

MEDIATE THIS !

THE CUSTOMER'S SERVICE DOG AND THE SHOP'S BARISTA

BY STEVEN P. DINKIN

Dear Mediator:

My golden retriever is a trained "seizure dog" who helps me manage my epilepsy. The two of us have always felt welcome at my neighborhood coffeehouse. But last week, a new barista demanded to see my dog's certification, which I didn't have with me. The coffeehouse owner, who is a nice woman, wasn't there. She has since apologized and offered free coffee for a month. But that doesn't really compensate me for the injustice and humiliation I experienced. Could I take this case to small claims court?

Steaming in El Cajon

Dear Steaming:

Recent news coverage of an "emotional support peacock" attempting to board a cross-country flight at Newark Airport has ramped up public debate over service animals. The sad truth is that every legally protected right is subject to abuse. People who game the social network of assistance for the

disabled are compromising lawful protections for people who truly need that assistance.

While policymakers work to untangle such knots, we must follow the law and safeguard the legal rights of the intended beneficiaries. Under the Americans for Disabilities Act, the barista could have asked if your dog was a service animal, but she was wrong to insist on documentation.

So your rights were clearly violated. The coffeehouse owner has accepted responsibility. You seem willing to consider some measure of compensation. What would be an appropriate measure, and what's the best way for you to determine and achieve it?

Given your circumstances, a cost-benefit analysis would favor a low-stress mediation over a high-stress small claims action. But a mediated outcome would have to deliver ample satisfaction. In such cases, mediators use a strategy called "expanding the pie," which involves looking for resolution outside the formal



GETTY IMAGES

This week's question deals with a coffeehouse patron who has a service dog.

parameters of redress.

Free coffee for a month is a generous offer, but it doesn't address the injustice that has stung you so deeply. Pro-active steps to educate staff and welcome customers with service animals could restore your dignity by making you feel respected again.

What if the owner agreed to train all her employees in

ADA compliance issues? And what if she branded her business as "service dog friendly" by putting a water bowl and a tray of dog treats near the entrance?

(This would not discriminate against people with cats. The feline's place in the social order is to receive 24/7 support from service humans.)

Getting back to the

cost-benefit analysis, you have another powerful incentive to reach a friendly agreement, and it is contained in the notion of a "neighborhood coffeehouse."

Being a regular customer at this familiar local eatery contributes to your overall quality of life. If you take the owner to small claims court, you could win

a judgment, but escalating the conflict could cost you something more valuable: the feeling of belonging.

Mediators often counsel clients to "reset the clock" mentally by letting go of protracted resentments. This is a healthy practice for all of us, and it is especially important for people who are living with a chronic illness and need to ward off psychological stress.

The coffeehouse owner wants to keep your business. The barista has learned a lesson. Let them welcome you back. And let your dog rekindle the total affection from strangers that is every golden retriever's birthright.

Steven P. Dinkin is a professional mediator who has served as President of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Please share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

PUBLIC SAFETY: LYNDSEY WINKLEY

Harbor Police Dept. gets new chief

The Harbor Police Department's newest police chief didn't always want to be a top cop. That changed in 2003.

While a Los Angeles police sergeant, Mark Stainbrook, also a Marine reservist, deployed to Iraq.

As a civil affairs officer, he was given a monumental task — take a team of Marines and help rebuild the Iraqi police force in the days immediately following the fall of Baghdad.

"I just realized I could do more, help people, lead people, make a difference," he said. "I got back from that experience and focused my career on achieving that — on running my own department."

When an assistant chief spot at San Diego County's bayside agency opened in 2011, Stainbrook went for it. He was named chief of the department on March 1.

The Harbor Police Department has more than 130 sworn officers. It is the Port of San Diego's law enforcement arm. Its jurisdiction includes the bay, the San Diego International

Airport, and coastal areas in Chula Vista, Coronado, I.B. National City and San Diego.

Stainbrook said one of his primary goals is to continue forging strong partnerships with the community, the airport and nonprofits like the Alpha Project. The homeless outreach organization recently started working with the department to better connect with the homeless.



Mark Stainbrook

"We see the same people getting arrested over and over and over again," Stainbrook said. "So we're working closely with the Alpha Project to try and break that cycle."

Stainbrook had been serving as the Harbor Police Department's chief in an acting capacity since October 2017.

His first job in law enforcement was patrolling Lake Champlain in Vermont as a reserve. He served 16 years in Los Angeles with such assignments as gangs, internal affairs, intelligence and counter-terrorism.

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HOMELESSNESS: GARY WARTH

Teen drives work program forward

A popular new program that puts homeless people to work didn't start with a city task force, federal grant or bold initiative from a politician, but from a La Jolla teenager inspired by a TED Talk video.

Bishop's School student Kevin Barber, who turns 17 next month, said he saw an online video last year about a program in Albuquerque, N.M., called A Better Way, which picks up homeless people and takes them to job sites.

"I was immediately interested in the idea," Kevin said. "I talked about it with my mom, who (works) in the ER at UCSD and sees a lot of homeless people. She's been very aware of the problem in San Diego, and so have I."

The two took a trip to Albuquerque at the invitation of Albuquerque Mayor Richard Berry's office in September, learned about the program's operation and returned to San Diego to launch their own version, Wheels of Change.

Funding came from a \$70,000 donation from Kevin's mother, Dr. Carolyn Barber,

which was enough to buy a van and fund Wheels of Change for a six-month pilot.

Since its launch Feb. 26, enough donations have come in to fund the program for at least another month, said Bob McElroy, president and CEO of the Alpha Project, which is staffing the Wheels of Change crews.

The program's GoFundMe page, gofundme.com/wheelsofchange, had about \$6,400 as of Friday, and a single donor gave \$10,000 to the Alpha Project for the program.

Kevin's mother recalled her son's determination. "When we returned to San Diego, Kevin and I made a lot of phone calls, emailed a lot of folks and were getting nowhere. There were MANY layers before you could reach important people. ... Kevin was given many reasons by folks why this would NOT work."

Crew members are paid \$11.50 an hour and go out Tuesday and Thursday, but with a waiting list that's grown to about 150 people, McElroy said, the schedule might be expanded to put more people to work.

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THE READERS' REPRESENTATIVE: ADRIAN VORE

Bad precedent: Removing stories

A man recently called the Union-Tribune asking that a story about a lawsuit his son filed be removed from the Union-Tribune's website. The story, from another newspaper, had appeared on other websites, as well.

The son's lawsuit, against a nationally syndicated TV show, involved an embarrassing affliction the son spoke about publicly. The father said his son, an adult, is now humiliated by the details of his case.

Another man called the U-T on behalf of a friend. The man requested a years-old wire service story be removed from the website because the friend is "trying to get his life back together." The story reported that the friend was indicted in another state on charges of mortgage fraud.

In both these examples the U-T refused to remove the stories.

Requests to take down articles have increased during the past year. Many find their way to the Readers' Rep. I used to receive a request now and then, but lately they have been arriving weekly. Other editors get the requests, as well. I'm guessing the trend will continue as the database of archived stories grows over the years.

The U-T rarely will remove a story. It might update one, but not take it down. The paper has strict criteria for removing an article. The story would have to be wildly inaccurate, misidentify a person resulting in damage to one's reputation, or endanger a life.

The Los Angeles Times, the U-T's sister paper, has a boiler-plate response:

"The Los Angeles Times has a policy not to change or remove articles from its historical archives. Our archived content on the Internet is a matter of public record, as are the archives of the newspaper editions. Times articles also are archived in separate online databases including ProQuest, Factiva and LexisNexis, so there are multiple sources for this published material.

"Although The Times makes its articles available online, it does not have any control over how archived articles are ranked by Google or other search engines."

Google and other search engines in Europe are feeling the effects of the increasing number of requests. A European Union court decision in 2014 gave Europeans the "right to be forgotten." It ordered Google and other search engines across the Atlantic to allow people to request that links to items naming them be removed.

Google says it weighs requests case by case and considers public interest when deciding whether to remove a link.

According to a Feb. 28 NPR article, Google says it has received more than 650,000 requests to remove websites from its search results since 2014.

The article reported that most of those requests were to delete five or fewer URLs from Google's search results. The NPR story said Google "received requests to remove more than 2.43 million URLs since the end of May 2014, and it has removed about 43 percent of them."

Removing news from a website bothers me to the core. News organizations document history. They report news; they don't erase it. They chronicle bad happenings and good, report big news and small. They reflect their communities and the times.

I'm particularly annoyed, and I hope readers are too, by requests to remove stories that report the occurrences in the public arena of the courts, as in the examples I cited at the start.

Readers on the U-T's Facebook subscriber page told me they feel same.

"I think if the story is factually accurate and is not endangering life or property, and it is not salacious or malicious, it should never be removed," Cathie McNair Lynn said. "Doing so sets a dangerous precedent. People may not be happy about an article but asking that a story be removed smacks of elitist censorship."

"I think Journalism 101 should be required in all high schools for graduation as a lot of folks really don't understand the historical reasons for why the American Press is the way it is," Janet L. Engleman said. "Even arrest accounts are to notify a community of where a person is, if in jail and the charges, to guard against an abusive government."

"I would take it to the 'next level' and add to the story of who is requesting to take it down and then explain and confirm why you will not," David Bongiorno said.

"Leave everything in, but add an explanation if appropriate. Example: murder conviction overturned," Judy Collier said.

"Keep 'em," Christopher O Carmichael said.

I welcome readers' thoughts on the subject. Do you think the U-T and other media organizations should be strict on not removing stories? Email the readers.rep@sduiontribune.com.

FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

BODY OF GIRL FOUND; HUNT FOR FIEND

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Wednesday, March 11, 1931

In the Sheriff Department's oldest unsolved homicide, Virginia Brooks, 10, disappeared on her way to school Feb. 11, 1931. Her mutilated body later was found stuffed in a burlap sack a month later. Several suspects were arrested at various times here, in Los Angeles, El Centro and other cities, but in each instance, the suspect had an iron-clad alibi.

ARREST NEAR IN GIRL'S DEATH SACK GIVES CLEW; TRACE CAR PRINTS

Mutilated Body of Virginia Brooks, Missing Month, Is Found on Kearny Mesa; Believed Dead 3 Weeks.

BULLETIN

A suspect in the Virginia Brooks case was arrested on the outskirts of the city early today. The man, whose name is withheld, said he is in the poultry business. According to arresting officers he has a former police record.

By William G. Cayce

Broken and decapitated and stuffed into an old but fresh gunny sack, the body of Virginia Brooks, 10, missing from her home, 5602 University avenue a month today was found yesterday at a lonely, windswept spot on Camp Kearny mesa, two miles beyond the northern rim of the city. George H. Moses, a shepherd, and his dog, stumbled upon the gruesome bundle as they were

tramping across the broad tableland, ending a hunt which started Feb. 11.

A pair of tell-tale automobile tracks, deeply and cleanly imprinted in a short strip of mud, coupled with fingerprints discovered on a glazed page of a book found near the body and a small amount of rubbish in the bottom of a sack—these were the only tangible clues police and deputy sheriffs had last night in their hunt for the kidnaper and slayer of the girl.

"CLOSING IN ON KILLER"

"We are closing in on the killer and expect to have him in custody within 24 hours," That was the promise made last night by Paul Hayes, chief of the police detective bureau, after he and Chief of Police Arthur Hill had made a final check-up and investigation at the spot where the body was discovered. Hayes admitted he had at least one man under suspicion.

The automobile tracks, made over a wide



circle of about half a mile, told how the body in its wrapping had been taken to the mesa. These tracks not only were found in short stretches of mud but could be traced where they had mashed down new-grown grass.

Still clad in the little white dress, short socks and brown coat—the same clothing Virginia wore on the morning she so mysteriously dropped from sight—there was little doubt but that the child had been dead for at least three weeks. Investigating officers from the police department, sheriff's office and the coroner's office said it was possible she was slain within a few hours after starting for school. Decomposition and the fact the head had been removed led officers to this conclusion.

BELIEVED CHOKED

How Virginia came to her death never may be known. The skull was not fractured and it was impossible to determine whether she had been choked, although investigators were inclined to this latter theory. What was thought to have been evidence that a strange and quick-working acid had been poured over the body was believed found by the officers, but an autopsy performed by Dr. F.E. Toomey, assisted by Ernest B. Mundkowski, county hospital chemist, failed to bear this out.

Dr. Toomey gave a negative report to the effect that the body was in such poor condition it was impossible to determine anything which might assist officers in the hunt for the killer. Dr. Toomey and Mundkowski, however, believed chemicals had not been used.

The spot where the body was discovered was about a half mile east of the inland San Diego-Los Angeles state highway. It was tucked behind a slight mound and it would have been impossible for the slayer to have taken the body there without having been observed from the highway.

Because the sack which contained the body was fresh and the grass beneath it was not bruised or discolored and "spring" back to a normal height when the sack was lifted, officers were confident the body had not been there more than 24 hours before Moses and his dog came upon it. The general belief was it had been there about 12 hours and had been left just before dawn yesterday.