

	Greenville, SC Police Department <b>GENERAL ORDER</b>		
	<b>Subject</b> Mediation Procedures	<b>Number</b> 161	<b>Type</b> Administrative
<b>Effective Date</b> September 27, 2016	<b>Amends/ Rescinds</b> New Policy	<b>Pages</b> 1 of 2	<b>Re-evaluation</b> Annual-June
<b>References</b> CALEA 25.1.1; 25.1.2; 25.1.3; 26.1.1; 26.1.6; 35.1.5			<b>Notes</b>

## 1.0 POLICY

Community-Police Mediation is a voluntary and confidential process during which a neutral, professional mediator facilitates productive dialogue between community members and Police employees to resolve complaints regarding alleged police misconduct.

The mediation process is a forum designed to enable community members and Police employees resolve complaints amicably, without relying on the judgment of others. While consensus between parties is optimal, agreement or apologies are not required from either party. Mediation seeks to help participants understand the perceptions, behavior and motivations of one another, foster understanding, improve future interactions, and strengthen police-community relations. The facilitated conversation provides an opportunity to explain policy and procedures, allows for introspection to improve future contacts, and assists in building community confidence and trust in law enforcement.

Mediation is not discipline and does not involve the traditional complaint investigation process. Mediation occurs only if the complaint is of the type that can be mediated, where approval is granted by the Professional Standards Division (PSD), and both the complainant and the employee agree to participate. The mediation process is confidential, voluntary, confidential, and mediation details are not subject to subpoena or Freedom of Information Act.

## 2.0 CRITERIA FOR MEDIATION

Complaints most appropriate for mediation include those where a lack of effective communication between a person and Police employee led to a complaint. Ineligible complaints involve serious allegations which, if sustained, would likely result in discipline greater than a written reprimand.

Examples of *eligible* incidents include, but are not limited to the following:

- Allegations of discourteous or rude treatment or behavior;
- Complaints of biased-based policing;
- Harassment or disparate treatment;
- Lack of effective communication between the citizen and the officer;

- Future interactions with the complainant are probable;
- Use of force resulting in injury (with approval from PSD).

Examples of *ineligible* complaints include, but are not limited to the following:

- Physical force using impact or deadly weapons and/or resulting in substantial injury;
- *Violations of law* in which a court proceeding (traffic or criminal) is pending for the citizen, and the employee is a witness;
- Accusations of corruption or other criminal behavior.

Additionally, an employee is *ineligible* for complaint mediation if any of the following apply:

- The employee has received more than two citizen complaints within the previous 365 calendar days.
- The employee has a pending review in the Early Intervention System. (If upon review by the employee's chain of command and with the concurrence of PSD, it is determined that the employee needs no corrective action or placement on an individual performance plan, mediation may be recommended.)

The Chief of Police or his designee has the final authority to permit or deny any complaint for mediation.

### 3.0 RECOMMENDATION FOR MEDIATION

Once a complaint is received, the PSD will review all details to determine if it meets the criteria for Community-Police Mediation. If the complaint meets the eligibility requirements, the PSD will notify the citizen and employee in writing that the case has been recommended for mediation. The citizen and employee must both voluntarily agree to the mediating the complaint. If either party does not wish to participate, the complaint will be investigated by PSD.

Mediation of a complaint is neither considered nor results in a PSD investigation. At the conclusion of mediation, the complaint is considered "resolved through mediation" and there is no personnel action associated with the complaint.

### 4.0 PROCEDURE

- 4.1 The complainant and Police employee must both agree to the mediation process. Both parties must sign the City of Greenville Agreement to Mediate.
- 4.2 The mediation location will be determined by the mediator.



- 4.3 Officers will attend mediation on duty and in full uniform. If the mediation involves a plain clothes officer, then the officer will attend in the uniform of the day, but only one that presents a professional and groomed appearance.
- 4.4 Since mediation produces non-binding results, recording devices and personal representation are not permitted in any mediation session.
- 4.5 Employees agreeing to mediation must complete all documents that are provided, including the confidentiality agreement and exit survey. An employee who has agreed to the mediation process must appear at the date and time scheduled for the mediation session.
- 4.6 An employee will be allowed to reschedule one session, provided that proper and reasonable notification has been made. If an employee fails to appear without providing proper notification, the complaint will be investigated using the normal complaint investigation process.
- 4.7 Attendance at mediation is considered normal work time. If the employee fails to show up for a scheduled mediation session; this will be investigated as any failure to report for assigned duty.
- 4.8 A complainant may reschedule one session, provided that proper and reasonable notification has been made to the mediation group. If a complainant fails to appear without providing proper notification, the complaint will be dismissed without further action
- 4.9 Employees are expected to participate in good faith during the mediation session. Good faith is defined as follows:
  - 4.9.1 The employee actively listens to the perspective of the other party.
  - 4.9.2 The employee respectfully and tactfully communicates his/her own perspective and engages in discussion to promote mutual understanding. Good faith does not require agreement on any particular point.
  - 4.9.3 If the mediator determines that the employee did not participate in good faith, the complaint will be processed using the normal complaint investigation process, and possible escalating disciplinary sanctions could apply.
  - 4.9.4 If a citizen refuses to complete all documentation or if the mediator rules they did not participate in good faith, the complaint will no



longer be considered valid and no further action will be taken against the employee in regard to the specific complaint.

- 4.10 Employees must conduct themselves in a professional manner during mediation. If, during the mediation process, an employee violates any Code of Conduct rule, a separate complaint investigation will be initiated.
- 4.11 If mediation is concluded and the citizen is not satisfied with the results, there will be no further action taken by the Department. PSD will not receive the outcome of the mediation but will be notified if the employee successfully participates.

## 5.0 MEDIATION POINTS

Mediation sessions typically last 45-60 minutes. They are conducted in a safe, neutral location in the presence of a professional mediator who is trained in techniques to start and guide conversations. During the initial consultation, both parties will be separately provided guidelines on the mediation process. The mediation process is designed to foster an understanding of what happened from each other's point of view, listen, clarify any misunderstandings, learn, and walk away resolved (maybe not in agreement, but understanding).

## 6.0 DOCUMENTATION MAINTENANCE

PSD shall maintain all documents and forms associated with mediation. PSD will compile all mediation data annually in writing to the Chief of Police.

  
Kenneth C. Miller  
Chief of Police

9/27/14  
Date

