

PSF-5.10 - Independent Police Review - Mediation Program Guidelines - [Printable Version](#)

INDEPENDENT POLICE REVIEW DIVISION (IPR) - MEDIATION PROGRAM GUIDELINES

Administrative Rules Adopted by Bureau Pursuant to Rule-Making Authority

ARB-PSF-5.10

Section 1 - Assignment of cases

The Independent Police Review Division shall select cases for potential mediation. Once cases have been selected, IPR will seek the approval of the complainant, the police officer, and the Portland Police Bureau. Should all of these parties approve mediation, the IPR Community Relations Coordinator shall select a mediator and contact them to determine if they are available to take the case. Mediators may also be requested to co-mediate with other mediators who have also been approved by IPR. If the mediator(s) is available, IPR will forward the case report to the mediator(s) for review.

IPR shall make reasonable efforts to distribute cases fairly between contracted mediators, but shall be 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.

The mediator is not obligated to accept a case, nor shall they be penalized for declining a case, but they shall notify the IPR Community Relations Coordinator or Director in a timely fashion (within 5 working days) if they believe, having reviewed the case, that it is not suitable for mediation, or that it would be better assigned to another mediator.

Section 2 - Timeliness

Because the ultimate success of mediation efforts may be partly dependent on the timeliness with which mediations are carried out, 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.

Section 3 - After the case has been accepted

If the mediator accepts the case, the IPR Mediation Community Relations Coordinator will arrange for a time and place for the mediation. The mediator may meet with both parties, either together, separately or both, and review the incident in an informal and non-confrontational setting, either at the IPR office, or an alternative location mutually agreeable to the mediator(s), complainant and police officer.

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 Portland Police Bureau) and to reduce the risk of future conflicts.

Section 4 - Ethical requirements

Mediators are expected to adhere to standards of ethical practice that are embodied in the Oregon Mediation Association's "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, the roles of the participants, and confidentiality. The mediator must also inform the participants of the need to be realistic in protecting themselves against possible abuse of the mediation process.
- **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:** A mediator shall maintain the reasonable expectations of the participants with regard to confidentiality, and in a manner consistent with confidentiality laws for the State of Oregon, as specified in the "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. IPR may arrange additional training for mediators relevant to citizen/police mediation.
- **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 Independent Police Review Division for a given mediation.
- **Dual-Role Limitations:** The mediator shall not engage in any non-mediative, advocacy role

during mediation.

Section 5 - Reporting

The IPR will make every effort to minimize the reporting required of mediators. However, the Independent Police Review is obligated to obtain information regarding mediation sessions necessary for quality monitoring purposes and to meet IPR's own reporting and research requirements. Accordingly, outcome surveys will be distributed to all mediation session participants, including the mediators. (See Attached Survey). Participation in the survey is voluntary for the mediating parties, but timely participation is required of contracted mediators. Mediator survey forms will be distributed to mediators when cases are assigned, and are to be submitted along with the invoices for each mediation.

Section 6 - Monitoring

The IPR Community Relations Coordinator may attend mediation sessions as an observer, in adherence to the same conditions of confidentiality as all other participants. The purpose of any such observation or recording would be solely for quality monitoring and administrative purposes by the Independent Police Review Division, and no privileged information would be made available to any other parties for any reason.

HISTORY

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