



LEGISLATIVE ANALYST REPORT

From: Gabe Cabrera, Office of the Legislative Analyst (OLA)
Date: January 16, 2007
Re: **Mediating Citizens Complaints Against Police Officers** (OLA No. 084-06)

SUMMARY OF REQUESTED ACTION

What cities use mediation as an alternative to full investigation of citizen complaints against police officers? How have citizen complaint mediation programs reduced the caseloads of civilian oversight agencies in the U.S., and what would be required to implement such a program in San Francisco?

EXECUTIVE SUMMARY

Mediation is an informal dispute resolution process during which a neutral third party (the mediator) assists those involved in a disagreement or dispute to work towards finding a mutually acceptable resolution to the disagreement. It is widely used in divorce cases, labor-management conflicts, small business disputes, victim-offender reconciliation, multiparty environmental controversies, conflict resolution in elementary and secondary schools, rulemaking by federal agencies, and international diplomacy. However, few police-citizen complaint mediation programs exist in the U.S.

The most comprehensive list of police-citizen complaint mediation programs can be found in the 2002 U.S. Department of Justice sponsored report *Mediating Citizen Complaints Against Officers: A Guide for Police and Community Leaders*.¹ The authors of the report compiled a list of sixteen active mediation programs mainly by examining all citizen oversight agencies in the country, such as the Office of Citizen Complaints (OCC) in San Francisco (for a list of these programs, see the Appendix section of this report).

Based on a review of the research literature, we identified and examined police-citizen complaint mediation programs in three cities: Berkeley, CA; Minneapolis, MN; and New York, NY. All of these programs mediate only a small percentage of their citizen complaints because in most programs the complainant and the officer must voluntarily agree to mediation. According to the OCC Mediation Coordinator, low program participation in San Francisco has historically been due to a lack of awareness and education of citizens and police officers as to the potential benefits of the mediation process for both parties.² These benefits are discussed later in this report. In order to increase the number of complaints mediated, the Board of Supervisors should urge the OCC to undertake, in collaboration with the San Francisco Police Commission³, the

¹ Walker, Archbold, and Herbst, "Mediating Citizen Complaints Against Officers: A Guide for Police and Community Leaders", University of Nebraska at Omaha, Department of Criminal Justice, 2002.

² Telephone interview with Mr. Mark Scafidi, OCC Mediation Coordinator, November 2006.

³ The coordinator advises that the OCC offers mediation under written rules and regulations prescribed by the San Francisco Police Commission.

following courses of action. The OCC is in fact currently evaluating all of its mediation practices to determine which are most appropriate for San Francisco.

1. Expand the scope of complaints that are eligible for mediation to include those involving: a) allegations of racial and gender slurs; b) allegations of lesser use-of-force, such as tight handcuffs, dispersing a group and pushing; and c) citizens’ disagreements with departmental policy; and
2. Change its existing policy to allow complainants the option to seek a full investigation after an unsuccessful mediation session.

The OCC Mediation Coordinator currently works a full investigative caseload, while simultaneously managing the agency’s mediation program. He advises that staff time dedicated to the program is insufficient. However, a more detailed analysis of the OCC’s current deployment of staff resources is needed to determine if additional staff is required or if the agency’s existing staff could be realigned to support the program. The Board may wish to ask DHR or the Budget Analyst Office to conduct this analysis and to report its findings to the Board.

Table 1 contains some of the key elements of police-citizen complaint mediation programs surveyed in this report.

Table 1: Mediation Programs & Key Elements

City	Berkeley, CA	Minneapolis, MN	New York, NY	San Francisco, CA
Agency	Police Review Commission	Minneapolis Civilian Police Review Authority	Civilian Complaint Review Board	Office of Citizen Complaints
Voluntary or Mandatory	Voluntary	Mandatory	Voluntary	Voluntary
Scope of Case Diversion	<u>Eligible.</u> Typically complaints of officer discourtesy or verbal conflict between the citizen and the officer <u>Ineligible.</u> Use-of-force complaints and those that result from arrests	<u>Eligible.</u> Typically complaints of officer discourtesy or verbal conflict between the citizen and the officer <u>Ineligible.</u> Use-of-force complaints except in cases where there is no injury, and those involving an officer who has mediated a similar case in the previous 12 months	<u>Eligible.</u> Those where the officer is accused of using minor physical force without injury; discourteous or offensive language, issuing threats, questioning, stopping, and/or frisking a civilian, and refusing to identify him or herself. <u>Ineligible.</u> Those where the civilian claims the officer caused a physical injury or damaged property, as well as those that result from arrests	<u>Eligible.</u> Cases where the complaint involves a dispute with a member of the public rather than a disagreement with departmental policy <u>Ineligible.</u> Those involving substantial injury to the complainant or the officer, discrimination slurs, use-of-force allegations and questions of law, and those involving any officer who has, on file, a sustained case, a mediated case w/in 6 months or 3 cases w/in 2 years
Option of Full Investigation after Mediation?	No	Yes	Yes	No

Table 1 Continued: Mediation Programs & Key Elements

City	Berkeley, CA	Minneapolis, MN	New York, NY	San Francisco, CA
Referred Cases (Year)	3 (2004)	13 (2005)	374 (2005)	51 (2005)
% of Referred Cases Successfully Mediated*	100% (3/3)	62% (8/13)	24% (90/374)	49% (25/51)
% of all Cases Mediated	7% (3/45)	9% (8/85)	1% (90/6,796)	3% (25/927)
* For details on what constitutes successful mediation for each of the programs surveyed, see the Other Jurisdictions section of this report.				

BACKGROUND

Mediation is part of a larger movement in the U.S. during the past 30 years to resolve problems outside of the formal legal system. It has become an important part of the American criminal justice system, including community courts, community policing, and restorative justice. The concept of mediating citizen complaints against police officers is growing in popularity: the first police-citizen complaint mediation program opened in Portland, OR in 1993 and at least sixteen are currently operating nationwide.⁴ All of these programs mediate citizen complaints against officers, but their specific characteristics vary as follows:

- **Voluntary or mandatory participation.** In most programs, both the complainant and the officer must voluntarily agree to mediation. However, some programs have changed their procedural rules to order, or mandate, parties to mediation. Critics of mandatory mediation, like Professor Samuel Walker (co-author of the previously mentioned report on mediating citizen complaints against officers), argue that it would be a “mistake” to force individuals to mediate if they are unwilling to do so.⁵ Mandatory mediation not only neglects the voluntary nature of mediation, but may also result in “bad faith” or “half-hearted” participation just to get the complaint process to the next procedural stage.
- **Confidentiality.** Mediation is typically a confidential process. Statements made by either the complainant or the officer may not be subsequently used in a formal legal proceeding. Therefore, each side can thoroughly and frankly discuss the alleged misconduct and attempt to arrive at a mutually agreeable resolution. However, in developing a mediation program, local officials are advised to research applicable local, state and federal laws to ensure the confidentiality of mediation.
- **Case eligibility.** Program officials determine what types of cases are eligible for mediation. Eligible cases typically involve complaints of officer discourtesy or verbal conflict (e.g., use of profanity or abusive language, rudeness, etc.) that occurred between the citizen and the officer. In addition, mediation experts generally agree that use-of-force cases should not be mediated. Nor should cases involving officers with a history of citizen complaints. Even among cases that are eligible for mediation, not all are good candidates for mediation. If program officials determine the parties are incapable of dealing fairly with each other, they are typically not offered mediation.
- **Mediating cases involving racial, ethnic, or gender slurs.** In some programs, as a matter of policy, cases involving allegations of racial, ethnic, or gender slurs are not mediated at all.

⁴ City of Portland, Office of the City Auditor, Independent Police Review (IPR) Division, IPR Annual Report, 2003.

⁵ Telephone interview with Mr. Samuel Walker, Professor at the University of Nebraska at Omaha, December 2006.

This policy represents a decision to treat such cases as seriously as use-of-force cases. Proponents of mediating racial, ethnic, or gender-related complaints, like Professor Walker, argue that mediation is particularly well-suited for such cases because disputes often involve the gap of misunderstanding that exists between the police (symbolizing an oppressive society) and minority communities.

- **Police discipline and accountability.** Critics of mediation argue that it threatens police discipline and accountability because in most programs, no formal discipline is imposed if the officer successfully mediates the complaint, and no record of the complaint appears in his or her disciplinary file. In some programs, the complaint is “closed” once it is referred to mediation, regardless of the outcome. Proponents of mediation, on the other hand, argue that mediation is the ultimate champion of police accountability. In traditional complaint procedures, an officer accused of misconduct is accountable only to police investigators, the immediate supervisor and, in some instances, the chief of police. In contrast, an officer participating in mediation is directly accountable to the citizen who filed the complaint.
- **Bilingual mediators and translators.** Because demographic trends indicate increased immigration to the U.S., an increasing number of complaints against police officers will likely involve people who either have limited English proficiency or do not speak English at all. Mediation experts generally agree that mediation programs should be able to provide bilingual mediators and translators, as well as outreach to explain the mediation process to people who are new to this country and not familiar with the procedures for handling citizen complaints against police officers.

CURRENT LAW AND PRACTICE

Created by San Francisco voters in 1983, the Office of Citizen Complaints (OCC) is a civilian-staffed local government agency. Its purpose is to investigate complaints of misconduct against San Francisco police officers. In 2005, the OCC received a total of 927 complaints.⁶ The number of complaints has been steadily decreasing since 2003, when the agency received 1,057 complaints.⁷ In 1995, the OCC began offering mediation, under written rules prescribed by the San Francisco Police Commission and through a program created by the Bar Association of San Francisco, in cases where the complaint involves a dispute between a citizen and an officer (as opposed to a citizen’s disagreement with departmental policy). Cases are ineligible if the alleged misconduct involves substantial injury to the complainant or the officer, discrimination slurs, use-of-force allegations, and questions of law such as search or detention issues. The OCC program requires the officer to be eligible (based upon prior complaint and discipline history), and both the complainant and the officer to be willing to mediate (with the incentive to officers of having the case sealed and a finding of “mediation” entered into their personnel file with no other investigation to occur regarding the complaint).

The OCC Mediation Coordinator determines which cases are eligible for mediation based upon the above-noted criteria. If determined eligible, the coordinator first notifies the complainant of the option to mediate. He then sends a letter explaining the mediation process, along with a copy of its rules and regulations, to both the complainant and the officer. If both parties agree to mediate, the coordinator selects two mediators at random from a list of pro bono mediators. One of the mediators must be an attorney, while the other must not. Successful mediation ends when

⁶ OCC, Complaints and Allegations by Unit, 2005.

⁷ OCC, Comprehensive Statistical Report, 2005.

both parties have heard, clarified, and understood the issues and each other's point of view. This may result in agreement or an agreement to disagree. Failure to reach an agreement renders the mediation "void" and as previously noted, no other investigation may occur. Both parties are required to abide by these rules. In 2005, the OCC deemed 51 cases eligible for mediation. Of these 25 were mediated.⁸ Both the case eligibility rate and the mediation rate increased significantly since 2004, when the agency deemed 16 cases eligible for mediation, of which 6 were mediated. This is due to the growing awareness and education of citizens and police officers as to the potential benefits of the mediation process for both parties, according to the OCC Mediation Coordinator.

OTHER JURISDICTIONS

City: Berkeley, CA
Agency: Berkeley Police Review Commission

Created by Berkeley voters in 1973, the Berkeley Police Review Commission (PRC) is an independent civilian oversight agency. The PRC has jurisdiction over complaints of misconduct against Berkeley police officers. In 2004, the PRC received a total of 45 complaints. This is not a significant departure from the previous three years (averaging 50 cases per year). Prior to the filing of a complaint, a PRC Investigator informs the complainant of the PRC complaint process, including the possibility of mediation. If the complainant elects mediation, the investigator reviews the allegations, determines if the complaint is appropriate for mediation, and if so, notifies the officer. As a matter of policy, use-of-force complaints are ineligible for mediation, as well as those that result from arrests. If both parties agree to mediation, the investigator refers the case to East Bay Community Mediation (EBCM), an independent agency that attempts to resolve differences through dialogue. Successful mediation is defined as a process in which the parties have heard, clarified, and understood the issues and each other's point of view. This may result in agreement or an agreement to disagree. The agreement reached (either verbal or written) at mediation is not legally binding. It may involve an apology from the officer, or the performance of some activity outside the mediation itself that may help to build understanding between citizens and officers. If either the complainant or the officer is unhappy with the outcome, the case cannot be returned to the PRC for a full investigation. In 2004, complainants and officers elected to resolve their complaints through mediation in 3 cases (of which all were determined to be appropriate for mediation). This represents 6.6% of all cases disposed of that year.⁹ It was not a significant departure from the trends of the previous two years (averaging 3 cases per year).

⁸ Of the other 26 eligible cases, 15 involved a complainant who declined to mediate; 7 involved an officer that declined to mediate; 2 were closed because the complainant withdrew his or her complaint; and 2 are currently pending mediation.

⁹ City of Berkeley, Police Review Commission, Statistical Report, 2004.

City: Minneapolis, MN
Agency: Minneapolis Civilian Police Review Authority

Created in 1990, the Minneapolis Civilian Police Review Authority (CRA) is an independent municipal agency with authority to receive and investigate citizen complaints against Minneapolis police officers. In 2005, the CRA received a total of 85 complaints.¹⁰ Once a complaint is received, it is classified as pre-complaint until a complainant signs it. The number of signed complaints has been steadily decreasing since 2003, when the agency processed 157 signed complaints.¹¹ Within 30 days of the date on which a signed complaint is filed, the CRA executive director makes a decision regarding its disposition: dismiss the complaint, forward the case for investigation, or refer it for mediation. Cases referred to mediation typically involve situations such as allegations of officer discourtesy or verbal conflict that has occurred between the citizen and the officer. As a matter of policy, use-of-force complaints are ineligible for mediation except in cases where there is no injury. In addition, officers who have mediated a complaint involving a similar allegation in the previous 12 months are ineligible for mediation.

Once cases are deemed eligible for mediation, the executive director refers them to the Minneapolis Mediation Center, an independent agency that uses volunteers to mediate citizen complaints. The complainant and the officer are required to participate in good faith in a mediation session. If, after referral to mediation, the complainant refuses to participate in mediation, the CRA dismisses the complaint. If the officer refuses, such refusal constitutes misconduct and grounds for disciplinary action, and the case is returned to investigators for a full investigation. A successful mediation session ends with the complainant and the officer signing an agreement that documents the outcome. Outcomes may vary; however, mediators note that complainants and officers frequently apologize to one another without further action (legal or otherwise) or contact between them. If either the complainant or the officer is unhappy with the outcome, the mediation session is deemed unsuccessful and the case is returned to the CRA for a full investigation. Prior to September 2005, both the complainant and the officer had to voluntarily agree to participate in a mediation session. After September 2005, participation after referral became mandatory. According to CRA staff, the number of cases handled through mediation increased from 13 in 2005 to 21 in 2006 largely because neither the complainant nor the officer could refuse to participate in mediation.¹² Of the 21 cases referred in 2006, 12 were mediated successfully; 5 were deemed unsuccessful and returned to investigators for a full investigation; 1 was closed when the officer agreed to mediate but the complainant dropped out of the process; and 3 are currently pending mediation.

City: New York, NY
Agency: Civilian Complaint Review Board

New York's Civilian Complaint Review Board (CCRB) was established in 1993 as an independent civilian oversight agency. The CCRB has jurisdiction over complaints of police misconduct involving force, abuse of authority, discourtesy, and offensive language. In 2005,

¹⁰ City of Minneapolis, Minneapolis Civilian Police Review Authority, Statistical Report, January 2006.

¹¹ Ibid.

¹² Telephone interview with Mr. Michael Winebeck, Chair of the CRA Board, November 2006.

the CCRB received a total of 6,796 complaints.¹³ The complaint rate has been steadily increasing since 2001, when the agency received 4,251 complaints.¹⁴ A team of CCRB investigators determines whether a case is eligible for mediation. Cases eligible for mediation include those where the officer is accused of using minor physical force without injury; discourteous or offensive language; issuing threats; questioning, stopping, and/or frisking a civilian; and refusing to identify himself or herself. Cases are ineligible if the civilian claims the officer caused a physical injury or damaged property, as well as if they stem directly from arrests. Both the complainant and the officer must voluntarily agree to mediation. If the mediation is not successful for any reason, the complainant has the right to request that his or her complaint be investigated.

If determined eligible, a case is transferred to the CCRB's Mediation Unit. In 2005, the Mediation Unit processed 374 cases. Of these a significant number were not mediated at all because they were rejected by the Mediation Unit; returned to investigators for further work or when the complainant sought a full investigation; involved an officer who was deemed an inappropriate candidate; rejected by the CCRB's Alternative Dispute Resolution Committee as unsuitable; involved one or more officers who declined to mediate; or were closed when the complainant withdrew his or her complaint or when the officer left the department. Of the 95 cases in which a mediation was scheduled and both parties arrived for the mediation, 90 were mediated successfully, and the other 5 were returned to investigators for a full investigation. In addition, 98 cases were closed as "mediation attempted," meaning that the officer agreed to mediate but the complainant dropped out of the process. According to CCRB staff, the number of cases handled through mediation is relatively small compared to other dispositions largely because the complainant and the officer must voluntarily agree to mediation and because the CCRB and the NYPD rigorously screen the complainant and the officer before the agency schedules a mediation session.¹⁵

ISSUES TO CONSIDER

The OCC is currently evaluating all of its mediation practices to determine which are most appropriate for San Francisco. Nevertheless, the Board of Supervisors may wish to urge the OCC to consider the following issues.

- **Planning.** In developing existing programs, local officials are advised to plan carefully. According to the research literature, lack of planning is one of the main reasons many existing mediation programs handle few cases. Good planning involves creating a planning mechanism (i.e., a planning group); involving all relevant stakeholders (i.e., the SFPD command staff, the OCC Director and Mediation Coordinator, a SFPOA representative, and several community members); researching existing mediation programs; identifying, discussing and resolving key issues; and establishing a system of on-going monitoring and evaluation.

¹³ Of these 6,796 complaints received by the CCRB in 2005, 2,965 (43%) were eligible for mediation. Of these eligible complaints, the CCRB considered 2,637 (89%) suitable for mediation. Of these suitable complaints, the CCRB offered 1,047 (40%) the option to mediate. The other 1,590 complaints were closed or were in the process of being closed because the complainant could not be located or did not wish to pursue the complaint.

¹⁴ New York City, Citizen Complaint Review Board, Twenty-fourth Status Report Covering the Period of January 2005 through December 2005, June 2006.

¹⁵ Ibid.

- **Program outreach and promotion.** To peak interest and therefore participation in mediation, the OCC should routinely explain the potential benefits of mediation to both citizens and police officers. For officers, benefits can include enhanced understanding of their interactions with citizens; an opportunity to explain what they did and why; and in most programs, if the mediation is successful, the complaint does not appear in the officer's personnel record. For citizens, benefits may include greater opportunity to meet their goals (frequently all they want is an apology); better understanding of the incident about which they complained; and the feeling of empowerment, or being heard by the police officer.
- All of these benefits could be explained in both formal and informal settings, such as the SFPD Academy, advanced officer training courses, District Community Forums, and neighborhood meetings. The OCC Mediation Coordinator advises that the agency already has plans to explain the mediation process to new recruits and in-service officers at the SFPD Academy, and to publish articles on the potential benefits of mediation in the SFPOA's monthly journal.
- **Scope of case diversion.** The scope of cases referred to mediation is narrower in San Francisco than in other jurisdictions. For example, as a matter of policy, the OCC does not mediate complaints involving allegations of racial, ethnic, or gender slurs.¹⁶ In contrast, the New York's Civilian Complaint Review Board (CCRB) mediates these types of complaints. Considerable disagreement exists over the wisdom of the New York CCRB approach. Some believe that mediation is uniquely suited to help bridge the racial, ethnic, and gender-related divide because it brings the disputing parties together in a face-to-face meeting to discuss underlying racial/ethnic/gender issues. Others argue that these types of complaints should not be mediated at all mainly because in their view mediation is valid only when the parties are on an "equal playing field".
- As previously mentioned, use-of-force complaints are ineligible for mediation in San Francisco. The OCC Mediation Coordinator advised the OLA that some lesser use-of-force complaints, such as tight handcuffs, dispersing a group and pushing, could be mediated successfully in San Francisco, as is the case in New York City.¹⁷ Moreover, as a matter of policy, the OCC does not mediate complaints involving a citizen's disagreement with departmental policy. However, according to the coordinator, most of these complaints could also be mediated successfully because often all complainants want is an understanding of the incident about which they complained. In addition, mediating these complaints would improve overall police/community relations in San Francisco.
- **Availability of Staff Resources.** Presently, the OCC Mediation Coordinator (Class 8124 Investigator) works a full investigative caseload, while simultaneously managing the agency's mediation program. The coordinator advises that in order to continue to grow the program, it needs either full-time or part-time staff dedicated to working exclusively on mediating citizen complaints against police officers. He suggests hiring an additional City employee with experience in mediation management.¹⁸ However, without a more detailed study of the OCC's current deployment of staff resources, it is difficult to determine if additional staff is indeed required or if the agency's existing staff could be realigned to support the program. The Board of Supervisors may wish to ask the City's Department of Human Resources (DHR) or the

¹⁶ Of all 927 complaints received by the OCC in 2005, 36 involved at least one allegation of a racial or gender slur. It is important to note that one complaint may contain multiple allegations.

¹⁷ In 2005, 22 of all complaints involved at least one allegation of tight handcuffs. In the same year, there were no complaints involving an officer dispersing a group or pushing.

¹⁸ Notably, DHR staff advised the OLA that there is no City classification in mediation.

Budget Analyst Office to conduct this analysis, and to report its findings to the Board. The study should also examine the potential effects of expanding the scope of complaints diverted to mediation, as proposed by the OLA, upon the OCC's investigative caseloads and ongoing need for traditional OCC investigators (presumably, an increase in the number of complaints mediated would lead to a decrease in the number of complaints investigated).

- **Continuity in mediation personnel.** Personnel turnover is another one of the main reasons many existing mediation programs handle few cases. For instance, in 2005, both New York's CCRB mediation director and the senior mediation coordinator relocated, and that year the agency mediated 23 fewer complaints than it did in 2004.¹⁹ Conversely, continuity in key personnel responsible for mediation has a positive effect on productivity. For example, the number of complaints mediated in San Francisco has increased in recent years since the OCC appointed a new mediation coordinator and the fact that he and his staff are familiar with and committed to mediation.
- **Leadership.** The OCC already has a clear vision of what mediation means and how it enhances both citizens' and police officers' understanding of their interactions with each other. However, this alone is insufficient. Although the OCC is its ultimate champion, the support of SFPD command staff and the SFPOA for mediation is vital.
- **Police discipline and accountability.** As previously noted, in San Francisco, failure to reach an agreement between the complainant and officer renders the mediation "void" and the complaint cannot be returned to OCC investigators for a full investigation. Considerable disagreement exists over the wisdom of the OCC's approach. Some, like Professor Walker, argue that as a matter of policy a full investigation should follow any unsuccessful mediation session. Otherwise police accountability is threatened. Others argue that denying complainants the option to seek a full investigation after an unsuccessful mediation session would have a "chilling effect" on citizens' desire to mediate in the first place. However, according to the OCC Mediation Coordinator, since the OCC began administering exit surveys to program participants in 2004, no one has asked for a full investigation after a void mediation session. Nevertheless, the OLA believes that the Board of Supervisors should urge the OCC to re-examine the pros and cons of its current approach.
- **The danger of unrealistic expectations.** One of the dangers facing the concept of mediating citizen complaints against police offices involves unrealistic expectations on the part of mediation advocates. Unrealistic expectations may produce disillusionment and a backlash that unfairly labels mediation as a failure. No one should expect all cases to be mediated. There is a broad consensus that use-of-force cases should not be mediated. Nor should cases involving officers with a history of citizen complaints. In addition, no one should expect mediation to solve police/community relation problems or eliminate police misconduct.
- **Bilingual mediators and translators.** The OCC Mediation Coordinator advises that to date the agency's mediation program has not suffered from a lack of bilingual mediators and translators. However, as mediation grows in popularity and the number of individuals with limited English proficiency increases in San Francisco, there will be a need for additional bilingual mediators and translators to parallel these trends. The Board of Supervisors may wish to ask the OCC to assess the City's need for bilingual mediators and translators in the future, to estimate any costs associated with its provision of these translation services and to report its findings to the Board.

¹⁹ New York City, Citizen Complaint Review Board, Twenty-fourth Status Report Covering the Period of January 2005 through December 2005, June 2006.

CONCLUSION

In conclusion, we discovered that police-citizen complaint mediation programs have not significantly reduced the caseloads of the three civilian oversight agencies surveyed for this report. Nor does the research literature support the idea that mediation programs reduce the caseloads of other civilian oversight agencies. However, in order to increase the number of complaints mediated, the Board of Supervisors should urge the OCC to undertake, in collaboration with the San Francisco Police Commission, the following courses of action:

- 1) Expand the scope of cases that are eligible for mediation to include those involving discrimination slurs, lesser use-of-force and citizens' disagreements with departmental policy; and
- 2) Change its existing policy to allow complainants the option to seek a full investigation after an unsuccessful mediation session.

We also discovered that the OCC Mediation Coordinator (Class 8124 Investigator) currently works a full investigative caseload, while simultaneously managing the agency's mediation program. He advises that staff time dedicated to the program is insufficient. However, a more detailed analysis of the OCC's current deployment of staff resources is needed to determine if additional staff is required or if the agency's existing staff could be realigned to support the program. The Board may wish to ask DHR or the Budget Analyst Office to conduct this analysis and to report its findings to the Board.

APPENDIX

Police-Citizen Complaint Mediation Programs Nationwide

City	Agency
1. Albuquerque, NM	Police Oversight Commission/Independent Review Office
2. Berkeley, CA	Police Review Commission
3. Boise, ID	Office of the Ombudsman
4. Boulder, CO	Boulder Police Department/Professional Standards Unit
5. Dover, DE	Center for Community Justice
6. Kansas City, MO	Office of Citizen Complaints
7. Milwaukee, WI	Fire & Police Commission
8. Minneapolis, MN	Minneapolis Civilian Police Review Authority
9. New Haven, CT	Community Mediation
10. New York, NY	Civilian Complaint Review Board
11. Portland, OR	Neighborhood Mediation Center
12. Rochester, NY	Center for Dispute Settlement
13. San Francisco, CA	Office of Citizen Complaints
14. Santa Cruz, CA	Citizen's Police Review Board
15. Syracuse, NY	Citizen Review Board
16. Washington, DC	Office of Citizen Complaints

Source: Walker, Archbold, and Herbst, "Mediating Citizen Complaints Against Officers: A Guide for Police and Community Leaders", University of Nebraska at Omaha, Department of Criminal Justice, 2002.