

## PSF-5.09 - Independent Police Review - Mediation Program Protocols ([Printable Version](#))

### INDEPENDENT POLICE REVIEW DIVISION (IPR) - MEDIATION PROGRAM PROTOCOLS

*Administrative Rules Adopted by Bureau Pursuant to Rule-Making Authority*

ARB-PSF-5.09

1. At the conclusion of an interview with any IPR complainant, unless a case involves an allegation of excessive use-of-force or an allegation of criminal conduct against an officer, the IPR Intake Investigator shall ask the complainant whether s/he would be interested in mediating the complaint. The IPR Intake Investigator shall explain the mediation program to the complainant (including the fact that there can be no appeal from a mediation) and indicate in the IPR file whether the complainant is amenable to the process.
2. The IPR Intake Investigator shall complete the processing of the complaint, in accordance with normal IPR policies and procedures, and submit the complaint for review by the IPR Director.
3. The IPR Director shall determine whether the complaint appears appropriate for mediation. No case may be assigned for mediation without the approval of the IPR Director. If the IPR Director concludes that a case may be appropriate for mediation, s/he shall immediately confer with the Captain of the Internal Affairs Division (IAD) in order to determine whether the Bureau will accept the case for mediation. No case may be assigned for mediation without the approval of the IAD Captain or his/her designee.
4. Upon approval by the IPR Director and the IAD Captain for mediation, the IPR file shall be provided to the IPR's Community Relations Coordinator.
5. If the IAD Captain approves a case for mediation, a notice, preferably e-mail, will be sent to the officer through his/her RU Manager, within two days of the decision to approve the case for mediation, which shall include:
  - the complaint number,
  - the name of the complainant(s),

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- the time and place of the incident involved,
- the nature of the complaint,
- an explanation of the mediation program,
- an advisement to the officer(s) of the IAD Captain's conclusion that the case is appropriate for mediation,
- an order from the IAD Commander that the involved officer (s) contact the IPR Community Relations Coordinator at (503) 823-0926 within the officer(s)' next three 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 "IPR Referred-Mediation."

The IAD Captain shall also send a written confirmation of this notice, via Inter-Office Mail, with a copy to the appropriate Assistant Chief.

6. The involved officer's Commander shall ensure that the involved officer(s) are provided with the notice from IAD as soon as possible.
7. The Community Relations Coordinator will explain the mediation process and ask the officer(s) if they want to mediate the complaint. If any of the involved officer(s) decline to participate in mediation, the complaint shall be processed for possible referral to Internal Affairs in accordance with normal IPR policies and procedures.
8. If the involved officer(s) agrees to mediation, the IPR Community Relations Coordinator shall determine the officer (s)' availability for mediation to be conducted within the next 30 days. The Community Relations Coordinator shall then contact the complainant in order to verify his or her willingness to participate in the program. The Community Relations Coordinator shall explain to the complainant that upon the conclusion of the mediation, there will be no Internal Affairs investigation and no appeal to the IPR or the Citizen Review Committee. If the complainant declines to participate in the program, the complaint shall be processed for possible referral to Internal Affairs, in accordance with normal IPR policies and procedures. If the complainant agrees to participate in the program, the Community Relations Coordinator shall determine the complainant's availability for mediation to be conducted within the next 30 days.
9. The Community Relations Coordinator shall contact the previously approved mediators on the IPR Mediation Panel and assign one or two mediators to handle a mediation, which shall take place at a time and location appropriate for all parties. The Community Relations Coordinator shall contact the involved officer's supervisors in order to facilitate the officer's appearance at the mediation while on duty.
10. The Community Relations Coordinator shall communicate to all of the involved parties (by the best means available) the time, date and location of the mediation. The Community Relations Coordinator shall forward IPR mediation literature

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to all of the involved parties to assist them in preparation for the mediation. The Community Relations Coordinator shall also send to the involved parties the "consent to mediate" form, which shall include a confidentiality agreement for their signature.

11. The Community Relations Coordinator shall be responsible for ensuring that the mediation is scheduled and conducted within 30 days of the assignment of the involved mediator (s).
12. All mediations must be conducted within the city limits of Portland, unless express consent is otherwise received from the involved officer(s) and the complainant. No mediation shall take place in a Police Bureau facility without the express consent of the complainant.
13. 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 declined by the IPR. If any of the involved officer(s) fails to appear for a previously scheduled mediation, without good cause, the IPR Director will notify the officer's RU Manager, through channels, so that appropriate action can be taken. The complaint may then be processed for possible referral to Internal Affairs, as per normal IPR policies and procedures.
14. Any mediation may be observed by the IPR Director, the Community Relations Coordinator or another member of the IPR staff or a member of the CRC, as designated by the IPR Director.
15. The IPR Director may forward a letter of recognition to the Chief of Police for any officer who voluntarily participates in the IPR mediation program with respect to a complaint which would otherwise have been an IPR or IAD decline.
16. Upon the completion of the mediation and the receipt of a report from the assigned mediator(s) indicating that the mediation has taken place, the IPR Director shall categorize the complaint as "IPR Referral-Mediation" and the case shall be closed. No entry relating to the mediation shall be placed in an involved officer's IAD file. The assigned mediator(s) shall be required to provide a report to the Community Relations Coordinator within seven days of the completion of the mediation.
17. No appeal of a completed mediation shall be permitted before the Citizen Review Committee. The CRC Internal Process Work Group shall, however, audit complaints handled as mediations on a quarterly, semi-annual or annual basis, as instructed by the CRC and provide appropriate comment to the IPR and IAD on the handling of mediations on a continuing basis. No public comment by the Internal Process Work Group shall be permitted without the approval of a majority of the CRC.

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## **HISTORY**

Submitted for inclusion in PPD October 23, 2002.

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IPR Citizen Review Committee, effective September 3, 2002.

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