

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

**Assignment of cases:**

The Monitor and Internal Affairs Bureau (IAB) Command Staff approve cases for potential mediation. No case is assigned to mediation without the approval of the complainant, the involved police officer(s), the Monitor and the IAB Command Staff. In cases involving a use-of-force resulting in an injury or the use of an impact weapon, or a violation that could result in the disqualification of an officer from being promoted to a higher rank, or dismissal or demotion, the Chief of Police and the Manager of Safety must approve the mediation as well. Should all of these parties approve mediation, the Monitor's staff shall refer the complaint to the mediation vendor to facilitate a successful mediation between the involved parties.

In cases involving issues relating to allegations of unlawful search or seizure, the Monitor's Office ensures a preliminary review of the case before contacting the complainant about mediation. The Monitor's Office seeks to ensure that any potential search or seizure violations are appropriately addressed by the Department.

Mediator case assignments are guided by the overriding priorities of timely and effective handling of cases. Relevant factors include the ability and expertise of the mediators, and the needs and diversity of the clients.

**Timeliness:**

Because the ultimate success of mediation efforts may be partly dependent on the timeliness with which mediations are carried out, assigned mediators shall make reasonable efforts to conduct mediations within 2 weeks of accepting a case. The target goal is to mediate within 30 days of selecting a case for mediation, and not to exceed 60 days.

**After the case has been accepted:**

The objectives of the mediation shall include resolution of the conflict in a fair and respectful manner, allowing the parties to better understand each other's perspective on the incident, affording an opportunity to improve relationships between the complainant (and the larger community) and the officer (and the Denver Police or Sheriff Departments) and to reduce the risk of future conflicts.

**Ethical requirements:**

Mediators are expected to adhere to standards of ethical practice that are embodied in "standards of mediation practice," excerpted below:

- **Self Determination:** Mediators shall respect and encourage the self-determination of participants in decisions regarding what process to use and regarding whether, and on what terms, to resolve their dispute.
- **Informed Consent:** The mediator shall provide mediation services only with the informed consent of participants to participate in the specific mediation process offered by the mediator. The mediator shall explain the mediation process (including the dismissal of the Internal Affairs complaint upon an agreement to mediate), the roles of the participants, and confidentiality.
- **Impartial Regard:** The mediator shall demonstrate and maintain a commitment to impartial regard by serving all participants at all times. A mediator shall withdraw from the mediation process if there are conflicts of interest or prior or present relationships with participants that may appear to compromise their impartiality, or continue only with the informed consent of all parties.
- **Confidentiality:** The mediator and the parties to the mediation shall maintain the confidentiality of all information and communications provided in confidence during the mediation, pursuant to C.R.S. Section 13-22-207, and as specified in an “Agreement to Mediate” signed by the participants prior to mediating.
- **Competence:** A mediator shall exercise his/her judgment and discretion as to whether s/he is competent to mediate a particular dispute, including in such judgment factors such as style of mediation, subject matter or the dispute, issues and participants involved. The mediator shall request appropriate assistance, withdraw or decline to serve if the necessary knowledge, skills and ability to mediate a particular dispute are lacking. The Monitor’s Office may arrange additional training for mediators relevant to community/law enforcement mediations.
- **Encourage Good Faith Participation:** The mediator shall encourage participants to participate in good faith, lay ground rules for acceptable, respectful conduct, and to terminate any mediation in which one or both of the parties refuse to adhere to those rules or the fairness and integrity of mediation cannot be maintained. Neither party shall be permitted to use a mediation session as an opportunity to demean, insult or intimidate the other party.
- **Fees:** The mediator shall not solicit or accept payment from participants additional to the fee paid by the City & County of Denver for a given mediation.
- **Dual-Role Limitations:** The mediator shall not engage in any non-mediative, advocacy role during mediation.

Effective March 22, 2010

**Reporting:**

The Monitor's Office has the responsibility to obtain information regarding mediation sessions to ensure the quality of mediation referrals and to meet the Monitor's own reporting and research requirements. Accordingly, outcome surveys are given to all mediation session participants, including the mediators at the conclusion of the mediation. Participation in the survey is voluntary for the mediating parties, but timely participation is required of contracted mediators.

**Monitoring:**

The Monitor's Mediation Program Manager or Community Ombudsman may request to attend mediation sessions as an observer, in adherence to the same conditions of confidentiality as all other participants. The purpose of any such observation is solely to monitor the quality and performance of the mediators, and no privileged information is made available to any other parties for any reason. Such attendance shall only be permitted with the consent of all parties to the mediation.

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