



COMMUNITY-POLICE MEDIATION PILOT PROGRAM



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CALEA:	Satisfies CALEA Law Enforcement Standards Chapter 26 and 46.		

I. PURPOSE

This directive:

- A. continues the Community-Police Mediation Pilot Program.
- B. outlines the implementation of a mediation program that provides a non-disciplinary alternative to the traditionally established investigative procedures for eligible complaints filed with the Civilian Office of Police Accountability (COPA) and/ or the Bureau of Internal Affairs (BIA).
- C. expands the Community-Police Mediation Pilot Program, which is administered by COPA with the guidance articulated in the COPA Community-Police Mediation Program (CMP) policy.
- D. introduces COPA's Director of Mediation as the administrator to the Community-Police Mediation Pilot Program.
- E. presents a program that is designed to provide an efficient, transparent, and equitable process for resolving complaints while strengthening public trust and improving future interactions between community members and the Department. Mediation serves as a constructive forum to bridge communication gaps, foster mutual understanding, and promote respect through direct dialogue. The effectiveness of the program can be achieved by:
 - 1. emphasizing that perceptions of fairness are shaped not only by outcomes, but by the quality of the process itself. Participants in the program are provided a meaningful opportunity to be heard, to share their experiences, and to better understand one another's perspectives. Complainants are able to express their concerns and describe how they experienced the interaction, while sworn Department members are given the opportunity to explain police procedures, decision-making, and the circumstances or challenges they faced during the incident.
 - 2. thoughtfully implementing core elements of procedurally just mediation interactions: treating all participants with dignity and respect; ensuring individuals have voice; maintaining neutrality and transparency in the process; and demonstrating trustworthy and sincere motives. By consistently applying these principles, the mediation process promotes fairness, accountability, and clarity.
 - 3. encouraging dialogue that acknowledges the perception of disagreement, promotes understanding, and supports voluntary, mutually agreed-upon resolutions, where appropriate, in a restorative manner. This approach prioritizes repairing relationships, addressing concerns in a meaningful way, and reducing the likelihood of future conflict experienced by the complainant or the sworn Department member.

II. SCOPE

- A. The Community-Police Mediation Pilot Program will:
 - 1. be available to all sworn Department members.
 - 2. be based upon voluntary participation where any involved party may withdraw at any time during the mediation process.

3. result in an agreement or no agreement.

NOTE: The participants are not required to reach a formal resolution at the conclusion of the mediation session.

4. ensure a misconduct case resolved through mediation will be closed with no additional investigation or sworn Department member discipline.

B. COPA's Director of Mediation will:

1. have the overall responsibility for the Community-Police Mediation Program. The Director of Mediation will ensure:

a. complaint(s) are assessed and screened during COPA intake review to determine eligibility for the mediation process.

b. outreach and scheduling are made to all parties involved in the mediation process.

c. mediation referrals occur in a timely manner.

d. documents and records are maintained for all cases referred to mediation.

2. administer the complaint-mediation process in a mutually agreeable way between the complainant(s) and the involved sworn Department member.

3. manage the use of City of Chicago independent mediators who possess a forty-hour mediator certification and will undergo an additional twenty-four hours of specific City of Chicago mediation training.

4. make the final determination whether the mediation process has been successful or not.

III. OVERVIEW

A. Mediation is a confidential process in which the complainant(s) and the accused sworn Department member meet face-to-face and, with the assistance of the neutral mediator, discuss the alleged misconduct with the goal of arriving at a mutually agreeable resolution.

B. Mediation sessions provide an opportunity for complainants and sworn Department members to better understand their individual roles and interactions during community and law enforcement encounters.

C. 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 within 60 days of the complaint filing with a target goal to complete mediation within 120 days of the date the complaint was initiated.

D. Mediation sessions will be held at neutral locations. If a mediation session is conducted virtually, the session times will be agreed to by the mediator and involved parties.

E. Confidentiality is an essential component to the mediation process. All communications and documents prepared in the course of the mediation proceedings are confidential in accordance with the provisions related to the confidentiality of law enforcement personnel records and the Illinois Uniform Mediation Act, [710 ILCS 35](#).

F. The complaint resolved through the community-police mediation process will result in closure of the complaint without additional investigation of the complaint or imposing other sworn Department member discipline.

IV. COMPLAINT SCREENING AND ELIGIBILITY

A. COPA and BIA will continue to accept and document complaints in the Case Management System (CMS) by the same established methods as any other misconduct allegation of a sworn Department member.

- B. Consistent with their authority to intake and preliminarily process all complaint(s) of a sworn Department member's alleged misconduct, COPA intake staff will make the preliminary determinations as to which complaints are referred to the Community-Police Mediation Pilot Program.

NOTE: As with any other complaint COPA receives, they have the discretion to add additional charges or allegations. Upon amendment of the complaint, COPA will determine if the revised complaint still falls within parameters for mediation eligibility.

- C. Eligible complaint types that the COPA intake staff will review and determine if appropriate for mediation referral:

1. perceived bias or harassment;
2. failure to provide service or neglect of duty;
3. discourteous treatment or unprofessionalism.
4. unnecessary physical contact.
5. use of force that does not result in death or serious bodily injury and is not deemed otherwise ineligible.
6. Fourth Amendment violation complaints not otherwise ineligible.

NOTE: An ineligible Fourth Amendment violation complaint refers to a complaint that falls within the categories listed as ineligible in Item IV-D of this directive.

7. any conduct not otherwise detailed in Item IV-C-1 through Item IV-C-6 that, in the view of the COPA Intake Coordinator, is likely to have a minimal negative impact on the operations or professional image of the Department or the complainant has conveyed that mediation is the preferred method of resolution.

- D. Ineligible complaint types include incidents involving:

1. use of deadly force by a sworn Department member;
2. an arrest of the complainant;
3. a lawsuit filed regarding the allegations in the complaint;
4. An intimate partner relationship between the complainant or sworn Department member or cases of domestic violence involving physical abuse or threats of physical abuse;
5. sexual misconduct allegations;
6. injury to the complainant or sworn Department member; and
7. property damage caused by the complainant or a sworn Department member.

- E. A member's complaint history will be considered in determining eligibility for participation in the Community-Police Mediation Pilot Program.

1. Generally, a complaint is not eligible for mediation if the accused sworn Department member has had two or more prior complaints with similar allegations within the previous twelve months.
2. The Chief Administrator of COPA may approve an exception to this guideline for good cause. The Chief Administrator (or designee) may consult with the Chief of CPD BIA (or designee) before making an exception for good cause. COPA will document the basis for good cause.

3. The sworn Department member cannot have participated in a mediation process more than two times in a twelve-month period.
- F. If COPA received a complaint within BIA's jurisdiction, COPA will send the complaint to BIA with an annotation that identifies it for mediation consideration. If BIA determines the complaint is suitable for mediation, BIA will send the complaint back to COPA's Director of Mediation for mediation eligibility confirmation.
 1. If COPA's Intake Coordinator disagrees with a BIA recommendation to refer a complaint for mediation, the Intake Coordinator will notify the Chief Administrator of COPA, or their designee, by email of the disagreement and request that the Chief Administrator review the administrative investigative file.
 - a. If the Chief Administrator of COPA, or their designee, also disagrees with BIA's recommendation, the Chief Administrator will notify the Chief of BIA, or designee, by email copying COPA's Intake Coordinator and Director of Mediation and will request a case conference to resolve the disagreement.
 - b. If the disagreement is not resolved after the case conference, COPA's Intake Coordinator will return the complaint to BIA for further investigation or resolution.
 2. COPA's Intake Coordinator will ensure that all correspondence regarding the disagreement, as well as any efforts to resolve it, is included in the Case Management System. All correspondence will be properly documented before the complaint is reassigned to BIA or retained by COPA.
- G. Once the complaint is determined to be eligible for mediation, the case will be transferred to COPA's Director of Mediation. Upon determination of eligibility, COPA will ensure the mediation session is scheduled within forty days.

NOTE: BIA has twenty-five days to complete their preliminary investigation, as defined in Department directive [Conducting Log Number Investigations](#), and five days to agree with the referral and notify COPA's Intake Coordinator. COPA's Director of Mediation, or designee, will then have ten days to schedule the mediation session.

V. COMMUNITY-POLICE PILOT PROGRAM MEDIATION PROCESS

- A. Within 10 working days of receiving the mediation referral identified by the COPA Intake Coordinator, the COPA Director of Mediation will initiate individual contact with both the community complainant and the CPD member to determine that both parties have:
 1. voluntarily elected to participate in mediation;
 2. expressed their individual desired outcome of the mediation; and
 3. availability for mediation scheduling.
 - a. The location of incident will be identified to assist in determining an appropriate mediation location.
 - b. A scheduled mediation will be held at a neutral location.
- NOTE:** For mediations that are conducted virtually, the mediator and participants must mutually agree to the desired time and date.
- B. Each mediation session will be conducted uniformly and will proceed in the following manner:
 1. Complaint counseling — An individual meeting scheduled by COPA's Director of Mediation to meet separately with both the community complainant and sworn Department member where the concept of mediation is explained. Additionally, the meeting will:
 - a. prepare the parties for what they can expect in the mediation session;

- b. explain that the parties will have their opportunity to articulate on their perspectives during the incident interaction;
 - c. preliminarily clarify parties' interest and goals for mediation; and
 - d. identify any special accommodations needed to foster a safe environment to conduct the mediation session.
2. Introductions — all participants will provide individual introductions.
 3. Mediator opening statement — the mediator will provide a statement explaining their role, articulate the rules of the session, and reinforce confidentiality assurances.
 4. Participants opening statement — each side will give a brief statement of accomplishment goals.
 5. Open conversation — the mediator will begin an open dialogue with the purpose of facilitating the understanding of each side's experience.
 6. Conclusion — the mediator will bring the discussion session to a close.
- C. All participants will be required to sign a confidentiality waiver form at the beginning of the mediation session. The agreement form requires, in part, the following:
1. All matters discussed during the mediation are privileged and confidential unless otherwise agreed to by all the participating parties;

NOTE: Information discussed in a mediation is privileged, not subject to the legal discovery process, nor admissible in any court proceeding. Confidentiality of law enforcement personnel records are regulated by the Illinois Uniform Mediation Act, [710 ILCS 35](#).
 2. An understanding by the participants that the mediator(s) may stop the mediation at their discretion if good cause exists to do so, including if the mediator has reason to believe that the complaint(s) or sworn Department member(s) is not participating in good faith; and
 3. Mediation sessions will not be recorded in any fashion and all notes or other documents created during the mediation, except by agreement of all the participating parties, will be destroyed after the session.

NOTE: The mediator(s) will disclose limited information to the Civilian Office for Police Accountability (COPA) as needed to communicate the mediation took place or was attempted.
- D. Procedures for complaints that are successfully mediated via the Community-Police Mediation Pilot Program.
1. Successful mediation is defined as a process in which the parties have presented, clarified, and understood each side's point of view and the issues surrounding the complaint.
 2. A goal of a successful mediation session is to facilitate listening and dialogue so that each participating party gains an understanding of the other party's perspective in a mutually agreeable way.

NOTE: A successful mediation may result in an agreement between the participants, but it can also be considered successful even if no agreement is reached. Participants are not required to reach a formal resolution for the mediation to be successful, as the process itself can promote understanding, communication, and progress between the parties.
 3. The resolution of a successful mediation will close the complaint without additional investigation or sworn Department member discipline.

4. As with all complaints received against sworn Department members, a log number documenting the complaint will be opened in the CMS. A mediated complaint will be placed in a "Mediated" closure status by COPA and will not be converted to a complaint register number.
 5. Since the mediation process is a non-disciplinary resolution, the mediated complaint will not appear on the member's "sustained disciplinary history." It will, however, appear on the member's "complaint history."
- E. Procedures for complaints that are not successfully mediated via the Community-Police Mediation Pilot Program.
1. Withdrawal from Mediation
 - a. If the community member withdraws from mediation, and the COPA Director of Mediation determines that the sworn Department member meaningfully participated in good faith, the mediation process will terminate and the complaint will be closed as "attempted mediation." The complaint will not be converted to a complaint register number investigation.
 - b. If the sworn Department member withdraws from mediation, the mediation process will be terminated and COPA or BIA, depending on the nature of the complaint, will proceed with the investigation in accordance with their investigation standards.
 2. Parties are expected to attend and participate in mediation in "good faith."
 - a. If the COPA Director of Mediation determines the sworn Department member is not participating in good faith, the Department member will be considered to have withdrawn from the mediation process. The mediation process will be terminated, and COPA or BIA will proceed with the investigation in accordance with their investigation standards.
 - b. If the COPA Director of Mediation determines the complainant is not participating in good faith, the complainant will be considered to have withdrawn from the mediation process. The mediation process will be terminated and the complaint will be closed as "attempted mediation." The complaint will not be converted to a complaint register number investigation.
 3. Failure to Appear
 - a. 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 sworn Department member's consent. Should the community complainant fail to appear for the rescheduled mediation, the mediation process will terminate and the complaint will be closed as "attempted mediation." The complaint will not be converted to a complaint register number investigation.
 - b. If the sworn Department 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 mediation process will be terminated and COPA or BIA, depending on the nature of the complaint, will proceed with the investigation in accordance with their investigation standards.

VI. COMMUNITY-POLICE MEDIATION PILOT PROGRAM EVALUATION

COPA's Director of Mediation will:

- A. ensure that a program evaluation will be conducted following the first year of the mediation program and as necessary thereafter.

- B. *ensure all the forms associated with the program are stored and retained in the Case Management System (CMS).*
- C. *coordinate with the Chief, Bureau of Internal Affairs, to ensure the effectiveness of the process associated with the Community-Police Mediation Pilot Program.*
- D. *evaluate the best efforts applied to make any mediation referrals within 60 days of the complaint filing with a target to complete mediation within 120 days of the date the complaint was initiated consistent with Item III-C.*

(Items indicated by *italics/double underline* were added or revised.)

Authenticated by MWK

Larry Snelling
Superintendent of Police

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