

CONCEPTUALIZING MEDIATION USE BY PATROL POLICE OFFICERS

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ABSTRACT

This research effort shows why it makes sense that 21st Century police reform initiatives include embellishing the mediation skills of patrol police officers. In addition, the findings yielded via field research, survey, content analysis, review of the literature, and evaluation research enable for a showing of the manner in which police officers should provide mediation services and the most effective way that mediation service providers can obtain "buy-in" from police officers for mediation training. Other significant issues addressed include how use of mediation by police officers for calls-for-service that involve an interpersonal dispute, reduce the likelihood of a repeat call-for-service and improve police-citizen relations. Additionally, mediation partnerships in which officers are mere referral agents for mediation centers instead of trained mediators, subjects certain classes of people to social subordination as well as thwarts efforts for police officers to substantively handle scenes.

Key Words: (1) Police (2) Conflict (3) Dispute (4) Mediation (5) Interpersonal (6) Calls-for-service

Biography:

Dr. Christopher C. Cooper, a former Washington D.C. Police Officer (MPD), and United States Marine. He is an Attorney and Ph.D. and received his mediator's certification in 1987 from the City University of New York Dispute Resolution Consortium. Dr. Cooper is an Associate Professor of Sociology & Criminal Justice at Saint Xavier University in Chicago and the director of the Saint Xavier University Center for Conflict Resolution.

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Presently, mediation, the process in which a neutral third party helps parties involved in a dispute fashion their own resolution to the dispute, is fast becoming a popular method for the resolution of interpersonal disputes in American society. The mediation method alternatively referred to as empowerment, is appropriately encouraged as a viable alternative to litigation.

Mediation also has its place in police work as a tool used by uniformed police officers assigned to patrol duties. It represents a viable method for handling calls-for-service which involve an interpersonal dispute in which there are no grounds to arrest or to cite a party for a law violation. Although many police officers use the method (Muir, 1977, Cooper 1997, 1999a, 1999b, 2001a, 2001b, 2001c), few have received formal mediation training or instruction. Rather, many officers arrive at using mediation via a trial and error approach (although, maybe not a conscious effort) (Muir, 1977; Bittner, 1990). It is fair to add that the nature of the police mandate makes learning mediation a naturally occurring problem solving method for many officers. (Id.)

The present research effort shows why it makes sense that 21st Century police reform initiatives include embellishing the mediation skills of patrol police officers. After all, the uniformed patrol officer is the first responder to many interpersonal disputes in our society. The enormous responsibility of third party intervenors, of the patrol officer type, warrants professionalization of mediation application. (Cf. Bittner, 1990) Simplistically stated, this paper proffers reasons for teaching cops to become better mediators; followed by an explanation of the manner in which police officers should provide mediation services.

METHODS

This study represents an ongoing evaluation of mediation initiatives directed at patrol police call-for-service responses. The emphasis is on responses to interpersonal disputes at which the officers do not have [clear] grounds to arrest or to cite a party for a violation of law or that the officers are permitted by law to use their discretion as to whether to issue a citation or to arrest. The term clear is used to signify that police often respond to interpersonal disputes in which, because of the "he said" [sic] "she said" [sic] phenomenon, it is difficult to ascertain who (one or both) is a law violator.

Many interpersonal disputes to which the police respond do not involve a violation of the law; and if the dispute does involve a violation of law, the violation is not always physical violence. Although police can arrest persons engaged in a minor physical scuffle, mediation may be a more viable and efficient alternative; therefore, this study also concerns itself with how police address these types of calls. However, other violence, particularly domestic violence and aggravated battery do not satisfy this study's operational definition of interpersonal disputes for which police officers do not have grounds to arrest or to cite a party for a violation of law. In fact, in many jurisdictions, with regard to domestic violence, police officers do not have discretion as to whether to arrest a party. Provided there is probable cause that a person committed a battery, the police must arrest.

The term patrol police has been operationalized to mean officers who are assigned to patrol duties. This means primarily uniformed patrol officers but includes plain-clothes officers on patrol. The operational definition for the phenomenon "call-for-service" is any situation to which the police respond as a third party intervenor, regardless of whether they were called to the scene or happened upon it. The term, scene represents the physical venue of a situation. Often the term is used in conjunction with the word "on." In police jargon, an individual is not "in" a police scene, but "on" a police scene.

The primary sample for this study included the Hillsboro, Oregon Police Department Mediation Program; the Pittsburgh Police Department Mediation Program; the Orland Park, Illinois Police Department; the Blue Island, Illinois Police Department; the Berkeley Dispute Resolution Services Center; the Community Boards of San Francisco; and the Conciliation Forums of Oakland.

Field research represents a primary methodology employed. In this regard, data were reanalyzed from participant observation (police ride-alongs and walk-alongs), done by the author, pursuant to field research in Cleveland, Philadelphia, and Chicago in 1994.¹ The participant observation enabled for observations of patrol police officers as they addressed calls-for-service. Scenes observed included a variety of types of interpersonal disputes. (Also, note that the author was assigned to patrol duties in his tenure as a Washington D.C. [Metropolitan department] Police Officer having been assigned to patrol duties.) Other secondary analyses coupled with content analyses involved reviewing internal documents, statistical and qualitative data kept by each agency (excluding Blue Island) regarding their mediation efforts. This research endeavor included a review of the policing literature in order to identify phenomena in it that could be used to bolster positions regarding police use of mediation, since there is a paucity of conflict

resolution data with regard to use of mediation by police or the effectiveness of mediation on calls-for-service.

A survey instrument was used to evaluate a patrol police mediation training program administered by this author to police officers of the Orland Park, Illinois and Blue Island, Illinois Police departments for the purpose, in part, to determine the best training model for teaching police officers to mediate on the street. The reason for this author's interest in a "best training model" is directly related to anecdotal reports by many meditation trainers that they had failed in their attempt to teach patrol police officers how to mediate. The findings from the survey instrument enable an understanding of past failures, while showing how to achieve successful outcomes.

The interpretation of the research findings show that police officers must be provided with professional mediation skills training because of the nature of their mandate.

FOUNDATIONAL ISSUES

Mediation dates back approximately 3000 years and is normally credited to the ancient Chinese. It is preferred over other conflict resolution methodologies because of its objectives and the substantive components of its step-by-step process. Starting with the latter, the mediator is a neutral party as to the matter in dispute. He or she is an active-assertive facilitator who administers the following steps in order to help the parties in dispute resolve their dispute:

- (1) Opening Statement: Mediator provides an explanation of the mediation process and the rules that will enable for civil problem solving.
- (2) Each party in dispute presents his/her account of why there is a dispute.
- (3) Reiteration and Clarification: Mediator probes for underlying and latent issues; frames the dispute and insures that all of those present, including himself/herself are clear as to matters in contention.
- (4) Brainstorming/Generating Possible Resolutions: Mediator encourages the parties to suggest solutions to the dispute; Mediator helps the parties work towards a resolution.
- (5) Targeting an agreement followed by memorialization (sometimes in a writing, other times simply verbal).

(Note that the mediation schematic presented is one of many. Some schematics have fewer steps while others have more, however, all should have the same objectives.)

Mediation should be referred to as "empowerment", since the mediator does not impose a resolution; rather the mediator's role is that of assisting the parties to empower themselves, to collectively find a resolution to the dispute. The empowerment feature is important for a variety of reasons. Two reasons in particular are important to the rationale for police use of mediation mediation. The first is that people want to have control over phenomena that are important in their lives. If the dispute involves them, it is no coincidence that the parties would like to have "ownership" of the resolution reached. This can be achieved only if the parties "themselves" create the resolution.

This brings attention to the second reason why it is important for the mediator to empower parties in dispute. The agreement reached by the parties will be characterized as having "high stability" (Pruitt & Rubin, 1986). Stability is the term used in the mediation field to describe the staying power of a resolution arrived at through mediation. Said another way, stability is the degree to which an agreement is likely or unlikely to be breached by one or both of the parties. Mediation agreements are high on stability, that is, they are very likely to last. This is the result when disputing parties reach a resolution/agreement of their own devising. This is ownership of the resolution by the parties. It is the ownership notion that reduces the likelihood that mediated agreements will be breached.³ Alternatively, agreements not having an ownership quality, since they are imposed by a third, party—for example, an arbitrator's resolution—are more likely to be breached. A helpful analogy is enabled if the reader visualizes how many people treat rental cars verses cars that they either own or are making payments towards owning.

A hotly debated issue in the mediation field is whether a mediator should participate in helping parties generate resolutions to a matter in dispute. In other words, should the mediator suggest alternatives for the parties? Some in the field say yes while others feel otherwise. This author takes the position that mediators should participate in the brainstorming step of the mediation process. In doing so, the mediator must not coerce or impose. The resolution must be a product of the parties "own" volition. The position taken by this author is very relevant to the duties of a patrol police officer when he/she mediates an interpersonal dispute. Consider that he/she comes upon a dispute in its "rawest" form, for example, the dispute is in progress, there may be shouting, etc. (Black, 1980, Cooper 1997, 1999). When the officer arrives, he/she may have to calm tempers. Although the parties may be in a right frame of mind once calmed down, they may not have had the time to think about viable resolutions (for resolving the dispute). In

these situations, officers can help disputants/parties realize alternatives to resolving a matter by suggesting to the parties, alternatives they (parties) may not have considered.

MEDIATION IS INDIGINEOUS TO POLICE WORK

The methodology mediation had its place in modern policing in the United States long before it became popular as an alternative to litigation in the U.S. (Muir, 1977 and Bittner, 1990, both write about behavior by police officers that illustrates use of mediation by police officers). The nature of American democracy, in particular civil rights held by citizens, gives way to a policing system in which the police should be expected to empower citizens.

Mediation by the patrol police officer represents a transfer of decision-making power from police officer to citizen. A phenomenon that is indigenous to police work, yet very few American police officers have been given formal instruction on how to mediate interpersonal disputes that they encounter on patrol (Cf. Muir, 1977, he refers to patrol police officers as "Street Corner Politicians"). Because of the nature of patrol police work, for many police officers, learning to mediate is a naturally occurring (from within) problem solving methodology, so many patrol police officers employ the methodology anyway (although for many, they do so selectively). (Id.) Granted, the absence of formal mediation instruction indicates that the employment of the method is not always systematic or the most competent. Note that there are police officers, albeit not having had mediation instruction, who are high quality mediators, since they came to the police profession having excellent social interaction skills coupled with a commitment to treat people with dignity.

The skeptics would contend that the type of mediation the "policeman" employs is either informal or something less than mediation. They should consider that distinguishing formal mediation from informal mediation should be based not on geographic venue of the mediation session or the social status of the third party, rather based on whether or not the mediator/officer adheres to the systematic process of conducting the mediation process. (Cooper, 1997, 1999b, 2000b)

Adherence would represent formal whereas non-adherence would constitute informal. Granted, many police officers who have not been formally trained in mediation are not as likely, as those trained, to conduct mediation according to a systematic process. They are not as likely to have a "systematic" mediation process etched in their minds that they can employ when they address

an interpersonal dispute. However, when an officer is mediating an interpersonal dispute according to a systematic mediation process, the mediation session is just as formal as it would be in a setting in which all parties are seated for one hour (e.g., in an office).

The basic definition of mediation is a substantive one: The mediator, an objective third party, assists the parties in helping themselves (emphasis on the empowerment derived). The officer transfers (from himself) the decision making ball to the parties in dispute. The resolution arrived at by the parties, with the officer's help, is a creation of the disputing parties. There is never a situation in mediation when the mediator imposes a resolution. When you impose a resolution, you are arbitrating not mediating. There are some procedural differences between what police do when they mediate and what "sit down" mediators do when they mediate;ⁱⁱⁱ however, substantive differences should not occur if the mediator is adhering to: (1) appropriate ethical guidelines; and the (2) mediation process.

The police profession in the United States is often criticized for hiring one too many people who do not receive high marks for social interaction skills. The New York City Police Commissioner, in an effort to defend the police department's image, following the shooting death of Amadou Diallo by four of its officers, exclaimed that his officers are not brutal but that many are socially inept. (Safir, 1999) Certainly, many people would take the position that an individual who is socially inept should be disqualified from employment as a police officer. Notwithstanding this fact, many officers arrive at using the methodology mediation often through trial and error and or socialization. (Muir, 1977; Chandler, 1974)^{bv} The former represents a patrol police officer arriving at a point, after responding to countless interpersonal disputes, that he realizes what works, what does not work, and what is efficient. In particular, the officer realizes that there are benefits in transferring decision-making power to the parties/disputants. For example, she notices enormous staying power (stability) of mediated agreements. The officer contrasts this knowledge with other knowledge that an agreement resulting from her having arbitrated is not as likely to last—it is the old adage that no one likes being told what to do.

Note that the officer's newfound answer (mediation) to being more efficient does not necessarily imply that he is suddenly adorned with the social graces that are the mark of a respectful cop. On the other hand, it means that he has figured out how to expedite matters. In this regard, the officer's motivation to use the method may or may not reflect a desire to show respect to citizens. For some officers, mediation represents the best way to expedite matters that they consider an annoyance (Bittner, 1990; Cooper, 1999a, 1999b, 2000b). They want to reduce the likelihood of a repeat call, thereby having the time to engage in other non-police activity (e.g., sleep etc.) or police activity that they find more interesting (e.g., "man with gun" and other Code 1 calls). Other officers may strive for one or all of the aforementioned objectives, but as well experience self-satisfaction at having transferred power and showed respect for the parties right to have a role in how a matter affecting them was resolved.

Life socialization followed by [police] department socialization explains how many officers come to use mediation. It is in these processes that officers learn who in society is supposed to be given automatic respect and who is not to be as deserving. Perhaps then, it is sloppily delivered empowerment afforded to those considered worthy. (Cf. Bittner, 1990) From a negotiated-order perspective (Strauss et al., 1963, 1964), group perceptions of the "relevant" environment have an almost absolute (more than overbearing) influence on how a group behaves (Klinger, 1997). Relating this to police work, a negotiated-order theorist would likely hold that individual police officers are not likely to mediate if the perception of other officers is that mediation is not worthwhile (e.g., because the neighborhood is low-income and inhabitants are perceived as "ghetto" to borrow street jargon). This author challenges the notion that all police officers are like robots that do as the group does. The author joins Manning (1977) and Brown (1982) in calling attention to an officer's free agency opposed to constant submission to group norms. Hence, both learning mediation and deciding whether or not to use it will have some connection to group and organizational norms, but these are not indicative of an officer's loss of individualism; therefore, we can expect that many officers mediate irrespective of what other officers are doing.

REVIEWING THE LITERATURE

There is a paucity of scholarly writings concerning police use of mediation to address interpersonal disputes. For this reason, the author presents mention of work directly related to the mediation, as well as work that is similar.

Bercal (1969) categorized and described the types of interpersonal disputes to which patrol police respond. He concluded that cops spend a lot of time at interpersonal disputes in which they are expected to play a role other than arbitrator or enforcer. In calling for police administrations to recognize the social service function of police work, Bercal shows a rationale for perfecting police officer third party intervenor skills. It is no surprise that he did not build his argument around mediation, since mediation did not receive a great deal of attention in the United States until about 1979.

Work done by Bard in the 1970's (1970, 1973, and 1975) supports a notion that patrol police officers should possess strong dispute resolution skills. He emphasized the importance of use of processes which involve mediation philosophy. The writings have as a common focus the role of the patrol officer as an intervenor in family [crisis] conflicts. His research has an objective of decreasing the danger for police officers when they address family disputes and making the handling of family conflicts by police more efficient. Bard found that arming police officers with

interpersonal skills of the mediation type, for example, increases police officer safety and reduces family assaults and homicides (1970). Notwithstanding the competency of Bard's research, and the similarities of his scholarship to this author's research, there are distinguishing differences between them. Bard's focus is that of how police departments, police managers, and instructors can develop family crisis intervention programs. The present research (this paper) is more concerned with showing why police officers should receive professional mediation skills training.

Muir's (1977) findings, through dialogue on the concept of eloquence, indirectly indicate the values of mediation skills, when held by patrol police officers. He remarks that eloquence enriches a police officer's "repertoire of potential responses to violence and permits him to touch the citizenry's souls--their hopes, [and] their fears..."^{vi}(1977:4).

Black's (1980) analysis of interpersonal disputes to which the police attend may not have represented a calling for use of mediation by police, by he did document how police empowered some individuals. His discussion of empowerment, vividly illustrates unequal distribution of favorable police responses, such as empowerment. For example, Black found distinguishable differences in the manner in which police handled interpersonal disputes involving whites versus disputes involving blacks. Smith and Klein (1984) expounded where Black left off finding in particular that patrol police officers would mediate where disputing parties were of higher socio economic class "to help them identify alternatives to resolving their dispute." Officers in the sample would not provide the same service to lower class parties, many of who appear to have been people of color.

From the perspective of his experience as a police manager Louie (1981), writes about calls-for-service marked by a crisis. Louie's definition of crisis situations includes interpersonal disputes in which the police have no grounds to arrest or to cite a party for a law violation. In this specific writing, Louie champions the use of mediation by police officers although indirectly. This is not a reflection of lack of enthusiasm for the method, rather an indication of mediation "newness" in the United States in 1981. In fact, it can be said that Louie was far ahead of others in thinking about police reforms. It was he who in the 1990's oversaw the development of the Hillsboro, Oregon Police Department Mediation Program.

Lawson's (1982) work concerns mediation, however, it is distinguishable from focus of this paper. Lawson focuses on patrol police officers attitudes and values with regard to intrapersonal issues facing police officers. Even more distinguishing from the present research, Lawson uses the term mediation in a strict and literal sense. His work does not mention the role of a neutral third party assisting disputants in fashioning a resolution to a dispute.

Smith's (1987) consideration of how patrol officers respond to interpersonal violence as opposed to an interpersonal dispute without violence, sheds light on the manner in which police function on scenes. Like Black (1980), Smith calls attention to police responses other than arrest in situations in which the police could have lawfully arrested.

Volpe (1989) addresses two major uses of mediation by police: mediation as an intervention strategy by police officers and the role of police officers as referral agents for mediation centers. Volpe and Christian's (1989) "*Mediation: New Addition to Cop's Toolbox*," although not scholarly research, supports the present research in that it emphasizes how the use of mediation skills by a patrol police officer can "defuse a situation, avoid escalation, and reduce the need to return to the same situation in the future" (1989:8).

Positions taken by Goldstein (1990) in his presentation of "Problem-Oriented Policing" (POP) can be interpreted as having a favorable disposition toward mediation. In particular, since both POP and mediation employment represent substantive responses to a call-for-service. Unfortunately, many learned people as well police officials make the mistake of assuming that problem oriented policing and mediation are synonymous methodologies. Recent work by this author (Cooper, 1997, 1999a, 1999b, 1999c, 2000b) and Kidd and Brazel (1999) should help to debunk this notion.

This author's (Cooper) past work (1997, 1998, 1999a, 1999b, 1999c, 2000a, 2000b, 2001a, 2001b, 2001c, 2001d) is extensive on the subject of patrol police use of mediation. The writing presents rationales for professionalizing the mediation skills of patrol officers. It establishes criteria for determining when an officer should mediate. In this regard, there are discussions of what components of a dispute should be handled by the police and those that should be referred to a mediation center. In the book *Mediation and Arbitration by Patrol Police Officers* (1999) the author discusses the obstacles to police use of mediation (i.e., limits on how long an officer can be "out-of-service").

Kidd and Brazel (1999) emphasize the importance of a police officer having good social interaction skills. Although their work does not concern use of mediation by cops, the skills that the authors believe that officers should have resemble mediation skills. More important, the authors show how strong social interaction skills held by an officer can bolster community policing objectives. An identical position is taken with regard to the positive police-citizen interaction yielded by police having achieved competency as mediators.(Cooper 1996, 1999c, 2001d)

DISCUSSION

The uniformed patrol officer, unlike other types of police officers is the first responder to many of [American] society's interpersonal disputes. Upon his/her arrival at an interpersonal dispute, at which there are no grounds for arrest or issuance of a citation, he/she has the authority and or power to dictate the problem solving strategy to be employed. His/her choices include the conflict resolution methodology called arbitration. In the context of police responses, arbitration is defined as the police officer giving each party an opportunity to explain his/her side and based on the facts presented, the arbitrator/officer renders a decision. By example, a case in which there is absolutely no doubt that a piece of property belongs to another is appropriate for the arbitration method. To further illustrate, if I were to strike you over the head and to take your Walkman, not only would I be guilty of a battery, but as well, I have created a dispute. The dispute is suited for arbitration, since upon examination of the facts, it will become clear that I am not entitled to the property. The Walkman belongs to you. Many interpersonal disputes in society are not so cut and dry. Often, both parties/disputants have a legitimate right or basis to have the [identical] outcome sought by the other. Since identical outcomes/resolutions for each party are not always feasible, it is through collective and integrative problem solving (mediation) that parties often compromise. In this regard, the police patrol toolbox of responses also includes mediation.

Most mediated agreements are compromises. For this reason, mediation is a preferred conflict resolution method, since the parties get to have control over the contents of the agreement—they make the agreement themselves. In this way, both parties walk away from the process winners, although, they may walk away with less than what they originally sought. The dignity afforded to each party, by the character of the agreement is that it allowed each party to play a role in deciding a matter for which they had an exclusive right to participate. Other benefits yielded via the use of mediation by the patrol officer (the transfer of problem solving power from officer to citizen) include:

- (1) Improved relations between police and citizens, since disputing citizens appreciate the empowerment (which characterizes mediation philosophy) given to them by the mediating officer (Walton, 1969; Pruitt & Rubin 1986).
- (2) Reduction in repeats calls-for-service^{vi} (e.g., calls to 911, etc.), since the application of mediation to an interpersonal conflict or dispute represents a substantive approach rather than a superficial approach. The latter approach creates a strong likelihood that a repeat call-for-service will not be necessary.

- (3) Reduction in the likelihood that an officers conflict resolution skills will escalate the matter. Where poor conflict resolution skills and unsystematic approaches on the part of an officer escalate police scenes (on-site situations), using a systematic dispute resolution process such as mediation is less likely to have such a negative end. (Cf. Louie, 1981)

Many interpersonal disputes are handled by the patrol officer where they occur: in parties' homes; on street corners; in shopping malls; on basketball courts; and in parking lots, just to name a few places. (Cf. Bercal, 1969) Examples of disputes, which prompt a police intervention include: neighbor disputes, such as issues over driveway access and on-street parking; customer-merchant disputes; [portable] property disputes (e.g., televisions and clothing); and roommate disputes. Some of the disputes to which the patrol officer responds are marked by flared tempers and or chaos, while some are orderly.

Many interpersonal disputes to which the police respond do not have a history or that the dispute is ongoing. This author refers to these types of disputes as episodic (a single episode in time). (Cooper, 1997, 1999a, 1999b) The following are examples of episodic disputes: (1) argument over mall parking lot space; (2) a customer-merchant (e.g., street or flea market vendor) dispute in which a customer desires an exchange or refund of an item and the merchant refuses; and (3) A public argument in which a client or customer has taken offense to perceived improper or rude conduct of a clerk. These situations are episodic usually, provided the parties will not have reason to see each other again and that they do not have a history or ongoing relationship. Episodic disputes are always ripe for highly skilled police officers trained in mediation.^{viii}

Other disputes that police officers encounter have two layers, a manifest and a latent. These disputes usually have a history and/or are ongoing. We say two layers because what you hear [literally] the parties arguing about on the surface is not what the major issue in contention is all about; you have to look to the bottom layer. The term conflict is often used to describe the bottom layer. Another way of saying the bottom layer is to say the latent dispute. And if the terminology is not confusing enough, consider that the term underlying issue(s) is also used to describe something below the surface, but not necessarily what we call the "conflict." You see, the conflict represents that you and I have a problem, but we are not talking about it or dealing with, that is why it is latent. When we manifest the conflict-- say through an out-and-out argument about "anything," not necessarily what we were mad about in the conflict stage-- we call the manifested conflict a "dispute." Note that manifested conflicts (disputes) sometimes prompt a police response, because of the manifest character (e.g., arguing, or shouting) of the situation (Cooper, 1997, 1999a, 1999b).

The underlying issue or issues may be more complex than the conflict, if so the issue or issues are below the conflict, but at the same time fueling the conflict. They may be deep-rooted and/or date back many years. The conflict occurs because of the underlying issue or issues. These are situations when the conflict and underlying issue(s) are distinguishable. And, let us not forget that a manifested conflict is the dispute. In this regard, often when there is a conflict, the parties have short fuses, "anything" is fair ground to argue about (not necessarily the conflict issue), and hence anything can become the basis of a "dispute." And although, the dispute issue(s) may not mirror the conflict or underlying issue(s), it [the dispute] was prompted by the existence of a conflict and/or an underlying issue(s).

MODELS FOR ADDRESSING INTERPERSONAL DISPUTES

This research effort has revealed that there are primarily two types of police calls-for-service mediation models. The first is what this author calls the triage model (Cooper, 1996, 1998, 1999a, 1999b, 2001a, 2001c) and the second is what this author calls, "the officer as mediator model" (Id.). In the former, the officer is a referral agent for a local mediation center. She is taught to identify interpersonal disputes that are ripe for mediation, then to refer the disputing parties to the mediation center. In the latter model, the officer receives professional instruction to perfect her [novice] mediation skills (i.e., the officer is either certified to practice as a mediator or has been recognized for having had formal mediation instruction). The officer may refer a matter, but she may also mediate a matter. Typically, the officer would mediate the manifest dispute or mediate for a truce, then refer the parties to the mediation center.

The triage model is in the "Conflict Resolution and Mediation Project for Community Oriented Policing." The initiative is operated via grant money provided by the Community Policing Office (COPS) of the Department of Justice, to the National Association for Community Mediation (NAFCM). In turn, NAFCM parcels the funds out to three mediation service providers, the Berkeley Dispute Resolution Services Center; the Community Boards of San Francisco; and the Conciliation Forums of Oakland. The project's community policing title is representative of a program goal to incorporate conflict resolution programs into community oriented policing efforts.¹⁸ However, the component of the program in which officers are trained to triage, is actually the most significant of the initiative. Via communication from the service providers to police officers themselves or police supervisors, officers are asked to refer disputing parties to the mediation center. As will be discussed later, the present research takes a position

that it is problematic that service providers and NAFCM insist that the officers not attempt to mediate, but to leave the mediating to the service providers.

The Pittsburgh Police Bureau (Pittsburgh Police Department) mediation effort is characterized by a hybrid model. It combines both triage with responsibility to mediate. All Pittsburgh Police Department officers must undergo general conflict resolution training that has an emphasis on mediation. (Cooper, 1999b) Officers can either refer a case, mediate some component of the case, or both mediate and refer. Interestingly, referrals are not necessarily made to a mediation center. Rather, many are made to Community Policing Officers (CPO) who have been given advanced mediation training. It is only if the CPO's attempts fail that a matter is referred to the local mediation center. The author concludes though, that the Pittsburgh program, notwithstanding its commitment to use of mediation, seems to expect that patrol officers simply use good conflict resolution skills (to include empowering citizens) rather than function as full-fledged mediators.

Hillsboro, Oregon a city of approximately 100,000 in close proximity to Portland, developed its mediation program for calls-for-service in 1996, with the help of a grant from the Oregon Dispute Resolution Commission. Established and operated by the Hillsboro Police Department (HPD), the impetus of the project was to reduce repeat calls-for-service for neighborhood disputes. It has since evolved to address a variety of types of interpersonal disputes. (Williams, 1998; Cooper, 1999b)

The coordinator of the HPD project points out that the police department wants its officers to become cognizant of the "bigger picture, to look beyond the specific behavior of disputants on a call-for-service, to discover the initial cause of the behavior." (Williams, 1998) In this regard, the HPD requires that all of its officers assigned to patrol duties (as well as other police department personnel) undergo a 32-hour mediation skills training course. The course provides officers with a mediation credential; hence officers mediate on calls-for-service when appropriate in addition to making referrals to the mediation center. Interestingly, the police department operates the center. For some in the mediation field, this prompts concerns of mediator neutrality. Having evaluated the program, this author takes the position that there is a strong likelihood that mediators will hold to their oath of neutrality. The program's success to date is indicative of this position. Granted, the relationship of the police department to the center does give rise to perceptions that must be considered.

COMPARING & CONTRASTING MODELS

The triage model leaves a great deal to be desired in addition to prompting questions around race and other social issues. In this model, police officers are told by mediation staff (via meetings and workshops, etc.) to leave the "mediating" to the professionals (the mediation center staff). Officers are taught to identify cases amenable to mediation and then to make a referral to a mediation center. Realize that the mediation center does not have the authority to prohibit the officer from mediating, but that the center insists that the officers not mediate. In fact, the findings of this research effort suggest that in order to reduce the likelihood that an officer will mediate, there are mediation centers that intentionally avoid providing officers with mediation instruction.

The problem with this style of police-mediation partnership is that officers become mere super triage agents. The officers are to arrive to an interpersonal dispute call-for-service and avoid or omit to empower disputants, but to refer them to the mediation center. This author points out that such an approach means that officers do not take substantive action (see Goldstein's work, 1990, in which he stresses the importance of police responses becoming substantive verses superficial approaches to calls-for-service) as in managing the dispute via mediating the manifest dispute or mediating for a truce. The objective should be that of managing the dispute in order that it does not erupt again in the time period that the parties wait for mediation center intervention.

The idea of police referring parties to a mediation center is a laudable effort, since before mediation centers; the police referred disputants to the courts if they referred them at all. (Cf. Black's [1980] discussion of court referrals) However, any such arrangement between police and mediation centers must not ignore the fact that police officers must take substantive action on a scene. For this reason, it makes sense that after the officer has done his "substantive" part as in mediating the manifest dispute or having the parties mediate for a truce, that he makes a referral. A police department-mediation partnership of this sort is one that is socially conscious.

There is nothing humane or proper about police officers not assisting the parties in working out a truce or addressing the immediate dispute which prompted the call-for-service. Repeat calls-for-service deplete police department budgets;^{*} detract officer responses to other pressing emergencies; and increase physical danger to parties and police, since repeat calls often represent a worsened situation. (Bard, 1975; Louie, 1981)

Egalitarianism becomes an issue with regard to a triage model. The inequality of different policing styles, one for blacks (and other visible minorities, specifically Latinos) and

another for whites is still a ubiquitous mark on the United States landscape. (Cf. Goldstein 1960, Stark, 1987; Cole, 1999) The social injustice is profoundly evident in the manner in which police officers respond to non-violent and non-law breaking interpersonal disputes involving people of color. (See Black, 1980, he documented the phenomenon; Cf. Goldstein 1960, Stark, 1987; Worden, 1995; Cole, 1999)

Many police-mediation partnerships in which officers are discouraged from mediating but encouraged to refer, exist in or are concentrated on, communities of color. These are communities in which there is, often, an existent problem of inadequate police responses. (Cole, 1999) For example, an overuse of arbitration by police officers in handling interpersonal disputes. Black and many non-white Latino people have vocalized that they believe, that too often, disputes between people of color that are suitable for a collective process (e.g., mediation) are handled by police officers through dictatorial control (or authoritarianism coupled with threats of what would be an unlawful arrest), or perhaps inept arbitration.

Concerns of people of color around police responses in communities of color call for mediation centers to design processes that do not perpetuate inadequate police responses. If there is to be a referral process, it must not bolster the use of arbitration by the police when mediation by the police is more appropriate. This shortcoming easily becomes reality if officers see the referral slips as one more way to avoid performing their duty of empowering. Present friction between police and people of color in the United States is without a doubt related to the dictatorial role that many officers present when responding to interpersonal disputes in communities of color.

The position of this article is that mediation professionals (especially police-mediation center partners) must provide patrol police officers with the requisite mediation training in order that they [officers] can perfect their mediation skill—to professionalize the skill in order that an officers' use of the methodology is in a systematic manner. The instruction would enable for police officers to become better at empowering parties to work out the immediate dispute, which prompted the call, or to help parties mediate a truce. Either could be followed by a referral to the mediation center. The center staff would address all of the unresolved issues. In this way, the officer's role would be primarily that of conflict management.

HOW THE OFFICER USES MEDIATION

Assuming that a patrol police officer has received mediation instruction (e.g., a 16 hour course), he or she knows that mediation is accomplished in a systematic process. In other words, there are several steps to the process. See the mediation schematic below.

Step 1 Offer of mediation (almost always without the use of the word mediation, but by a suggestion from the officer that the parties work out the dispute themselves with the help of the officer)

Step 2 Each side conveys their versions of the events

Step 3 Reiteration, articulation of party positions and interests & probing for underlying issues by patrol officer

Step 4 Brainstorming/Generating possible resolutions

Step 5 Agreement

In mediation course instruction, the officer learns that the objective of mediation is to empower the parties to help themselves. On the street, to accomplish the mediation objective, the officer must have the mediation schematic (said another way: the step-by-step process) "etched" in his/her mind. It should not be necessary that the officer work from a hard copy of the schematic. Additionally, where in sit down mediation, the mediator begins a mediation session with a lengthy explanation of the process (e.g., the role of the mediator; issues of confidentiality), the officer (who is almost always standing as are the parties) accomplishes the first step of the process with brevity, hence he/she must get right to the point, that of making the suggestion that the parties should help themselves with his/her assistance; then, almost unbeknownst to the parties, the officer conducts mediation.

Since there will be times when parties will reject an offer to empower themselves, in offering the mediation alternative, it may be necessary at the outset of an intended mediation process, or at some point in a mediation process that is in progress, to explain to the parties what alternatives there are if they cannot resolve the issues themselves through mediation. A likely alternative is that the officer will arbitrate. This possibility can act as an incentive to the parties to resolve the issues themselves with the assistance of the officer. Said in plain English: "If you folks can't resolve this issue between yourselves with my help, I will have no choice but to make the decision as to how this matter is resolved." Taking the disputed property to the station and advising the parties to bring an action in the court if they want it back is an example of an arbitrated decision; ordering one party to relinquish property to another person is also an example of an arbitrated decision. Finally, since officers are mediating manifest disputes or mediating for a truce between the parties until a mediation center intervenes, the average length of time on an interpersonal dispute call is between 10 and 20 minutes.

IS THERE A FUTURE OF INCREASED USE OF MEDIATION BY POLICE?

"We're already offering that training": the much too common reported response from police administrators when they are approached and asked to enroll their officers in a mediation course. Maybe police administrators think that they are already doing it, but this research effort shows otherwise. This author has found that what many police agencies are doing can be described as general conflict resolution skills training. Mediation as a separate and distinct methodology is not a focal point of the instruction, leaving many officers unable to distinguish between the terms **mediation** and mediation. Moreover, the general conflict resolution skills training delivered is usually 2 to 4 hours if that much, whereas mediation instruction is incorporated to every aspect of a police academy curriculum in addition to at least 16 hours spent emphasizing the employment of mediation.

Misconceptions abound as evidenced by [police academy or inservice] instructor confusion marked by the assumption that mediation is akin to "Verbal Judo." Where mediation is the skill of functioning as a third party intervenor to assist others, Verbal Judo is directed at sharpening an officer's negotiation skills. Negotiation is a distinct methodology from mediation; no third party partakes in [straight] negotiation; the idea is that the individuals in dispute should work out their problem themselves. So the intent is that when an officer finds himself/herself in dispute with a citizen (e.g., pursuant to a traffic stop) that he or she can use good negotiation skills. Moreover, as said earlier the misunderstanding of mediation extends into scholarly and policymaker ranks. Some very bright people make the mistake of assuming that Goldstein's (1990) problem oriented policing and mediation are synonymous methodologies. Provided, we can get around misconceptions about the 3000 year old methodology known as mediation, we can engender the enthusiasm that already exists to embellish patrol officers mediation skills.

There are several phenomena for which many individuals show concern when there is a suggestion that police officer mediation skills should be advanced. The author refers to these phenomena as pitfalls or obstacles; although, they are seldom powerful enough to scuttle completely, an effort to increase use of mediation by police officers. The phenomena are:

- (1) The absence of official policy mandating mediation protocol.
- (2) The absence of a local mediation center.
- (3) Limits on the amount of time that an officer can stay "out-of-service" (the desire for units "to go 10-8" as soon as possible after arriving on a scene).
- (4) Officers who lack intellectual and or educational competency helpful to developing mediation skills.

- (5) Officers whose personalities and or biases are antagonistic to empowering some or all people.
- (6) A horde of mediation training models that are unable to obtain officer buy-in.

Each of these phenomena create challenges to police officers becoming better mediators. Each is discussed below.

PROTOCOL

There is absolutely no doubt that for mediation use by police officers to occur widespread in a particular police agency, the police agency would have to mandate its use. This is because of problems of preferential use of mediation by some officers and restraints on the amount of time a unit is allowed to be out-of-service;^{xi}

A policy would be needed in order to compel some officers to provide mediation services in a non-discriminatory fashion. Additionally, without a policy, there will always be differing perceptions held by supervisors of what officers should and should not be doing (Cooper, 1999b). This translates into some supervisors allowing officers to spend needed time on scenes practicing mediation, while others will not be as understanding.

Pittsburgh and Hillsboro have taken the lead here. Both police departments have implemented official policy and protocol concerning the use of mediation by police officers. The Pittsburgh order (#40-13) reads in part:

"Conflict Resolution and Mediation, Policy/Purpose: To provide all members of the Bureau of Police with a protocol to follow for those incidents and or disputes where mediation may be a reasonable alternative to a more conventional law enforcement intervention method."

Similarly, the Hillsboro Police Department mandates officer use of mediation on scenes which are amenable to the methodology (as well as amenable to mediation by the officer).

In other parts of the United States, patrol police officers receive mediation instruction, which prepares them to mediate, but their police department does not have mediation protocol. The training programs are best described as in the developmental stages of implementing mediation use. In an upcoming section, the author presents survey instrument findings concerning how supervisors feel about officers mediating in the absence of a policy.

For mediation protocol or policy to be most effective, the philosophy of a police agency (management especially) must be one that encourages the types of police behavior that employment of mediation yields. In particular, it yields respect for citizen free agency and transfer of decision-making power from officer to citizen. Obviously, inertia bound police administrators are likely to stand in the way of a police reform that calls for improving patrol police officer mediation skills.

THE ABSENCE OF A MEDIATION CENTER

Many police officers who receive formal mediation instruction work in venues that do not have a mediation center (or task force). Therefore, officers find themselves mediating the manifest dispute or mediating for a truce, then having "no where" to refer the underlying issue or dispute. This is a problem since a substantive approach such as mediating the manifest dispute is attenuated by an inability of the officer to refer the dispute. The author calls for the establishment of mediation centers to address this problem, but as well to increase the use of mediation opportunity throughout a community in general.

LIMITS

Many police departments, officially and unofficially, place limits on the amount of time that an officer can stay "out-of-service" (the amount of time that an officer can stay on a call). Many agencies want their officers "to go 10-8"^{xii} as soon as possible after arriving on a scene. Goldstein (1990) addresses this problem in his written work, since problem oriented policing methodology often requires officers to spend longer amounts of time on scenes or specific matters. The use of a "perfected" form of mediation by police officers may sometimes require an officer to stay out-of-service longer than she would, say if she were arbitrating the matter in dispute.^{xiii} There are exceptions though, since: (1) the mediation process occurs where the dispute occurs (e.g., on a basketball court; on a street corner; in a kitchen, or in a parking lot); (2) the officer and parties are often standing; and (3) the officer is not mediating all of the matters, but specifically the manifest matter. Moreover, this author argues that inept arbitration takes a mere few minutes whereas competent arbitration (adherence to a systematic process) will take as long, if not longer than a mediation effort.

If the officer cannot mediate the manifest matter, he is mediating for a truce. Usually, it is the underlying issue(s) that could take an hour or more, hence this is why, in part, the underlying issue is referred to the mediation center. Experience of officers who use "perfected" and or professional mediation (the author included when he was an officer) show that many

disputes can be mediated in ten to twenty minutes. Certainly, there are exceptions to this rule. Many episodic disputes in particular, take very little time.

Finally, the notion that in high crime areas the police cannot mediate, needs to be debunked. Common sense and the experiences of many officers throughout the country show that mediation can be done anywhere and it works regardless of the community. The author's own experience as a policeman in Washington D.C. [in communities with tremendous violence], merged with the research findings of this research project, are indicative of high crime areas being among places in which officers need to display the highest caliber of mediation skills. These are communities in which the police are called on frequently (Black, 1980) and expected to act as third party intervenors. Not to mediate when appropriate is to create a high potential for a repeat call-for-service. The subsequent call could represent that the matter has grown considerably worse as in escalating to violence. Had the call been handled properly the first time, there would not be a subsequent call. Substantive handling of an interpersonal dispute decreases the likelihood of a repeat call. (Hillsboro data, 1999, 2000; Goldstein, 1990) Common sense should dictate that a little extra time on a call will save time in the long run.

INTELLECTUAL & EDUCATIONAL COMPETENCY

Yes, there are many police officers who do not possess the educational or intellectual competency needed to function as an effective 21st century police officer. Efforts to embellish (or professionalize) police mediation skills should not be abandoned because of this reality (Cf. Bittner, 1990) Many officers are already quality mediators via learning through the trial and error process. Others have not fared so well from their frequent visits into the contentious matters of others. The good news is that the trend in the United States is toward hiring more educated individuals as police officers. In time then, the work of mediation instructors will come with less of a challenge.

Personalities or Biases

The matters of police department orientation and individual officer personalities are related to mediation use by police officers. Having touched on the former already, here the focal point is the officer; however, there is a connection between officers and their department's orientation.

Whether or not officer uses mediation is largely dependent on what is in his/her sociological baggage and how the officer defines a situation. (Cf. Black, 1980; Neiderhoffer,

1969) The inquiry is what perceptions and or biases he/she carries in the baggage. For some officers, because of their biases or personality they never consider use of the mediation, or that they use it selectively—for example, they provide it for some, but not for others. Relating this to mediation center-police partnerships for a moment, note that if mediation centers discourage police from mediating, then for some police officers, the partnerships would reinforce components of their sociological baggage that told them before the mediation center partnership, that they should not mediate for specific types of people.

As an illustration of challenges presented by officer personalities and mindsets, consider a big city Police officer's take on police officers mediating in a community of color in that city. The officer who is white, wrote the following in a year 2000 term paper for a university course examining police use of mediation: "I am not a racist nor do I feel I discriminate against certain races or religions. I will say though the Haitian culture along with the Latino culture has a propensity for shall we say, getting a little hot under the collar. It's hard enough just trying to keep them separated never mind trying to explain to them some sort of ground rules that we want them to follow." In the final sentence, the officer is referring to the ground rules of the mediation process. This sentence and the theme of his entire paper show that he is saying that because of what he believes are Haitian and Latino propensities, the parties do not possess the requisite civil, emotional, or intellectually capacity for handling empowerment. The officer added that his former partner "had the patience of a Saint" and would "stand in somebody's living room or out in a courtyard of the projects" and empower/mediate people to help themselves. In contrast to his partner, he argued that "locking" people up for being involved in interpersonal disputes made more sense. He said: "I had almost as much success as my partner and in a lot less time." With this officer's words, it should be evident that professional mediation instruction will not entirely address the problem of unequal distribution of police responses.

Granted, some officers will be forced to perform their mediation duty, just as many are forced by police department policy to respect the rights of [types of] people for whom they have an aversion. Let us realize the need to improve the police officer employment selection process, and to challenge police department institutional phenomena that condone racism and sexism, to a name a few anathemas.

POLICE MEDIATION TRAINING MODELS

Identification of an effective patrol police mediation-training model is timely, since experiences had by many trainers in the Alternative Dispute Resolution (ADR) field lead them to assert that getting buy-in from police officers for mediation training is considerably difficult.

In the mediation field, it is safe to say that there are two extremes regarding interest in training police. One camp of mediation trainers despises training police officers, whereas the other is enthusiastic about the prospect. Those who despise feel that they have good reason. They attempted to train police officers to mediate and encountered the highest degree of "resistance" to the instruction. There probably isn't a mediator trainer, with experience with police, who has not heard or told this story. Some mediation professionals see the solution as moving onto to new ground—they will try to spread use of mediation into other professions. No surprise that mediation instruction has become a staple in many school districts and even in some segments of corporate America.

Prior to this research effort, the author had a sense of why so many trainers before him had failed, but knew that a scientific analysis would help bolster his position. In this regard, the idea was to identify a training model that would enable for officer buy-in. A model that would make police officers and administrators for example, more enthusiastic about advancing police officer mediation skills. The author hypothesized that patrol police participants in mediation training would enjoy and participate in the training if they could realize the pragmatic value of mediation to their work. Additionally, the author sensed that officers wanted the training to be conducted by trainers with police experience; and wanted an opportunity to substantially participate in the training.

The author employed both participant observation and a post-test survey to test the hypotheses. The intent of the research was twofold: (1) to conduct an exploratory analysis; and (2) to gather evidence to show prospective clients (other police departments) that it was worthwhile to allow a training team to train their officers as mediators.

Sixty-three officers from two police departments in Illinois underwent a sixteen-hour training session.^{xiv} All participants were assigned to patrol duties (primarily unit cars). Officers came from the Orland Park, Illinois Police Department and the Blue Island, Illinois Police Department. Between January 1999 and June 1999, five training sessions were held each with approximately ten to fifteen officers participating and half of the group from Orland Park and the other half from Blue Island. All training sessions were designed to be identical. Changes to the course book while the training was underway were insignificant to the integrity of the training.

Other mediation trainers reported that they failed because they were ostracized for not having police experience.^{xv} Alternatively, the training design used by this author called for trainers with police experience. Hence, there were three trainers, but one (the author), delivered the majority of the instruction as well as wrote the curriculum. All three trainers had combined police experience of approximately sixty years. As the author had hypothesized, the research findings show that the police experience of the trainers was the significant factor that enabled for officer buy-in to the training. Contrast this finding with the frustration experiences of other trainers.

Perhaps, most telling of the importance of trainers with police experience is illustrated in the following example: A guest to one of the training sessions, notwithstanding his strong academic credentials, attempted to offer advice to officers in the training. Some officers rebuffed him, not because they did not want him to contribute, but since a specific statement that he made was perceived as inappropriate from a non police officer. One officer actually recited to the guest the adage "until you have walked in our shoes, etc." However, note that the training model that the author designed requires only that at least one trainer has police experience. It does not appear necessary that all trainers have police experience.

Another significant finding is found in the survey instrument responses: Officers expressed that the real-life examples of calls-for-service provided by the trainers, enabled for them to have affinity with the trainers, and that such affinity caused them to take the training seriously. It appears that real-life situations conveyed by the trainers (as opposed to describing any police event) also enabled for empathy between the trainer and student. Empathy like affinity was given as a reason for buy-in.

Most participants (96.8%) said that they enjoyed the training, that the instruction was excellent and that they personally believe that what they learned was applicable to their jobs. Not surprisingly, almost all respondents (98.4%) said that they would take away what they learned in the mediation training and put it to use in performing their patrol duties.

CONCLUSION

In June of 2000, a dispute between two Aurora, Colorado neighbors over parking ended with one of them shooting and killing the other as well as his neighbor's 14-year-old daughter.¹ Interestingly, the *Denver Post* article about these tragic murders was followed by an article entitled, "Mediation Available." The article explained that Aurora had a mediation center. It was

¹ Id.

revealed that the police had responded to this dispute many times before. Whether or not the police referred the neighbors to the mediation center is not known, but all evidence indicates that the Aurora Police Officers who responded to the calls-for-service, did not attempt to mediate any part of the dispute or to mediate for a truce. And, it is known that Aurora Police are not required to participate in a mediation course as are Hillsboro, Oregon officers, for example. This tragedy shows how sensible it is that in the new millennium, as more and more people acquire mediation skills through formal training, that patrol police are among those who become students of mediation.

The present research has conveyed the benefits that derive from having police officers who are competent in the practice of mediation. In this regard, it is incumbent on mediation service providers to embellish the mediation skills held by patrol police officers. Granted, the importance of police officers referring disputing parties to local mediation centers should not be discounted. However, mediation service providers should desire that prior to officers making referrals, those officers mediate the manifest dispute or mediate for a truce. Such handling of a scene is desirable since it is substantive rather than superficial response. Superficial handling of interpersonal disputes gives way to repeat calls-for-service. In venues in which police mediate, repeat calls-for-service are reduced. A welcomed outcome by responsible mediation service providers and police managers, since repeat calls-for-service increase the likelihood of physical danger to community members as well as police.

Finally, when mediation centers enter into partnerships with police agencies to receive referrals, the mediation center must take into consideration existing social justice issues. In communities where inadequate police responses to interpersonal disputes are the norm, mediation services providers must take due care not to perpetuate the problem. This means that the creation of mediation center-police department partnerships requires moral, humane, and socially conscious objectives by the mediation center. Such objectives should include philanthropic actions by mediation centers and their commitment to insuring that all human members of a respective community are treated with dignity and respect.

ⁱ See Doctoral dissertation entitled, *An Analysis of the Public Housing Drug Elimination Program: A Guide for Policymakers for Reducing Violent Crime in Public Housing*, by Christopher C. Cooper (1994, American University)

ⁱⁱ Pruitt & Rubin assert that "an effective third party" (e.g., a patrol officer) helps instill in the disputants a sense of autonomy and self-sufficiency." (p. 167)

ⁱⁱⁱ For example, many disputes mediated by the police involve an agreement not memorialized in a writing.

^{iv} This is also indicated by both close-ended and open-ended survey responses administered to officers from Orland Park, IL and Blue Island, IL.

^v For example, many disputes mediated by the police involve an agreement not memorialized in a writing.

^{vi} Muir addresses eloquence also from the perspective that it enables police officers to develop moral equanimity and what he calls a tragic sense.

^{vii} Case and point, the Hillsboro, Oregon Police Department requires all of its officers to receive mediation training. This department has experienced a reduction in repeat calls-for-service, in part, as a result of police officers using mediation on scenes. (See Hillsboro P.D. 2000 statistics)

^{viii} Note that a dispute is not necessarily episodic because the parties do not know each other or have never interacted. There can be underlying issues to an episodic dispute. In other words, I did what I did to you because I don't like people of your skin color or of your religion, etc.

^{ix} Conflict Resolution and Mediation Project for Community Oriented Policing program brochure

^x See Hillsboro, Oregon Police Department statistics, which show a decrease in repeat calls and subsequent monetary savings as results of officers using the mediation method and referral process.

^{xi} Out-of-service represents that an officer is not available for a call, since he/she is presently on a call. He/she becomes available ("10-8") for the next call when he/she announces "10-8" to the dispatcher.

^{xii} 10-8 means available for an assignment or in-service

^{xiii} Interesting maybe that this author would argue that inept arbitration takes a mere few minutes whereas competent arbitration (following the systematic process) will take as long, if not longer than a mediation Effort.

^{xiv} Note that one survey is unaccounted for, hence N=62 (except where told otherwise).

^{xv} As much as this author would like to point to an empirical study, which shows negative trainer experiences, he is unable to, since he does not know of study that is mediation training specific. However, as an experienced and known police mediation trainer, members of the ADR field approach him. They relay their experiences in this discourse concerning police mediation.

REFERENCES

- Bard, Morton. (1975). *The function of Police in Crisis Intervention and Conflict Management*. Washington, D.C.: U.S. Department of Justice.
- Bard, Morton. (1973). *Family crisis intervention: From concept to implementation*. Washington, D.C.: U.S. Department of Justice.
- Bard, Morton. (1970). *Training police as specialists in family crisis intervention*. Washington, D.C.: U.S. Department of Justice.
- Barkan, Steven and Steven Cohn. (1998). Racial Prejudice and Support by Whites for Police Use of Force. *Justice Quarterly*, Volume 15 No 4, pp. 743-753.
- Berger, Joel. (February 9, 1999). The Police Misconduct We Never See. *New York Times*, p.A18.
- Bittner, Egon. (1990). *Aspects of Police Work*. Boston: Northeastern University Press.
- Bittner, Egon. (1970). *The Functions of the Police in Modern Society*. Chevy Chase, Md.: National Institute of Mental Health.
- Bercal, Thomas. (1969). Calls for Police Assistance: Consumer Demands for Governmental Service. *American Behavioral Sciences*, Volume 13, Number 5, pp. 681-690.
- Black, Donald. (1980). *The Manners and Customs of the Police*. New York: Academic Press.
- Chandler, George F. (1974). *The Policeman's Art as Taught in the New York State School for Police*. New York: AMS Press.
- Chevigny, Paul. (1995). *Edge of the Knife: Police Violence in the Americas*. New York: The New Press.
- Chevigny, Paul. (1969). *Police Power: Police Abuses in New York City*. New York: Vintage.
- Cole, David. (1999). *No Equal Justice: Race and Class in the American Justice System*. New York: The New Press.
- Cooper, Christopher, C. (2001a). Mediation in Black and White: Unequal Distribution of Empowerment by Police in Jabari Asim's *Not Guilty: Twelve Black Men Speak Out on Law, Justice, & Life*. New York City: Harper & Collins (Amistad), pp. 125-141.

Cooper, Christopher, C. (2001b). Conceptualizing Opposition to Mediation Use by Police. *Journal of Practical Dispute Resolution*, Vol. 2, No. 2: 21-43.

Cooper, Christopher, C. (2001c). Mediation in Black & White: Mediation Center-Police Partnerships & A Dignified Police Response. *Mediation Quarterly*, Volume 18, No. 3: 281-295.

Cooper, Christopher, C. (2001d). Police Mediators: Rethinking the Role of Law Enforcement in the new Millennium in *Dispute Resolution Magazine*, *The American Bar Association*, Fall 2000: 17.

Cooper, Christopher, C. (2000a, August 16). Mediation in Black and White: Mediating to Ignore Discriminatory Policing. *ADR Report*, Pike & Fischer, Volume 4, Number 17: 5-7

Cooper, Christopher, C. (2000b). Training Patrol Officers to Mediate Disputes. *FBI Law Enforcement Bulletin*. Volume 69, Number 2.

Cooper, Christopher, C. (1999a). Mediation by Patrol Police Officers. *Police Forum*. Volume 9, Number 2, pp.1-6.

Cooper, Christopher, C. (1999b). *Mediation & Arbitration by Patrol Police Officers*. Lanham: University Press of America.

Cooper, Christopher, C. (1999c). Mediation Training to Improve Police Social Interaction Skills. *Conflict Resolution Notes*. Volume 17, Number 1.

Cooper, Christopher, C. (1998). Three Models of Dispute Resolution Training for Police Officers. *ADR Report*. Pike & Fischer.

Cooper, Christopher, C. (1997). Patrol Police Officer Conflict Resolution Processes. *Journal of Criminal Justice*. Volume 25, Number 2, pp. 87-101.

Cooper, Christopher, C. (1996). Conflict/Dispute Resolution Training & Police Officers. *Sociologisk Rapportserie*. Number 3. Copenhagen: University of Copenhagen.

Cole, David. (1999). *No Equal Justice: Race and Class in the American Criminal Justice System*. New York: New Press.

Davis, J.R. (1990). A Comparison of Attitudes Toward the New York City Police . *Journal of Police Science and Administration*. Volume 17, pp. 233-242.

Esposito, Luigi and John Murphy. (2000). Another Step in the Study of Race Relations. *The Sociological Quarterly*. Volume 41, Number 2, pp. 171-187.

Goldberg, Jeffrey (June 20, 1999, Section 6, p. 64). The Color of Suspicion. *New York Times Magazine*.

Goldstein, Herman. (1990). *Problem Oriented Policing*. New York: McGraw-Hill.

Goldstein, Joseph. (1960). Police Discretion Not to Invoke the Criminal Process: Low Visibility Decisions in the Administration of Justice. *Yale Law Journal*. Number 69, pp. 543-594.

Hillsboro Police Department Mediation Program documents (quantitative data), 2000.

Kelling, George. (1997). Efforts to Reduce Police Brutality Should not Interfere with Effective Crime Control in *Police Brutality* (1999). San Diego: Greenhaven Press.

Kidd, Virginia & Rick Brazier (1999) *Cop Talk: Essential Communication Skills for Community Policing*. San Francisco: Acada Books.

King, Martin Luther. (November 13, 1965). Beyond the Los Angeles Riots: Next Stop: The North. *Saturday Review*. Volume 48, p.33

Klinger, David. (1997) Negotiating Order in Patrol Work: An Ecological Theory of Police Response to Deviance. *Criminology*. Volume 35, Number. 2, pp. 277-306.

Louie, Ron. (1981). Crisis Intervention: A Dispute Model for Dispute Settlement. *Journal of California Law Enforcement*, Volume 15, Number 2, pp. 70-77.

Lawson, P.(1982). *Somebody Else's Blues: A Study of Police Mediation Activities*. Washington, D.C.: University Press of America.

Manning, Peter. (1977) *Police Work: The Social Organization of Policing*. Cambridge, Mass.: MIT Press.

Muir, William. (1977). *Police: Streetcorner politicians*. Chicago: University of Chicago Press.

National Association for Community Mediation, Conflict Resolution and Mediation Project for Community Oriented Policing documents (1997-2000)

Niederhoffer, Arthur. (1969). *Behind the Shield: The Police in Urban Society*. Garden City, NY: Doubleday.

Priest, Thomas & Deborah Brown-Carter. (1999). Evaluations of Police Performance in an African American Sample. *Journal of Criminal Justice*. Volume 27, Number 5, pp.457-465.

Pruitt, D.G. and Rubin, J.Z. (1986). *Social Conflict: Escalation, Stalemate, and Settlement*. New York: Random House.

Robinson, Marilyn & Sean Kelly (June 7, 2000). Teacher, Girl Shot at Close Range. *Denver Post*, p.A1

Safir, Howard. (April 19, 1999). For Most, Brutality Isn't the Issue. *New York Times*. p. A27.

Slaikue, K. (1996). *When Push Comes to Shove: A Practical Guide to Mediating Disputes*. San Francisco: Jossey-Bass

Smith, Douglas A. (1987). Police Response to Interpersonal Violence: Defining Parameters of Legal Control. *Social Forces*. Number 65: pp. 767-782.

Smith & Klein. (1984). Police Control of Interpersonal Disputes. *Social Problems*. Volume 31, Number 4, pp. 468-481.

Stark, Rodney. (1987). Deviant Places: A Theory of the Ecology of Crime. *Criminology*. Volume 25, pp. 893-909

Strauss, Anselm, Leonard Schatzman, Danuta Ehrlich, Rue Bucher, and Melvin Sabshin. (1963). The hospital and its negotiated order . In Eliot Freidson (ed.), *The Hospital in Modern Society*. New York: Free Press.

Thomas, K. (1976). Conflict and Conflict Management. In M.D. Dunnette, ed. *Handbook of Industrial and Organizational Psychology*, pp. 889-935. Chicago: Rand McNally.

Volpe, Maria and Tom Christian. (1989, June 15). Mediation: New Addition to Cop's Toolbox. *Law Enforcement News*, 8-13.

Volpe, Maria.(1989). The Police Role. In M. Wright and B. Galaway, *Mediation and Criminal Justice: Victims, Offenders, and Community*. Newbury Park: SAGE.

Walton, Richard. (1969). *Interpersonal Peacemaking: Confrontations an Third-Party Policing*. Addison-Wesley: Reading, MA.

Williams, Patti. (November 1997) Police and Mediation: Win-Win Partnership. *Oregon Chiefs of Police Magazine*, pp. 24-26.

Worden, R. (1995). The causes of police brutality: Theory and evidence on police use of force. In W. Gellar & H. Toch (Eds.). *And justice for all: Understanding and controlling police abuse of force* (pp. 31-60). Washington, DC: Police Executive Research Forum.



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