



Department of Police Accountability's Mediation Program

Formal complaints against officers can often be the result of a misunderstanding or miscommunication during an officer's interaction with a member of the public. The Department of Police Accountability's mediation program provides an alternative way of resolving certain types of police complaints. Through the DPA's nationally recognized mediation program, trained mediators facilitate a discussion between the complainant and the officer with the goal of helping each party to understand the other's perspective. Mediation can be more satisfying than the normal complaint process because it enables both the officer and the complainant to resolve the complaint in a non-adversarial forum. Mediation is limited to eligible cases as determined by DPA rules. Both the complainant and the officer must agree to mediate. Cases that are successfully mediated are not considered disciplinary complaints on an officer's record.

Mediation benefits both the officer and the complainant. For the officer, mediation is an opportunity to:

- Explain to the complainant the reason for the officer's actions
- Correct public misunderstanding or misinterpretations of police work
- Improve community relationships
- Resolve the complaint in a non-punitive manner outside the disciplinary process
- Enhance interpersonal skills
- Avoid similar misunderstandings or miscommunications in the future

For community members, mediation is an opportunity to:

- Be heard and understood by the officer
- To give officers feedback about the incident
- Help the officer gain a better understanding of the impact their actions or demeanor have on the public
- Prevent similar incidents from reoccurring
- Regain confidence in the police
- To hear firsthand the officer's perspective

Officers are strongly encouraged to participate in the DPA Mediation Program. The program provides officers a unique and valuable opportunity to interact positively with a community member. Mediation enables officers to **explain police practices and procedures, gain an understanding of the community member's point of view, improve community relations, and "bridge the gap" between perceptions and facts.** It also provides an opportunity for officers to address miscommunications or misunderstandings in a constructive and positive manner with members of the public. By taking the time to resolve a complaint through mediation, officers help rebuild the public's confidence and trust in this Department.

To maximize participation and understanding of the DPA Mediation Program, Platoon Commanders shall conduct roll call training of this bulletin.


WILLIAM SCOTT
Chief of Police

Per DB 17-080, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.

Reasons Complainants Mediate

- ◆ To be fully heard and understood.
- ◆ To give officers feedback.
- ◆ To prevent similar incidents.
- ◆ To regain confidence in police services, and respect for officers.
- ◆ To hear the officer's perspective.

Reasons Officers Mediate

- ◆ To be understood: Officers can't always explain their actions in the field.
- ◆ To hear complainant's perspectives.
- ◆ To speak directly with the person rather than have the complaint decided by others.
- ◆ To improve relations with individuals and the community.
- ◆ To resolve the complaint outside the disciplinary process.

The Mediators will:

- ◆ Explain ground rules and answer questions.
- ◆ Ensure that the parties behave in a respectful manner.
- ◆ Ask questions to clarify and identify issues.
- ◆ Listen to both sides of the story.
- ◆ Not take sides or pass judgment.
- ◆ Treat all information revealed in the course of the discussion as confidential.
- ◆ Keep the discussion focused, productive and non-threatening.
- ◆ Assist in resolving the dispute.

Suggestions for a Constructive Mediation

Be willing to offer your perspective to explain how you were affected.

Listen – and show that you are listening.

Don't blame or shame. Most people become defensive, rather than open to new perspectives.

Be open to learning different perspectives.

Be calm and focused. Everyone benefits when people concentrate on the issues at hand.

Be prepared to work toward a solution.

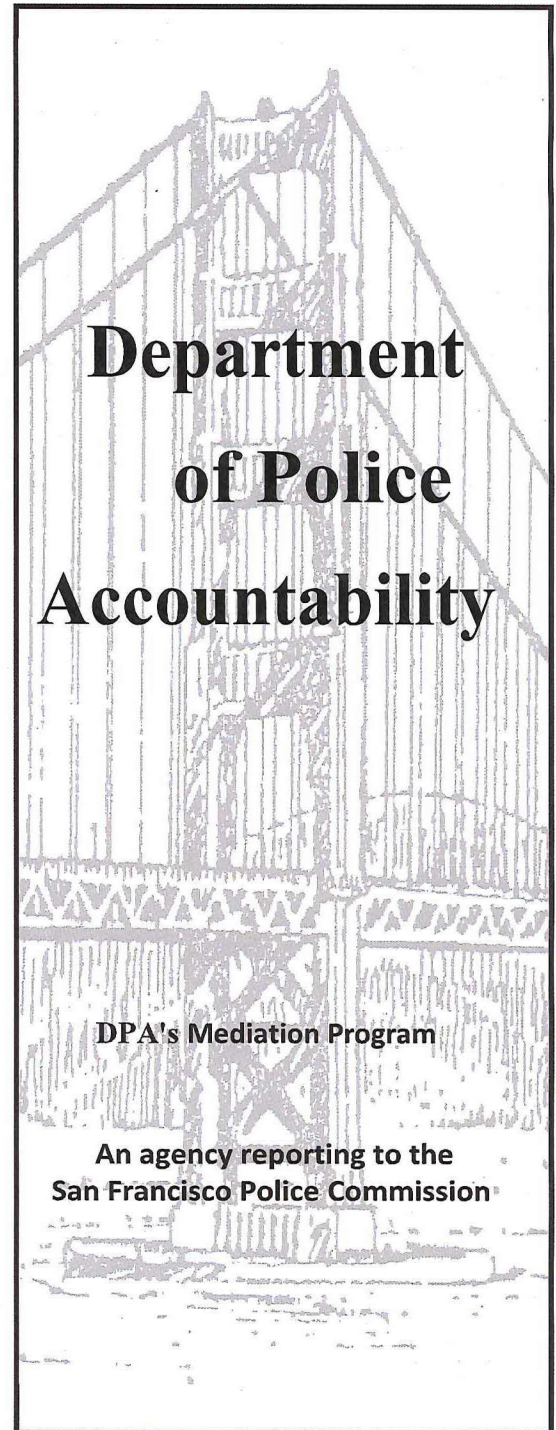
Ask for clarification. Frequently, what you don't know or understand can be the key to a solution.

Speak for yourself, and let others do the same. Explain how you felt during the incident and the effect it had on you.

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Thank you for Considering Mediation!

Mediation is an alternative way of resolving complaints about police conduct. The DPA identifies cases where the parties might benefit from a face to face discussion of their perspectives on the encounter that resulted in a complaint. If both the complainant and the officer agree, the case is taken out of the investigation process and scheduled for a mediation with our trained volunteer mediators.

The mediators are neutral third parties trained and experienced in helping people resolve their differences in a constructive manner. Everything said in the course of a mediation is confidential. Because mediation is voluntary, there is a greater chance that the parties genuinely want to resolve the problem in a mutually agreeable fashion.

Mediation can be a powerful teaching tool and learning experience for both the complainant and the officer. It is often the only time a complainant will have an exchange with an officer outside of a law enforcement context. Likewise, an officer may have never had a complainant explain the effect of the officer's actions.

The Benefits of Using Mediation

- ◆ Mediation allows the parties to resolve their differences themselves, rather than depend on the judgment of others.
- ◆ Mediation can be more satisfying than the normal complaint process because of the opportunity to resolve the complaint in a non-adversarial forum.
- ◆ Mediation can improve relations between communities and the police.
- ◆ Mediation can be more effective and efficient than the traditional investigation process.
- ◆ Mediation can impact the attitudes, understandings, and behavior of the officer and the citizen.
- ◆ Mediation is confidential. Nothing said in the course of the mediation can later be used in legal proceedings.
- ◆ Because mediation is voluntary, the parties are more likely to reach a mutual understanding.

Frequently Asked Questions

The incident was unpleasant the first time, won't mediation be the same?

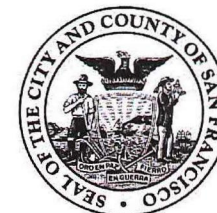
Mediation can work even when it involves emotional incidents. The mediators are trained to help people resolve issues in a safe and respectful way. The mediation will be held in a neutral location.

Will I have to apologize?

No. When apologies are made, they are voluntary.

What if I am unhappy with how the mediation is progressing or the other party just wants to verbally attack me?

The mediation is conducted by trained mediators who are present to maintain a respectful environment. Part of a mediator's job is to ensure that all parties are treated respectfully. Verbal abuse or threatening conduct is inappropriate in a mediation. No one is compelled to reach an agreement.



DPA

San Francisco Department of Police Accountability