How conflicts are handled or should be handled by the police is often the subject of much public discourse and scrutiny. Since police do their work in very public places, most of their actions are closely observed and reviewed by others, including other police personnel, criminal and civil justice system officials, the public, the media, and political officials. Depending on the situation, it sometimes seems as if everyone weighs in on whether the police overreacted, underreacted, reacted appropriately, or reacted inappropriately when responding to and managing conflicts. On a daily basis, despite all of the conflicts police officers are asked to respond to, they are unlikely to be referred to as conflict resolvers. It is the daunting work of police officers as conflict resolvers that I address in this chapter.

Certainly conflict resolution in the police context is complicated and challenging, perhaps more so than that experienced by intervenors in any other setting. To illustrate how distinctly different the police context is, imagine the following circumstances. Individuals who are engaged in a conflict as disputants or as observers can freely, and at their own discretion, call on police officers to respond at no cost, any time of the day or night. Depending on the location, officers are dispatched and expected to arrive quickly, sometimes within minutes. They come wearing uniforms and carrying weapons to situations where the parties are in the midst of a potentially emotionally charged exchange—in some instances, with long histories of conflict. The parties may be surrounded by onlookers, some of whom may well be strong allies or strong adversaries of anyone in the conflict situation. Any person at the scene can easily record the police responses to such conflicts with a variety of readily available audiovisual recording devices and report to others or send information out electronically. In many communities, citizens who are unhappy or dissatisfied with the police intervention can file civilian complaints against the officers.
Moreover, when police unexpectedly come upon a conflict scene as part of their routine work activities, they cannot overlook the situation. Unlike others who approach or witness conflict situations and can ignore them, police are expected to self-initiate responses and get in the middle, even if only perfunctorily.

Historically, there has been no shortage of literature on police work focusing on how, when, where, and why police intervene the way that they do. In fact, police work focusing on problem solving has been the subject of extensive research, scholarly writings, and special commissions. Yet attention given to conflict resolution processes as understood by mainstream conflict resolution scholars and practitioners has been fairly sparse (Palenski, 1984; Volpe 1989). Nevertheless, a more robust body of literature examining what it means to use conflict resolution processes in the police context has begun emerging (Berger, 2000; Blanchfield, Blanchfield, and Ladd, 2008; Charkoudian, 2005, 2010; Cooper, 1999; Volpe and Phillips, 2003; Volpe, in press). A close look at what officers do in fact shows that their conflict resolution knowledge, skills, and activities are recognizable to conflict resolution scholars and practitioners. In short, the core body of activities that officers engage in modifies the dominant public image of police officers as crime fighters.

UNDERSTANDING THE POLICE CONTEXT

In general, police work can vary markedly from community to community depending on organizational structures, philosophical approaches, cultures, and leadership styles (Haberfeld, 2013). Yet despite all of these variations, police work is very recognizable in configuration and operations in over 12,500 local police departments in the United States (Reaves, 2010) in addition to state and federal law enforcement entities. Typically police work occurs within hierarchical, quasi-militaristic bureaucracies with a vast array of rules designed to carry out law enforcement functions. To control and contain situations, of utmost importance to all police work, police officers have the authority to use force, even deadly force, if necessary. Noncompliance to their directions can result in severe consequences for individuals who ignore or defy them.

In order to ensure that police operations are consistent with prevailing police practices, virtually all police training from socialization of new officers to specialized and ongoing in-service professional development have traditionally been conducted in a context controlled by the police themselves, usually at police academies, roll call at the local precincts or police stations, and on-the-job training. This is not surprising given the unique nature of police work aimed at controlling and containing a wide range of
situations, some of which can be potentially destructive, violent, or threatening. In order to ensure that officers follow police protocols, a significant amount of conventional police preparation and training is devoted to traditional crime fighting, management of investigations, enforcement of laws and regulations, effective use of weapons and innovative technologies, and management of the public, especially crowds, traffic, and activities during varied emergencies. Depending on the department and needs of the community, special attention may be given to specific types of offenses, such as organized crime, drug enforcement, cybercrime, white-collar crime, gun violence, stalking, robberies, burglaries, auto thefts, gang activity, among others.

Unlike conflict resolvers in other contexts, who can be very deliberative in approaching their interventions, police are trained to respond rapidly to incidents and move on to the next call. Not only are the police trained to assess and act swiftly, the public does not expect to interact with them for protracted periods of time. Generally police who depart from the rapid-response norm are often a part of special units and receive additional training for their intervention. For example, hostage negotiators are trained for self-control, as well as the need to engage hostage takers for extended periods of time while they listen, gain trust, collect information, and manage all those involved or interested in the response effort, including supervisors, SWAT teams, the media, significant others of victims or hostage takers, bystanders, and political officials, among others (Bolz and Hershey, 1979; Noesner, 2010).

The norm of traditional policing characterized by quick responses sets the stage for how police address most matters, including conflict situations. The police response is designed to rapidly assess, contain, control, and then move on, regardless of who is there, whether a few individuals or large crowds. They are not expected to explore how long the situation has been going on, whether ephemeral or with a long history. Hence, for conflicts where there are underlying issues that need to be addressed, officers are not expected to belabor their response and delve into matters that may have been brewing for years (Goldstein, 1990). What this means is that police tend to deal with symptoms and leave the underlying issues untouched, perhaps to fester. Furthermore, they may even cause situations to escalate depending on how they approach the parties or the types of actions taken, which can range from leaving the parties to resolve the conflicts on their own to taking them away for further investigation and legal processing.

POLICE AND CONFLICT RESOLUTION

The perceptions of police officers as anything but conflict resolvers often comes from the media, movies, and the public’s limited contact with them.
The more popular image of officers is that of individuals engaging in dangerous or challenging work, not the mundane interaction with citizens over their differences. The media headlines, movies, or television reports capture the more dramatic aspects of police work that are likely to gain their audience’s attention and result in more viewers or readers.

Although the public comes in contact with the police when they respond to a variety of service calls, the more memorable police actions are those when people fear being questioned or are actually stopped by the police. The more high-profile police roles involving activities such as chases after the “bad guys” like robbers, interruption of burglaries, investigation of crimes like homicides, and pursuit of speeding drivers are rare occurrences for the public.

Of course, some of the matters police handle do not readily lend themselves to constructive conflict resolution processes. For instance, serious crimes involving murder, rape, and arson are usually excluded from any of the collaborative conflict resolution processes; if any interaction between victims and offenders occurs through restorative justice, it is usually after conviction, not in lieu of an arrest. The public and political officials would not tolerate police using processes viewed as soft on crime. Prosecutors would not relinquish control of prosecuting offenders of serious crimes. The media are always quick to report the punishment attached to the crime being reported, especially serious crimes. In short, when a serious crime occurs, a whole set of reactions kicks in that precludes the officer from making any attempt to try to resolve the matter using conflict resolution–related techniques on the scene. For example, police could not mediate an apology between a murder suspect and the victim’s family, even if it felt as if all involved thought it was an acceptable or good option (Tullis, 2013).

Despite the widespread popularly recognized images of police and the expectations of not entertaining the soft or informal handling of serious criminal matters, a significant amount of police work involves providing an amazingly diverse array of services, such as patrolling schools, neighborhoods, and business districts; helping pedestrians cross streets; providing assistance at all kinds of gatherings like fairs, festivals, feasts, parties, and parades; and responding to mundane calls for assistance where people have interpersonal differences. The vast majority of cases that are likely to be worked out by the police are matters involving family members, friends, and neighbor-to-neighbor over nonviolent misdemeanors, juvenile offenses, and such matters as parking issues, barking dogs, and noise-related complaints. These are the kind of problems that have the potential to escalate if ignored and can consume substantial police time when repeat calls for assistance need to be responded to.
When handling a broad range of situations involving interactions with citizens or responding to routine conflict situations, police officers have a wide range of intervention options at their disposal, some of which draw on communication skills and processes recognizable by conflict resolvers practicing elsewhere and others that are distinctive to police work. Depending on the circumstances, the approaches used can range from avoidance and giving advice to annihilation. Hence, at one end of the continuum is the appearance of a police officer on the scene who takes no action or provides quick advice or a warning and leaves within a few minutes. At the other end is the forceful removal of the parties or, even more extreme, the use of deadly force. Any of the options may be among the necessary and most relevant options to manage specific conflict situations.

While the techniques used at both ends of the continuum can be, and sometimes must be, used to resolve conflicts, they are not the techniques or processes typically considered constructive by conflict resolvers in other contexts. Between these two extremes is a variety of techniques and processes associated with problem-solving conflict resolution work, including listening, good communication, negotiation, conflict coaching, facilitation, and mediation. Blanchfield, Blanchfield, and Ladd (2008) identify how the police can use a variety of conflict resolution skills and processes when responding to the following types of matters: harassment, physical threats like menacing behavior, petit larceny such as shoplifting, custody visitation, disturbing the peace such as noise complaints, criminal mischief, trespass, and parental responsibility for adolescents. Since officers often respond alone or with one other officer and have to make a decision about how to proceed in a very short period of time, the use of discretion is central to most police responses. As a result, it is safe to say that depending on which officers respond to a situation, the outcomes could be markedly different and unpredictable.

THE EMERGENCE OF POLICING FRIENDLIER TO CONFLICT RESOLUTION

Four significant parallel developments have emerged since the 1970s to pave the way for constructive conflict resolution processes to gain traction in policing: the popularization of community policing, the introduction of restorative justice, the availability of community dispute resolution programs, and the widespread acceptance of mediation. Although each of these developments has its own genesis and is often described exclusively, a closer look shows that they are related. Most important, whether viewed independently or in interaction with each other, each of these developments
Community Policing

Beginning in the 1960s, police practices in the United States became the subject of increasing scrutiny, with much attention aimed at improving the role of police in the community. Police and government officials searched for ways to enhance public safety and the quality of life for citizens (President’s Crime Commission, 1967). While the examination of what worked and what did not was far reaching, its focus was largely urban. The outcome consistently emphasized building partnerships and solving problems with the community (Kappeler and Gaines, 2011). To do so, police focused on finding creative ways to form better relationships with local citizens and a proactive approach to address the needs they identified.

By the 1980s, a variety of new initiatives began to surface that were deliberately intended to combine problem solving and close contact with citizens. Among the best known was community policing, with much overlap with a variety of other types of policing known as neighborhood policing, team policing, problem-oriented policing, and quality-of-life policing (Greene and Mastrofski, 1988; Scott, 2000). The Office of Community Oriented Policing Services (2012, p. 3) defines community policing as “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.” While community policing can vary markedly from locale to locale depending on the police department, its policies, procedures, and practices consist of three major components: community partnerships, organizational transformation, and problem solving (OCOPS, 2012). With billions of dollars of funding from the federal government, community policing started to gain widespread popularity (He, Zhao, and Lovrich, 2005). In fact, by the late 1980s, Kelling (1988) referred to this new development in policing as a “quiet revolution.”

Overall, community policing shifted the thinking about how to engage and collaborate with members of the community (Bayley, 1994). Police were expected to partner with citizens and groups and identify resources to assist those who work, live, worship, and play in their communities (Trojanowicz et al., 1998). Rather than responding quickly, community policing provided the framework for police to address problems, even those that were ostensibly complicated and intractable. Police were expected to be proactive, creative, and resourceful. The emphasis was not on moving on to the next call but to deliberately connect with members of
the community, get to know them, understand their concerns, and engage
them as problem solvers.

For some, this new approach to policing has been seen as old wine in
new bottles (King and Lab, 2000). It was similar to the deployment of offi-
cers in the past that brought back images of the early days of policing when
officers walked the beat in their communities and got to know the people
they served as well as the local resources. However, police scholars have
described the earlier patrolling of beats as a reactive type of policing. For
instance, Carter (1999, p. 104) states that the early police officers, dating
back to the constables of the London Metropolitan Police in the early nine-
teenth century, “patrolled beats on foot reacting to calls from citizens and
requests for service.” What is unique about the contemporary community
policing movement is its emphasis on creating a deeper and more com-
plex proactive relationship with the individuals in the communities served.
Community policing has made initiating partnership with the communities
a hallmark of its approach. It is seen as a clear departure from the perva-
sive reactive response approaches that dominated past police practices,
whether officers responded slowly as foot patrol officers or rapidly by car.

From the perspective of conflict resolvers, community policing laid the
foundation for police officers to manage conflicts differently. Buerger,
Petrosino, and Petrosino (1999) described the shift as one where police
went from relying on confrontation, command, and coercion to a part-
nership that emphasized participation, promotion, and persuasion. Their
work was nearer the nonadversarial end of the conflict resolution contin-
um, where they were expected to develop a closer relationship with citi-
zens. Kappeler and Gaines (2011, p. 4) noted that “in addition to being law
enforcers, they must also serve as advisors, facilitators, and leaders of new
132) further noted that “the community policing movement is creating an
institutional context where long-term mediation efforts are encouraged.”

Overall, community policing has come to mean different things in dif-
ferent communities. In some, it amounts to a series of community policing
projects rather than a guiding philosophy embraced by the police depart-
ments. At a minimum, community policing sets the stage for police to
embrace more protracted approaches to conflict resolution.

**Restorative Justice**

The second significant development has been the elusive and slowly
accepted, but increasingly recognized, practice of restorative justice.
Although there is no universal definition of *restorative justice* and many vari-
ations exist, it is generally understood to be a philosophical framework or a
way of life that embraces participatory, inclusive models of bringing people
together when some harm has occurred (Zehr, 2002). Central to all restorative
justice work is an enlarged set of stakeholders. In the case of the criminal jus-
tice system where attention has traditionally been more narrowly defined to
respond to the offender, restorative justice has expanded the scope of the offi-
cial response to crime to include victims and even the larger community.

The best-known restorative justice efforts are those that focus on responses
to crime where victims, offenders, and the community are involved in
addressing the harm that has resulted from crimes, the feelings about what
happened, and the ways to hold offenders accountable (Johnstone and Van
Ness, 2007; Zehr, 2002). The primary method for doing so consists of face-to-
face meetings for all stakeholders to share their perspectives, discuss options,
and consider ways to determine outcomes and move on. These efforts are
classified and known by different names in different contexts. For instance,
models since the 1970s as victim-offender mediation, conferencing, and cir-
cles. Some of the more popular developments have been the victim offender
mediation sessions or victim offender conferencing first used in Kitchener,
Ontario, Canada (Peachey, 2003), the peacemaking circles used in Canada
(Peachey, Stuart, and Wedge, 2003), and family group conferences originally
established in New Zealand (Morris and Maxwell, 1998).

Of all of the approaches, victim-offender mediation is the oldest and
best known of the restorative justice processes. The preeminent contempo-
rary version has its roots in Kitchener in the mid-1970s when two proba-
tion officers brought together two young offenders with twenty-two victims
to discuss how the offenders’ actions harmed the community and how
they could address their actions through collaborative dialogic processes
(Peachey, 2003). Such efforts were initially designed as alternatives to
incarceration so that victims could be engaged in the process, offenders
could be held accountable, and the larger community could help as prob-
lem solvers. Overall, the primary focus is the conversation between victims
and offenders, with much groundwork laid prior to the session to ensure
that it will be safe and respectful.

While the role of police in restorative justice processes is less well
known, there is growing evidence that some police presence is associated
with this process in a variety of ways, and more so in some communities
than others (Police Station, n.d.). Police can refer or encourage individuals
to participate in restorative sessions and participate in the process them-

Copyright © 2014 by John Wiley & Sons, Inc. All rights reserved.
Any police involvement depends on the availability of restorative justice resources in the community and in specific police departments. For starters, it would be impossible for police to refer cases, participate in them, or lead sessions if programs were not available in either the community or the police department. In the former role, they can join restorative circles to provide information or help explain the harm that offenders caused. Police can make contributions by sharing information about circumstances not otherwise known to the offenders, victims, or others present at the session.

Police-led restorative conferencing has its roots in the New Zealand family group conferencing model, which was started by social workers in 1989 (Morris and Maxwell, 1998). Among the best-known effort of police-led restorative justice was initiated in 1991 by police in Wagga Wagga, New South Wales, Australia, and subsequently embraced by police organizations in England, Northern Ireland, and, by the mid-1990s, in North America by the Real Justice organization. Police were trained to lead restorative conferencing sessions with offenders, victims, and members of the community (Hoyle, 2007).

Although the research is scant, restorative approaches report satisfaction with the processes and reduced recidivism. In England and Wales where restorative justice approaches have been tried in responding to citizen complaints against the police, one study comparing informal restorative approaches with traditional processing of complaints found that cases with a restorative meeting can satisfy both parties and result in moderately better outcomes than conventional processes (Young, Hoyle, Cooper, and Hill, 2005). McCold and Wachtel (1998) report in their study of the Bethlehem, Pennsylvania, police-led restorative programs that rearrest rates were lower for violent offenders who participated than of those who did not participate.

**Community Dispute Resolution Programs**

A third development that is relevant to conflict resolution and policing has been the availability of local community dispute resolution programs since the 1970s (McGillis, 1997). With approximately four hundred programs in the United States known by a variety of names, including community mediation centers or programs and neighborhood justice centers, these local initiatives have trained thousands of individuals from all walks of life in conflict resolution skills and processes (Corbett and Corbett, 2012). For the most part, most of the centers offer mediation as a process, and the mediators are local residents who are volunteers trained to provide mediation or related conflict resolution services. As a result, local community dispute resolution programs have made access to processes like mediation very accessible, usually for free or very nominal fees.
In addition to providing mediation and related conflict resolution services directly to the community, these local dispute resolution programs have developed relationships with the police departments in their communities, all which have the potential to help the police manage and reduce crime (Glensor and Stern, 1995). Since the programs provide readily available free mediation services, police can refer individuals who need additional assistance in sorting through their issues (Corbett and Corbett, 2012). Such services have become invaluable in handling the kinds of calls where police themselves cannot devote the time to resolve underlying issues. When repeat calls are likely to occur, referring cases to the local centers has reduced the number of calls (Charkoudian, 2005).

Another significant service provided by local dispute resolution programs is conflict resolution training for officers. In their study on police, Volpe and Phillips (2003) distinguished between mediation skills training and mediation awareness. They found that most of the training consisted of awareness sessions conducted during roll call, academy programs, or in-service sessions. In such instances, the local program personnel usually go to the local precinct or academy and provide information about mediation and how officers can refer participants. As part of their outreach efforts to the officers, some of the community dispute resolution programs have prepared information cards to ease the referrals for the police. Overall, more intensive mediation training of officers has been uncommon, with very few police departments reporting that officers were trained as mediators (Volpe and Phillips, 2003).

The Proliferation of Mediation Worldwide
The fourth significant development is the growing global popularization of mediation. Around the world, evidence is mounting that mediation has been flourishing and is increasingly embedded in policies, procedures, practices used, and institutional operations (Kressel, 2006). In some instances, parties are mandated to try mediation before proceeding with other processes; in other instances, mediation is highly recommended. Young people are being taught how to serve as peer mediators in their schools. Colleges and professional and law schools have included mediation in their curricula. And while some resistance continues to exist in the legal field, there is evidence that mediation has gained traction among lawyers, judges, and others who practice in legal settings.

With the growing interest in mediation has come concern about the professionalization of the field. Increasing attention has been paid to compliance with codes of ethics and standards of practice, with many professional associations and experts starting to define criteria for acceptable practice and conferences devoting considerable time to best practices.
While police have always done some form of informal intervention where their role as go-between parties is recognizable as mediation, the expansion of interest in mediation means that the interface between police and mediation will increase in both subtle and overt ways. There will be officers who will have gained knowledge about mediation as part of their education and others who will become aware of mediation and formally trained in how to proceed as mediators once they are officers. Police agencies are also likely to be approached by mediators eager to work with them.

With the expansion of community policing, the stage is set for police to be more receptive to mediation. Community policing shifts the focus from control tactics to using gentler, more collaborative approaches in their interventions. Moreover, the presence of community dispute resolution programs in countless communities provides opportunities for program personnel to seek police agencies to partner with them in serving the community, especially since police are often the first responders to conflict situations and likely to be a source of potential cases that could be of significant benefit to both the police and the community program. For the police, mediation may reduce annoying and time-consuming repeat calls. For the community programs, it increases their caseload, something that is particularly important for funding purposes. In addition, the community dispute resolution programs are able to share useful information about how police can use mediation on the scene or in referring cases to those who specialize in mediation.

Mediation by police can be quite varied. Police can serve as mediators on the scene, referrers to mediators (usually local mediation programs), or participants in processes as parties. Of the three uses, the role of police as mediator is the most challenging. Certainly police who find themselves having to get in the middle of disputing parties can benefit from the skills essential to any good mediator. They can engage in active listening, paraphrasing, summarizing, brainstorming, using I messages, paying attention to nonverbal communication, and caucusing. Depending on their skill sets, they may use techniques or as a result of training.

As mediation gains traction, getting in the middle is becoming more complicated for everyone, including the police. For starters, there are many assumptions about which mediation methods work best among practitioners and scholars. Lande (2000) noted that “mediation statutes, codes of conduct, texts, promotional literature, even law review articles are full of assumptions about the essential nature of mediation.” Among the first to observe that there was not one way of classifying mediator orientation was Riskin (1994, 1996). In his early attempt to frame the dynamics of the mediation process, Riskin identified different philosophical approaches, strategies, and techniques for mediators to use, ranging from facilitative to evaluative, and the kind of problems that were addressed, widely referred to
as the Riskin grid with four quadrants. The evaluative-facilitative mediation role along one continuum addressed the kind of strategies and techniques the mediator used, ranging from facilitating the parties’ negotiation to evaluating and perhaps even deciding matters for them. The other continuum focused on the kinds of problems that the mediation sought to address, ranging from narrow ones like remedying a specific payment to very broad ones that aimed to address very broad problems. Depending on how mediation was described, Riskin noted that there would be implications for the selection, training, evaluation, and regulation of mediators and mediation.

Riskin’s grid ignited a robust debate over the appropriateness of evaluative mediation and whether it was in fact mediation (Kovach and Love, 1998). Mediation purists have argued that evaluative mediation is not mediation (Kovach and Love, 1996), while others contend that it is unrealistic to ask mediation to be viewed only as facilitative (Stempel, 2000). Although empirical data are still emerging, studies show that mediators are not consistent in their mediation style, and many in fact use both facilitative and evaluative mediation (Golann, 2000). Bush and Folger (1994) have deepened the discussion about the theory and practice of mediation styles with their construction of a transformative mediation approach. With its roots in facilitative mediation, transformative mediation focuses on helping the parties to identify opportunities for empowerment and recognition. Through this mediation process, there is the potential to transform the parties and or their relationships.

The debate over styles of mediation is highly relevant for the police context. While police use of mediation still needs to be examined, it is reasonable to assume that evaluative mediation is a more natural fit for officers responding to disputing parties where citizens are more likely to expect police to evaluate, give advice, or make decisions. Based on their personal experiences, organizational protocols, time constraints, and the public’s expectations, the approach that lends itself most readily to police mediation is a narrow evaluative one. The further the officers move away from a narrow, evaluative approach, the more challenging the mediation on the scene becomes for them. Broad problems and facilitative styles can all be more time-consuming and require more skills and resources.

How much police mediation occurs is unknown. In their exploratory study, Volpe and Phillips (2003) found a discrepancy between the amount of police mediation on the scene reported by police departments and by community mediation programs. The police report mediating on the scene much more frequently than what is reported by the community dispute resolution programs. Several reasons may explain this disparity. First, the police may be better informed about their mediation on the scene than that visible or known to the mediation centers. Second, how police and others define mediation may vary. Trained mediators look for specific
qualities, yet others use the term loosely to refer to situations whenever someone gets in the middle of any conflict situation.

Of all of the conflict resolution roles police officers assume, perhaps the most complicated and challenging is that of mediating on the scene. It is a process that can be seen as natural or unimaginable, or both (Volpe, 2014). There are those who wonder how police could ever mediate since they can use force, make decisions, and must report their activities to their respective police organizations. The very thought of police officers mediating cases raises all kinds of ethical concerns and conflicts of interest. As a result, one could argue that at best, police mediation is an oxymoron, but there are those who would argue that police mediation is totally unimaginable. Perhaps a parallel to police mediation could be workplace contexts where supervisors mediate among subordinates but also have the power to make decisions about their subordinates’ employment.

IMPLICATIONS OF THE EMERGING CULTURAL SHIFT IN POLICE CONFLICT RESOLUTION

A new police landscape is emerging that suggests a cultural shift in police response to conflicts and crime in local communities. Ranging from structural changes due to new community policing approaches to the embrace of more collaborative processes by police personnel themselves, the handling of conflict and crime situations that might otherwise rely on more traditional policing responses is being replaced by creative conflict resolution processes and skills. The changes reflect both bottom-up and top-down measures, with officers using skills they have learned and top officials adopting new approaches for their departments.

For the most part, the use of innovative conflict resolution efforts as understood by conflict resolution scholars and practitioners does not receive high-profile recognition in the police context. Yet quick searches of social media for phrases like “police and mediation” or “police and restorative justice” reveal a vast array of examples illustrating how more collaborative conflict resolution processes are being used in policing. Among the most recognizable aspects of the cultural shift are developments that reflect deliberate actions being undertaken by police personnel who understand mediation and restorative justice. These officers bring a markedly different set of lenses to their everyday work and organizational structures. Like officers who do traditional policing, there is no question that these police officers first and foremost operate within the police context, an environment where they are expected to serve as society’s front line for the enforcement of laws.
However, they are also well versed in how they can use their discretion as individuals skilled in more collaborative problem solving.

Four examples illustrate the transformations in policing that are not making the newspaper headlines but reflect a different kind of thinking. The first example comes from a posting on his blog, Enjoy Mediation, by Detective Jeff Thompson of the New York Police Department Community Affairs Bureau, who is also a trained mediator. Thompson recounted his experiences while on duty during the 2012 Occupy Wall Street protests at Zuccotti Square in New York City (Thompson, n.d.). He began his blog by noting that his job was “to ensure everyone gets to participate and engage in the protest while making sure safety concerns are addressed.” He also noted, “Yes, the Chief of the NYPD told me to make sure during a portion of the night ‘my corner’ of Liberty Street and Broadway was not to be cluttered with gawkers and protesters while he watched me do my job.” As a police officer, he was mindful of the directives he was there to enforce, which could give rise to an intractable situation, but he also tried to understand the roles of protesters and onlookers. He noted, “If I am a protester, or interested worker or tourist or press person walking down Broadway and see the protest, for sure I would want to stop and take a picture—admittedly it is, at its superficial level, very cool to see. Also, If i [sic] am one of the protesters and trying to meet up with my friends, a corner is often one of the best places to meet.”

Through his countless informal conversations on the corner, Detective Thompson explained his police role while being ever mindful that many of the protesters might be framing their views of him in more confrontational we-they terms. Drawing on his skills as a mediator, he described how one night in the pouring rain, he engaged protesters and onlookers. To one peeling an orange, he remarked, “Wow that orange looks really, really good. I know once you are done peeling it [he was peeling it and throwing the bits in the garbage], you are going to move on, right?” To another he shared, “I know you are waiting for someone but this corner is not the best spot—perhaps waiting just over their by the phone booth will be a better spot.” Mindful that messages are both verbal and nonverbal, Detective Thompson noted, “I said all of this in a tone that I would like to be spoken to, while also often gently patting or touchy [sic] the people on the back of the shoulder. I would then often end the encounter with ‘Thank you.’”

A second example comes from a YouTube video of Officer Greg Ruprecht of the Longmont, Colorado, Police Department who was initially skeptical about restorative justice (Restorative Justice in Justice Systems, 2010 ). After his first encounter with restorative justice as a new police officer, he said he changed his mind about it. He recounted his experience of approaching an old chemical factory one night, finding an open door and seeing a group of young boys who were fleeing into a nearby field. While his initial reaction was to respond
to the boys as young felons, once he saw that they were between ten and thirteen years old, he realized that they would all have felony criminal records for the rest of their lives if they were processed through the traditional criminal justice process. He decided to try something he did not understand at the time called the restorative justice circle process. During the process, he found himself educating the youth and their parents about the potential harmful consequences if something had been touched while the boys were in the factory. The circle experience was so markedly different from anything he had expected that he began thinking differently about responses to criminal offenses. As he moved on in his career, he began to see restorative justice as a tool that provided more opportunities than the traditional criminal justice process: pleas, probation, community service, and the like. For him, restorative justice offers a more meaningful and healing process for crimes, including selected felonies. Moreover, it has the consequence of reducing crimes since it takes individuals out of the criminal justice system.

The third example draws from the work of former Police Chief Len Wetherbee of Concord, Massachusetts, who was featured on Eastern Mennonite University’s website in 2011 when he took a restorative justice class on retirement after thirty-three years of police work (Price Lofton, 2011). His interest in restorative justice had started a decade earlier in 2000 when he started using it to handle juvenile offenses such as vandalism, trespassing, shoplifting, and bullying.

Wetherbee’s interest in restorative justice in Concord was an example of top-down interest and encouraging its use. Over the years, he had officers in his department sitting in on each case with trained volunteers. Of particular note, ten neighboring police departments showed an interest in his restorative justice approach, which eventually expanded to include violent crimes, offenders with records, and adult-initiated offenses.

The fourth example comes from the Thames Valley Police Department in the United Kingdom. This police department’s website prominently shares with the public that “restorative justice (RJ) is a way of working that helps us deal with conflict” (Thames Valley Police, 2013). The website states that restorative justice is embedded in the department’s daily operations through its personnel and procedures. More specifically, it states, “Our neighbourhood officers are also trained to use RJ to help them deal with neighbour disputes, minor crimes, community issues, and many other incidents they come across on a daily basis. Our complaints department uses RJ to deal with complaints against police and internal grievances.”

Quantifying the emerging use of eclectic collaborative conflict resolution techniques and processes by police remains elusive. Some occur at the self-initiated, personal level, and others are introduced at the systemic level. Collectively, all point to growing evidence that changes are occurring.
Some of these changes are subtle. For example, when officers take a mediation course and apply what they have learned to their work, it may go unnoticed unless they self-disclose, as Detective Thompson did. Among the individuals being trained in mediation in a variety of educational and community-based contexts, it is safe to assume that growing numbers of current or future police officers are among them. It is not unusual that college freshmen look for dispute resolution courses because they became familiar with negotiation and mediation as young negotiators or peer mediators in school. Inevitably some will pursue law enforcement-related careers.

The introduction of more collaborative processes in the police context can be complicated. Not only would it require additional training of the officers, but commitment of resources, changes in the organizational reward structure for police work, and greater public awareness of such collaborative processes and interventions.

Among the core elements of community policing are the need for availability of significant resources in the community and the notion that localism is an organizing principle. With respect to resources, community policing relies on officers being able to spend time in the community, which has implications for deployment of personnel and budgets. With localism as an organizing principle for community policing, it means that police services would have to be decentralized so that officers can get to know their communities. Any budgetary cutbacks could have significant implications for community policing and, by extension, how conflicts are handled. Thus, if cost cutting resulted in organizing police in a more regionalized or centralized manner, they would be deployed accordingly and their presence in the community would be quite different.

If the rewards for police are measured only by traditional police actions like arrests and issuance of summons, there will be little incentive for officers to engage in the use of time-consuming processes that they are not recognized for or perhaps might even be reprimanded for if they do not respond to other situations. The challenge confronting police departments is how to measure contact with the public that may be merely like a consultation or perhaps one session of a protracted intervention that may not result in anything like an agreement.

In an exploratory study examining the use of mediation by police as understood and perceived by the community dispute resolution centers and police in New York State, Volpe and Phillips (2003) found that 88 percent of police departments do not give organizational rewards for police use of mediation either on the scene or for making referrals. Like incentives in other workplace contexts, if employees are asked to engage in selected work activities but rewarded for other activities, the likelihood of complying with nonrewarded activities is lower. For police officers, the traditional rewards center around activities like arrests, summons, and other
quantifiable police actions. For mediations to occur on the scene or for referrals to be made, organizational rewards need to be made available.

As important as it is to get the police to engage in different conflict resolution approaches, it is also significant for the public to understand these approaches. The larger public is still not familiar with how collaborative processes and techniques work, another important component of the big picture for police use of such processes.

One of the foremost challenges facing police trying to resolve conflicts is that police practices bump up against constructive conflict resolution practices, particularly mediation. Police officers are expected to enforce the law and operate within a legal context. When intervening in a conflict, officers may have to determine within seconds of approaching the parties if their behavior is law violating and what interventions are viable (Blanchfield et al., 2008). Mediators, in contrast, are typically accustomed to spending time getting ready for their sessions, selecting a venue to meet, preparing the seating arrangement, holding premediation sessions if appropriate, and ensuring parties of self-determination. They consider themselves impartial and widely believe the process to be confidential. Parties are assumed to be participating voluntarily and assisted in reaching their own understandings.

Police are usually meeting the parties on the parties’ turf while in the midst of emotionally charged conflicts in a setting where others may be present. The parties may not be ideal candidates for mediation since they may not be ready, willing, or able to participate in a mediation process that works best if the parties participate voluntarily. Even if they can work through their differences with the assistance of a police officer, depending on the nature of the matter, a police officer could make a decision for them, including arresting them or using force if necessary. Officers might find it challenging to try telling the parties that they can determine their own outcomes or that their participation is voluntary. They also cannot ensure the parties of confidentiality since they are expected to report their interventions. What police and some conflict resolvers have in common is the use of caucuses while meeting with the parties, a technique heavily used by some police and by mediators in some contexts like labor. It is important to note, however, that some mediators strongly object to the practice of separating parties (Friedman and Himmelstein, 2008).

While mediation is robustly encouraged in family-related matters including divorce, child custody, and parenting, this has not been the case for law enforcement when responding to family conflicts. The use of mediation by police in family situations where any form of domestic violence has occurred has been the subject of much discourse. In a widely cited study conducted in Minneapolis in the early 1980s, the researchers reported that of the three methods of responding to domestic violence, arrest of the suspect by the police showed that the likelihood of repeat
violence was 10 percent over the next six months. However, when the police gave advice, the repeat violence was 19 percent, and when the offender was sent away, the repeat violence was 24 percent (Sherman and Berk, 1984). As a result of this research, there was a significant push to prohibit the use of mediation by police in domestic violence situations, along with a concomitant push for arrest in such cases. Feminist groups made a strong case that mediation was not to be used in managing domestic violence cases. Consequently, many police departments changed their policies prohibiting officers from employing any discretion regarding the use of mediation-like actions when intervening in domestic conflicts.

In sum, when attempting to mediate on the scene, officers have conditions to contend with that do not exist for mediators in other contexts. While mediation is promoted as quicker and less time-consuming than more adversarial processes, spending protracted periods of time on the scene with disputing parties may be too time-consuming for police, especially if they are expected to respond to more urgent calls while handling a conflict situation. And when they attempt to make referrals, not only do they experience resistance from the parties, they can experience logistical difficulties, including inconvenient location of centers and hours of operation, as well as lack of feedback (Volpe and Phillips, 2003).

CONCLUSION

While all aspects of police work have been systematically researched by criminal justice experts and there has been rising interest in examining specific conflict resolution processes, skills, and techniques, particularly mediation by conflict resolution experts, the police context remains one of the least studied areas by conflict resolution scholars. Understanding which police conflict interventions work and under what conditions remains elusive. Data about citizen satisfaction, settlement rates, compliance, and all of the other measures that are now becoming increasingly available for conflict resolution processes in other contexts are virtually ignored when it comes to law enforcement.

Conflict resolution by police officers has always been part of the police profession. Since the 1970s, however, there have been both structural changes in policing, as evidenced by the increasing popularization of community policing, as well as extensive diffusion of conflict resolution processes and skills, particularly mediation. Collectively these developments have been setting the stage for a new and more collaborative kind of conflict resolution by police officers. Most important is the fact that the shift in policing is a worldwide phenomenon that coincides with global efforts to find more humanistic approaches for policing civil societies.
References


Restorative justice in justice systems. (2010, October 19). Retrieved from https://www.youtube.com/watch?v=R9tl4YmYNgI


