

	POLICY
	Unit: LEGAL
Number:	Title: COPA Community-Police Mediation Policy
Effective Date: 10/23/2025	Supersedes: IAP 11-01 (Public Safety Reform Division, Community-Police Mediation Pilot Program, 1/15/22)

Community Mediation Program (CMP)

PUBLIC POLICY STATEMENT

Effective policies ensure compliance with the law, promote the use of best practices, foster integrity and independence in the performance of COPA activities, and provide transparency regarding the procedures and standards for the conduct of those activities.

Committed to enhancing trust and understanding between residents and law enforcement, COPA provides a non-disciplinary remedy to address eligible complaints with a confidential and voluntary community mediation program. This alternative dispute resolution pathway addresses eligible complaints by facilitating dialogue between parties, promoting a belief that such conversations, when guided by neutrality and care, are powerful tools for building a more secure and equitable community.

PURPOSE

Under the Consent Decree entered in *State of Illinois v. City of Chicago*, N.D. Ill. 17-cv-06260, Paragraph 512, the City will ensure that “COPA and BIA have developed parallel policies regarding the mediation of misconduct complaints by non-CPD members” which will “govern mediation of misconduct complaints involving non-CPD member complaints.” COPA’s ordinance provides its the authority to “refer a complaint against a member of the Police Department within the Office's jurisdiction to mediation or such other methods of alternative dispute resolution that may be adopted in the Chief Administrator's discretion.”

COPA envisions mediation as a tool to bridge the communication gap and establish a better understanding and mutual respect between community members and the Chicago Police Department (CPD). The Community Mediation Program (CMP) shall be founded upon the principles of procedural justice. Procedural justice speaks to the idea of fair processes, and how people’s perception of fairness is strongly impacted by the quality of their experiences, not merely the end result of these experiences. Recognizing the needs and concerns of the public can build trust and legitimacy in police officers and the city’s public safety institutions.

Procedural justice provides the landscape to build trust between individuals and members of law enforcement to improve future community-police interactions, officer effectiveness and community encounters with law enforcement, and ultimately contributing to a safer community. Individuals' perceptions of procedurally just encounters are based on four central features of their interactions with authorities: whether they were treated with dignity and respect; whether they were given voice; whether the decision-maker was neutral and transparent; and whether the decision-maker conveyed trustworthy motives.

Mediation can be a valuable alternative dispute resolution tool for expediting the resolution of complaints, improve relations, and build a better understanding between CPD members and the communities they serve. Mediation provides a process to allow a constructive dialogue that gives an individual a voice to express their complaint(s) and their perception of how they were treated during the police-citizen interaction. CPD members will have an opportunity to explain police operations and the member's own perspective and/or challenges of the incident in question.

DEFINITIONS

Term	Meaning
Mediation	A voluntary and confidential process in which a mediator facilitates communication between parties to assist them in gaining understanding of the other person's perspective in a mutually agreeable way.
COPA Intake Unit	COPA staff assigned to act as the agency's first point of contact to facilitate the initial intake of complaints and notifications via COPA's various methods of information receipt, as well as make initial jurisdictional determinations, triage decisions, and conduct preliminary investigations.
Great Bodily Harm <i>(also referred to as Serious Injury)</i>	An injury of a graver and more serious character than an ordinary battery. This may include, but is not limited to, injuries resulting in unconsciousness; disfigurement; hospital confinement; permanent or protracted loss or impairment of the function of a body part, organ, or mental faculty; or a substantial risk of death.
Jurisdiction	Upon receiving a complaint related to any Department member, COPA's staff will make the determination to assign the complaint to COPA or the Chicago Police Department's Bureau of Internal Affairs (BIA), based on the allegation(s) of the complaint and complaint type classification.
Member History	The 12-month period used to establish whether the accused Department member has had two or more prior complaints with similar allegations to determine eligibility for mediation.

Director of Mediation	An internal title assigned to the ranking of COPA member assigned as the Director of COPA's Community Mediation Program. The Director of Mediation is responsible for screening eligible complaint types, outreach to the parties, scheduling, and record keeping for cases referred to mediation.
Mediator	A neutral third party who assists parties resolve disputes, disagreements, or conflicts with a facilitated dialogue, with a goal of helping parties understand each other's perspectives, and guide them towards a mutually agreeable resolution.
Successful Mediation	The voluntary participation in a mediation where the parties have heard, clarified, and understood the issues and each other's point of view to address the complaint in a mutually agreeable way. This may result in agreement or no agreement, but the participants are not required to reach a formal resolution.

POLICIES

I. Overview

With the assistance of an impartial community mediator, the community complainant and CPD member will meet and discuss the alleged misconduct and seek to address the complaint in a mutually agreeable way. This may result in agreement or no agreement, but the participants are not required to reach a formal resolution.

Participation is voluntary and may be withdrawn by any of the involved parties at any point. Successful mediation is defined as a process in which the parties have heard, clarified, and understood the issues and each other's point of view. A misconduct case resolved through mediation will result in closure of the complaint with no additional investigation or CPD member discipline.

A. Desired Outcome

1. Program Goals. CMP seeks to increase efficiency, transparency, and public trust in the support of procedural and restorative justice within the city's complaint-resolution process by:
 - a. Engaging the parties through listening and dialogue facilitated by a neutral mediator with the goal of gaining understanding about the other person's perspective in a mutually agreeable way;
 - b. Identifying the potential cause(s) of the parties' conflict, uncovering what factors led to the complaint, and engaging in collaborative problem-solving to attempt to resolve the dispute;
 - c. Providing CPD members an opportunity to better understand their interactions with complainants, learn from their past behaviors, and understand how their actions may affect future interactions with civilians;

- d. Providing community complainants an opportunity to better understand the conditions and responsibilities of law enforcement;
 - e. Demonstrating the desire to provide accountability for police actions;
 - f. And providing a neutral location that fosters a safe environment which encourages open communications for all parties involved.
- B. **Timeliness.** Because the ultimate success of mediation may be partly dependent on the timeliness with which mediation sessions are carried out, COPA will make best efforts to ensure mediation referrals occur in a timely manner. COPA will make best efforts to make any mediation referrals, regardless of jurisdiction, within **60** days of complaint filing with a target goal to complete mediation within **120** days of the date the complaint was initiated.
- C. **Neutral Locations.** COPA will endeavor to ensure that mediation sessions are held in accessible locations throughout the city. Mediation can be conducted virtually upon request and if agreed to by both parties.
- D. **Confidentiality.** Confidentiality is an essential element of the mediation process. All documents prepared during the mediation proceedings are confidential in accordance with the confidentiality provisions of law enforcement personnel records and the Illinois Uniform Mediation Act, 710 ILCS 35. Prior to participating in mediation, all parties must sign a Confidentiality Agreement that will include a prohibition on the use of any information disclosed in the mediation proceedings.
- E. **Qualified Providers.** COPA will endeavor to ensure that mediators chosen for the program must have received a certificate of completion from a reputable 40-hour mediation skills training program and additional training in community-police mediation.

II. Complaint Screening

- A. **Authority to Refer to Mediation.** Consistent with its intake authority to process all complaints of CPD member misconduct, COPA intake staff will make the final determination as to which complaints to refer to mediation, regardless of whether the complaint is within COPA or BIA's jurisdiction. Complaints that are within BIA's jurisdiction, are determined by COPA to be appropriate for mediation, and that are logged into the CMS no more than 30 days earlier, will be assigned to CPD with a notice of eligibility for mediation designation.

Upon receipt of the notice of eligibility, BIA will conduct a preliminary review of the case to; identify the CPD member(s) involved in the allegation; establish there are no secondary allegations; the CPD member has not participated in mediation more than two times in a 12-month calendar year; and there is not cause for any additional discipline to be determined and make a note in CMS detailing the findings of the preliminary investigation. BIA will conduct the preliminary investigation

within **25** business days of receiving notice of eligibility designation to either concur with the referral to mediate or retain the case for further investigation.

Upon completing the preliminary investigation, BIA has **5** business days to send a notice of concurrence to refer the complaint to mediation. Upon receipt of the concurrence to proceed, a case note of the determination will be made in CMS and COPA's Director of Investigations will review the case to ensure a thorough review of the preliminary investigative findings were conducted and properly noted in CMS. The Director of Investigations will then refer the matter to the Director of Mediation to begin the mediation process.

If there is a nonconcurrence with the referral to mediation or a timely response is not received, BIA will retain the case and route it through their normal investigative process.

B. Eligible Complaint Types. COPA intake staff will review the allegations of the complaint and determine whether it is appropriate for mediation. The review process will follow COPA's Intake policy regarding guidelines for preliminary investigation¹.

1. Eligible complaint types include:

- a. Perceived bias/harassment;
- b. Failure to provide service/neglect of duty;
- c. Discourteous treatment/unprofessionalism;
- d. Unnecessary physical contact;
- e. Use of force that does not result in death or serious bodily injury and not otherwise ineligible;
- f. 4th Amendment violation complaints not otherwise ineligible; and
- g. Any conduct not otherwise detailed in (i) – (vi) that, in the view of COPA Intake Coordinator, is likely to have a minimal negative impact on the operations or professional image of CPD or the complainant has conveyed that mediation is the preferred method of resolution

2. Ineligible complaint types include:

- a. An arrest of the complainant;
- b. A lawsuit filed related to the allegations in the complaint;
- c. An intimate partner relationship between the complainant or CPD member and/or cases of domestic violence involving physical abuse or threats of physical abuse;
- d. Use of deadly force;
- e. Sexual Misconduct
- f. Injury to complainant or CPD member; and
- g. Property damage caused by the complainant or CPD member.

¹ See COPA Policy (**Intake**, effective 6/24/21) for additional details regarding Preliminary Investigations and more specifically stated in VI.A.(1), "At any time during preliminary investigative efforts, COPA Intake Staff may recommend to COPA Intake Unit leadership non-disciplinary options to address Department member conduct such as... mediation..."

C. Member History

Generally, a complaint is not eligible for mediation if the accused CPD members has had two or more prior complaints with similar allegations within the past 12 months.

III. Notice, Referral & Participation Election

A. Notification. Upon determination that the complaint is appropriate for mediation, COPA will provide notice informing both the complainant and CPD member of the following:

1. That the complaint has been identified as eligible for mediation;
2. That the complainant has been referred to mediation; and
3. To expect contact from the Director of Mediation (or designee), who will provide more information regarding the mediation process, its purpose and goals, and how to proceed, should the complaint prefer mediation as a manner of resolving the complaint.

B. COPA will retain the sole authority to refer cases to Mediation.

Intake staff who believe a complaint meets mediation eligibility will flag the case appropriately in the Case Management System (CMS). COPA will ensure that notices to the complainant and CPD member are sent and a Referral to Mediation form is sent to COPA's Director of Mediation. Cases will be labeled as Mediated, Not Mediated, or Declined upon completion of a referred case life cycle. COPA Intake Director will determine whether a case not successfully mediated will be further investigated, or instead result in issuance of a non-finding closure, or non-disciplinary intervention, as appropriate.

C. Mediation Director

1. In determination eligibility for mediation, the Director of Mediation will:
 - a. Evaluate the sufficiency of preliminary investigative efforts and review case file material;
 - b. Ensure the eligibility/ineligibility criteria is applied appropriately;
 - c. The Director of Mediation (or designee) will contact the community complainant to determine if there are additional circumstances or allegations, not reported in the initial intake, which might make the case ineligible for mediation and
 - d. Document and track the complaint data by type, geographic location of the complaint by police district and beat for overall program data analytics.
2. If determined eligible, the Director of Mediation will:
 - a. Ensure that correspondence notifying the complainant of COPA's determination is generated and sent utilizing COPA Template (Notice to Complainant of Referral for Mediation) and documented in the CMS; and
 - b. Ensure that correspondence notifying the Accused Department member(s) of COPA's determination is generated and sent to the

CPD member utilizing the COPA Template (Notice to Department Member of Referral for Mediation).

3. Ensure proper adjustments to the status of the investigative file in CMS reflect the appropriate status indicating that the complaint is no longer pending the Director of Mediation's review.
 4. Initiate outreach to both the community complainant and the CPD member within **10 days** of referral to determine that the parties have:
 - a. Voluntarily elected to participate in mediation.
 - b. Individual's expressed desired outcome of the mediation.
 - c. Availability for scheduling the mediation, identify the location of where the event occurred to determine the location of the mediation, and any other requests for special accommodations.
- D. Authorization to Proceed. If the community complainant and CPD member both agree to mediation, the Director of Mediation will obtain authorization from both parties to proceed with scheduling and have parties sign a "Consent to Mediation" form.
- E. Scheduling
1. The Director of Mediation will identify, and schedule mediators based on the mediators' personal assessment, availability, and geographic location.
- F. Withdrawal from Mediation
1. If the community member withdraws from mediation, and the Director of Mediation determines that the CPD member meaningfully participates in good faith, the mediation process will terminate, and the complaint will be closed as attempted mediation.
 2. If the CPD member withdraws from mediation, or the Director of Mediation determines that the CPD member did not participate in good faith, the complaint will return to the investigative track at COPA.

IV. **Failure to Appear.** Parties are expected to attend and participate in mediation in "good faith" if the community complainant fails to appear for a scheduled mediation without good cause, they will be given one opportunity to reschedule due to unavoidable extenuating circumstances and with the CPD member's consent. Should the community complainant fail to appear for the rescheduled mediation, the case will be reassigned to an investigative squad for further investigation.

If any involved CPD member fails to appear for a scheduled mediation, they will be given one opportunity to reschedule if there were unavoidable extenuating circumstances and with the community complainant's consent, otherwise, the complaint shall be reassigned to an investigative squad for further investigation.

- V. **Record-Keeping.** The Director of Mediation (or designee) will document the screening decision, which will include the reasons that the complaint was or was not appropriate for mediation and provide notice to both community complainant and CPD member the outcome of the mediation and case, whether successful or not. COPA will also ensure that the following mediation outcome data are retained, including, but not limited to:
- A. agreements to participate
 - B. refusals to participate
 - C. participation in mediation sessions
 - D. failure to participate in, or withdrawal from mediation sessions
 - E. findings of good faith or lack of good faith
 - F. scheduling delays or difficulties in cases mediated beyond 120 days.

The Director of Mediation (or designee) will ensure that all notices, mediation intake, screening and outcomes forms are stored electronically within COPA's CMS system.

- VI. **Evaluation.** COPA will ensure that a program evaluation will be conducted following the first year of the mediation program, and as necessary thereafter.

EXCEPTIONS

N/A

RELATED INFORMATION

<u>Title</u>	<u>Link</u>
Referral to Mediation	<u>COPA Guidance</u>
Investigations	<u>COPA Policy</u>
Disciplinary and Remedial Recommendations	<u>COPA Policy</u>
Intake	<u>COPA Policy</u>