


# AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

<b>10.12</b>	<b>Title: MEDIATION</b>	
	Approved By: Vanessa Wilson, Chief of Police	
	Effective: 02/21/2015	Revised: 08/20/2020
	Associated Policy: DM 10.2	
	References:	
Review: Internal Affairs Commander		<b>Duty Honor Integrity</b>
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## 10.12 Mediation

Mediation is a voluntary and confidential process in which a professional mediator helps community member(s) and police officer(s) or civilian personnel talk and listen to each other. It is a chance for officers/civilian personnel to hear how their actions affected community members and vice versa. Mediation provides an alternative to the traditional complaint and disciplinary process in Aurora.

Mediation is not a process to make judgments about right or wrong. It is not a session designed to force parties to “shake hands and make up.”

There are many benefits of using mediation. These include: allowing officers/civilian personnel and community members to resolve complaints themselves instead of depending on the judgment of others; is more satisfying than the regular complaint process as measured by existing programs; can make a real difference in the understanding, attitude and behavior of participants; can improve relationships between community members and police/civilian personnel, and; is cost effective.

A professional mediation firm is a necessity for such a program to be successful. The Internal Affairs Bureau (IAB) Commanding Officer is designated as the Citizen-Police Department Program Coordinator for the Aurora Police Department, and serves as the contact person for the mediation firm.

Mediation is not considered discipline in any manner.

### 10.12.1 Criteria for Mediation

Cases appropriate for mediation include incidents where a lack of communication or miscommunication between the parties is a substantial factor in the complaint or where such communication resulted in an escalation of the conflict between an officer/civilian personnel and a member of the community. Cases involving the use of force that did not result in bodily injury and/or involve the use of an impact weapons, Tasers, K-9, or chemical agents may also be appropriate for mediation. Additionally, cases of alleged

harassment that may be more a matter of perception than substance are appropriate for referral.

Cases that are inappropriate for mediation may include, but are not necessarily limited to:

- Allegations of a serious nature that if sustained would likely result in discipline greater than a written reprimand.
- Use of force complaints that result in bodily injury and/or involve the use of an impact weapon, Taser, K-9 or chemical agents.
- Law violations for an offense for which a conviction would rise to the level of a felony or a misdemeanor under Colorado statutes; except that, with respect to a misdemeanor for any vehicle or traffic related matter, the only misdemeanor offenses or traffic infractions that shall be inappropriate for mediation are the following: an offense for which a conviction would be individually assessed eight (8) or more points under CRS 42-2-127(5); driving while license is under suspension or revocation or in violation of a restriction; and violation of compulsory insurance provisions.
- Drinking on duty.
- Narcotic violations.
- Being untruthful.
- Responsibility of supervisory officers to investigate all complaints.
- Misappropriation of property.
- Solicitation or acceptance of gratuities.
- Racial or ethnic intimidation (where a matter of substance).
- Sexual harassment (where a matter of substance).
- Cases where criminal or traffic charges are not resolved through court (a secondary complaint, such as rudeness, may be appropriate for mediation).

Only if the Chief of Police and the Executive Director of the mediation firm agree, may a complaint that falls within the categories identified above as inappropriate, be designated for mediation. Even if a complaint is eligible for mediation, the Chief of Police or the Executive Director of the mediation firm has the authority to decide for any reason that a case should not be assigned for mediation.

#### 10.12.2 Recommendations for Mediation

If IAB is the first to receive the complaint and believes it suitable for mediation they will handle contacting the mediation firm. If a supervisor receives the complaint first and believes it appropriate for mediation he/she will make the recommendation of mediation and forward the complaint to IAB. If IAB reviewed the complaint and sent it to the appropriate supervisor for investigation, and that supervisor believes it suitable for mediation he/she will contact IAB to discuss the incident. If IAB disagrees with the meditation recommendation the supervisor will complete their investigation and send it on up their chain to the appropriate Division Chief for determining the potential

for mediation. If IAB and the Division Chief disagree on the potential for mediation then the Chief will make the final determination. Additionally, the involved member may make such a request through his/her supervisor. The supervisor recommending mediation will select "recommend mediation" in his/her tracking window recommendation drop down box. . This will be in addition to any other narrative that is a part of the investigation. If the involved member requests mediation, but the supervisor does not agree, the "recommend mediation" recommendation will not be selected, but the member's request will be documented in the tracking notes."

Finally, should the Chief of Police decide that the case is not appropriate for mediation; the involved member (if sworn) may appeal to his or her labor association who may then ask for a meeting with the Chief of Police to discuss the merits of mediation in the case. The Chief of Police will make the final determination.

The involved member and/or complainant may decline mediation. If this is done, the complaint will follow the normal process.

#### 10.12.3 Additional Uses of Mediation

In addition to using mediation services for complaints, these services may also be used for employee disputes that occur in the workplace but do not rise to the level of a complaint. Mediation is also available for other purposes that a supervisor may encounter, subject to the approval of the Internal Affairs Bureau Commander or of a Chief.