



**METROPOLITAN POLICE DEPARTMENT
NASHVILLE, TENNESSEE**

Roll Call Training / Shift Briefing

M.P.D FORM 101

SUBJECT: MNPD Mediation Program for Minor Complaints	REVISED: N/A	RESCINDS: N/A
REFERENCE or AUTHORITY: MNPD Manual 4.10 Discipline and Corrective Action	EFFECTIVE DATE: August 15, 2019	DISTRIBUTION: All Personnel

I. PURPOSE

The purpose of this rollcall training document is to advise MNPD personnel of newly authorized procedures for the mediation of minor complaints. This pilot program has been utilized by MNPD's Office of Professional Accountability over the past year to successfully resolve several complaints. The department would like to extend this pilot program to the precincts and other divisions within the department, to further evaluate its effectiveness and benefits.

Until such time as the MNPD Departmental Manual has been updated to include the MNPD Mediation Program Procedures, this roll call training document shall serve as official policy.

In accordance with the current requirements, supervisors shall ensure all employees under their command are aware of this document, by having them sign a daily worksheet (MNPD Form 255, Daily Worksheet), or other component receipt form acknowledging they have received notice of the information and accept responsibility to follow the directive(s) contained herein.

II. KEY POINTS TO COVER DURING ROLL CALL TRAINING

- A. The department recognizes there are many potential benefits to a mediation program. When appropriate, minor complaints may be referred for mediation as an alternative to the department's traditional complaint resolution process.

Mediation is a private, voluntary, and confidential process in which professionally trained, neutral mediators guide community members and police officers through a constructive discussion about a contentious incident of which a complaint has been made.

It provides an opportunity for citizens to discuss concerns directly with police officers, and for officers to respond directly to citizens' complaints and, in this way, expands upon the MNPD's commitment to community partnerships.

Mediation is not counseling. It makes no determination of right or wrong nor does it blame or attack. It is not a process designed to force participants to “shake hands and make up” nor apologize or admit wrong doing. No evidence or witnesses are needed.

- B. The Nashville Conflict Resolution Center (NCRC) will be utilized for this mediation program. NCRC Mediators are trained professionals who have completed at least 40 hours training in a Tennessee Supreme Court approved program.

- C. Benefits of the Mediation Process:
 - 1. Allows officers and community members to resolve complaints themselves rather depending on a third party to decide the outcome;
 - 2. Generally, more satisfying to the participants - similar programs report an 85%-89% satisfactory rate;
 - 3. Potentially makes a real difference in the understanding, attitude, and behavior of participants;
 - 4. Often improves relationships between community members and police and provides a better understanding of policing; and
 - 5. Occurs much faster than the traditional complaint investigation process, thus time and cost effective.

III. GENERAL INFORMATION

- A. Supervisors receiving the initial complaint must review it carefully to determine if the complaint is categorizing the conduct or circumstances appropriately.

- B. Only minor complaints, as determined by the Director of OPA, should be considered for referral to mediation. Supervisors may refer other complaints, which appear to involve misunderstandings between the parties, when there is a reasonable basis to believe the parties could benefit from the mediation process.
 - 1. For instance, a complaint about racial profiling, improper traffic stop or behavior a citizen perceived as threatening (e.g., officer had his/her hand on weapon when approaching) may be a misunderstanding about why an officer made a stop or a misunderstanding about police tactics/officer safety measures.
 - 2. If upon initial review, the supervisor has a reasonable basis to believe there is a violation of departmental policy, the matter may not be eligible for referral to mediation. If the complaint appears to stem from a misunderstanding between parties, the matter may be referred in accordance with procedures outlined below.
 - 3. Supervisors wishing to submit such a complaint to mediation shall articulate his/her reasoning for the referral.

- C. Cases **NOT** appropriate for mediation under any circumstances include incidents involving the attempted or actual use of force or complaints alleging criminal conduct of an officer.

- D. Participation in the mediation process is strictly voluntary.

- E. Both the citizen and the employee must agree to participate, and for a successful mediation to occur, both parties must participate in good faith, as determined by the mediator.
- F. An effort will be made to schedule the mediation meeting in a timely manner after a complaint is received.
- G. The employee will be directed to attend any schedule meeting in plain clothes, with their firearm concealed.
- H. Every effort will be made to accommodate both the citizen's and employee's schedules; with the employee attending in an on-duty status (shift exception may be necessary).
- I. Mediation will be considered to be successful when both parties participate in good faith, as reported to the department from the mediator. A MNPDP Form 312, Complaint Report, shall be completed with an investigative finding of Matter of Record assigned to the policy provision and no further investigation will occur.
- J. Documentation of the successful mediation (documentation of the complaint, mediation referral form, mediation outcome form, etc.) shall be attached to the MNPDP Form 312.
- K. In the event mediation is considered to be unsuccessful, based on the employee not acting in good faith, as reported to the department by the mediator, a full investigation will occur.

IV. REFERRAL PROCEDURES

- A. When a citizen complaint is received by the department, a referral to mediation may be made prior to a full investigation, providing the referring supervisor has reviewed the complaint to ensure proper categorizing of conduct and that the complaint meets the criteria for a referral to mediation, as outlined above.
- B. If the citizen's documented complaint meets established criteria for mediation, a NCRC Mediation Referral form (attached), completed by the employee's supervisor, shall be emailed to OPA for review. OPA will then forward the referral to the NCRC representative. (See bottom of form for email address)
- C. Should several violations of policy be reported on one complaint, or numerous complainants are connected to one incident, the complaint should be processed through the established internal MNPDP procedure as outlined in current policy.
- D. The referring supervisor must establish that both the officer and the citizen have consented to mediation prior to a referral being made. Once the referral has been accepted, the coordinator will contact parties and convene a mediation session.

- E. If all parties agree to mediation, both the MNPD employee and citizen making the complaint shall be asked to complete an Agreement to Mediate form at NCRC. (form attached below)
- F. NCRC will make every reasonable effort to conduct mediation within 30 days of accepting a case and contacting the parties. Note: time spent processing a complaint through the mediation process shall not be included in the 45 day investigative timeline outlined in current policy.
- G. Once mediation has been completed, a mediation outcome form will be emailed to the referring supervisor within 14 days of the completion date.
- H. Once the referring supervisor receives the mediation outcome form, MNPD Form 312, Complaint Report, shall be completed with a finding of Matter of Record given to the policy provision. A note on the MNPD Form 312 regarding the mediation shall be used, such as the following:

“NOTE: The complainant and employee agreed to participate in mediation. Mediation occurred on (insert date) with both parties mediating in good faith and with a successful outcome.

THIS COMPLAINT WILL BE CLOSED AS A MATTER OF RECORD AT THIS TIME.”
- I. Documentation of the successful mediation (documentation of the complaint, mediation referral form, mediation outcome form, etc.) shall be attached to the MNPD Form 312.
- J. MNPD Form 312, Complaint Report shall be processed per current departmental policy.

SEE ATTACHMENTS

***If you have any questions or need additional assistance, please contact:
MNPD Office of Professional Accountability (615-862-7317)***