, 2018

Table of Contents

Section 1: Introduction.....	Page 2
Section 2: Input from City and Community Representatives.....	Page 4
Section 3: Research.....	Page 7
Section 4: Concluding Considerations.....	Page 19
Bibliography	Page 21

Section 1: Introduction

Background and Scope of Work

The Whatcom Dispute Resolution Center (WDRC) was approached by several City leaders (staff and elected) to begin talking about how to create a “safe space for community complaints”, and what resources the WDRC may have to offer to that end. After several initial conversations, it became clear that 1) there were multiple perspectives and interests, and more organized information gathering could add value to the conversation, and 2) that this was an expansive and multilayered topic. There is a clear spectrum on types of complaints, from informal communication and process complaints (e.g. a person who can't find the right place to file a document) to legal, rights-based complaints (e.g. a person who believes their rights have been infringed upon). Moreover, there are complaints that are captured and escalated within the City's current internal processes, and there are further complaints that are not brought directly to the City's attention, for a various reasons. This variety suggests that complaints be thoughtfully and intentionally handled, directed to appropriate services (which may include responses such as coaching, navigation, conciliation, mediation, or investigation), and overall, welcomed. Exploring the best practices of complaint services also inevitably leads to questions of how those services are structured with respect to existing city departments, who does what work, and cultural issues that influence the interaction of communities and their city governments.

Given how expansive this topic is, it feels important to be clear on the scope of work this summary represents. The WDRC was not asked to design a fully formed complaint system, and this report does not seek to do that. **The WDRC was invited to interview several City leaders and community members about how the City might improve its current practices around complaints, to synthesize what was heard, to research complaint handling practices used in other cities that might be useful for the City to consider, and to begin to speak to the resources the WDRC may have to offer in this endeavor.** In this report, we summarize our conversation with City leaders and community members; report on what we learned from researching other cities' complaint handling practices; and conclude with a set of considerations and possible directions that the City may explore as it takes the next steps in further setting its policies and practices around responding to complaints.

Further, this project while seemingly straightforward, is not. What emerged from the interviews, the information gathering, and the possible paths forward may best be viewed through a multifaceted lens which at a minimum acknowledges the complex interplay between City government and the community at large. At its most complex, the lens would also encompass intersections including government structure, community need, institutional bias, historical background, human and civil rights, and cultural humility. So while this greater context serves as a backdrop for the summary and

subsequent considerations, much more could be researched, explored, and captured to more fully name and understand the current landscape in which our community exists. The WDRC encourages readers of this report to carry that lens as the material is absorbed and, analyzed, and (possibly) acted upon. Further, a recognized limitation of this summary is the small number of those interviewed. Including a broader range of perspectives from additional City departments, and a broader reach of community members would likely add to the richness of perspectives represented here.

Whatcom Dispute Resolution Center

The WDRC is a 501(c)3 nonprofit organization, founded in 1992. In 1993, the Whatcom County Council recognized the WDRC under RCW 7.75 as the designated Dispute Resolution Center for our County. The WDRC is a member in good standing of Resolution Washington (the statewide consortium of Dispute Resolution Centers), the Washington Mediation Association, the Association for Conflict Resolution, Washington Nonprofits, and the National Association for Community Mediation. The WDRC has 25 years of experience providing comprehensive conflict intervention and prevention services to youth, adults, families, businesses, organizations, and local and tribal governments. Our services are driven by evidenced based best practices, and substantiated by internal longevity of service delivery, statewide and national standards, and national and local research. The WDRC provides a wide range of impartial dispute resolution services to all of Whatcom County.

The WDRC does have a contractual relationship with the City of Bellingham, as we do with other publically funded entities throughout Whatcom County. Specifically, the WDRC receives limited block grant funds to support our parent/teen mediation program, and also responds to departmental requests for mediation, training, coaching, and facilitation services. As the designated DRC serving Whatcom County, and given the comprehensive and impartial services the WDRC has to offer, the City approached the WDRC with a specific request to explore this topic, summarize and synthesize various perspectives, explore best practices, and identify ways in which it is equipped to assist the City and community at large in “creating a safe space for public complaints”. To mitigate and minimize any potential real or perceived conflicts of interest, and to ensure necessary bandwidth for this project the, WDRC engaged a contractor external to our organization to lead this scope of work.

Project Lead

Andrew Kidde, JD, served as the project lead, researcher, and author. Over the last 30 years of his career, Andrew has been interested in how to help communities to work together in resolving disputes and creating the places in which they want to live. He has worked as a community and family mediator, trainer of mediators and negotiators, facilitator of city and neighborhood disputes, Program Manager for Bellevue’s Mediation Program, and consultant on planning issues and organizational development. Andrew currently works as a climate change activist, freelance consultant, and writer.

Additional support with the community interviews and editing was provided by Moonwater, WDRC Executive Director and Masa DeLara, WDRC Advisory Board Member.

Section 2: Input from City and Community Representatives

For the first stage of the project, we 1) spoke individually with seven city leaders, including Mayor Kelli Linville, Deputy Administrator Brian Heinrich, Council Members April Barker, Daniel Hammill and Michael Lilliquist; and Police Chief (Deputy at the time) David Doll and Deputy Police Chief Florence Simon, and 2) convened 8 community members (representing themselves or community based organizations, including Whatcom Human Rights Task Force, the Opportunity Council, and the Peace and Justice Center). The intention was to convene a cross section of people and organizations, with a particular lense of racial/ethnic diversity, and those working with marginalized or vulnerable populations to share their perspectives and thoughts in a small group setting.

These initial conversations shed light on a variety of topics, including:

- Views of the City's current processes for handling public complaints,
- What had prompted the City to examine this question at this point,
- Views on the City's role and responsibility in creating a safe space for complaints,
- Perspectives on what a safe space for complaints at the City would look like,
- Ideas for additional improvements the City of Bellingham could make to its processes for handling citizen input and complaints, and
- What else is important to understand as this project/need continues to be explored.

In synthesizing the input, clear differences in perspectives were shared; at the same time, numerous common themes emerged. All of the 15 people interviewed had constructive and thoughtful contributions. Our role was to gather and sort the input, in an effort to inform the direction and scope of the research, and subsequent areas of consideration moving forward.

To that end, we did not evaluate, correct, or affirm the content of the input shared and recognize, for example, that some of the suggestions made by participants may represent actions the City has already taken. Nonetheless the range of input is reflected within this summary.

Common Themes:

Consensus on the need for improvements: All City and community representatives indicated there was a need for, and value in, improving systems for handling complaints. All expressed a desire for the City to feel safe, accessible and responsive. Mayor Linville stated she wanted the City to have a "safe harbor for someone who feels no one is listening." Some individuals focused on challenges in the existing internal systems for complaint handling (such as complaints about City employees being made directly to that employee's department and therefore leading to a perception of bias or partiality in its

resolution); while others expressed public safety concerns that some complaints were not being brought to City departments to begin with (such as police reports not necessarily being filed for community-based incidents). Other individuals referenced additional issues that they believed could benefit from some intentional focus, such as outreach, accessibility, cultural humility, trust, and transparency.

Recent events and historical context:: All City and community representatives indicated recent events locally and nationally have bolstered their awareness of and interest in this topic. City representatives expressed that this project was prompted by a desire to strengthen the City's processes and capabilities in responding to public complaints, and to be appropriately responsive to community members' feedback and requests for action. This desire was shared by the participating community members, and it was coupled with a clear hope, as the City moves forward, for City leadership to more fully acknowledge the greater historical context - including the institutional roots of racism, inequity, and bias that influence the City and community at large today. Participants further noted that this acknowledgement could encourage people of color in particular to better engage with the City about their concerns.

The importance of an unbiased/impartial forum for complaints: Everyone we spoke with agreed that complaint processed should provide an unbiased forum, and the person hearing the complaint should be free from conflict of interest. Several noted that the current complaint process, where complaints about City employees are made directly to that employee's department, did not provide a sufficiently unbiased forum for complainants. A common perception was that some residents of the city were not comfortable coming forward to the City with the complaints under the current way of hearing complaints. Some noted that this reluctance to come forward to the City could have public safety implications if crimes were going unreported.

Context matters: Several suggested that in process of making a complaint, context matters. For example, it was shared that making a complaint to a person in a uniform behind a window feels very different than making a complaint in a comfortable, private place, to person in street clothes who is trained in active listening. Hopes were shared that a new complaint process would strive to provide a comfortable a safe place for making complaints and an opportunity for the complainant to be believed and to be heard without judgement. In particular, participants commented that complainants should be treated with respect. Some citizens have reported being told by City officials that they "did not know what they were talking about," or that the "issues were more complicated." In working with complainants from underserved populations, it was acknowledged that fears of being checked for arrest warrants, vagrancy, or drug use, while making their complaint was prohibitive.

Publicity and access: There were many comments on the issues of publicity and access. Participants suggested that the City publish the existence of a complaint service broadly and through a variety of media, including signage, the City’s website, and print media; that residents should be able to make complaints either in person, or by phone or e-mail; that services be offered in multiple languages; that locations be convenient and feel neutral for the complainant; that the hours be flexible; and that the City continue its efforts in situations requiring special consideration, e.g. in serving the homeless, who often experience mobility and technology barriers.

A meaningful process: There was broad agreement that the City’s complaint process should be more than just window dressing. Several mentioned that the people hearing complaints should act like advocates for the complainant and should have access to Department and City leaders, and that when appropriate, complaint process should result in change in City policy and practice. Participants noted that they valued transparency and hoped the complaint process itself would be transparent and that the factors the City considers and the decision making process used would be clearly shared with the complainant. In recognition that some complaints will require investigation, a few noted that those investigations should be thorough, timely, and impartial. An emphasis on understanding and clear communication was shared by several participants; expressing that after the initial complaint, information should be provided about the next steps in the complaint process, who will be the contact, and what next effort will be made to address the complaint.

A broader effort: Another theme was that an improved complaint process itself would not, on its own, fully address the concerns that had initiated this inquiry, and that improvements to the complaint process should be part of a broader effort by the City to be a welcoming space. Some felt that City leaders were too complacent and tended to project an attitude that the City was already “doing the best thing.” Some citizens felt that City leaders would benefit from approaching interactions with residents with more humility and curiosity.

It was also suggested that the City could improve how it integrates and interfaces with local institutions: City officials could get out into neighborhoods even more, and could make additional effort to get to know their communities on an informal basis. In order to work more effectively with the nearby Tribes, it was suggested that City officials could get government to government training offered by the State, and they could send liaisons to important institutions such as the University and local colleges. Others noted that all City officials may not have sufficient understanding of the effect of living with the trauma of homelessness and job discrimination.

Several of those interviewed suggested that the City ought to do more to acknowledge the legacy of racism in Bellingham that still affected many of its residents. Several noted that this history of racism

continues to disadvantage minority groups, and that institutional racism was still a factor for minority residents seeking jobs or housing. A suggestion heard both from community and City leaders is that City staff would benefit from additional training on implicit bias (an effort already begun within the police department).

Section 3: Research

To explore complaint handling processes and programs, interviews were conducted with the following public officials from the region:

- Bart Logue runs the City of Spokane Police Ombudsman’s office. He monitors investigations following police complaints and certifies that the process as timely, thorough and objective.
- Mike McCormick-Huentelman, is the director of Office of Neighborhoods, City of Bellevue. He has worked on numerous neighborhood disputes and was also on the task force that planned the City of Bellevue’s diversity program.
- Vivien Sharples, a mediator with the office of Alternative Dispute Resolution of the City of Seattle. She also works on Seattle’s diversity agenda.

Most of the online research fell into two broad categories:

- Best practices for complaint handling services. For best practices, *Complaints: Good Practice Guide for Public Sector Agencies*, by the Victorian Ombudsman, was one of the most comprehensive and thoughtful sources.
- Alternative models for the structure and role of complaint handling services. For the best critical review of the various models of complaint services, *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models* by the National Association for Civilian Oversight of Law Enforcement was a useful resource.

In addition to these two areas, online resources were reviewed on topics such as local government and race and equity and local projects around human rights. A more complete list of sources is included in the bibliography and source citations list.

Areas of focus

The following questions were raised by the City interviews, the community forum, and by the additional information gathering.

1. How can the City make its complaint services accessible for all?
2. How can the City be more welcoming and inclusive of everyone?
3. What are best practices for handling complaints?
4. Should complaints about the police be handled separately from complaints about the rest of the City services?
5. Should the City create an external, independent complaint handling service? If so, should that service replace existing internal departmental complaint processes or should it supplement them?

6. What functions should an independent complaint handling service have?
7. Who should staff an independent complaint handling service: community volunteers, professionals, or a combination?
8. How can the City design the complaint handling process so that it improves City services?

Each question is addressed separately in the discussion section below.

1) A complaint handling service that is accessible.

Making sure that the filing or lodging of complaints are easily accessible was a concern raised by both City officials and by community members, and is a primary question of this project. Making a service truly accessible requires significant and intentional effort. First, people need to know that they can complain and where and how to make their complaint. To do this well, Cities may consider:

- **Outreach:** How and where to publish clear information on where and how to file complaints, for example, on websites, in mailings, on signs at Government offices.
- **Methods:** A variety of methods for receiving complaints, for example, in person, on the phone, or in writing.
- **Language:** The languages spoken by residents, and how to ensure the promotion of these various avenues are shared in multiple languages.
- **Location:** Consider convenience and neutrality when identifying a location(s). Consider the needs of different populations. For example, the City of Bellevue has a store-front Mini City Hall, located in a popular shopping center in an area of town with a lot of diversity. This setting is convenient and comfortable for many in the community, and this office hears a lot complaints.¹ Certain parts of the community may require special consideration in terms of location. For example, where and how could it best hear the concerns of the homeless population? What else is needed to maximize the work of and partnership with the Homeless Outreach Team?

2) Making Bellingham more welcoming and inclusive?

To design a truly accessible complaint service a city could benefit from thinking about more than the logistics of access. It also needs, in the words of the Victorian Ombudsman, to “enable complaints by fostering a receptive culture.”² Throughout the organization, for example, frontline employees can become informal, but skilled, complaint handlers if they are provided training in areas such as communication, rapport building and problem solving. The intake process is also important — a complainant will feel well received if the person hearing the complaint feels like a peer, wears civilian

¹ Private interview Mike McCormick-Huentelman

² Good Practice Guide to Handling Complaints, by the Victorian Ombudsman. [Here.](https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide)
<https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide>

clothing, and sits together with the complainant in a confidential space. Employees formally tasked with handling complaints should act as advocates for the complainant and liaisons to the other parts of the city that the complainant may need to engage.

As noted, one community leader suggested that government officials could bolster efforts to get out into the community more, and get to know people. In the police department, Deputy Chief Florence Simon shared that this was an area of focus for her and that interacting with community groups was an important part of her work. This effort to connect with community members aligns with the recommendations noted in the recently published 20th Century Task Force on Community Policing. The City could consider how additional city leaders could adopt this approach. The Police department could also continue to further expand on the success of this effort. The City of Bellevue, for example, also has emphasized a community policing model and their chief has liaison groups with 6 separate ethnic communities.³

Several additional ideas emerged from the community members, including:

- Several community members expressed the idea that City officials seemed complacent, and would do better to bring both additional humility to their public service and acknowledgement that there was more room to grow.
- Expanding the training that the Police department has received on implicit bias and trauma informed practice to all City Departments could be helpful.
- Another opportunity would be to more deeply consider relations with the Lummi and Nooksack tribes by participating in the government to government training offered by the State.⁴
- The City could also assign liaisons to important local institutions such as the University.
- The City could continue its efforts to acknowledge the legacy of racism in local history, through the establishment of new historical markers (such as the Arch of Reconciliation that was recently constructed), and in official public speaking.

The City may also want to consider exploring additional resources on best addressing race and equity issues. For example, the Government Alliance for Race and Equity may be helpful⁵; it is an organization that provides tools and resources for local governments that seek to advance racial equity.⁶

3) Best Practices for complaint handling service.

³ Private interview Mike McCormick Huentelman

⁴ Washington State, Department of Enterprise Services, Government to Government Training. [Here.](https://des.wa.gov/training/category/46/GovernmenttoGovernmentTraining)
<https://des.wa.gov/training/category/46/GovernmenttoGovernmentTraining>

⁵ Government Alliance on Race and Equity. [Here.](http://www.racialequityalliance.org/) <http://www.racialequityalliance.org/>

⁶ Private interview Vivien Sharples

Making complaint services accessible and fostering a receptive culture are important steps, but once complaint is made, the government needs to provide good service. The participating community members had many thoughts on this, and the Victorian Ombudsman resource had numerous suggestions, of particular note:

- Complaints need to be processed in a timely manner, and complainants need to know who will be their point of contact and what is the next step in the process. Complainants need to understand what to expect, so transparency and clarity about the whole complaint process is important.
- At the first in depth meeting with a complainant, the city intake person needs to make a few assessments. First, they need to determine the level of priority (for example is there an urgent health or safety issue or a risk a conflict may escalate), who should respond, and the kind of interventions that may be required.
- Some complaints should be managed more informally, and some through a more formal process. The City of Toronto has developed an informal complaint resolution process that has successfully addressed many complaints.⁷ Informal processes include both direct communication with the department (through document exchange or meetings) and mediation.
- A more formal process is called for if informal methods have been tried and failed, or if the complaint raises legal issues. In these cases the complaint should be referred to a process of investigation, and the complainant should have a contact person who functions as a liaison to that investigation process.
- Also early on, the city intake person needs a clear understanding of what the complainant's expectations are. In situations where a complainant has expectations that the City is unable to meet, the complaint handling service needs to explain what they can and cannot do, and provide alternative avenues for meeting those expectations which the City cannot meet.
- The focus of the complaint handling process should be on resolving the problem, not assigning blame. Therefore, the city intake person needs the authority to engage the relevant city officials throughout the city. At the community roundtable several people emphasized the importance of a complaint service that "needed power to advocate for a response to complaints."

In concluding a complaint handling process, the Victorian Ombudsman emphasizes the importance of "outcome letters" that serve to strengthen clear communication and:

- briefly describe the complaint and identify the issues,
- use plain English and avoid bureaucratic language, acronyms and jargon,

⁷ Best Practices: Informal Complaint Resolution (Toronto). by New York City Global Partners. [Here](https://www1.nyc.gov/assets/globalpartners/downloads/pdf/Toronto_PI_ICR.pdf)
https://www1.nyc.gov/assets/globalpartners/downloads/pdf/Toronto_PI_ICR.pdf

- explain the steps taken to investigate or resolve the complaint,
- set out any relevant laws or policies in simple language,
- clearly identify the outcome and, if you have substantiated the complaint, the remedies you are offering,
- provide reasons for your decision,
- give the name and telephone number of an officer the complainant can contact to discuss the outcome,
- advise the complainant of the any relevant review rights, and
- are translated into a language other than English where appropriate.

A higher standard: It is important to establish and follow clear protocols in a complaint handling service, but best practices require more. Complainants should be treated fairly and respectfully. They should be reassured that there are no negative repercussions for making a complaint, but rather that the City values their feedback. City complaint handlers should take care in that their language is inclusive and respectful. For example, it is generally better to refer to “community members” rather than “citizens.”

Best practice requires that a complaint process “not just look at whether the agency’s processes and decisions comply with its laws and policies,”⁸ but to also consider if the process or decision was fair and in compliance with the relevant human rights standard. Many government decisions can appear to impinge on human rights, so a complaint handling service needs to inquire if the agency action made reasonable effort not to affect citizen’s human rights and if the agency exercised its discretion in a manner that respected human rights and dignity. At the time of writing it was unclear whether a local charter of human rights exists for Bellingham. However, the City of Alexandria, Virginia has one.⁹ The City may want to explore further how this type charter has been used by other cities to address some of the underlying concerns within marginalized or minority communities. A local resource such as the Human Rights Task Force could be a helpful resource and conduit for citizen engagement.

Best practices also suggest emphasizing impartiality and objectivity in the complaint handling process, especially in the event that a complaint has escalated to an investigation. The liaison for the complainant should help the complainant understand the City’s process and position in as impartial

⁸ Good Practice Guide to Handling Complaints, by the Victorian Ombudsman, [here](https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide)
<https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide>

⁹ City of Alexandria Virginia, Office of Human Rights. [here](https://www.alexandriava.gov/humanrights/default.aspx)
<https://www.alexandriava.gov/humanrights/default.aspx>

and objective way as possible. The process needs to be fair to both the complainant and to the City employees.

4) Should complaints about the police be handled separately from complaints about the rest of the City services?

Some of the recent and national events that precipitated this project were related to community and law enforcement interactions. This question elicits a variety of unique perspectives, and is worthy of consideration. It is also a question which is widely raised in literature on public complaints and which tends to focus on the merits of specific police oversight programs and general complaint services for all other city departments.

Citizen oversight boards are a common practice in many cities. Bellingham is, however, smaller than most of the cities that have oversight programs solely focused on the police. Further, several officials expressed the concern that the Police department had already taken many steps, including numerous training programs, and it should therefore not be singled out as the department in particular need of reform. In fact several indicated that a City wide service would be most appropriate to address the broad cross departmental concerns that community members had with City services. With this background in mind, an exploration of advantages and disadvantages of each approach follows:

The advantage of two separate complaint handling services (one for the police and one for the rest of the city) is that they each can develop greater expertise in those areas. In particular, police complaints may involve weighty issues such as use of deadly force, or immigration status, and these complaints require appropriate expertise and processing. Police complaints also often become public issues, and those handling them need skills in managing what can become a community wide or news event.

An advantage of an office that combines the two is that no branch of government is singled out for special treatment. Some resources suggest that Police departments in particular have been resistant to external oversight. As Bart Logue, Spokane Police Ombudsman said, “the police do not like to be policed.”¹⁰ While this sentiment may not be true in Bellingham, some community members may hold this perception. Additionally, an office that combines both sides of government would have the ability to see trends and patterns in complaint data from both police complaints and civil complaints. This could lead to useful insight on city policy.

5) Should the City create an external, independent complaint handling service? If so, should that service replace existing internal complaint processes or supplement them?

¹⁰ Private interview Bart Logue

Several City officials indicated that the existing system, whereby complaints are made at the department level, may be problematic because the department might not be perceived to be a neutral, unbiased, and safe location to lodge a complaint. Setting up an external complaint handling service would provide that neutral unbiased service and would demonstrate that the City was holding itself accountable. This approach could help further build public trust. A city wide complaint handling service that replaced department level complaint handling could also provide an excellent opportunity to develop best practices, and would be convenient for public promotion and advertising.

Eliminating department level complaint handling services could, however, have negative consequences as well. As noted in the Victorian Ombudsman, “Frontline complaint resolution by the officer or area delivering the service is usually the quickest and most effective way to resolve the majority of complaints.”¹¹ In addition, department based complaint handling provides opportunities to create a culture of responsiveness within departments, especially if frontline employees have relevant training in best practices.

Internal complaint processes also promote accountability. Chris Walker, an expert on civilian oversight program of Police departments states, “We want to heighten the accountability of the chief. We want to turn the spotlight on the chief and say, ‘You are the head of this agency and it’s your responsibility to fix these problems. The last thing we want to do ... is create a situation where the chief can say, ‘Hey, it’s not my problem. You took that power away from me.’”¹²

A hybrid approach provides a third alternative. Departments can continue to accept complaints and also an independent complaint service can be provided. Complainants can be informed of both options early on. This hybrid approach allows for both the preservation of the culture responsiveness and accountability within departments, while also providing a safe neutral forum in situations where that is needed. The hybrid approach, however, requires additional work to ensure there is a coordinated and consistent response to complaints. Protocols between the departments and the complaint service would need to be established.

6) What function should the independent complaint service undertake?

¹¹ Good Practice Guide to Handling Complaints, by the Victorian Ombudsman. [here](https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide).
<https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide>

¹² The New, More Powerful Wave of Civilian Oversight of Police, by J.B. Wogan [here](http://www.governing.com/topics/public-justice-safety/gov-police-civilian-oversight-oakland-seattle.html).
<http://www.governing.com/topics/public-justice-safety/gov-police-civilian-oversight-oakland-seattle.html>

The primary function of the independent complaint service is to ensure that complaints are responded to in the most appropriate way possible. There are four common responses in order of increasing complexity and seriousness of the complaint:

1. Providing navigation to a government office that can resolve the issues
2. Providing conciliation (navigation plus advocacy assistance)
3. Mediation between the complainant and a government employee
4. Investigation of a government employee's treatment of the complainant

As a general rule it makes sense for a complaint to be addressed at the lowest level of intervention that is appropriate. If a complaint can be addressed by merely directing the complainant to a person who can resolve their concern, then there is no need to raise the matter to a higher level. If the matter concerns an interpersonal dispute between the complainant and a government employee and that dispute does not involve abuse or aberrant behavior, then mediation could be explored. In particular, if a complainant expresses a desire to express their views to the city employee, or seeks an explanation or apology, mediation is probably appropriate. Finally, cases involving violence, abuse, or significantly aberrant behavior should be referred to investigation. Intake staff at the complaint service need to be trained in how to assess complaint situations to determine the most appropriate service.

Navigator/Conciliator

The function of navigating the complainant to the proper government office is the least complex of these roles, yet this role still requires skill and knowledge on the part of the service provider, who must both respond with diplomacy and empathy to the complainant and also have a comprehensive knowledge of City departments so that they can direct the complainant to the right service.

Sometimes a complainant will need a little more than just navigation, but is not interested in mediation; for example, support such as assistance with paperwork, coaching on how to work with City employees, or contacting City employees on behalf of the complainant may be appropriate.

Sometimes, as indicated by both the City Officials and the community members, having a neutral, non-city employee entity to field initial complaints and conduct an intake process might create more comfort and ease for the complainant, especially if they perceive the City to be biased, or there are additional barriers that contribute to them feeling reluctant to directly engage with the City. The WDRC is well positioned to support this kind of service. Not only does WDRC have a pool of volunteers trained in intake, but also the particular skills of active listening and rapport building could be particularly useful. In addition the WDRC has a cadre of trained and experienced mediators who would be able to staff the next function we consider.

Mediation

Participation in mediation in most complaint programs is typically voluntary for both the complainant and the city employee. Because of this voluntary nature, mediation can end up comprising a relatively small percentage of complaint cases. The potential impact of mediated complaint cases is likely however to be greater than the numbers would suggest. A study of police mediation in New York City notes, “mediation offers a unique opportunity to improve strained relations between the public and the police.”¹³

There are several types of mediation (including facilitative, evaluative, and transformative). The facilitative model, which is practiced by the WDRC and other community mediation programs, is the most appropriate for city complaint processes, because it is “dialogue driven,” and focuses on “communication, not bargaining.”¹⁴ The goal of facilitative mediation is on problem solving, not assigning blame or liability. Mediators serve as impartial facilitators of communication between the parties at the table, supporting and empowering them to hear one another’s perspectives, share relevant information, and seek mutually beneficial agreements. Community mediation services also have the advantage of being neutral organizations, and they largely use volunteer mediators who tend to feel more like peers to the complainants and reflect the diversity of the community. The WDRC has a rich history of providing mediation services, and generally assists parties in reaching agreements more than 80% of the time. Much of the benefit of mediation rests in all parties’s trust in the process and ability to share what’s important and feel heard.

Mediation programs addressing citizen complaints have also resulted in very positive outcomes (with admitted small case loads). In the first three years, NYC’s police mediation program handled 62 cases, and agreements were reached in 61 of them. In New Orleans, the police complaint mediation program reported that 89% of the civilian participants reported that the mediation “helped me gain a better understanding of policing”; and 92% of the police officers agreed that mediation helped build mutual respect between me and the civilian.”¹⁵

The City of Baltimore has recently has begun using three “dialogue based approaches” to improve community police relations. These include police complaint mediation, police youth dialogue circles, and collaborative policy development that includes both police and community leaders working with at

¹³ Civilian vs Police: Mediation Can Help to Bridge the Divide. by Vivian Berger Negotiation Journal, July 2000

¹⁴ Ibid.

¹⁵ Police Community Dialogue. 2016 Video. Justice Research and Statistics Association. [Here](https://www.youtube.com/watch?v=JxZO6k8zmOE&feature=youtu.be).
<https://www.youtube.com/watch?v=JxZO6k8zmOE&feature=youtu.be>

risk populations.¹⁶ The policy development group established a new policy around pre-arrest diversion program of youth offenders into employment, education, or treatment services. The WDRC may be well positioned to support these types of approaches here locally.

Investigation

Complaints involving violence, abuse, or serious aberration of practice may well need to be referred into an investigation process. Investigations can occur in three ways.

- A) A complaint service can conduct the investigation
- B) The complaint service can participate in the internal investigation of the city department
- C) The complaint service can review the internal investigation of the city department

The advantages and disadvantages of each approach have been explored extensively in the research.¹⁷ A summary is outlined below:

A) A service that provides full investigations. The advantage of this option is that it is truly independent of the agency being reviewed. If the service is adequately funded, it can provide thorough and impartial investigations. This model has the ability to increase public trust in the integrity of the investigation process.

A disadvantage of the complete complaint handling process is that it requires the most expertise and time, and is therefore the most expensive of the options. Another disadvantage is that these service tend to generate the most resistance from agencies whose existing complaint processes are being replaced or supplanted. Police unions in particular have resisted the creation of independent investigative services. In Spokane the Police Guild successfully challenged any efforts to endow the Ombudsman office with investigative power, claiming that this would violate collective bargaining agreements.¹⁸ Finally the complete complaint handling approach has the potential to undermine the responsibility within government agencies. The police chief or department head may have less ability to create a culture of accountability if they are not engaged in handling complaints.

B) Complaint services that review cases after they go through the agency's complaint processes This approach requires the least amount of time and expertise and are therefore the least expensive. This

¹⁶ Ibid.

¹⁷ See particularly:

Civilian Oversight Of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, by NACOLE https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

and, Civilian Oversight Of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, by NACOLE https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

¹⁸ Bart Logue, private interview

approach is also very amenable to citizen volunteer participation and can therefore promote citizen input into the complaint process. These services can motivate city agencies to ensure that their internal complaint investigation processes are fair, thorough and unbiased.

On the other hand, these review services typically have less authority and few organizational resources. Because they occur after an agency process, there may be a tendency to defer to the agency and are less effective in identifying poor government service and promoting organizational change.

C) Independent complaint services that participate in the agency's internal complaint process This approach is a compromise between the other two in terms of expense. This is the model used by the Spokane Police Ombudsman.¹⁹ These services provide a higher level of oversight than the review model. Further, these services, since they are engaged with the police complaint process are in a good position to monitor the broader patterns in complaint issues. Services of this type tend to be more engaged in systematic review of policy and practice, and are therefore well positioned to make recommendations for organizational change.

A disadvantage of this model is that these services are limited in their ability to intervene in agency decisions on how to handle complaints. They can make procedural requests during the process, but the ultimate decision on how to handle a complaint remains with the government department. Because of this they may be viewed by the public as less effective, and these services may do less to promote public trust in government accountability compared to the complete complaint handling service.

The advantages and disadvantages of these different models are examined fairly exhaustively in the literature, and it is easy to get lost. In the end, what may be important is that investigations need to be high quality. These are more likely to be in the public eye. To insure high quality, an independent complaint service -- whether it conduct the investigation, or participates or reviews the agency investigation -- should have the power to insure that the investigation was timely, thorough, and conducted with transparency. It needs access to all the evidence and the witnesses interviewed. Finally the complainant should have an appeal process.

(Note: the WDRC, with its impartial service provision, is not the most appropriate entity to manage investigations).

7) Should an independent complaint handling service be staffed professionally or by citizens?

¹⁹ Ibid.

In order to best explore this question, it may help to reframe the question: What are the best roles for community volunteers and professionals in establishing and operating an independent complaint service? What resources will the service need?

Community volunteers in Bellingham already perform various functions which may be useful. There are citizen advisory committees, volunteer driven organizations such as the Human Rights Task Force, and community volunteers at the Whatcom Dispute Resolution Center, who are skilled at intake and mediation. Having citizens work on intake could also be a way of addressing the concern of the community members who indicated that intake should be by someone who feels like a peer to the complainant. Residents can also be engaged in the setting up and administering a complaint process. After all, community members are the ones who will need to use the service, and they know what will work for them, especially on issues such as accessibility, organizational culture, and human rights concerns. The limited input we received from the community interviews was full of insight along these lines. Also designing the process with meaningful citizen engagement could help to rebuild trust with communities that have not felt well served by the City.

The more difficult question is what community volunteers cannot or should not be expected to do. In particular, should community volunteers investigate when a complaint has failed to resolve or when legal issues require an investigation? The answer to this may well depend upon the structure in which the volunteers are operating, how well resourced they are, and to which standards they adhere. Investigation is difficult, skilled work, with high stakes. Professional auditors and ombudsman bring professional standards, resources, and often, but not always, higher levels of expertise. There is now a US Ombudsman Association²⁰ with an annual conference and a Model Ombudsman Act.

A disadvantage of professional services is that they can feel formal and intimidating to some citizens. In addition, in situations where there is pressure for civilian engagement with investigations, a professional service may not address the public's distrust. Finally professional services can have a higher cost.

Citizen-based services, sometimes called civilian oversight boards, have been popular in large cities that have experienced high profile police complaints. Chris Walker, an expert on civilian oversight boards, notes that in the 1980s, there were only 13 civilian oversight boards in America. Today, there are more than 200.²¹ An advantage of civilian oversight boards is that they allow citizen input and

²⁰ United States Ombudsman Association. [Here](http://www.usombudsman.org).
<http://www.usombudsman.org>

²¹ Civilian Oversight of Police Appeals to Many. But Is It Always Effective? by Natalie Delgadillo. [Here](http://www.governing.com/topics/public-justice-safety/gov-civilian-oversight-police-charter-amendment.html)
<http://www.governing.com/topics/public-justice-safety/gov-civilian-oversight-police-charter-amendment.html>

promote public trust and belief that the government is fully accountable. They tend to be less expensive as they typically rely on volunteers.

A disadvantage of civilian oversight is that government employees, particularly police, may feel these offices are biased against them and may resist their establishment or try to limit their authority. Another disadvantage is the contention that may surround which citizens gets to participate. If there are requirements for participation, such as a background in law, there may be concern that participants are not representative of the broader community, and may be biased in favor of the government (particularly in police cases). If there are no requirements, there is concern that the participants lack sufficient expertise to provide quality service.²² In short citizen led oversight is not a panacea — Seattle, for example, had an early Citizen oversight committee... and subsequently had huge police misconduct issues that resulted in federal investigation and oversight.²³

Hybrid models, where professional services and citizen volunteers collaborate on an independent complaint service, offer the appeal of being able to combine the advantages of both systems. In Bellingham, some services may be more easily provided by citizen volunteers — for example, providing intake and mediation, guidance on human rights, or serving on a commission that oversees the work of an ombudsman. For cases that require investigations of human or civil rights, best practices suggest that adherence to professional and due process standards be carefully followed.

Regardless of whether a complaint handling agency is staffed by volunteers or professionals or a combination, regardless of whether it investigates independently or monitors and participates in internal agency investigations, a complaint handling service needs to have adequate resources. It needs administrative support, funding, and training. The literature on these services is replete with stories of agencies that have been deemed ineffective largely because they lack the resources to actually do their work.²⁴

8) How can the City design the complaint handling process so that it improves City services?

An office devoted to processing complaints is also in a good position to see patterns and trends that have significant policy implications for the City. As the Victorian Ombudsman writes: “Complaints are free feedback about what people think of your agency’s services and decisions. They can highlight the need for changes to your practices, or the need to explain them to members of the public in a different

²² Civilian Oversight Of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, by NACOLE. [here](https://d3n8a8pro7vnm.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977).
https://d3n8a8pro7vnm.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

²³ Civilian Oversight of Police Appeals to Many. But Is It Always Effective? by Natalie Delgadillo. [Here](http://www.governing.com/topics/public-justice-safety/gov-civilian-oversight-police-charter-amendment.html).
<http://www.governing.com/topics/public-justice-safety/gov-civilian-oversight-police-charter-amendment.html>

²⁴ Is Civilian Oversight the Answer to Distrust of Police? by Priyanka Boghani. [Here](https://www.pbs.org/wgbh/frontline/article/is-civilian-oversight-the-answer-to-distrust-of-police/).
<https://www.pbs.org/wgbh/frontline/article/is-civilian-oversight-the-answer-to-distrust-of-police/>

way.”²⁵ To capture these insights the Complaint office should be designed to include a report writing and policy recommendation function to this office.

Bart Logue indicated that one of his most valuable roles in his work as Spokane Police Ombudsman, was advocating for changes to police policy and training. This was also a finding of the San Francisco Office of the Controller. They noted, “oversight agencies also make significant contributions to police practices through their reviews of police policies. Oversight entities usually are responsible for recommending additions or changes to departmental policies and procedures as deficiencies are revealed during the complaint investigation or auditing process.”²⁶

A similar service the office can provide is an “early warning system” to detect officers and other public employees who have early or repeated complaints lodged against them. Early warning would allow timely intervention with employees including training, counseling or discipline,

²⁵ Op. cit.

²⁶ Best Practices Review Police Complaint Investigations and Civilian Review, by San Francisco’s Office of the Controller, Page 14. [here](http://sfcontroller.org/ftp/uploadedfiles/controller/Best_Practices_Report-Final_rev.pdf).
http://sfcontroller.org/ftp/uploadedfiles/controller/Best_Practices_Report-Final_rev.pdf

Section 4: Concluding Considerations

There are a myriad of models for government handling of complaints; some led by citizens and others led by professionals, some with full power to investigate and some that merely review or monitor, some focus exclusively on the police, etc. According to the literature no single model has emerged as the best practice. As stated by National Association for Civilian Oversight of Law Enforcement report:

A key lesson that can be learned from the history of oversight in the US is that there is not necessarily any “best practice” in the creation of a civilian oversight of law enforcement program. Rather, a jurisdiction should look for a “best fit” model of oversight. Every jurisdiction has its own social, cultural, and political issues, and every police agency has its own unique organizational history, traditions and sub-cultural characteristics.²⁷

So, the challenging news is that there is no simple fix; but at the same time the City of Bellingham has the opportunity to design a program that meets its own social, cultural, institutional and political needs. Further, that key lesson could be extrapolated to suggest that the scope of this safe space concept be one part of a broader effort to further foster an inclusive, equitable approach to serving the needs of community members.

Here are some specific considerations that emerge from this report, and that the City may want to explore further.

- Consider developing an accessible, neutral, effective complaint service which also integrates the safety of those using the service with the preservation of an organizational culture of responsiveness, and accountability for leadership, and that complements, and not replaces department complaint handling.
- Consider engaging an entity or entities external to the City to serve as providers for these services.
- Consider how the City may take additional steps to become an even more inclusive and welcoming to all, especially marginalized groups.

²⁷ Civilian Oversight Of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, by NACOLE. Page 14. [Here.](https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977)

- Consider ways in which the City could be more intentionally guided by a spirit of cultural humility and respect for the historical and institutional forces that have caused the marginalization of these communities.
- Consider what a renewed commitment to human rights could look like for the City.
- Consider how to bolster access to informal dispute resolution processes which promote reconciliation and understanding and mutual respect between employees and government workers.
- Consider how to ensure the highest quality of responses to investigations,
- Consider the necessary funding and resource levels for an independent complaint service, and how this service would interface with city staff and complainants in such a way that ensures safety, transparency, thoroughness, fairness, and timeliness .
- Consider how the City could further bolster awareness of and access to implicit bias and trauma informed practices for all current and incoming City employees.
- Consider how to invite more community voices to the table as the path forward continues.

The Victorian Ombudsman gets the last comment. They urge local governments to:

Learn to love complaints. That's the key message of this guide. For some themes are constant in an Ombudsman's office – and one of these is people complaining about how their complaint has been dealt with. The matters at issue cover the gamut: a faulty boiler in public housing, a child protection decision, the way a local council dealt with stormwater drainage. The list is almost endless, but at the heart of every grievance is an individual's concern about a decision, action or inaction on the part of an agency. Every complaint - reasonable or not - is free feedback to government about how someone thinks it is doing its job.²⁸

There are tremendous opportunities for the City of Bellingham in redesigning its complaint process. This effort can continue to build public trust in city government, help create a more inclusive and inter-connected city, insure fairness and accountability in investigations, and provide feedback for the City that helps it improve its operations.

Thank you for the opportunity to work on this project.

²⁸ Op. cit.

Bibliography & Source Citations

1) Best practices for complaint handling sources

Good Practice Guide to Handling Complaints, by the Victorian Ombudsman

<https://www.ombudsman.vic.gov.au/getattachment/2aa8ed29-d0f6-40ce-91b5-6c5a9aed53e8>

Best Practices: Informal Complaint Resolution (Toronto). by New York City Global Partners

https://www1.nyc.gov/assets/globalpartners/downloads/pdf/Toronto_PL_ICR.pdf

City of Madison, Police Department, Complaint Resolution office (website)

<https://www.cityofmadison.com/police/chief/complaintresolution.cfm>

Best Practices Review Police Complaint Investigations and Civilian Review, by San Francisco's Office of the Controller, http://sfcontroller.org/ftp/uploadedfiles/controller/Best_Practices_Report-Final_rev.pdf

City of Fargo, Citizen Complaint Process (website)

<http://fargond.gov/city-government/departments/police/faqs-how-do-i/citizen-complaint-process>

2) Models of Police Oversight sources

National Association of Civilian Oversight Agencies (website)

<http://www.nacole.org/faqs>

Civilian Oversight Of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, by NACOLE

https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

Civilian Oversight of Police Appeals to Many. But Is It Always Effective? by Natalie Delgadillo

<http://www.governing.com/topics/public-justice-safety/gov-civilian-oversight-police-charter-amendment.html>

The New, More Powerful Wave of Civilian Oversight of Police, by J.B. Wogan

<http://www.governing.com/topics/public-justice-safety/gov-police-civilian-oversight-oakland-seattle.html>

Civilian Oversight Of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, by NACOLE

https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

Is Civilian Oversight the Answer to Distrust of Police? by Priyanka Boghani

<https://www.pbs.org/wgbh/frontline/article/is-civilian-oversight-the-answer-to-distrust-of-police/>

King County: Office of Law enforcement Oversight (website)

<https://www.kingcounty.gov/independent/law-enforcement-oversight.aspx>

3) Ombudsman sources

City of Portland: Office of the Ombudsman (website)

<https://www.portlandoregon.gov/ombudsman/article/656383>

United States Ombudsman Association (website)

<http://www.usombudsman.org>

4) Mediation sources

Civilian vs Police: Mediation Can Help to Bridge the Divide. by Vivian Berger Negotiation Journal, July 2000

Police Complaint Mediation Program, Website: <https://civilrights.baltimorecity.gov/police-complaint-mediation-program>

Baltimore to launch mediation program for citizen complaints against police. 2-1-16 Baltimore Sun:

<http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-police-mediation-20160131-story.html>

Police Community Dialogue. 2016 Video. Justice Research and Statistics Association.

<https://www.youtube.com/watch?v=JxZO6k8zmOE&feature=youtu.be>

Community Mediation Maryland, <http://www.mdmediation.org/>

New Orleans Community Police Mediation Program, <http://communitypolicemediation.org>

Mediating Better Community Relations in New Orleans, 1-12-17 Program on Negotiation at Harvard Univ.

<https://www.pon.harvard.edu/daily/mediation/mediating-better-community-relations-in-new-orleans/>

5) Race, Equity, and Human Rights sources

Government Alliance on Race and Equity (website)

<http://www.racialequityalliance.org/>

City of Alexandria Virginia, Office of Human Rights (website)

<https://www.alexandriava.gov/humanrights/default.aspx>

Washington State, Department of Enterprise Services, Government to Government Training (website)

<https://des.wa.gov/training/category/46/GovernmenttoGovernmentTraining>