TRAINING PATROL POLICE OFFICERS TO MEDIATE DISPUTES

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A patrol officer responds to a disturbance call at a local bar where two patrons are fighting over a video game. The officer separates the parties and, after a brief discussion, convinces one of them to leave. The officer goes back on patrol, only to be dispatched to the same location an hour later. This time, the officer arrests one of the men for assault.

How might this scenario have ended differently? Could the officer have peacefully resolved the dispute without having to return to the scene later or arresting one of the parties? The answers to these questions lie in the concept of mediation.

Whether they realize it or not, many officers already employ some form of mediation. However, formal mediation represents a step-by-step conflict resolution strategy in which the parties fashion their own agreement. The method enjoys popular use as an alternative to litigation (e.g., as a way to divide assets pursuant to a divorce), and if given a chance, mediation can become just as popular in policing.

Why Mediate?

The concept of patrol officers' receiving mediation skills training or undergoing mediator certification training is so new, few empirical studies exist to show its benefits. Some evidence, however, indicates that by using mediation, the police can drastically reduce repeat calls for service. For example, the Hillsboro, Oregon, Police Department has documented a correlation between mediation and a reduction of repeat calls. This finding suggests that mediation represents a substantive, not superficial, treatment of interpersonal disputes, and as such, it can decrease repeat calls for service. The Pittsburgh, Pennsylvania, Police Department has found that training police officers in mediation has proven so helpful that the department has enacted an official policy mandating mediation use for many interpersonal disputes.

Though preferable, officers do not necessarily need to become certified mediators. Mediation training can improve officers' interpersonal skills and show
them how their attitudes and behavior influence the actions of others. As a result, they can better handle disputes and prevent incidents from escalating. In doing so, they avoid injury to themselves and others while increasing citizen satisfaction with the police response. Understandably, satisfied citizens remain less likely to file complaints against the department.

Perhaps mediation achieves its best results in bolstering existing community policing philosophy, programs, and missions. For example, community policing champions citizen empowerment. When patrol officers make mediation available to citizens, they empower them to handle many of their own disputes. In addition, officers who offer mediation services show appropriate deference to the responsibility and freedom that most citizens expect to exercise in their lives. Moreover, when officers become third-party intermediaries, they appear less as outsiders and more as a part of the communities they serve. Thus, agencies should view mediation as a requisite component of community policing initiatives because both seek to foster positive police-community relations, empower and show deference to citizens, and reduce confrontations between police officers and citizens.

When to Mediate

Although mediation lends itself to disputes, the skills officers employ—for example, listening, becoming cognizant of body language, and analyzing verbal cues—allow officers to have professional and positive interaction in a variety of incidents. Still, mediation by patrol officers works best for conflicts that are episodic in nature. Disagreements of this type often do not involve a history or ongoing relationship between the parties, who probably will never see each other again. As a result, these incidents prove easier to resolve. Examples include a quarrel between picnickers over who has the right to a particular grassy area in a public park when neither holds a permit, a fight for a parking space, and an argument over the use of a pool table.

At the same time, some disputes remain off-limits to police mediation. Officers should refer to a local mediation center any conflict with a high degree of seriousness, a likelihood of significant financial cost or loss, or likely significant legal (civil law) ramifications. An argument over a 70-year-old family heirloom, for instance, concerns a valuable piece of property. Moreover, what appears to be the issue on the surface (the “manifest” dispute) may cloud the real issue (the underlying, or “latent,” dispute). The fight over a relative’s possession may really involve a debate over “whom mom liked best.” In these cases, officers should control the scene by addressing the manifest dispute, while leaving the latent dispute to other mediation professionals.

How to Mediate

Mediation need not take place in an office. It can occur on a basketball court or in a parking lot. It can be done standing or sitting. The physical venue of the mediation generally does not present an issue as long as the mediator pays attention to the steps for conducting the process. Moreover, mediation that occurs in a location other than an office does not make the process informal; rather, whether the mediator adheres fully or partially to the steps of the mediation process does. Generally, the mediation process includes laying down the ground rules; allowing the parties to tell their side of the story; recapping the central issues; brainstorming possible solutions; and reaching an agreement. The key to successful mediation, whether formal or informal, lies in allowing the participants to fashion their own agreement.

Whether officers employ formal or informal mediation, or some other conflict resolution methodology, they should document it on their assignment sheets (e.g., run sheets). In addition, officers who refer parties to a mediation center should provide them with referral cards that give the center’s location and describe the services provided. A copy of the card...
Mediation Basics

- Explain mediation concept to participants
- Introduce parties who do not know one another
- Deliver ground rules (e.g., one person speaks at a time; no profanity allowed)
- Advise of confidentiality (discussion remains confidential; officer may file confidential police report)
- Explain nature of agreement (parties remain bound; legal action may follow breach)
- Discuss alternatives (e.g., arbitration)
- Allow parties to convey their version of the incident
- Give parties chance to rebut
- Ask questions, clarify issues by restating, seek agreement on issues
- Parties brainstorm possible solutions; officer encourages, makes suggestions
- Officer clarifies agreement, seeks verification from parties, may put in writing

Source: Christopher Cooper, J.D., Ph.D., Mediation & Arbitration by Patrol Police Officers (Lanham, MD: University Press of America, Inc., 1999).

minutes). Nevertheless, mediation can extend out-of-service time because the process represents a more substantive handling of incidents. In the long run, mediation can save officers time, especially if it reduces repeat calls for service.

How to Prepare Officers to Mediate

Mediation requires two elements—professional application and scientific, or systematic, application. On one level, professional application means that the officer possesses the requisite education and training to employ such methods as mediation. On another level, it signifies polite, lawful, and objective delivery of the mediation process. Systematic application emphasizes the step-by-step process by which the officer demonstrates analytical ability and learned skills.

Because conceptualization, comprehension, and employment of mediation require that patrol officers have a strong academic base, police agencies would benefit if they underwent a transformation to professionalization prior to providing their officers with mediation training. However, because the professionalization of many police agencies typically occurs piecemeal, incorporation of mediation can happen the same way. Regardless of their level of education, with the right amount of attention and training, officers can learn to employ mediation at the minimum competency level. Dispute resolution organizations can provide police departments with qualified trainers to teach officers mediation skills or to certify officers as mediators.

Conclusion

Every time they answer a call for service, patrol officers use interpersonal skills. Some incidents, however, require more time and skill than officers have. Training officers to mediate disputes takes time and a commitment to trying unconventional policing practices. But when departments use mediation to resolve conflicts in their communities, they empower residents to take responsibility for their actions and to resolve their own problems, not just in arguments with their neighbors but in other areas of their lives, as well. Thus, when officers take the time to mediate disputes, they help citizens exercise their constitutional rights while freeing themselves to solve other problems instead of answering repeat calls for service. In the end, a little extra attention goes a long way.

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should go to a police department employee, who should follow up on all referrals.

How to Make Mediation a Reality

In order for mediation to make a positive difference in a police agency, the chief must issue an official proclamation mandating that patrol officers use mediation on scenes that warrant the methodology. General orders or police policy handbooks should outline when and how officers should employ mediation. Additional support for mediation should come in the form of rewards. Police departments routinely reward patrol officers for heroism, for example, when an officer captures a bank robber. Likewise, officers who use mediation to defuse and calm situations should receive commendations.

As important, department supervisors and policies must allow patrol officers to spend additional time on scenes where they use mediation. Many times, mediation processes take more time than traditional responses but not always. In fact, many mediations can occur in a short period of time (i.e., within 10 to 15

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