

REIMAGINING PUBLIC SAFETY

DESIGNING A REIMAGINED SYSTEM

The Policing of Social Conflict

This brief is part of a series addressing the challenges a jurisdiction can expect to encounter when developing alternative response systems. In each brief, we describe a particular systemic challenge, and explore potential solutions.

Top Takeaways

Almost every day, we encounter conduct, perspectives, and cultures that differ from our own. From loud music playing in the apartment upstairs early on a Sunday morning, to disagreements over the proper use of sidewalks and parks, residents routinely come into conflict with one another. These encounters can be exacerbated by race and socio-economic status, especially in gentrifying communities.

Usually we find ways – both conscious and unconscious – to live together peaceably. But sometimes conflict erupts. And when it does, people frequently ask the police to intervene.

The question is whether police really are the best actors to broker and resolve social conflict, especially in the many cases when there is no law or ordinance governing a dispute.

Communities, public safety practitioners, and academics across the United States increasingly agree that we need a more holistic approach that deemphasizes force and enforcement. This brief examines the challenges of resolving social disagreement and addresses alternative strategies in doing so successfully. It suggests:

- Including conflict resolution and mediation in the range of services provided by current or future alternative responder units.
- Improving police capacity to mediate social disputes by providing problem solving and conflict mediation training and building formal referral pathways to community mediation centers in your area.

What Is The Problem?

Much of our behavior is shaped by agreed-upon rules, even if those rules are neither explicit nor written into law. We queue up politely to enter the bus or subway; we try to restrain our pets from jumping on strangers; we don't cut the line at the supermarket. Life abounds with examples of our accommodating each other, often without conscious thought.

Academics call these communally accepted rules “social norms” – though the word ‘norm’ implies that there is one single way of negotiating life. In fact, much conflict arises because communities or people disagree about what is perceived as acceptable behavior.

Conflicts often occur in the absence of any laws that govern behavior. For example, there may be no statute forbidding individuals from hosting a party and playing loud music in their residence in the morning. Yet, neighbors still may contact 911 to request a police intervention.

At other times, there may be a law – such as a local noise ordinance – that appears to apply. Still, these rules often leave officers with wide discretion about whether to enforce them or not. An example might be playing dominoes on a public sidewalk despite a local ordinance that prohibits the behavior. Police could enforce this law or choose to ignore it.

There also are many laws that are deliberately vague, such as those prohibiting “disorderly conduct.” Laws like these give officers broad powers to regulate behaviors they or others find “disruptive,” often in unanticipated circumstances.

Social norms also can be highly specific to local communities, making a city-wide police response inapt. Not only is there variation across jurisdictions (e.g., permitted public consumption of alcohol

in cities such as New Orleans, as compared with cities and towns disallowing the sale of alcohol on Sundays), but across neighborhoods and blocks. For example, it generally is acceptable for people to gather socially on sidewalks to drink and smoke cigars on some Manhattan streets, but not others. Differing ideas of acceptable behavior and norms may require tailored approaches to resolving resulting conflicts.

Underscoring all of this is the complexity of our nation's fraught history – and ongoing struggle – with racial and ethnic discrimination. Although conflict can occur in any context, including within largely homogenous communities, many disagreements are rooted in differing expectations and norms related to racial or cultural experiences.

For example, there is a demonstrated history of white individuals utilizing the 911 system and the police to regulate Black and non-white communities' behavior, often in ways that are unrelated to a criminal or legal issues.¹ Some of these instances have produced viral flashpoint encounters that feature white residents calling or threatening to call 911 on people of color as they move about their daily lives, popularizing monikers such as ‘BBQ Becky’ and ‘Permit Patty’.

Socio-economic status also plays a role.² One common cause of 911 calls is neighborhoods

1 Caron, C. (2018). *5 Black Women Were Told to Golf Faster. Then The Club Called the Police.* *New York Times* <https://www.nytimes.com/2018/04/25/us/black-women-golfers-york.html>; Chokshi, N. (2018). *Native American Brothers Pulled From Campus Tour After Nervous Parent Calls Police.* *The New York Times.* <https://www.nytimes.com/2018/05/05/us/native-american-brothers-colorado.html>; Victor, D. (2018). *A Woman Said She Saw Burglars. They Were Just Black Airbnb Guests.* *New York Times.* <https://www.nytimes.com/2018/05/08/us/airbnb-black-women-police.html>; Maslin Nir, S. (October 2020). *How 2 Lives Collided in Central Park, Rattling the Nation.* *New York Times*; Stevens, M. (2018). *Starbucks CEO Apologizes After Arrests Of 2 Black Men.* *The New York Times.* <https://www.nytimes.com/2018/04/15/us/starbucks-philadelphia-black-men-arrest.html>

2 Gonzalez, X. *Why do rich people love quiet?* (August 2022). *The Atlantic.* <https://www.theatlantic.com/magazine/archive/2022/09/let-brooklyn-be-loud/670600/>

experiencing gentrification.³ Here, the norms between longtime and new residents may collide, whether it be over noise, public parties, bicycle riding, or other related issues. Also, wealthier individuals and communities have the means to conduct activities that would be disruptive in public – such as social gatherings, drug use, or using the restroom – in private spaces.

Simply put, social conflict is at the root of many 911 calls for service. And of course, all of this falls on the police – our all-purpose responders who often are put in impossible situations and asked to resolve disputes without legal guidance, mediate conflicts without proper training, and navigate cultural clashes that would confound most human beings.

Sometimes the police succeed despite these obstacles, but more frequently problems and conflicts simply fester. Sometimes these festering conflicts break into public view in ugly ways. Still, the overuse of police to address them can result in violations of personal privacy, unnecessary engagement with the criminal justice system, or exacerbated racial tensions and disparities already at play in neighborhoods.

We believe – and research shows – that there are better ways to help people resolve interpersonal and intercommunal clashes, and that reducing reliance on law enforcement can help cultivate peaceful and respectful communities in which social “norms” are sources of cohesion more than conflict.

3 Beck, B. (2020). Policing gentrification: Stops and low-level arrests during demographic change and real estate reinvestment. *City & Community*, 19(1), 245-272.; Beck, B. (2020). As neighborhoods gentrify, police presence increases. *City & Community*, 21(2), 265-284.; Thuy Vo, L. (2018, June 29). *They Played Dominoes Outside Their Apartment for Decades. Then The White People Moved In And Police Started Showing Up*. BuzzFeed News. <https://www.buzzfeednews.com/article/lamvo/gentrification-complaints-311-new-york>

How Much Of A Problem Is Social Disagreement?

It is hard to quantify precisely the demand of social disagreement on our response systems. Dispatchers and call takers typically do not classify calls for service with categories like “social conflict” or “social dispute,” and the categories that typically are used often fail to capture all the types of social conflict that result in 911 calls.

The following are some examples of social disagreements that can result in 911 calls:

- Noise complaints, including barking dogs, heavy construction, loud parties and/or music, etc.
- Use of public space, such as parades and protests that block traffic or otherwise utilize streets without a prior permit
- Loitering or congregating at parks or on streets
- Loud or erratic behavior by individuals living with a mental health diagnosis
- Smoking, drinking, or drug use in public places
- Animal complaints, such as pets being off leash
- Loitering, selling goods on sidewalks or on public transportation
- Landlord and tenant, or roommate disputes

And yet, these types of conflicts may be categorized with vague or unhelpful call codes like:

- Argument
- Disorderly conduct/fighting
- Neighbor problem
- Trouble with customer
- Threats
- Suspicious activity/person

As you can see, some of these categories are quite opaque, making it difficult to separate out what is and is not related to social conflict. Still, we know such conflicts are common, and that they can consume a significant amount of a police department's time. In one densely-populated United States city, over 62,000 calls were coded using the above call types (and other similar codes) in 2020 – or 17 percent of the city's total call volume.

Police As Social Conflict Mediators – Pros And Cons

Across the United States, police officers often are called upon to mediate social conflict – both in response to 911 calls, and as they come across conflict in the course of their daily responsibilities. Often this is because there is no other responder available. To resolve these disputes, police are asked to rely on their intuition, their perception of the situation, interpersonal skills, and discretion.

ADVANTAGES OF USING POLICE TO MEDIATE SOCIAL CONFLICT

There are some advantages to police response, in some circumstances, and it is important to be cognizant of what these might be.

Although conflicts like noise complaints, neighborly disputes, or arguments over the appropriate use of public space usually are non-violent, sometimes they can escalate into physically threatening or deadly encounters. This especially is true when disputes are neglected for a protracted time.⁴ What was once just an annoyance, like a barking dog, can turn into a heated confrontation. In these situations, response by a police officer may be necessary.

In other instances and for certain individuals, the presence of police officers and the threat of enforcement they represent, may provide an incentive to de-escalate a conflict and come to a resolution.

Finally, while most people would welcome a mediated solution, others may wish to stand on their legal rights and insist on an official enforcement response. Because police historically have been the sole government actors to broker on-the-ground resolutions for community disputes, many people have become accustomed to expect and desire a police response, even for problems that may not require it.



4 Lewis, Carl. (2019). *Property Dispute Turns Violent*. *The Ada News*. https://www.theadanews.com/news/local_news/property-dispute-turns-violent/article_c7158031-9294-5df6-80bb-8fe9503812df.html; Jovenal, Justin. (2020). *An ex-officer fought with his next-door neighbor over trash and dog poop. It ended in an alleged 'execution'*. *The Washington Post*. https://www.washingtonpost.com/local/public-safety/hetle-prather-springfield-killing/2020/09/22/e377c568-62e6-11ea-b3fc-7841686c5c57_story.html

DISADVANTAGES OF USING POLICE TO MEDIATE SOCIAL CONFLICT

“A lot of neighbors don’t feel necessarily comfortable having conversations with each other, especially if it’s to complain. But if facilitation services were to become available, there would be a place where people can go before they go to law enforcement.”

Local resident, RPS Partner Jurisdiction

And yet, as noted above, there also are compelling downsides to using the police as one-size-fits-all social dispute resolvers. While some of these issues perhaps could be addressed through better training, others may be inherent in the nature of policing.

Police receive little formal instruction on the skills necessary for negotiating these disagreements, especially when they are related to underlying social factors and implications. A Bureau of Justice Statistics analysis of nearly 700 local and state police training academies found that just 1.1 percent of programming is spent on mediation and conflict management, and 1.5 percent on officer problem solving skills.⁵ Some departments may provide officers with information on how to refer residents to local mediation programs, and others may partner with local agencies to administer more in-depth training on resolution skills, but, in general, the conflict resolution resources available to police officers are paltry.

Then there is the problem of prioritization and allocation of time. With high backlogs and call volumes, officers simply may be unable to spend

the time needed to resolve ongoing social conflict, and residents may experience delays in receiving a response to their call for help.

Beyond these questions of training and time allocation, the professional role of the police officer simply may be inherently at odds with some of the fundamental principles of conflict resolution.

The American Bar Association and Association for Conflict Resolution outline model standards for mediation conduct, defining mediation as a “process in which an impartial third party facilitates communication and negotiation and promotes voluntary decision making by the parties to the dispute.”⁶ Conventional mediation practices are grounded in participant autonomy, and dialogue that is conducted in an uncoerced, confidential, and self-determined fashion, free from bias and conflicts of interest. Some of the most valuable mediatory skills are active listening, neutrality, pursuit of common ground, maintaining an open mind, and respect.

Admittedly, a public conflict that is urgent enough to prompt a 911 call is probably not the ideal setting in which all of these principles may be applied. Even when a trained mediator responds, confidentiality may be a pipe dream, as may be voluntary participation.

Still, police officers – the very embodiment of state-sanctioned authority to detain residents and use force – may not be positioned to listen patiently or facilitate participation in the way that successful mediation of social conflict requires. Even if certain officers have these skills – and many do – participants in the original dispute may be resistant to officers fulfilling this role.

Considering these pros and cons, it seems evident that jurisdictions should consider non-police responses to successful social conflict resolution, except for true emergencies in which violence appears imminent.

5 Buehler, E. D. (2021). State and local law enforcement training academies, 2018–statistical tables. *United States Department of Justice, Bureau of Justice Statistics*.

6 Model Standards of Conduct for Mediators. (2005). *American Arbitration Association, American Bar Association, Association for Conflict Resolution*.

Promising Model: Community Mediation

Community mediation is a process for resolving disagreement and conflict among individuals and groups. The need for such resolution was recognized in the Civil Rights Act of 1964, which established the **Community Relations Service (CRS)** to promote dialogue and mediation in addressing disputes, especially as they relate to issues of racial, ethnic, and other identities.

More than 500 community mediation centers (CMCs) were founded throughout the United States in the years since 1964. They handle approximately 400,000 cases each year and offer participants a formal, productive, facilitated space in which to discuss and resolve a wide range of interpersonal and communal conflicts, from those occurring between co-workers or family members to disputes over property and homelessness.⁷ All CMCs must implement certain standards, including diversity among staff, volunteers, and advisory boards, and provision of services at no-cost to individuals unable to pay.

Many CMCs already have relationships with local law enforcement and judicial systems, which send referrals to CMCs from small claims courts, prosecutorial agencies, or juvenile legal systems. A 2019 report from the National Association for Community Mediation noted that 6.3 percent of all total cases were referred directly by police departments.⁸

Research demonstrates that community mediation strategies decrease the utilization of local public safety systems, including calls for service and court involvement.⁹ For example, a study in Baltimore evaluating mediation and calls for service concluded that there was a decrease of 8.53 calls per case in the six months after the individuals in conflict received mediation services for their issue.¹⁰

For all their benefits, however, CMCs do not have responders on call to deal with conflict as it occurs in real time, so CMCs are suited only to be one part of a broader mediation strategy.

Who Mediates In Your Area?

Local community leaders, organizations, and/or non-profits already may be conducting mediation and conflict resolution work in your area, such as the Conflict Resolution Center in Santa Cruz, California or Common Ground, Inc., in Greene County, New York. These programs provide services that willing participants can utilize for conflict resolution. Unfortunately, many do not have alternative responder programs to help immediate conflict.

7 *Community Mediation Basics* | RSI. (n.d.). <https://www.aboutrsi.org/special-topics/community-mediation-basics>.

8 Washington, F. (2019). *State of Community Mediation 2019*. National Association for Community Mediation.

9 Charkoudian, L. (2010). Giving police and courts a break: The effect of community mediation on decreasing the use of police and court resources. *Conflict Resolution Quarterly*, 28(2), 141-155. Retrieved from https://mdmediation.org/wp-content/uploads/2019/10/Giving_Police_and_Courts_a_Break.pdf.

10 Charkoudian, L. (2005). A quantitative analysis of the effectiveness of community mediation in decreasing repeat police calls for service. *Conflict Resolution Quarterly*, 23(1), 87-98. Retrieved from <https://mdmediation.org/wp-content/uploads/2019/10/Quantitative-Analysis.pdf>.

Community Resolution In Action: Alternative Mediation Responders

As jurisdictions across the country reimagine the role of police in their communities, some have begun to pilot alternative responder units that send unarmed, non-police actors to specific calls. Most of these are related to a mental or behavioral health issue, but some can be used, or have been designed specially, for the mediation of social conflict.

Established in 1989 in Eugene, Oregon, **CAHOOTS (Crisis Assistance Helping Out On The Streets)** is the most widely known and replicated alternative response model in the United States. Two-person teams consisting of a medical practitioner and crisis professional are deployed to 911 calls related to mental health, substance use, welfare checks, or social service needs. In addition to these community issues, CAHOOTS responders provide mediation and conflict resolution services.¹¹ If you have an existing alternative responder framework, or are looking to pilot such a program, incorporating dispute resolution in its range of available services might be a good model to adopt.

Another jurisdiction is piloting an alternative response team to specifically provide mediation services to residents. Launched in May 2022, **Dayton, Ohio's Mediation Response Unit (MRU)** is the first program in the country to dispatch mediators in response to low-level, non-emergent 911 calls, such as neighborly conflicts, noise complaints, loitering and trespassing, animal complaints, and other similar non-violent issues. A team of MRU professionals trained in conflict resolution, de-escalation, and mediation, respond to 911 calls that, based on the facts provided, appear to be good candidates for mediation.

11 Beck, J., Reuland, M., & Pope, L. (2020). Case Study: CAHOOTS. *Vera Institute of Justice*, November. Retrieved from <https://www.vera.org/behavioral-health-crisis-alternatives/cahoots>

In addition to deploying directly via 911 dispatchers, the MRU vehicle also is equipped with radio and computer technology that allows mediators to view the 911 call log. Through this access MRU mediators can self-select calls they determine to be suitable for mediation services. Importantly, this practice helps overcome a common challenge with alternative response implementation — namely, that 911 call center staff can be overly cautious in their risk analysis and, consequently, too hesitant to assign alternative responders.

In the pilot's first three months, during which it operated between 11:00 AM and 7:00 PM, MRU responded to more than 400 calls, of which only 3 percent required officer back up.¹² Also notably, only 4 percent of callers requested a police officer response instead of MRU.

Improving Police Response

Even if you divert social conflict calls to alternative responders, police will continue to encounter disputes in the course of their day-to-day responsibilities, so it is essential to equip officers with the tools to better manage social disagreement. This is a failing of much police training that must be remedied.

TRAINING

Officers are likely to benefit from formal expert-led mediation instruction. Start by evaluating your department's training requirements for problem-solving, mediation, and conflict resolution. Is your instruction mandatory? Is it offered only during new officer training or on a continuing basis? How much

12 Frolik, Cornelius. (August 22, 2022). *Dayton's Mediation Option for Some Police Calls Gets High Marks, May Expand*. *Dayton Daily News*. <https://www.daytondailynews.com/local/daytons-mediation-option-for-some-police-calls-gets-high-marks-may-expand/W244ZWXWBBFG5PX5DI44ZE6BEE/>

of your overall training curriculum does it comprise? Are there opportunities to develop a more robust mediation curriculum in partnership with local organizations?

PARTNERSHIPS AND REFERRALS

Officers' responses to social conflict also may be improved by building referral pathways with local conflict resolution agencies. Through formal, funded partnerships, officers can transfer cases directly to mediation services and divert residents from overusing public safety systems to solve problems. However, connecting callers with referrals is unlikely to resolve an issue in real time and may be limited by residents' unwillingness to follow up or travel for a mediation appointment on a different day.

Looking For Long-Term, Enduring Solutions

“The first thing to understand is that the public peace – the sidewalk and street peace – of cities is not kept primarily by the police, necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves.”

Jane Jacobs, Author and Theorist

Even an alternative mediation response program does not achieve what should be the ideal end goal: fostering cohesive communities of individuals who feel accountable for one another's wellbeing and do not rely on state authority to solve their problems.

Which is to say, how government responds to disagreement is a broader issue than simply determining who arrives in a time of acute crisis. It is about ongoing investments in the conditions that promote healthy, well-functioning neighborhoods – like parks, libraries, and public transportation – which in turn not only reduces crime and enhances residents' perception of safety, but will reduce social conflict overall.

We must endeavor to cultivate harmonious communities of neighbors able to live in concert, even as they pursue conflicting activities in public spaces. Communities in which people congregate peaceably in public parks, or choose to knock on a neighbor's door if they're a little too loud. Communities in which people look out after one another's children, and keep an eye out for when help is needed. Ultimately, our goal should be not just to divert 911 calls, but to reduce the need for these calls in the first place, through ongoing investment in healthy, well-functioning neighborhoods, meaningful, equitable economic opportunity, and broadly-shared social resilience.



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