

COMMUNITY OVERSIGHT MEDIATION PROGRAM

- Initial Complaint – A Complaint is filed with MNCO regarding MNPD misconduct.
 - Following an Initial Complaint, MNCO Investigators will conduct a preliminary investigation. As a part of the preliminary investigation, MNCO investigators will determine whether the Complaint is eligible for Mediation.
 - Investigators will consider:
 - Whether the MNPD officer or employee was correctly identified;
 - Whether the MNPD officer or employee is eligible for mediation;
 - Officers may not mediate more than one MNCO Complaint per twelve (12) months or two MNCO Complaints per thirty-six (36) months.
 - Whether there is any ongoing civil or criminal litigation; and
 - Whether the Complaint is eligible for mediation.
 - All Complaints are eligible for Medication except:
 - Complaints alleging excessive force;
 - Complaints alleging serious bodily injury; or
 - Complaints alleging in-custody deaths.
 - If an Investigator has determined based on the aforementioned criteria that a case is eligible for Mediation, the case will be referred to the Legal Advisor to make the determination whether to forward the case to NCRC for Mediation.
 - Some Complaints that may not be suitable for Mediation as a result of a policy review will be referred to the Assistant Director for final determination on Mediation eligibility.
- Mediation Referral – Once it is determined that the Complaint and MNPD officer(s)/employee(s) are eligible for Mediation, the Legal Advisor or MNCO staff member will contact the officer(s)/employee(s) to determine whether they are willing to participate in Mediation.
 - If the officer(s)/employee(s) refuse to participate, the Complainant/Aggrieved Party will not be contacted about Mediation.
 - If either party declines Mediation, the Complaint will proceed through a standard investigation process.
 - **MEDIATION IS VOLUNTARY AND NEITHER PARTY IS REQUIRED TO PARTICIPATE.**
 - Once both parties have agreed to Mediation, the Legal Advisor will complete any Mediation Referral paperwork for NCRC. Additionally, a letter and Mediation brochure will be mailed to both parties.
 - The Mediation sessions will be scheduled by the NCRC Mediator(s).
 - As a general practice, sessions will be mediated by two (2) NCRC Mediators.
- Special Needs – At the time of referral, the Legal Advisor will notify NCRC of any known Special Needs. NCRC does not provide interpreters; therefore, MNCO will utilize all resources available as a Metro Government agency to provide an interpreter, if needed. NCRC is wheelchair accessible.
- Mediation Sessions – After the parties have agreed to mediate and the date/time of the session has been scheduled, the Mediation sessions will be conducted by NCRC's trained Rule 31 Mediators in accordance with best practices.

- Attire: Officers are to be considered on-duty during Mediation. However, Officers are not to wear their uniform to the Mediation. Instead, Officers should wear attire appropriate for court. MNPD officers are expected to adhere to MNPD's policy regarding their service weapons. Complainants/Aggrieved Parties are not permitted to carry firearms under any circumstance.
- Confidentiality Agreement: Each party will be required to sign a confidentiality agreement at the outset of the session.
 - Parties may be permitted to take notes; however, all notes will be collected by the Mediator(s) at the close of the session and destroyed.
 - Sessions will not be audio or video recorded for any reason.
- Mediators will adhere to Rule 31 of the Tennessee Supreme Court Rules as well as the standards of ethical practice listed in NCRC's Standard of Mediation Practice.
- Following the Mediation session, NCRC will provide each party with an exit survey, which will then be forwarded to MNCO to track the programs strengths and weaknesses.
- OUTCOMES – There are multiple potential outcomes from a Mediation session. At the conclusion of the Mediation session, the parties will determine whether the Mediation was successful by signing an Outcome Agreement.
 - If both parties participate in good faith, the Mediation will be determined "successful."
 - A "successful" Mediation will result in the MNCO Complaint against the officer being closed. MNCO will notify OPA of the result and recommend any OPA investigation against the officer(s)/employee(s) be closed with no record on their file.
 - If the parties determine that one or neither party participated in good faith, the mediation will be determined "unsuccessful" and returned to MNCO for Investigation.
 - If the officer(s)/employee(s) fail to appear for Mediation without just cause, the Complaint will be referred back to MNCO for investigation.
 - If the Complainant fails to appear for Mediation without just cause, the Complaint will be closed.