

# CIVILIAN DISPUTE MEDIATION

POLICY & PROCEDURE NO. <b>4.20</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Neighbor disputes are a common occurrence in many cities and towns and sometimes if left unresolved, they can become so volatile that they can result in criminal activity such as destruction of property or even physical violence. These disputes also often put a strain on town services when Police or inspection services have to respond to resolve complaints and if these disputes continue to escalate, they could also cost the disputing parties thousands of dollars in court costs if lawsuits occur.

The goal of a Police Mediation service is to provide a process that allows disputing parties to meet with a trained and neutral third person who will work with both sides and try to reach a mutually satisfactory agreement, before any of the negative consequences occur. This is much like what the average police officer will attempt to do while on scene at one of these disputes, but this process will take much of the stress and tendency to rush to resolution out of the equation.

The Mediation is free, confidential and voluntary. The mediator will manage the communication between the parties and attempt to find common ground so that, whatever the dispute, it can be mitigated, if not completely resolved.

The results of the mediation are non-binding on either party, we are simply trying to diminish the volatility of the situation and try to get both disputing parties to communicate effectively so that the dispute can be somewhat alleviated.

## **II. POLICY**

- A. The Hadley Police Department will select multiple employees (these can be civilian employees or police officers) to become mediators and have them certified with mediation training courses.
- B. The Mediator(s) selected to handle the specific dispute shall not be connected in any way to either disputing party or have had significant personal or departmental contact with either side—it may be impossible to prevent some contact with either party.
- C. The mediator will remain impartial and unconnected to either party for the duration of the sessions.
- D. In some circumstances, multiple mediators may be necessary for specific knowledge of laws, etc. This can occur during the same session or the dispute may be scheduled for a subsequent meeting with another mediator. Often times, co-mediation will be required.
- E. All parts of the mediation process shall be documented.

## **III. PROCEDURE**

- A. The selected mediator will contact both disputing parties (or if multiple exist, all parties involved) and request that they participate in the mediation process.
- B. If any party refuses, the next time that the Department is contacted in relation to the dispute, another attempt will be made to request mediation. The mediator will document each attempt to request mediation and which party refuses to participate.
- C. If all parties choose to participate in mediation, the mediator will schedule the first session and explain the ground rules.
- D. Regardless of whether or not a solution to the dispute is found, the session will be thoroughly documented by the mediator for future reference by potential responding officers.

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## IV. **GROUND RULES**

1. The parties agree to take turns speaking and to try to not interrupt each other.
2. The parties agree to call each other by our first names, not "he" or "she" or worse.
3. The parties will ask questions of each other for the purposes of gaining clarity and understanding and not as attacks.
4. The parties agree to try to avoid establishing hard positions and express ourselves in terms of our needs and desires and the outcomes that we wish to create.
5. The parties agree to listen respectfully and sincerely try to understand the other's needs and interests.
6. The parties recognize that, even if they do not agree with it, each of us is entitled to our own perspective.
7. The parties will seek to avoid dwelling on things that did not work in the past, and instead focus on the future we want to create.
8. The parties agree to make a conscious, sincere effort to refrain from unproductive arguing, venting, and narration and agree to use our time in mediation to work toward what we perceive to be our most constructive agreement possible.
9. The parties will speak up if something is not working for us in the mediation and will request a break if helpful.
10. The parties will point out if they feel the mediator is not impartial and neutral as to a result.
11. Either party may choose to end the process at any time, the session is completely voluntary.
12. The outcome of the session is non-binding. Our hope is to simply facilitate positive communication between both sides and highlight possible solutions.
13. If resolution or partial resolution occurs, the results shall be memorialized by the mediator and all involved parties will be issued copies.

## **V. IN HOUSE PROCEDURES**

1. Mediators who are full time employees will be required to attempt to flex their schedules first to perform mediations.
2. If flexing is not possible, overtime for full time mediators will be a second option.
3. Mediators who are part time shall be paid their standard wage.
4. Mediators who are salaried employees may flex their schedule or be compensated via compensatory time.
5. Overtime or standard payment requests must be recorded appropriately in Planit Police and/or time sheet with an OF# or other reference number attached.