

Effective March 22, 2010

**COMMUNITY LAW ENFORCEMENT MEDIATION PROGRAM PROTOCOLS
OFFICE OF THE INDEPENDENT MONITOR
CITY & COUNTY OF DENVER**

1. Unless a complaint involves an allegation of criminal conduct against an officer, or if sustained could result in the termination or demotion of the subject officer, Denver Police Internal Affairs Command Staff may refer a complaint to the Office of the Independent Monitor for possible mediation.
2. If the OIM concludes the complaint is appropriate for mediation (after conferring with the Chief of Police and the Manager of Safety when required by DPD policy), the complaint is referred to the OIM's mediation vendor to ask the complainant whether s/he would be interested in mediating the complaint. The mediation vendor explains the mediation program to the complainant (including the fact that an agreement to mediate from both the complainant and the involved officer(s) will result in a dismissal of the complaint) and notifies the OIM whether the complainant is amenable to the process.
3. DPD personnel and OIM staff submit any complaint where the complainant is amenable to mediation to Internal Affairs command staff for review. IAB command staff notifies the Monitor of any complaint that is approved for referral to the mediation program.
4. Both the IAB command staff and the Monitor must agree that a complaint appears appropriate for mediation for a complaint to be assigned to the mediation program. Upon such approval, the complaint file is transferred to the OIM's mediation vendor to contact the complainant.
5. Pursuant to DPD Operations Manual Section 503.01(4)b.4.a:
 - a. Any allegation of misconduct that falls into one of the following conduct categories as presented in the Discipline Handbook, is ineligible for mediation:
 1. Category E: Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the Department.
 2. Category F: Any violation of law, rule or policy which: foresee ably results in death or serious bodily injury; or constitutes a willful and wanton disregard of Department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.
 - b. Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of Sergeant, Lieutenant, or Captain is ineligible for mediation.

Effective March 22, 2010

- c. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the Manager of Safety, the Chief of Police, and the Independent Monitor all agree that mediation is appropriate.
 1. Category D: Conduct substantially contrary to the values of the Department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.
- d. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the Internal Affairs Bureau and the Independent Monitor agree that mediation is appropriate.
 1. Category A: Conduct that has a minimal negative impact on the operations or professional image of the Department.
 2. Category B: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
 3. Category C: Conduct that has a pronounced negative impact on the operations or professional image of the Department, or on relationships with other officers, agencies or the public.
- e. Even if a complaint is eligible for mediation, the Manager of Safety, the Chief of Police or his/her designee, or the Monitor or his/her designee has the authority to decide for any reason that a case should not be assigned for mediation.
6. If the complainant(s) has(have) agreed to mediation, an e-mail notice will be sent by the OIM's mediation vendor to the officer with a copy to his/her Commanding Officer, Internal Affairs, and the Independent Monitor, which shall include:
 - the complaint number,
 - the name of the complainant(s),
 - the brief description of the allegations,
 - an explanation of the mediation program,
 - a request that the officer contact the mediation vendor within the officer(s)' next five working days of receipt of the notice,
 - an explanation that participation in the mediation program is purely voluntary and that upon completion of the mediation, the complaint will be categorized as: "IAB Decline- Mediation."
7. If any of the involved officer(s) decline(s) to participate in mediation, the OIM shall return the case to Internal Affairs requesting that it be re-assigned in accordance with normal IAB policies and procedures.
8. If the involved officer(s) agree(s) to mediation, the Monitor's mediation vendor shall schedule the mediation within a timely period.

Effective March 22, 2010

9. The mediation vendor shall communicate to all of the involved parties (by the best means available) the time, date and location of the mediation. The mediator shall be responsible for ensuring that the mediation is scheduled and conducted in a timely manner.
10. All mediations must be conducted within the city limits of Denver, unless express consent is otherwise received from the involved officer(s) and the complainant. No mediation shall take place in a law enforcement facility except upon the express request of the complainant.
11. If a complainant fails to appear for a scheduled mediation session, without good cause, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAB. If any of the involved officer(s) fails to appear for a previously scheduled mediation, without good cause, the Monitor will notify IAB so that appropriate action can be taken. The complaint may then be processed by IAB as per normal policies and procedures. If either the complainant or the involved officer(s) fail(s) to appear for verifiable good cause, the party failing to appear is expected to reschedule upon the request of the other party. Failure to reschedule by the complainant may result in dismissal of the complaint by IAB. Failure to reschedule by the involved officer(s) may result in the return of the complaint to IAB to be processed as per normal policies and procedure.
12. The Monitor's Office may forward a letter of recognition to the appropriate supervisor for any officer who voluntarily participates in the Monitor's mediation program with respect to a complaint which would otherwise have been an IAB dismissal or who performs above and beyond expectations during the course of a mediation as identified by the mediation vendor.
13. Upon the completion of the mediation, IAB shall categorize the complaint as "IAB Decline- Mediation" and the case shall be closed.