

Standard Operating Procedures

MEDIATION

Austin Police Department Office of the Police Monitor Dispute Resolution Center

SCOPE

As the primary point of contact for complaints against sworn Austin Police Department (APD) police officers, the Office of the Police Monitor (OPM) will provide a Mediation Coordinator for complaints identified and referred to the Dispute Resolution Center (DRC). Neither the APD nor the OPM will be involved in the actual mediation of a complaint. The DRC will be fully responsible for mediating complaints referred by the OPM/IAD (Internal Affairs Division).

CASE IDENTIFICATION

Consistent with the provisions of APD LexiPol 902.6.5 formal complaints will be identified by the OPM as appropriate for mediation and forwarded to IAD. The IAD Lieutenant will review the complaint and the referral. Complaints classified as a “B” and meet the established mediation criteria will be sent to the identified officer’s chain of command. The chain of command will notify the officer of the complaint and the ability to address/resolve the complainant via mediation. The officer must contact the Mediation Coordinator within two (2) business days to accept or decline mediation.

If the officer accepts mediation, the officer will provide the Mediation Coordinator with his/her contact information, including a telephone number, for the referral paperwork to the DRC.

The Mediation Coordinator will contact the complainant only after the officer has accepted mediation to offer mediation. If the complainant agrees to mediation, the Mediation Coordinator will complete the referral paperwork for the DRC.

If the officer declines mediation, the complaint will proceed through the standardized IAD Class B Investigation process. Mediation will not be made available to the complainant if the officer declines to mediate.

MEDIATION REFERRAL

The Mediation Coordinator will complete the Mediation Referral paperwork and send it via facsimile to the DRC. The Mediation Coordinator will also send a Mediation Referral letter and DRC brochure to each party. The letter to the parties will clearly state that each party must contact the DRC to set a time for the mediation.

SPECIAL NEEDS

At the time of the Mediation Referral, the Mediation Coordinator will notate on the facsimile cover sheet any known special needs of the involved parties. Special needs include language translation and provisions for seeing, hearing, and mobility impairment disabilities.

Hearing impaired complainants should attempt to make their own arrangements for translation. The DRC will assist complainants with meeting their special needs. The DRC is handicap accessible.

The DRC is equipped with a speakerphone and can accommodate one-party participation via telephone where necessary and deemed appropriate by DRC, OPM, and IAD.

AUDIO/VISUAL NEEDS

The Mediation Referral facsimile cover sheet provides notice to the DRC of Audio/Visual needs. The Mediation Coordinator will secure all applicable audio/visual files to be used at the DRC for mediation. A high capacity flash drive will be housed in IAD. IAD cases scheduled for mediation will be reviewed by the involved officer's chain of command. If there is audio/video of the officer/complainant interaction the chain of command will send the files to IAD. IAD will load the files on the flash drive and coordinate with the Mediation Coordinator.

On the day of the scheduled mediation, the Mediation Coordinator will deliver and retrieve the flash drive to/from the DRC. The Mediation Coordinator will return the flash drive to IAD following the mediation session.

INTAKE & SCHEDULING

Upon receipt of the Mediation Referral from the Mediation Coordinator the DRC will contact each party, the complainant and the officer, to complete an intake, answer questions and set a time for the mediation. The DRC will send a confirmation letter to the parties setting forth the agreed upon time and location for the mediation. The agreed upon location for mediation sessions involving APD officers and complainants is:

Dispute Resolution Center
5407 N. IH 35, Suite 410
Austin, Texas 78723
(512) 371-0033
(512) 371-7411 fax

The DRC staff will be the point of contact for the parties for scheduling, scheduling conflicts, or questions related to mediation.

Mediation sessions between APD officers and complainants will be allotted two (2) hours. Sessions will be scheduled on Tuesday and Thursday at 10:00 a.m., 2:00 p.m., 4:00 p.m. and 6:30 p.m.

As a general practice, mediation sessions will be co-facilitated by DRC trained volunteer mediators. Where practical there will be one male and one female mediator present. DRC mediators are not required to disclose their full names, professional credentials/careers, or backgrounds. In the interest of transparency, retired APD officers will disclose their Department affiliation. Mediators with a recognized conflict of interest or bias are expected to recuse themselves from the mediation session.

Mediation sessions will be attended by the DRC mediator(s), the involved APD officer and the complainant. The officer's chain of command, Austin Police Association representative, an attorney, family member, or friend of the officer or the complainant shall not be present during the mediation. Exception to the aforementioned is at the discretion of the DRC and the assigned DRC mediator.

PARKING & SECURITY

Parking at the DRC is free of charge and patrolled by Capital Plaza security. The Chase Bank building has on-site private security.

The Chase Bank building and the DRC are weapon free areas. Complainants will be asked if they have weapons prior to the mediation session and will be required to utilize the provided lock-box at the DRC for weapon security during the mediation session.

APD Officers will be considered on-duty during mediation sessions. APD officers will participate in mediation sessions in their full duty uniform or in attire appropriate for court. Uniformed officers are permitted to carry their duty weapons and related Department approved gear into the mediation session.

MEDIATION PROCESS

Prior to beginning the scheduled mediation session the assigned DRC Case Manager will have each party sign a Confidentiality Agreement. The DRC mediator(s) will establish the Ground Rules for mediation at the beginning of the mediation session.

The parties are also permitted to bring notes or other documents to reference during the mediation. The parties may also take notes during the mediation session. All notes taken during the mediation session will be collected and destroyed by the DRC staff following the completed mediation session.

The mediation session shall not be audio or video recorded for any reason by any party.

At the completion of mediation, the DRC will provide each party with a Mediation Exit Survey. The mediator will also complete an Exit Survey. The DRC will forward all three (3) Exit Surveys to the OPM Mediation Coordinator. The Mediation Coordinator will enter the applicable

data into the Internal Affairs Case Management System (ICMS) for tracking and trending purposes. The hardcopy documentation of the surveys will be maintained by IAD, not the OPM.

If the mediator notes that the parties participated in the mediation, the OPM Mediation Coordinator will notify the IAD Lieutenant that the mediation has been completed and the IAD complaint will be closed. No additional action related to the complaint will take place. If the officer failed to participate in the mediation the OPM will notify the IAD Lieutenant and the officer's chain of command. An officer's failure to participate in mediation will result in the case being returned to IAD for investigation. A complainant's failure to participate in mediation will result in the closure of the complainant.

For the purposes of mediation as it relates to an APD officer and a complainant, participation is defined as, a willingness to listen and to understand the perspectives of the other party. The parties are expected to treat one another with respect while they participate in an honest dialogue.

With the exception of the above, no other records will be kept by the DRC or any party involved in the mediation.

BILLING

The DRC has agreed to waive the fee associated with mediation. The DRC will however, bill the APD for administration fees in the amount of thirty-five (35) dollars for each mediation session. The DRC will provide an invoice inclusive of the IAD case number, the date, and the time of the mediation session held at the DRC for the previous month. The DRC will send bills to:

Lt. Fred Fletcher
Austin Police Department
P.O. Box 1088
Austin, TX 78767
(512) 974-8585
(512) 974-8503 fax