

COMMUNITY MEDIATION AND THE POLICE:
AN ORGANIZATION TO ORGANIZATION COLLABORATION

by

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CHAPTER ONE

Introduction

This action research project began as an attempt to create a viable and working relationship between two differently-oriented public institutions in Toronto – the Toronto Police Service (TPS), and St. Stephen’s Conflict Resolution Service (CRS), a non-profit community mediation (CM) service – for the purpose of enabling each to achieve a respective goal that otherwise could not be achieved independently. The TPS is hampered by the problem of numerous repeat calls to an address which, in turn, affects its ability to deliver police services in an efficient and effective manner. The CRS is desirous of enabling community members to constructively resolve their differences through transforming and less adversarial means. The primary research proposition was that referral of neighbourhood disputes (by the TPS to CRS) would reduce the likelihood of repeat police calls and facilitate community mediation. A necessary prerequisite to doing so, was the establishment of a collaborative relationship that would facilitate such referrals. A necessary and corollary goal of the project, therefore, was the establishment of a mutually beneficial collaboration between these two organizations to facilitate a referral process.

The project includes a summary of the pertinent literature on collaboration and systems theory. It also necessitates consideration of the two fields of CM and policing, and the inherent and even oppositional differences between them. The TPS is a paramilitary

organization, devoted to law enforcement, to ensuring that people follow a set of externally-imposed rules. CRS is a community-based nonprofit organization devoted to giving power back to the people and to allowing and encouraging people to take responsibility for their actions. One of the challenges of a collaboration will be determining whether and how these two organizations can work together, without one being compromised by the other.

Description of the Two Organizations and Toronto

Toronto

Toronto represents North America's sixth largest government, as the result, in 1998, of an amalgamation of seven boroughs/municipalities. It has a population of 2.5 million (Statistics Canada, 2001), making it the largest city in Canada. It is estimated that more than 50 percent of its population is composed of immigrants (Municipality of Metropolitan Toronto [MMT], Mayor's Office, 2001).

Nevertheless, Toronto is no melting pot. Rather it is a city of mini-cities or large ethnic concentrations: it has the largest concentration of Italians (Little Italy) of any city in North America (MMT, Chief Administrator's Office, n.d.), there are two burgeoning Chinatowns, an East Indian area, a Portuguese area, a Greek town. But as the inner city becomes more congested there is greater overlapping of ethnicities in some residential neighbourhoods, a situation that can be rich in cultural learning, but also fraught with the

inevitable conflicts and disputes that arise out of misunderstandings, both cultural and linguistic.

To give a sense of the tumultuous changes occurring in the city: over 70,000 immigrants arrive in the city every year; they come from 169 countries, and speak 100 languages. Approximately 42 percent of new arrivals speak neither of Canada's official languages, English and French (MMT, n.d.).

Toronto has not always been so culturally diverse. In 1961, only three percent of the Toronto population was non-white. In the year 2001, it is estimated that number exceeds 54 percent, or more than half the population. No other city in the world has a higher proportion of its population that is foreign-born. Even New York City, celebrated as a haven for immigrants, had only 28 percent of its population from other countries in 1990 (MMT, n.d.).

To address the inevitable challenges arising from a large influx of newcomers and a diverse ethnic mix, Toronto has developed various advisory committees on Community, Race, and Ethnic Relations. The city has identified some areas of concern: key among them are police-minority relations, which it claims need to move from one of conflict to one of partnership. To that end it has embraced a concept known as "community oriented policing" (see following description) (MMT, n.d.).

The Toronto Police Service

The TPS is the sixth largest Municipal Police Service in North America and the largest in Canada. According to its latest report, it has more than 5,000 uniformed officers, and an actual budget expenditure of nearly 580 million dollars. (TPS, 2001a).

TPS embarked on a program of community consultation several years ago. A strong component of the Service's "Beyond 2000" project is developing community/police partnerships to assist in prioritizing the allocation of police resources and solving local policing issues (TPS, 2001b).

The essence of that program embraces the idea of community oriented policing (COP). There is some debate within the policing field as to exactly what that constitutes (see Kenney & McNamara, 1999; Skogan & Hartnett, 1997), and I will explore that further in the literature review. It is sufficient to say, at this point, that the TPS defines it as policing which is oriented to the needs of the public and results in a reduced fear of crime and an improved quality of life in the community. Key to achieving this goal, according to the TPS, is increased partnerships between the police and the community, and greater community satisfaction with the police service (TPS, 2000b, p.2).

The collaborative strategy of this action research project focused on the two largest and most centrally located divisions of the TPS. Fourteen Division (the division within which CRS is physically located) has a total of 362 uniformed officers, covering an area with an estimated population of 155,761 people, mostly residential. On a yearly basis, the division has an average of 76,473 dispatched calls. Fifty-two Division has 375 uniformed

officers, covers an area with an estimated population of 67,200, and makes about 79,850 dispatched calls in a year. Together, 14 and 52 Divisions cover 27 square kilometres in the heart of Toronto. They are the two divisions with the highest expenditures and the greatest number of calls, by a factor of two-to-one in most cases (TPS, 2001).

St. Stephen's Conflict Resolution Service (CRS)

To satisfy the requirements of my practicum in the Conflict Management program at RRU, I took the job of case manager at CRS, for a period of approximately eight months. Unless otherwise noted, all of the information about CRS in this thesis emanates from that experience.

CRS operates the only free CM service in the former city of Toronto. The amalgamated city has five free mediation services operating within it, of which CRS is the oldest and largest. It is part of a larger non-profit and non-affiliated organization called St. Stephen's Community House (SSCH). SSCH just celebrated its 25th anniversary of providing various free and low cost services to the citizens of Toronto, including 'English as a second language' courses, immigrant orientation and so on. Within SSCH, CRS operates virtually autonomously, with its own staff and office area.

CRS gets funding through SSCH (which in turn is funded by the City of Toronto and the United Way). It also generates substantial revenues through mediation workshops,

internships, the fee it charges for mediating large organizational disputes, and retainers from the University of Toronto and the Toronto Co-op Housing Federation .

It receives referrals for CM from a number of sources: city councillors, bylaw enforcement officers, social service agencies such as Parentline, the University of Toronto, Metro Toronto Housing and the Toronto Co-op Housing Federation. Sometimes disputants themselves have heard of the service and call looking for help. Very occasionally (two or three times a year), CRS receives referrals from the police.

All told, CRS handles at most about 200 cases year. While small caseloads are a chronic problem faced by the CM field, (McGillis, 1997), CRS is at the low end of the curve. In a recent survey of 146 mediation centres in the U.S., 46 percent reported 200 to 1,887 cases annually. Twelve percent reported between 2,000 and 6,000, and 5 percent reported between 6,000 and 22,500 cases a year (McKinney, Kimsey & Fuller, 1996). Part of the reason for this discrepancy is the large percentage of referrals other centres get from the courts and police. CRS only recently began taking a small number of cases from the court system and has never had a formal relationship with the police.

In a general sense, however, CRS shares the profile of many centres: it is quite well known within the mediation community, but not within the general population. Like other centres, it has more potential volunteers than cases for them to mediate. Its current roster of about 70 trained mediators has not been significantly expanded for a number of years.

The reasons for its low profile are largely due to funding and staffing. At the time of this writing, it had three full-time staff members, and one of those jobs was devoted to running the mediation workshops and attracting organizational disputes, the centre's two major fundraising activities. This, too, is a situation faced by most mediation centres. In the U.S. 56 percent of programs have three or fewer staff members (McGillis, 1997). Such constraints naturally limit their ability to conduct aggressive and ongoing outreach in the community and with potential referral sources (such as the police).

Although CRS is not completely unknown to the TPS (hence the occasional referrals from that source), its profile there is also low and referrals are based on the vagaries of a few individual officers. As well, the police-referred cases tend not to go to mediation. In my experience as case manager, these referrals were situations in which the police had been called out to a particular address repeatedly without being able to offer a solution. By the time CRS became involved, the dispute had escalated to the point where the parties were not willing to sit in mediation and work out their differences.

CRS staff felt that the poor outlook for these referrals and the paucity of referrals overall from TPS could be ameliorated through a more collaborative approach to community disputes. Such a partnership, it was hoped, would also accommodate the overarching goal of CRS to reach more members of the community and to divert conflicts away from the adjudicative and enforcement agencies. This research project provided CRS with the opportunity to establish a relationship for which its own staff and financial resources were inadequate.

CHAPTER TWO

Literature Review

I have largely tapped three sources of information for the theoretical grounding of this project, including, obviously, that of interorganizational collaboration. Less obviously, I have perused much of the literature on community policing, as I will argue that its current popularity with the TPS paved the way for a collaboration of this kind and makes its continued existence more likely. Thirdly, there is some published work specifically on collaborations between the state and CM services. As well I have made personal contact with a few mediation services in North America which have collaborated with the local police department.

Interorganizational Collaboration

The success or failure of collaborations, partnerships, and alliances is often and understandably reliant on the “culture” of the participating organizations. Edgar Schein (1985), a leader in the theory of organizational culture, would describe it as having three elements: the first being surface “artifacts”, the outward and visible characteristics of the organization; and the second element or level being the stated values, that is the goals and philosophy of the organization. However, most important in truly defining culture, he says, is the third level, the basic assumptions, or the beliefs and perceptions of the

organization. “These assumptions are learned responses to a group’s problems of survival in its external environment and its problem of integration” (Schein, 1985, p.6).

The literature on police cultures talks of increasing efforts to identify these basic assumptions (see literature review on community policing). The current shift towards community-oriented policing, which is addressed later in this chapter, is regarded as explicitly addressing these internal values (Greene, 2000). Nevertheless, while this shift is promising for community collaborations of all kinds, it is far from becoming the modus operandi of most forces. Hence, while the TPS is in flux, it is important to note its traditional dominant themes and how they might interact with a nonprofit organization such as CRS.

The typical police culture is circumscribed by “themes of isolation, solidarity and management/street distrust” (Harrison, 1998, n.p.). While the stated values of the police (Schein’s second level) tend to be program or policy focused, nonprofits, on the other hand, tend to be mission driven. “It is the mission which provides the meaning and direction... These [nonprofit] organizations have a commitment to helping individuals, a particular group of people, communities...” (Zdenek, 1998, n.p.). Where the police culture would be motivated by arrests and crime rates, for instance, nonprofits are “motivated by purpose and causes, and often the benefits such as salaries and prestige are more limited” (Ibid).

Still, while these two organizations may have quite different cultures, they do not preclude a collaboration. In fact,

Both the public and private sector are increasingly turning to nonprofits to address and solve complex social issues, needs, and opportunities. The challenge is to enhance the purpose and effectiveness of nonprofits, since they are not able to solve all problems or take advantage of all opportunities (Zdenek, 1998, Conclusion).

The literature on interorganizational collaboration has burgeoned in the last 16 years. As recently as 1985, it was suggested by organizational gurus that there was no definitive theory on interorganizational collaboration (Galaskiewicz, 1985). Up to that time, the exchange of scarce resources was seen as the driving force for collaborative initiatives (Pfeffer & Salancik in Goes & Park, 1997). As Goes and Park (1997) suggest, this “resource dependence model” was characterized by efforts to gain control over essential resources while retaining organizational autonomy.

In 1989, Barbara Gray wrote a seminal book called “Collaborating: Finding Common Ground for Multi-Party Problems”, which to this day is perhaps the mostly widely quoted text on the subject. Gray describes collaboration as a process by which organizations that “see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible” (Gray, 1989, p.5).

Much of the literature has been focused on the business community. Collaboration is seen as a way of reducing administrative costs and providing increased market flexibility in an increasingly competitive and global market (Jarillo, 1988; Kogut, 1988). For instance,

interorganizational links allow partners to emphasize their own distinctive abilities while playing a synergistic role in their industry (Miles & Snow in Goes & Park, 1984, p. 673).

However in recent years the literature has examined civic and community alliances in addition to business partnerships, as ways of coping with the growing complexities of urban environments and the squeeze in public financing. Arthur Himmelman (1992), who specializes in community collaborations, defines these alliances as exchanging information, altering activities, sharing resources, and enhancing the capacity of each other for mutual benefit. Another book written in 1992 has become the “field manual” for practitioners interested in collaboration in the public sphere. “Reinventing Government” by Osborne and Gabler draws heavily on the collaborative strategies used in the private sector, with their emphasis on satisfying the end-users (customers in business, and citizens in the public-sector).

Boundary theory is one way to look at public and private collaborations. Similar to Schein’s theory of organizational culture, boundary theory is a method of identifying and separating organizations from each other. Boundaries “help us establish and maintain habits, rules and expectations, provide defense, and define membership (who is in and out), and roles” (Halley, 1998, n.p.). “Boundarylessness”, within the context of this theory, is managing interactions to prevent boundaries from getting in the way. “In boundarylessness, the idea is to bridge differences and blur turf distinctions and established territories or cultures” (Ibid).

However, while its advocates are legion, collaboration is still in its infancy with regard to empirical evidence of its efficacy. Some theorists suggest that, as it looks for an integrated theory, the field has entered a period of chaos (Goes & Park, 1997).

Researchers at the University of Wisconsin recently stated that:

Despite the attractiveness of the idea, most of the literature remains of an advocacy genre. Little research and evaluation are available, and few examples of successful large-scale multiagency collaborations have been identified (White & Wehlage, 1995, p.24).

Given these constraints, there remains a wealth of advice in the field on what qualifies as collaboration and how best to construct it. Some researchers believe that an effective collaboration can be as simple as “any joint activity by two or more agencies that is intended to increase public value by their working together rather than separately” (Bardach, 1998, p.8). Bardach defines public value as an agency’s usefulness to the public, in the short and long term. Others suggest collaboration is more complex. For example a number of writers are at pains to differentiate between cooperation, coordination and collaboration (Austin & Baldwin, 1991; Gray, 1989; Melaville & Blank, 1993). They see collaboration as a partnership designed to change the way services are delivered, whereas cooperation and coordination tend to involve working together to reach separate goals. Collaboration is more than sharing information and more than a relationship that helps each party meet its own needs (Chrislip & Larson, 1994). Gray (1989) states that while it is important to distinguish among these concepts, “both cooperation and coordination often occur as part of the process of collaborating... Skillful management of early interactions is often crucial to continued collaboration, since these informal interactions lay the groundwork for subsequent formal interactions” (p. 30).

In terms of constructing a successful collaboration, many authors have developed point systems and tables to guide the initiate. In a document prepared by the U.S. Departments of Education and Human Services, collaboration is described as a five-stage process for systems change: getting together, building trust, developing a strategic plan, implementing a prototype, and going full-scale (Melaville & Blank, 1993, p. vii). Researchers Paul Mattesich and Barbara Monsey (1992) list 19 factors that make a collaboration successful, based on what they describe as an exhaustive search of the literature. They break the list into six factors related to: the environment, membership characteristics, process, communication, purpose, and resources. As the process moves along, different elements need to emerge to keep it on track. Gans and Horton (1975) label these as “integrators” and include common protocols, channels of information, even newsletters. They define integration of public services as “the linking of... two or more service providers to allow treatment of an individual’s or family’s needs in a more coordinated and comprehensive manner” (p.6).

As the process or collaboration evolves, writers discuss the need for multiple levels of decision-making that include every level from upper management to operations. They also suggest successful community collaborations, at some point, tend to have the support of political leaders and opinion-makers (Mattesich & Monsey, 1992). Gray (1989) claims that collaborations have a far greater chance of long-term success when someone with authority is involved. As Gray would suggest, this is the process of moving from informal to formal interactions, from cooperation and coordination to true collaboration.

Community Oriented Policing (COP)

COP represents a trend in North America to introduce organizational change into policing services on a fairly substantial scale. In the literature, it is sometimes referred to as community-based policing or problem-oriented policing and by academia as modern, contemporary, or progressive policing (Leighton, 1991). Leighton describes it as the wind of change among North American police leaders, although he says it is not clear why this is so, as there is weak empirical support for its effectiveness (Ibid).

COP is generally described as a “full partnership between the community and their police in identifying and ameliorating local crime and disorder problems” (Leighton, 1991, p.487). In fact partnerships are crucial to the COP concept:

Partnership is the watchword for community policing efforts. In virtually all discussion of this style of policing, it is asserted that the police must partner with the community and other public and private agencies that serve a local community and that have some impact on community quality-of-life issues (Greene, 2000, p.313).

This emphasis on partnerships is based on the belief (similar to the tenets of CM) that the community should be involved in solving its own problems (London, 1996). It embraces three fundamental concepts: an expanded police role in society, organizational change away from a paramilitary hierarchy and discipline and stronger links to the community (Clairmont, 1991). COP represents a considerable contrast to traditional policing. Where the focus of the organizational culture for the latter would be inward, rejecting the

community, the former looks outward, building partnerships. Where communication flow for the latter would be downward towards the community, COP is horizontal, between police and the community. Where decision-making in the latter would be centralized, in COP it is decentralized with community linkages. And while the measure of success for traditional policing would be arrests and crime rates, for COP it is calls for service, fear reduction, and community contacts (Greene, 2000). In COP, “people’s sense of well being now becomes important” (Ibid, p.13).

This shift in focus away from traditional policing is partly the result of three findings by theorists and practitioners. Simply adding resources appears to have little impact on reducing crime; problems tend not to be isolated, but are symptoms and will recur predictably; and the most effective response is one that coordinates police and the community (Spelman & Eck in Kenney & McNamara, 1999).

In a study on the introduction of community policing in Chicago, researchers chart its progress using the “Winning Hearts and Minds” (WHAM) component of organizational change. They then compare it with similar efforts in other American police departments (Skogan & Hartnett, 1997). They discovered that one of the keys to WHAM within the Chicago precinct was the police sergeant. The sergeant is variously described in the literature as the “real employer”, the “cornerstone”, and the one who determines the quality of an officer’s life (Muir, Goldstein in Skogan & Hartnett, 1997). Because community policing involves significant decentralization, and frontline officers are

encouraged to act more autonomously, even greater authority tends to land on the sergeant's doorstep (Kenny & McNamara, 1999; Leighton, 1991).

When community policing has not been successful, a number of possibilities have been put forward. One of the most commonly cited is a lack of buy-in from the officers on the beat. As a paramilitary force, the police are typically mistrustful of civilian intrusion into their job and can be resentful when the community is consulted on changes to the force, but they are not. As suggested earlier, that tendency towards resentment can be encouraged or discouraged by the sergeant (Skogan & Hartnett, 1997).

However, when community policing succeeded, as in New York City and Hayward, California, officers reported a high degree of satisfaction, citing their ability to get to know the 'good' people in their community, and being able to help the public understand their responsibilities and their limitations (Ibid). The authors conclude that police organizations and police culture do not readily accept change, without a well-conceived implementation strategy from key people within the organization, but not necessarily the people at the top.

Community policing is practiced in more than 300 communities in the U.S. (London, 1996). In Canada, all police forces were encouraged, in 1990, by the then federal solicitor-general, to become more community oriented. A discussion paper called "Police Challenge 2000: A Vision of the Future of Policing in Canada" states the police role should be that of peace officer rather than merely law enforcer (Cadieux, 1990).

Since then, community-based policing programs “have become the rage throughout Canada” (Palango, 1998, p.10).

As in the U.S., inter-agency cooperation is an important element of this trend in Canada. It recognizes that while policing is ideally suited for rapid response, crisis-oriented approaches, the prevention model of community policing requires strategic partnerships with other service delivery agencies (Leighton, 1991). While community policing

is often seen as not being ‘real’ police work because it involves providing services and information unrelated to crime, community police do so on the grounds that, not only is policing a service to the public, but it allows the public to become more familiar with their police service and the police to become more knowledgeable about their community (Leighton, 1991, p. 495).

One of the most rigorous studies of a community policing program in Canada was done in Edmonton in 1990. It began as a pilot project of 21 constables working out of mini-stations. The study referred to the project as a success, in part because it significantly reduced the number of repeat calls for service (Leighton, 1991).

Across Canada, the shift to community policing has actually resulted in a reduction in police officers from 61,500 in 1991 to 54,311 in 1998 (Palango, 1998). In interviews with law enforcement experts, writer Paul Palango says the ultimate result has been a hesitation on the part of the police to respond to certain calls and lay charges. He claims that more than 60 percent of all calls to the police in Toronto are referred, and that complainants are told to come to the police station or describe the situation over the phone (Ibid).

Organizational Learning

It is useful to consider the concept of COP within the parameters of organizational learning. Learning organizations is an idea Peter Senge (1990) first brought forward in his book *The Fifth Discipline*. In it he talks about the five disciplines needed to create an organization that truly learns, that is constantly expanding its ability to create desired results and where people learn *how* to learn. The five disciplines are personal mastery (cultivating the tension between vision and reality); shared vision (focus on mutual purpose); team learning (suspension of assumptions to promote group thinking); mental models (images of us and the world around us that we carry in our minds); and the fifth discipline, systems thinking (how actions in an organization reinforce or counteract each other and a variety of other concepts used to typify structures and archetypes) (Ibid).

COP, in its efforts to encourage the community and the police to learn more about each other, echoes Senge's discipline of shared vision. He argues that shared vision can be promoted by, not only organizations but also entire communities and that the term 'learning organization' should extend to the geographic community in which the organization exists (Senge, Kleiner, Roberts, Ross, & Smith, 1994). The discipline of team learning can be seen in the philosophy of COP that encourages partnerships and greater understanding of the police by the community and vice versa. In fact it is possible to argue that the ideals of COP embrace all five disciplines in one way or another. That the reality may not live up to expectations, would be of small consequence to Senge (2001), who says it is not what the vision is but what the vision does that matters:

There is no such thing as a 'learning organization'. Like every linguistic creation, this phrase is a double-edged sword that can be empowering or tranquilizing... We are taking a stand for a vision, for creating an organization... which can thrive in a world of increasing interdependency and change (n.p.).

It is this striving for interdependency within the community policing paradigm that makes the outlook for a collaboration with an organization such as CRS more tenable, and indeed, more valuable. The Society for Organizational Learning (SOL), founded by Senge and other devotees of organizational learning, counts many of America's largest corporations among its members. The Manager of Organizational Learning at one of these corporations, The Ford Motor Company, talks specifically about how to achieve communities of learning and collaboration. Vic Leo suggests there are three stages: predisposition, community-building activities, and practical experimentation. Predisposition is important in the early stages when there are few practical results. Community-building fosters trust and lays a foundation of knowledge and skills. Practical experimentation nurtures the unfolding community (in Senge, 2001).

In terms of a collaboration with CRS, TPS could at least be said to meet the first stage, predisposition, in that its acceptance and implementation of COP suggest it is already predisposed to partnerships in the community and to responding to neighbourhood needs in different ways. Experimentation is encompassed by projects such as this one. Community-building is an evolutionary process that can only be measured over time.

Community Mediation (CM)

Before we look at CM, we need to examine what is understood by the word mediation itself. It can have many different meanings, and within the field of dispute resolution there is disagreement on a number of key issues, such as whether so-called neutral mediators can actually be neutral, and in what ways they influence the disputants (Tidwell, 1999). Having said that, a useful general definition of mediation is provided by Folberg and Taylor:

[Mediation is] the process by which the participants together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach consensual settlement (in Tidwell, 1999, p.21).

Bush and Folger (1994) in their book “The Promise of Mediation”, say mediation can appear quite varied, depending on the approach taken. They isolate four approaches, which result in four different styles or stories: the satisfaction story, the social justice story, the transformation story, and the oppression story. They advocate the use of “transformative” mediation as having the greatest promise for society. They define it as a private, non-threatening meeting where:

...With mediators who are skilled at enhancing interpersonal communication, parties often discover that they can feel and express some degree of understanding and concern for one another despite their disagreement (p.20).

Transformative mediation tends to be the term used by CM advocates (NAFCM, 1998). However many also embrace the social justice story which focuses on the potential role

of mediation to empower communities, reduce dependency on government institutions, help people to take control of their lives, and ultimately help them to focus on common interests (Ibid; Bush & Folger, 1994). This approach has been emphasized by some prominent supporters of CM, including the grandfather of community-based mediation in the U.S., the San Francisco Community Boards Program (McGillis, 1997).

In addition to the above, CM has some other defining conditions. It is committed to using trained community volunteers as the mediators; volunteers are not usually required to have academic or professional credentials; the CM service should be a private nonprofit or public agency; mediators and staff should represent the diversity of the community served; the public should have direct access to the service with no physical, linguistic and cultural barriers; and service should be provided regardless of ability to pay. As well, the movement embraces the overarching goals of initiating and facilitating collaborative community relationships for positive systemic change; engaging in public awareness campaigns and educational activities about the values and practices of mediation; providing an alternative to the judicial system at any stage of a conflict, and providing a forum for dispute resolution at the earliest stages of conflict (NAFCM, 1998).

The field of CM is a relatively recent development. It had its genesis in North America during the 1970's, during which time it is estimated that there were fewer than 10 CM services in the United States and Canada. The movement has spread to many other countries since then, including the UK. There are now more than 600 centres, within those three countries alone (Ibid).

CRS has modelled its CM service on the American experience, specifically the San Francisco Community Boards, which describe their approach this way:

The community is where the responsibility for problem solving and conflict resolution should first fall, where the most effective prevention work can be done, and where meaningful lessons about conflict and its impact on friends, neighbors, and community can best be learned. Many disputes are tolerated because people perceive no effective and available mechanism for their resolution. Legal remedies may be expensive and time-consuming, or simply not appropriate. To use adversarial processes, or to simply turn the problem over to an agency, does little to prepare people for handling ongoing or future conflicts more effectively (Lawrence, n.d., n.p.).

Hence the general goal of CM is to transform relationships and give people the skills to handle future conflicts. However, while many of these centres share a common ideology of CM, the reality of how and where they provide the service can vary widely. Outreach, for instance, appears mostly capricious, based on the interests and time availability of the staff and volunteers, the size of the budget, and community pressures (See personal communication with various centres). For instance, CRS has attempted and failed to put in place a conflict resolution program within Toronto schools, and has sidelined some initial forays into parent-teen and family mediations, as a result of bouts of enthusiasm followed by a lack of resources. Other centres I spoke with have had similar experiences, and often the departure of key staff/volunteers meant the dissolution, eventually, of these ventures.

Therefore, while all centres will describe themselves as mediating 'neighbourhood disputes', what each one includes under this rubric can be quite different. Most of them include landlord-tenant disputes; disputes between neighbours over fences, animals,

noise, shared driveways, parking and trees; disputes between tenants; interpersonal conflicts; business-residential conflicts; and parent-teen disputes. Some include domestic conflict, and victim-offender restoration programs. Some include school conflicts and violent or threatening behaviour between disputants. Some have contracts with the local court system. These are individual choices made by every mediation centre and they are usually dependent on pragmatic contingencies such as financing and staff levels, but can also be affected by idealistic considerations about what disputes can be 'transformed'.

Community Mediation/Police Relationships

In one of the few studies of community mediation and the police, a research paper out of Scotland defines neighbourhood disputes as "...incidents which reflect an underlying or potential conflict between people living in relational and geographical proximity, excluding the immediate family" (Mackay & Moody, 1996, p. 301). The authors found that, significantly, one-sixth of all the incidents reported to the police in their study area met their definition of neighbourhood dispute. Of those cases that were prosecuted, they discovered three common features: almost 60 percent of the cases took place within the immediate environment of the home of one of the disputants; the provoking incident was considered relatively trivial by prosecutors; and the initial incident tended to escalate to far more serious occurrences and greater emotional 'heat' (Ibid, p.303).

The problem with these disputes was articulated in another study by the head of a police force, Superintendent Ian Fowler: "The last thing we want is for officers to go back to the complainers time and time again and say there's nothing we can do about it. We can

either report it to the courts or we cannot do anything at all”(Robertson in Clark & Mays, 1998, p.6).

Another officer put it this way: “The police are interventionists and not best suited to protracted neighbourhood disputes. Such disputes are a real drain on our resources...”(Clark & Mays, 1998, p.12).

In an argument for diversion of these cases to CM, Mackay and Moody (1996) found that once these disputes go to court, “there was a greater likelihood of cases going to trial and of prolonged trials, with the parties becoming more entrenched in their positions” (p.305). As well, prosecutors estimated that these cases were less likely to end in a conviction than any other type of case, even though they typically took months and even years to prosecute. There is also a strong preventative argument in favour of mediation which states that by resolving disputes before they reach the courts, more serious trouble can be avoided (Wright in Mackay & Brown, 1998). It is generally recognized that many of these conflicts are simply not amenable to legal remedies. Not only is mediation more appropriate, it offers an option that can save government agencies time and money (Dignan et al. in Mackay & Brown, 1998).

Certainly these partnerships have been encouraged by federal enforcement agencies. In the U.S. that support came from the federal Department of Justice, which funds a project of the National Association for Community Mediation (NAFCM) called The Conflict Resolution and Mediation Project for Community Oriented Policing. (The NAFCM is the umbrella organization for CM centres in the U.S.) Janet Reno, the Attorney General at the time the project was established, justified the expenditure this way:

Through community mediation programs, we can help each other build and strengthen our communities and neighborhoods by working to help individuals and communities solve their own problems and resolve their own disputes. (Reno, n p, 1997).

The U.S. Justice Department has been involved with CM since its early days in the 1970's. Jeremy Travis (1997), the director of the National Institute of Justice, explains the rationale behind this commitment:

Many observers have suggested that the United States faces increasing conflicts in coming years due to growing cultural, linguistic, and ethnic diversity in the nation and associated tensions; stresses induced by rapid economic change; and related factors. Community mediation programs have an important role to play in helping to prevent and resolve the many interpersonal, intergroup, and public policy disputes that confront our society (n.p.).

Many CM services in the U.S. have begun to foster relationships with their local police forces as a result of the encouragement and financing available through this program (M. Galindo, NAFCM, personal communication, November 27, 2000 to January 10, 2001).

In the U.K., the Scottish Justice Department earmarked 186,000 British pounds in 1999 to encourage the expansion of CM throughout Scotland. Last year 55,000 pounds was added to that because of overwhelming interest. The money went to a volunteer organization called Safeguarding Communities Reducing Offending (SACRO). The Local Government Minister, Frank McAveety (1999), said:

Disputes between neighbours can cause a great deal of stress not only to those directly involved, but throughout the neighbourhood. Often disputes can escalate and even result in legal action, when in fact better communication and understanding can resolve the problem before it gets out of hand...Mediation isn't a cure for all ills. It isn't suitable to tackle the worst cases of anti-social behaviour, where threats or violence may be a feature...But for cases that have yet to reach that stage, we have found that mediation is a more constructive way of dealing with some types of disputes than conventional measures. It is generally cheaper than legal

action, and it can be a cost - effective means of helping to stop disputes getting too overheated in the first place (n. p.).

These burgeoning partnerships with state agencies present some ethical issues in the CM field. Theorists have argued that the relationship between formal (state) and informal (non-profit, voluntary) organizations is not necessarily complementary. They suggest mediation allows state agencies to offload trivial cases, while retaining some control over them (Abel, 1982; Matthew in Mulcahy, 2000). Mulcahy (2000) defines “informalism” in this context as one end of a continuum, with the formal mechanisms of courts and arbitration at the other end, moving through mediation, negotiation and gossip, each more informal than the preceding. She suggests informalism is a reaction to the costs, risks, delays, and adversarial nature of formal court-based adjudication. In a critical examination of this ideology of informalism in her book, “Shadow Justice”, Harrington (1985) provides analysis of neighbourhood mediation centres in the United States. She concludes that informal processes tend to become shadows of the legal system rather than alternatives. She and others contend that mediation has been enthusiastically embraced by state agencies (for example the financial support of the Scottish and U.S. Justice Departments) and co-opted by them (Ibid; Mulcahy, 2000).

Part of the concern about informalism is the belief that mediation can be used to deny disputants their rightful access to the legal system. Many if not most downtown urban disputes are between economically disadvantaged people (such as tenants and students) and minority ethnic populations, who may not be aware of their rights, or have the financial means to hire lawyers (a significant concern in Toronto with its large ethnic

base). The police and mediation centres will often remind disputants of the hazards of accessing the legal system in an effort to divert them to mediation (Tomasic in MacKay & Brown, 1998).

Bush and Folger (1997) would describe this situation as the oppression story, where mediation can be used as a tool for control and can, intentionally or unintentionally, deny procedural fairness. The issue of volition in mediation has been widely discussed.

Tidwell (1999) suggests it is one of the most difficult problems in the whole study of conflict resolution:

Coercion, threats, and power all are methods that have been used in the past to force parties in resolving conflict. They each have their limits and have proven over time to be very inefficient. Each can bring parties together falsely and in bad faith. Talks may happen, agreements may be struck, but while the head is in the negotiations, the heart is on the battlefield (p.173).

Another argument against police referrals portrays the kinds of cases they are likely to send to mediation as so trivial, they would have been ignored if not for the existence of a mediation service. And so, disputants are exposed to a greater amount of interference in their disputes as a direct result of mediation (Abel, 1982). This is even more likely since, once diverted to a mediation service, a dispute is likely to be accepted. Research shows mediation centres rarely reject a case (Mulcahy, 2000). In fact at least one successful centre in the U.S. says getting disputants to the table to maintain case loads is its biggest priority. Another said obtaining funding was its priority (Bradley & Smith, 2000). These two goals are strongly connected in the U.S. where many centres achieve both largely through connections with the state (i.e. the police, courts or the federal Justice Department).

The dominant values when the CM movement began were conflict prevention and reduction, citizen responsibility for early intervention, community responsibility for building mechanisms for prevention and intervention, and service delivery at the neighbourhood level (Shonholtz, 2000). The CM centre was meant to be immediately accessible by residents, without an institutional referral mechanism. However, nearly half of the members of the NAFCM now receive more than 50 percent of their referrals from the legal system (Bradley & Smith, 2000). And an intensive two-year study of the San Francisco Community Boards (one of the first mediation centres) challenges its claim that CM empowers people and neighbourhoods. A team of researchers, using qualitative and quantitative methodologies covering a six-year span, concluded that the centre's work had no measurable effect on community solidarity and no impact on shifting power from the state to the community. While mediation agreements were reached in a high percentage of cases (as with most mediation centres) there was no evidence that disputants were empowered or acquired new skills to use in future conflicts (Bush, 1996). Shonholtz (2000) argues that mediation centres need to get back in touch with their original civic mission as the primary promoter of prevention and intervention services. He suggests, rather than state legal entities, mediation services need a different kind of municipal support. While the neighbourhood has the primary responsibility for intervention, local government can help by informing the public of the existence of the service.

...Community mediation programs need to reaffirm their civic mission and political position as the primary promoter of prevention of early intervention services and to thwart the trend...to marginalize or reinvent

their service as an appendix of the formal justice and agency systems (p.337).

Shonholtz (2000) describes changes in the CM field that parallel many of the changes occurring within policing (see above discussion on COP). He sees community centres expanding their roles in society to address more complex issues such as providing consensus-building methodologies and addressing differences before they become conflicts. This, he says, falls within the domain of change management (similar to Senge's organizational learning) and by applying those principles, centres can develop their abilities to obtain broader institutional support and perhaps new sources of funding.

Specific Police/Mediation Collaborations

Because the number of these partnerships is quite rare (McGillis, 1997) I personally undertook to contact as many of them as possible. Several of these mediation services have attained a level of rapprochement with the local police services that could, by turns, be enviable and too close for comfort (see earlier discussion on informalism). I drew extensively on the following situations in developing some of the details of the CRS/TPS pilot project. A sample of one such referral method is attached (Appendix A).

At the San Diego Mediation Center (SDMC), they began a program about five years ago with the San Diego Police Department (SDPD). The officers were given business cards describing the mediation service and were asked to hand them out to people involved in disputes of a non-criminal nature. Feedback from the police indicated that having something to offer such as mediation reduced their frustration when dealing with civil

matters as opposed to criminal, i.e. situations where normally they would have nothing to offer (D. Fobian, personal communication, October 23, 2000).

The Dayton Mediation Center (DMC) has been working informally with the police since the Center opened in 1987. In 1997 they formalized that relationship when a police Lieutenant approached DMC with an interest in creating a “conflict management officer” within the police department. It was finally decided that the police would fund the position of a contract worker dedicated to police referrals, but that job would be physically located within the DMC. The money used to pay for this position is from a federal block grant that the police department has received for the last four years. The department has discretion on how this money is spent, and has continued to support the cost of the contract worker.

The support of an officer of rank has been key to the Dayton success. This contact person recommends ways to educate officers on mediation and provide feedback. For instance, the mediation service, on his advice, sends out quarterly flyers/newsletters. These are one-page sheets with statistics, success stories, quotes from disputants and officers, and any new information on the program. After DMC closes a case, it sends a feedback form to the referring officer and to the supervisor that states whether the parties met, and whether they reached an agreement. DMC also does conflict management training for officers, which it believes bolsters support for the referral program.

As in San Diego, DMC also provides officers with business-type cards to hand out. However, it discovered some problems with this. Often only one neighbour would call and DMC was unable to make contact with the other disputant. And officers were less likely to fill out the full referral form if they had already handed out a card. On the other hand, officers who would never use a referral form did use a card because it was faster and simpler.

About 45 percent of the calls referred by the police to DMC go to mediation, which is close to the national average for all referrals to mediation centres (NAFCM, 1998). Significantly, however, the mediation service has examined the "calls to police" records, and found that in 50 percent of the cases where there was no mediation, disputants nevertheless stopped calling the police (J. Mueller, personal communication, September 7, 31, October 7, 14, 2000).

Since 1991, the New Haven Community Mediation Service in Connecticut, (NHCMS) and the New Haven Police Department (NHPD) have had a strong working relationship. Before 1991, nearly all referrals to NHCMS came from the criminal court mediation program. In 1991, NHCMS assigned outreach staff to work several hours each week at temporary police substations to strengthen ties between the two organizations. A year later, two community police officers completed a mediation training program. In 1993, NHCMS began using permanent police neighbourhood substations to hold mediation sessions.

In 1997, NHCMS was awarded a one-million dollar grant by the National Institute of Justice, Office of Community Oriented Policing Services to establish a Regional Community Policing Training Institute. It is used to promote community policing and provide mediation workshops to officers. Since 1997, NHCMS's executive director has met quarterly with the Police Chief, and monthly with the Assistant Chief to ensure both organizations are meeting each other's needs and expectations (C. Pillsbury, personal communication, November 23, 2000).

The mediation service in Hillsboro, Oregon (HCM) began as a result of an initiative by the police chief. Chief Louie was specifically concerned with reducing the many repeat calls his officers were making to the same addresses on neighbourhood disputes.

Sometimes enforcement action was being taken, in the form of a citation or arrest, but that did not appear to fix the problem. In fact, he noticed what studies have confirmed (see Mackay & Moody, 1996), that enforcement sometimes escalated the existing conflict. He decided mediation would allow patrol resources to be used more efficiently, as well as help neighbourhoods manage and resolve their own conflicts (Williams, 1997). A mediation service was created in 1996 to reside wholly within the police department.

If officers deem a dispute appropriate for mediation, they give both parties small tear-off sheets (which they carry in their shirt pockets and are about the size of two business cards) which include the mediation phone number, a brief program description, the date, and the officer's name. If the parties want more information, most of the officers also carry a detailed brochure. Then the officer will contact the mediation office with the names of the parties, addresses, phone numbers and a brief description of the dispute. If

the officers want to know the outcome, the mediators will contact them after the session. Since the inception of the program, there have been no repeat calls for service where a mediation was held.

Chief Louie has also encouraged his officers to get training in mediation skills. Moreover, he has made it obligatory for new recruits. As a result, they have so far trained 42 percent of the police department in mediation basics (P. Williams, personal communication, October 30, 2000).

When it began its relationship with the Oakland, California Police Department (OPD), the Oakland Mediation Service (OMS) had a deputy chief from the OPD on its board. Ten years ago, when the U. S. Department of Justice began to encourage COP, the OMS began working with the police chief to train local neighbourhood residents who were looking for ways to help make community policing a success.

The initial collaboration was largely devoted to teaching officers a little about mediation, and conducting community problem-solving workshops. Later, OMS began training officers on how to make referrals to the centre (B. Murdock, personal communication, October 31, 2000).

San Francisco Community Boards (SFCB) is considered the grandfather of mediation services in the United States. SFCB is currently involved in a collaboration with two other cities to enhance COP by training police officers in mediation. These trainings are two-tiered. Initially SFCB provides information only about its services and how its

mediation model works. This approach is meant to encourage appropriate referrals from the police. The second initiative takes more time and money. SFCB will conduct, for free, training workshops in conflict management and mediation skills for officers to aid them in their personal interactions with the public.

Currently SFCB receives between 25 and 30 percent of its total number of referrals from the police. But it has found, as a result of its training workshops, that more and more officers are using mediation skills on their own initiative (B. Jenkins, personal communication, October 25, November 4, 2000).

The Berkeley Dispute Resolution Service (BDRS) was started thirteen years ago by a task force convened by the local city government. This task force included a police captain. He soon joined the Board of Directors of the BDRS and as a result was instrumental in developing an on-going police referral program. Initially, that referral process was informal. Then about six years ago they developed a Memorandum of Understanding (MOU) between the two agencies to work collaboratively. The MOU included, as its primary objective, a plan for BDRS to provide information on an on-going (quarterly) basis to the police department. This introduction to BDRS occurs in person, during routine police briefings. It is normally a 10-15 minute presentation about the service, what types of disputes it mediates, and a sample of success stories of cases referred by the police.

Initially, several police officers were also trained as mediators, not to mediate in the field, but to increase their communication skills and use those skills when appropriate.

Eventually, this turned into a project that local foundations and the U.S. Department of Justice funded, to allow more officers to be trained in conflict resolution skills. (This is the same program that the NAFCM administers, mentioned earlier.) BDRS believes training officers in mediation has helped encourage both greater numbers of referrals as well as more appropriate types of referrals.

Like other mediation centres, BDRS says it is extremely useful to have a paid staff member who does nothing but liaise with the police department. However, this is a luxury that most mediation services cannot afford. For BDRS, one of its priorities is to maintain a presence at the police department, which can be accomplished by frequent visits or newsletters handed out to all officers (S. Calderon, personal communication, November 8, 2000).

Vancouver, Washington's Community Mediation Service (VCMS) began in 1992. From the beginning, law enforcement referrals have been one of the largest referral sources. Since 1998, VCMS has been tracking referrals from the Vancouver Police Department (VPD) separately from other law enforcement referrals (i.e. Sheriff, other city departments) and notes that they are steadily increasing, from 116 in 1998, to more than 200 projected for 2001.

The reason for this steady increase, according to VCMS, is the creation of a full-time mediator/police liaison position. This person provides orientations to each new officer who joins VPD. The orientations usually last an hour during which officers are given

examples of how they might broach the subject of mediation with disputants. They are then given a folder containing more information about VCMS, its volunteers, referral forms, brochures, etc. for the officers to take on patrol. Additionally, VCMS periodically makes presentations on mediation during shift briefings.

VCMS encourages officers to make referrals in whatever mode is most convenient for them. Thus, it receives potential cases by phone, e-mail, through a referral form and in person. It also requests that the disputants be given the phone number of the service so they can make the approach themselves.

In a singular example of high-tech collaboration, the officers can also refer cases dispatched to their car computers by using the county's CAD clearance system. There is a Dispute Resolution code they can enter, which automatically generates a report to mediation offices.

VCMS has specific forms in which it provides feedback to officers about outcomes. In the past year, it has also started acknowledging officer referrals via e-mail as soon as they are received. In general, VCMS says it is using e-mail more often in the hopes that the immediacy of the contact will encourage a continuing dialogue with the officers and inspire additional referrals.

Generally, VCMS has provided information or conducted problem solving in 54 percent of the police-referred cases. Eighty-nine percent of police referrals that were mediated resulted in settlement (N. Pionk, personal communication, October 15, 2000).

The mediation service in Orillia, Ontario, Mending Fences (MF), has had a relationship with the local Ontario Provincial Police detachment (OPP) for a couple of years now. It was the result of the initiative of a single volunteer, who has since left the organization. Two years ago, she spoke to every officer in the detachment, but there has been no attempt to speak to new recruits since then. When I approached MF for details of the relationship, no one was able to give me data on numbers of referrals, or whether feedback was being delivered to the police. In fact I was told that very likely nothing was being done to nurture the relationship, although it is believed referrals increased dramatically when they initiated contact with the OPP.

The chosen method of referral was/is a card about eight inches long and three wide, perforated near the bottom to provide a tear-off that officers can give to MF. This will have the disputants' names, addresses, telephone numbers, and comments by the officers about the nature of the conflict, plus their initials. The upper half explains how the mediation service works, and provides a phone number. That portion is left with the disputants. MF contacts the police once every couple of weeks to determine whether there are any new cards (referrals).

Soon after the program began, MF received a letter of support from the OPP Detachment Commander, Sergeant J.C. Vessey, which in part says:

...Officers have found this service very beneficial in dealing with minor neighbour disputes and trivial civil matters that have traditionally taken a great deal of

officer time. This service has allowed the officers to turn these types of calls over to properly trained experts and allowed them to respond in a more timely fashion to the more serious calls for service (see copy of letter in Appendix B).

In spite of an initially effective connection with the police in Orillia, there is now danger that the relationship will languish for the lack of a committed volunteer to continue to liaise with the police (B. Scott, personal communication, January 17, 2001).

The Community Mediation Service of Downsview, Ontario (CMSD) has a relationship with the local police as the result of a presentation given by a local volunteer. She presented a 10-15 minute speech to a few platoons in a single outreach effort. As a result of that, the overall caseload of CMSD has almost doubled. However it has not given any follow-up talks since the initial effort.

CMSD does not provide the officers with a referral method. Instead, it allows the individual officers the option of calling CMSD with the information or giving all the information to the disputants in the form of small cards and letting them approach CMSD (M. Sauve, personal communication, February 22, 2001).

Summary

A number of services credit their success to the support of a high ranking police officer (Dayton, Hillsboro, Oakland, Berkeley). As well their reasons for supporting CM often cite frustrations over repeat calls for service, and the lack of a mechanism in law enforcement to deal with many neighbourhood disputes. This is supported by the

research, which indicates that a majority of calls to the police (such as landlord-tenant disputes, neighbourhood disagreements, noise and parking complaints)--do not require law enforcement intervention (Glensor & Stern in McGillis, 1998). In an argument for partnerships between the police and CM centres, Glensor and Stern point out:

...Police have traditionally relied on law enforcement strategies such as rapid response, random patrol, and retrospective investigation to address these problems. Such incident-driven policing only addresses the symptoms of the problems, not the causes. As a result, these calls for service are often repeated and increasingly involve violence, posing a threat to the parties directly involved in the conflict, as well as to the responding police (Ibid, p.4).

According to McGillis (1997), the American Bar Association has provided extensive training to officers in a number of U.S. police departments on how to assess and de-escalate conflict situations. As well, they are taught which disputes should be referred to the local mediation program.

However, as mentioned earlier, partnerships between mediation centres and the police are quite rare, in spite of the obvious benefits. A number of factors are responsible for this, but McGillis (1997) suggests the most important is:

...simply the traditional law enforcement orientation of many police personnel. Many officers view problem-solving/dispute resolution tasks as outside the realm of traditional policing and also feel uncomfortable with the tasks because of a lack of training in these skills. These views ...certainly inhibit close cooperation with community mediation (n.p.).

As the debate on informalism suggests, successful collaborations can have their downside. A number of mediation services raised those concerns in their communications

with me. High on their list was a need to maintain autonomy when dealing with a law enforcement agency, and to have the appearance of neutrality in the community.

Another common concern they raised was regarding the types of disputes referred. It was suggested that the police will sometimes offload their most undesirable, chronic cases onto other agencies; BDRS indicated a problem with the referral of cases involving mental illness, for instance. While these cases can sometimes be mediated, it was felt, (and BDRS was not alone in this) that the CM service should avoid being a dumping ground. Even when these cases are passed on to more appropriate agencies, it can create an awkward start to the relationship with the police if their referrals are often being rejected.

CHAPTER THREE

The TPS/CRS Action Research Project

Making initial contact with the Toronto Police Service

In choosing where to make my initial contact with North America's sixth largest police force, I relied on much of what the literature had to say about police cultures. It describes a typology of isolation, where officers feel a separation between themselves and the community, their non-police friends, even their superiors (Harrison, 1998). New recruits are often taught by fellow officers that when supervisors have to make a choice, they will look out for their own best interests. Whether true or not, a belief of this nature will ultimately lead to a sense of isolation between the officer and management (Ruess-Ianni in Harrison, 1998).

As well, the many studies on COP indicate that this policy (embraced by the TPS) has resulted in significant decentralization in police hierarchies. That same policy encourages frontline officers to make more decisions on problem solving.

Finally, my discussions with CM services indicated that many of their successful collaborations with the police began with small-scale efforts that were directed at front-line officers.

As a result of this input I decided not to approach management, but focus my efforts instead on the frontlines. In addition, because COP is predisposed to community partnerships, I targetted proponents of that initiative within the two largest divisions. Hence I made my initial contacts with the Community Response Unit (CRU) under the COP umbrella of TPS. The CRU is typically ensconced in so-called store front or low profile substations. It consists of a staff sergeant, sergeant, and a number of constables, some of which are designated Community Relations Officers. They are responsible for:

working in partnership with the local community to enhance public safety and security by using a variety of resources to identify, solve, and prevent problems; thereby improving the quality of life within the community. [They]...also are responsible for partnerships with police/community committees, police/community special events, co-ordinate long term solutions for community concerns, keep an inventory of the organization/agencies including contact persons, maintain liaison with social service agencies, cultural centres or community representatives and provide information to the public via lectures, pamphlets, displays etc.. (TPS, 2001b).

This seemed a particularly appropriate choice in light of a study of community relations with the Los Angeles Police Department. The study found that a prerequisite for successful collaborations was taking the time to teach officers the skills necessary to engage in community problem solving (Harrison, 1998). CRO's have already been given this training and considering their job description above, are hypothetically, more inclined to view approaches from the community as opportunities.

I had a number of face-to-face meetings with CRO's from both divisions. I began by supplying them with copies of all my findings from the above-mentioned collaborations

between the police and mediation services. (This material is attached in Appendix A.) I told them CRS was frustrated that it could not do a better job on the few referrals it gets from the police. I suggested earlier referrals might remedy that. And I asked them if they felt repeat calls for service were a problem for the TPS. This struck an immediate chord and they hastened to show me stacks of reports on their desks from residents who had called the police in excess of eight times. In 14 Division, the eighth call for service comes up as a red flag on the computer, and the case is given to the CRO for a 'friendly visit'. The CRO's told me there is little they can do to help, and that these visits are essentially warnings that further calls could result in charges being laid.

I spoke to four CRO's in total. They all agreed that mediation sounded like a viable alternative to repeat police calls, and they would be glad to bring this up with their CRU staff sergeant. In one division, I met briefly with the staff sergeant as well. In all meetings, I emphasized that CRS wanted to do a better job with the referrals it was already getting from the police, and that it felt there was an opportunity to encourage more referrals overall. Furthermore, there would be financial expenditure expected of the TPS with regard to the collaboration.

The CRO's gave my material to their sergeants, who in turn approached the division superintendents. While I did not have meetings with the latter (also referred to as unit commanders), they requested a formal letter outlining the project. (Appendix C). This was presented by the CRO's, along with copies of some of the material from other

mediation/police collaborations. In the letter, I emphasized CRS's excellent and longstanding reputation, and its financial support from the city.

The unit commanders gave their permission to pursue a collaboration and it went back to the CRO's to work out the details. In subsequent meetings/conversations with the CRO's over a two-month period, we discussed how the referral process should work and how I should convey the information to the officers. The CRO's told me that officers do not like to have a lot of extra material to carry around and particularly do not like to fill out forms. If a referral will mean extra work, the CRO's suggested this might militate against a successful collaboration. As other mediation services had indicated a similar concern, we agreed to adopt the most common referral method, a business-sized card. CRS agreed to have these printed up at its own expense, with information about the mediation service on one side and a place for the officer's name and badge name on the other (Appendix D). We felt this would satisfy the officers' needs (articulated by the San Diego Police Department) to leave something with the disputants. Moreover, it would allow the disputants themselves to make contact with CRS, to meet the criterion of accessibility and self-referral which is important to CM advocates.

However, as the Dayton Mediation Service indicated, without referral forms, the service often had to expend considerable time identifying and locating the second party in situations where only one disputant made contact. The CRO's agreed it would be useful to get all this information from the officer. It was their suggestion that the officers, at the end of their shifts, contact the CRO and give the information to them in whatever form

was most convenient. The CRO's agreed to then pass that information on to the case manager at CRS. I felt it was an auspicious beginning to the project if the CRO's were willing to volunteer for extra work!

In terms of imparting this information to the officers themselves, the CRO's suggested that I speak to them by platoon. There are five platoons in each division and these 'parade' every five weeks before their staff sergeant at the beginning of each new (five week) rotation. This is also the time when officers are given new information pertinent to their beats. I was invited to make a short address of 10 to 15 minutes duration explaining what mediation is, what neighbourhood situations are appropriate for mediation, and how it would benefit the police to refer these cases. I was asked to give the CRO's a copy of my proposed presentation (Appendix E) which was approved by their superintendents.

I presented the identical speech to 52 Division on Thursday afternoons, and to 14 Division at 6 A.M. Sunday morning. The Sunday parade is divided in half, so I gave the speech twice on Sundays, at 6 and again at 7 A.M. I mention this only to emphasize that my schedule had to be extremely flexible to accommodate their availability. The upside, if there is an upside to arising in the dark at 5 A.M. on a Sunday winter morning for five weeks, is that I was entertained by the officers during the one hour wait between talks. In addition, this proved a rich source of information and advice with regard to the project. In fact one of these casual conversations resulted in a major initiative for this project, which I will explain more fully later.

Again, with reference to 14 Division, because the CRO's are located in a substation remote from the main station, the project was eventually handed off to the training sergeant whose office is in the same building as the majority of the officers. This was to make it more convenient for officers to pass on details of disputes at the end of their shift.

I should note that my meetings with Divisions 52 and 14, while similar, were always separate. The two groups, to my knowledge, have had no contact with each other on this subject.

Addressing/Training the Platoons

Police forces are not typically in the vanguard of change, limited as they are by constitutions, laws and executive, legislative, and judicial agencies (Marx, 2000). Plus, they tend toward an organizational culture of us-them, believing that non-police can never fully understand what is involved in police work (Harrison, 1998). I was intensely aware of these parameters as I prepared to pitch a collaboration that was completely reliant on each individual officer's acceptance. To that end, my goal was to promote the concept, not as change but rather as a pragmatic partnership between two old, respected Toronto institutions. Remembering references in the literature to their mistrust of civilian intrusion into their jobs (Skogan & Hartnett, 1997), I pointed out that their own officers had referred cases in the past. The reason these had not been successfully mediated, I explained, was only because CRS received them too late.

I was heavily influenced by the findings of the survey of 1400 officers in Chicago. Their biggest concern about community policing, they said in interviews, was that dealing with people's concerns sounded too much like social work. They did not want to be "pooper-scooper police", or have to placate "loudmouths" and "squeaky wheels" (Skogan & Hartnett, p.72). Assuming this attitude would be pervasive in reactions to all new initiatives, I strove to reassure them with descriptions of similar collaborations and how the police in those jurisdictions appreciated the chance to 'get rid of' these cases. I read them the letter from the OPP in Orillia that explicitly called the cases 'trivial' in order that they might understand CRS does not want to do police work or have the police do conflict resolution, but only wants to free up the police for more important situations.

To get their interest as quickly as possible, I decided to begin the address with a WIFM strategy (What's In It For Me) to indicate how they personally would benefit by embracing the concept. At 52 Division, this was preceded by a rousing introduction given by one of the CRO's, using the term 'win/win' repeatedly, and telling the officers they should listen to me. This usually provoked good-natured laughter but it also got their attention, and I believe his introduction helped me significantly. I would then begin my talk by saying:

Hello, as XXX mentioned, my name is Sandra Lewis and I'm with St. Stephen's Community House, which, by the way, is not a religious organization. It IS a social service agency that's been operating in Toronto for more than a quarter of a century. It has many services and branches, but I'm here to talk to you about the Conflict Resolution Service. CRS and the Toronto Police Service are test-driving a new partnership that we think will make your jobs a little easier.

Within a time frame of approximately 20 seconds, I was attempting to neutralize any negative reaction to the religious sounding name of the organization; highlight the longevity and implied trustworthiness of the organization; and suggest a WIFM. At 14 Division, because of the early hour for my address, I was introduced only once by the training sergeant (who understandably did not want to arise so early on her day off). However, she did an excellent job of alerting the staff sergeants to my arrival, and they would often say a few words on behalf of the program before I spoke.

As the rest of speech is appended, I will not go into further detail here except to point out the advice I was given by the CRO's, with regard to crucial points to emphasize. These included the fact that I, personally, had worked at CRS as case manager and have first-hand knowledge of the process and that I also work in the field as a mediator. These two points, according to the CRO's, were important to give me credibility. In order to give CRS credibility with the police, they suggested I mention its contract with another branch of the legal system, the Toronto Courts. (Certain charges that are privately laid but handled by the Crown Attorney, such as harassment and threatening, are now diverted to CRS for mediation.)

The feedback I received on this approach was uniformly positive. A number of officers (including the CRO's and some staff sergeants) told me my message had the appropriate tone because I was not making "save-the-world" speeches about causes such as getting the homeless off the streets. This kind of preaching, they said, tended to be the norm

rather than the exception from social service agencies and volunteer groups. It apparently had the effect of exacerbating the us-them feeling mentioned earlier.

Preparing CRS for Police Referrals

Senior staff at CRS and I discussed a few possible approaches in advance of the project. Initially I thought it would be better to designate a small group of volunteers who would do nothing but police referrals for the duration of the pilot project. But while that would reduce the variables, it also presented logistical challenges. It takes approximately three weeks to a month for a case to go through the system and if sufficient numbers of cases were referred, CRS would quickly find itself short of mediators. We also discussed whether it would be worthwhile giving a small core of designated mediators special training. But that was rejected for the same reason. We finally agreed that police referred cases would, in the general scheme of things, be treated the same as any neighbourhood dispute.

However, CRS agreed to three small changes: it would specifically track the police-referred cases; it would provide feedback to the CRO's if opportunities presented themselves and immediately to individual officers who requested it; and it would collect additional information at the conclusion for this report. On the case intake sheet at CRS, which is on a computer database (and therefore retrievable for future statistical review), there is a box for non-party contact. For this project, that box was used for the name of the referring officer, the badge number, the division, phone number of the officer if available, and whether the police officer, the training sergeant/CRO, or the disputant

called it in. As well, all cases are identified by category, and for this project, the word 'police' was put into the category box.

CHAPTER FOUR

Summary

In this chapter, I will consider the quantitative results of the collaboration, i.e. numbers of referrals and their outcomes, as well as the qualitative results of the interviews and some key additional sources of information which arose within the context of the project itself. These additional interviews were not available as sources of information during the formation of the prospectus for this project.

Cases referred and outcomes

Between February 12, 2001, and May 5, 2001, a total of 19 cases from the police found their way to the case manager's desk at CRS. None of these was called in by the CRO's, and only one by the training sergeant at 14 Division. In fact they were surprised to hear we had received so many cases.

Of the remaining 18 cases, four were called in directly by the officers on the beat. The others were called in by the disputants themselves, using the business cards the officers had handed out. This, according to the case manager at CRS, presented all kinds of predictable headaches. The party calling in would not usually have the name and phone number of the second party. So CRS would have to track them down, which was time-consuming and not always successful. And while the officers did, indeed, fill in the cards with their own names and badge numbers, getting them to respond to phone messages for more information also proved mostly fruitless. When, in desperation, the case manager

would attempt contact with the training sergeant or CRO's, those calls also went unanswered. Twice I intervened and attempted to get a response from the training sergeant or CRO's and was usually able to reach them in a day or two as a result of my pre-existing relationship with them. Even then, it was difficult for them to make contact with the officers involved. Their shifts might have changed, for instance, or they might have been on days off. Moreover, because officers do not take down names and numbers on every call they make, they might have forgotten the information by the time contact was made.

As I said, we received 19 referrals by the cut off date of May 5. This allowed for an approximate window of three months. However, it took five weeks to speak to all the platoons, so technically, some platoons had fewer than two months in which to make referrals. All of the cases referred fit the description I had given the police of what would constitute an appropriate case for referral. Most of them, 10 in all, were noise complaints between neighbours. Two each were in the categories of landlord/tenant, interpersonal and property. One each were disputes over a fence and a dog, and one was neighbour harassment.

In terms of outcomes, one case was successfully mediated and three were in case development at the end of the project window. By case development, CRS means both parties have agreed to mediation and the mediators are meeting with them separately before arranging the final session. Four cases were still being assessed, which means one or both parties had yet to agree to mediation. Three cases were referred to other agencies.

In three cases the complainant (first party) withdrew; in one case the complainant refused mediation; and in four cases the second party refused mediation.

Three of the 19 cases were called in from divisions outside the purview of the research project: two from Division 11 and one from Division 55. Officer names and badge numbers were annotated in two of those cases. It is possible, and this could likely be confirmed, that the officers were in Division 14 or 52 during one of my talks and took the knowledge with them upon a transfer (the cases came in towards the end of the project, in April and May).

Comparative Statistical Review

Based simply on the number of referrals, the collaborative effort appears to have enjoyed some initial success. Nineteen cases represent 14.7 percent of the caseload received by CRS in the most recent fiscal year, April 2000 to March 2001. Even compared with its best year, in 1997, 19 cases represent nearly ten percent of the year's total cases.

Certainly it could be argued that the response to the pilot project is significant enough to make other comparisons.

First, subtracting the three cases referred to other agencies, I am assuming that three of the remaining 16 cases would have been successfully mediated. (One was successfully mediated, and two were in case development, 90 percent of which tend to go through to mediation.) Four cases were still being assessed, and historically at CRS, about 30 percent of these cases go on to mediation. If we apply that to the four cases in our sample, we can

assume between one and two of those cases would have advanced to mediation. If we err on the side of conservatism, and add only one of those cases, we then have four cases out of 16 that were or were likely to be mediated.

When we compare the total of four out of 16 cases mediated (25 percent) with the last annual rate of 28 percent, it appears as though the police referrals are marginally less likely to be mediated than other cases. This is an impressive result, suggesting there was a high degree of comprehension among the officers of what cases could be mediated, in spite of the brevity of my talk to them.

Taking a look at the kinds of referrals, there were ten noise complaints out of 19, or just over half. This is much higher than the 25 percent of noise disputes at CRS in the last fiscal year. The largest category of complaint at CRS that year (33 percent) was what it refers to as Interpersonal (IP), which can include noise or any other specific complaint, but is characterized by a larger conflict of personalities. In the police-referred cases, there was only one so identified. This could have been a direct result of the fact that I made specific reference in my talk to noise complaints, but did not talk about interpersonal disputes. Possibly some of the noise complaints were in fact interpersonal. It is also possible that officers did not consider obvious interpersonal disputes to be good subjects for mediation. However, even a casual perusal of the intake sheets indicates how subjective these labels can be. One of the cases, identified as a noise dispute, quoted the complainant describing the second party as 'insane and dishonest'. This sort of characterization could easily have led someone else to label it an interpersonal dispute.

Follow-up interviews

For the follow-up interviews with the police, I chose a method of random selection, a “process that gives each case in the population an equal chance of being included in the sample” (Singleton, 1999, p. 565).

The reasons for choosing this method are straightforward. The ‘target population’ in this case is the entire body of uniformed police officers that makes up Divisions 52 and 14. The ‘sampling frame’ is synonymous with the target population because of the manageability of its size. ‘Probability sampling’ was the preferred design in spite of a suggestion by the CRO’s that we select respondents or ask for volunteers. Their concerns were with anonymity, and the inadvisability of supplying civilians with lists of the officers in their divisions. In an effort to secure the preferred method of random selection, I negotiated an alternative, which to a large degree relies on their integrity. We settled on the mechanical procedure of the lottery method, using numbers instead of names (Singleton, 1999, p.142.) I chose platoons as units because those were the groupings to which I delivered my speeches. Selecting a single officer from each one, I believe, helps to eliminate the variable of slight differences in my delivery of the speech, its contents, my appearance, my level of energy and enthusiasm, and so on. I would randomly draw a number from a hat and then give those numbers and the corresponding platoon to the CRO’s. They consulted their lists and counted down to the number with which they had been provided, giving me the name of the officer at that number.

This approach however, does not take into consideration the chronic difficulty with reaching police officers. They are out on the streets for almost their entire shift, and appear reluctant, from my experience, to respond on their days off. In addition, quite a few officers have not set up their voice mailboxes, meaning I had to catch them in the station at the beginning or end of their shifts. It was a few weeks of chasing back and forth before I was able to reach any of them.

Even then, I was ultimately only able to interview two officers. Due to time constraints, I was forced eventually to abandon efforts to reach the remaining officers. I am including the results of the two interviews I did manage to conduct, although they are not statistically valid. They do, however, provide some insights into police reactions to the initiative, and they also mirror opinions that were shared with me by various officers during the course of my talks with the platoons and my meetings with senior officials.

Interviews with two uniformed officers of the TPS

In this section, I will restate the questions as outlined in the prospectus for this project, and then summarize the responses of the two officers.

1-In your experience as an officer, how often have you made repeat visits to the same address?

One 30-year veteran of the force told me he has not made repeat visits very often, perhaps five times. The other officer has not had the same experience, often going four or five times to the same address.

2-How do you feel about making these visits?

They are a 'pain in the butt' according to one officer. He says he hears many officers in other divisions complaining about this sort of thing.

3-Can you describe your initial reaction to the proposal from CRS?

One officer was not present for my talk. However he said he saw the business cards in the visor of the police car and he heard about it from other officers. His reaction was that it 'seems pretty good, actually' although he thought we might get some 'attitude' from officers about having to carry the cards. He says they are given dozens of pamphlets and cards, for instance, information on how to handle victims of violence, and cards to describe different kinds of sexual assault.

The other officer thought my presentation was good, upbeat, and I seemed genuinely concerned, something he felt was important. He pointed out, however, like the other officer, that the platoons are bombarded with information, much of it about complicated changes in the legislation. He felt while officers might remember the talk for that shift, it would be easy to forget it if there were no reminders.

4-Did you make any referrals during the test period? If so, how many and of what nature?

Neither officer made any referrals. They said nothing came up that fit the bill.

5-What was the outcome of those referrals? (This question was not put to the officers, as neither referred cases.)

6-How do you feel about the referral method that you were asked to use during the pilot project? Would you prefer another method?

One officer said the business card method was good. He (significantly) does not remember me asking them, during my talk, to give information to the CRO's. However he said that it is an added complication to request officers to write down the names and addresses and hand them to the CRO. He explained that when officers visit an address and successfully handle a complaint, or refer it, they usually do not write this information down anywhere. For instance, he said there is not, usually, a record that another officer has been to that address. And written reports are not required for police visits, in the absence of a charge or warning. Essentially his point was that police are already busy enough racing from address to address; asking them to write down information they do not normally collect is unlikely to be successful, unless they are highly motivated.

The officer who was not there for the talk suggested the best way to disseminate new information to the platoons is in the 'routine orders' which are printed and distributed Monday to Friday. All officers, he says, must read these.

7-What were the factors you considered in making a referral? (This question was not put to the officers, as neither made a referral.)

8-Would you like less/more feedback on outcomes?

One officer said he “could not care less” about feedback but admitted there are a lot of officers who like to know outcomes. He gave Victims’ Services as an example of an organization that is regularly requested by officers to provide follow-up information on cases they have referred.

The other officer said it would depend on the situation and how he felt personally about the people involved.

9-What is your understanding of community mediation?

One officer described it as a “non-legal way of settling a dispute. Instead of charging someone with a trivial offence, we can refer them”. The other officer, not having been present for the talk, was not sure what CM is.

10-What was the reaction of other members of your division to the project?

The officer who was present for the talk said police reactions are always different in a group, from when they are alone with their partners. He said in a group, they will say things such as, “Oh, yeah, another social worker. Blah, blah, blah...”. But alone, they’ll treat it more seriously. So he said while they may have seemed distracted and even uninterested during my talk, he and his partner discussed it as a worthwhile alternative in the privacy of their patrol car.

The officer not present for the talk said his partner explained matter-of-factly what the cards were when he found them under the visor of the car. The fact that they were in the visor at all indicated to him that his partner intended to use them.

11-Are you aware of officers who did not make referrals? What were their reasons?

Neither officer was aware of referrals being made or not being made. But one officer said if it does not happen, the only reason he can think of would be because the police simply have too much to remember as it is. He says “half the time you forget when you’re out” which agency might be interested in this case. He says it used to be that way with Victims’ Services, but police now have a box on their report cards specifically for that agency, which serves as a reminder to call Victims’ Services if the case is appropriate.

One officer said there are so many new things in police work they are expected to learn, and they now handle so many different situations, each one with a different protocol, that it gets confusing. He said for instance, six months might elapse between sexual assault cases, and “then you think, how do I do [handle] sexual assaults?”. So if they are sent out on a neighbour dispute that would be suitable for mediation, the challenge is to remember that they can refer this.

12-Can you recommend ways to encourage more police co-operation?

Both officers had suggestions for this. One told me their unit commanders talk to them once a day. He said CRS should send a letter to the unit commanders or to the superintendents to request that they remind their officers before they begin their shift to refer disputes to CRS.

The other officer said the routine orders that are issued in writing once a week are the best way to remind them of CRS. These orders, as he mentioned before, must be read by all officers. He also said that often disputes of the kind in which CRS is interested would be intercepted by the 'call-takers' in the station and not even dispatched to a patrol car. He said talking to the desk sergeants and others who take in those calls would allow them to refer those disputes immediately to CRS.

13-What is your opinion now of CRS and the referral system?

Both officers said they think a mediation service is a good idea. One said so for the 10 percent of the cases he estimates they cannot handle themselves. The other officer said it might avoid what he called 'the police intimidation factor'. He explained that people often react negatively when the police come to their door or ask them to do something (or stop doing something). He suggested a neutral, non-authoritative organization might have more luck in facilitating a solution.

Additional interviews

I have included in this section interviews with key participants in the project, people within the police department who had a unique vantage point from which to gauge overall reaction and usefulness of the project. I feel these interviews are particularly pertinent because of the paucity of material from the frontline officers.

Training Sergeant, 14 Division

The training sergeant was the designated officer at this division through which all referrals to CRS were meant to be channeled. She was also the person who initiated contact with the various staff sergeants and prepared the way for my speeches to the platoons. She was present at the first talk as well.

She said she was pleased with the feedback she received about my talk to the platoons. They seemed receptive to the concept, she felt. However she was still surprised to discover what she felt was a high number of cases from her division, because “officers are generally leery of making referrals to outside agencies”.

I asked her why officers did not use the referral method we had recommended (leaving the information with the training sergeant). She believes that officers will want to take care of the situation right away, instead of at the end of the shift. She suggested they may have felt handing out the business cards was a simple way of doing that, and probably didn't realize how important it is for CRS to get the names of both disputants.

She also corroborated what the other officers said about having so many people speaking to them at their training sessions and parades that they tend to forget a lot of what they hear.

When I asked her for recommendations, she felt it was important for CRS to speak again to all the platoons, at least twice a year was her suggestion, to remind them of CRS and to tell them of what successes CRS has had in terms of mediations.

Towards the end of the pilot project, the case manager at CRS sent a summary of all the cases to the training sergeant in an effort to provide feedback and encourage more referrals. She told me she spoke to all the platoons about that summary, but she said, “They pretty much just sat and nodded”. It is her opinion that the officers are a bit jaded in their responses to their own bosses, and more accepting of praise from outside sources, i.e. in this case from CRS.

When I asked why this would be the case, she said the officers believe sergeants and other senior ranks are always looking for ways to give the rank and file more work to do, and so a pitch from them will often be interpreted as just another way to “load up their plates”. However, if an outside agency comes in with praise and positive feedback, the officers will take it at face value. She also said the officers do not usually get praise and this would be a welcome change.

While she believes every six months would be a minimum in terms of maintaining the relationship, she thinks CRS should revisit all the platoons sooner than that now because the collaboration is in its infancy and more frequent visits will help to cement the relationship.

To underline the need for repeat visits, she told me that they have a big turnover of staff and they need constant updates on every subject. As well, 52 and 14 are training divisions, which means for ten weeks three times a year they have an extra 20 recruits who are then stationed in other divisions. That is a total of 60 new officers going through each division annually. (Five divisions out of 17 in the GTA double as training divisions.)

She explained that officers are brought in to teach the new recruits, and these coaches are usually senior officers who may have been with an investigative or other specialized unit, and not present for my talk to the platoons. So the new recruits will not hear about mediation from them.

Interview with Staff Sergeant, 14 Division

During my early morning talks to 14 Division, I would have about an hour's wait between the two halves of the platoon on duty. While most staff sergeants made sure that I was comfortably ensconced in an office somewhere with a cup of coffee, one Staff Sergeant invited me to spend the time with him in his office. He displayed great interest in mediation and harking back to some of the success stories from other centres, I suggested he might want to take the three-day mediation course at CRS. (A number of other centres found that training police officers in mediation increased the number of referrals). He was happy to do that, and he has since taken the course for free.

This interview was done after his completion of the course, and focuses on his overall perceptions of the project, with the added benefit of a greater understanding of the mediation service.

He said he heard nothing negative and a lot of positive comments about the project from his officers. He said his officers would much rather refer a case to an outside agency than go back to the same address for the same complaint every night. He added that sometimes officers have no alternative but to arrest someone, even when they personally feel the offense is trivial. Now, with mediation, some of them believe there is an alternative.

With regard to the referral method, while it was designed to make the officer's job easier, he suggested it did the opposite. He advised that a better method would be to have the officers make the call direct to CRS and leave a message if necessary. That way the officer can make the call from the patrol car, at the scene, and move on to the next call without having to bother with extra paperwork.

He says he encourages his officers at the beginning of their shift to use CRS. However, he is doubtful that other sergeants are as assertive about it as he is. He recommends quarterly updates/reminders because of the high turnover rate. He said his officers asked him how their referrals turned out and quarterly updates would be able to answer those questions while the case is still fresh in the officer's mind. He also said some of his officers still come to him with confusion about whether a situation would have been

appropriate for referral, and this confusion could also be cleared up with repeat visits from CRS.

Finally, the staff sergeant explained that all officers take a 'conflict management' course when they join the force. However their version of conflict management is markedly different from what is understood in the conflict resolution field. He says they are taught that conflict management means the police must take charge of the situation and bring an end to the dispute. He admits having a difficult time himself during the role plays in the conflict course "not telling people what to do". He feels police training predisposes officers to take charge and make decisions about what they feel is the best course of action for the people involved. However he says once he was willing to consider letting the disputants figure out what was best for them, he found that mediation can be an effective tool.

He in fact wrote a précis about the workshop and gave it to his platoon. He told them "instead of barking out orders, telling people what to do, maybe it's better sometimes to let people work out their own problems. If you give people room, they'll come up with their own solutions". He says his officers were very positive about his description of the course and in his words, "are lining up to take it". (Eleven officers have added their names to a sign-up sheet). He says they are even willing to pay for it themselves.

Interview with Case Manager at CRS

The case manager's job at CRS is a volunteer position that usually lasts six months, four days a week. The incumbent during the pilot project had had about a month's experience in the job at the beginning of this project.

He said having the cases called in by the disputants themselves mirrored the profile of most of the cases at CRS. It meant considerable effort trying to track down the second party in the conflict, but this tends to be the status quo at CRS. The difference with the police-referred cases, he felt, was the expectation that the police would be supplying all relevant information. Because of that expectation, he spent time calling the CRO's and staff sergeant for more details on specific situations. These calls, he says, were mostly not answered. In desperation, he sometimes left messages with the constable whose name and badge number were written on the card, but those calls also were mostly not returned. He did manage to connect with two officers, both of whom told him they were excited about the prospect of being able to refer some of these cases to mediation. They both are quoted as saying they looked forward to referring many more cases and would be happy to cooperate in any way.

In situations where disputants refused the offer of mediation, the case manager says it was typically not the first time the police had been called by them. He described their situations as too escalated for mediation.

Analysis

I will not attempt to draw statistically valid conclusions from the few interviews which were conducted. However I feel it reasonable to make certain deductions, based on my experience with both organizations, many other conversations I conducted informally during the course of the project, and referring to the organizational literature.

First, it seems safe to conclude that one visit to speak with the platoons is a good start, but needs to be reinforced within a reasonably short period of time. The one officer who heard my talk could not remember key points and one officer had missed it entirely. As well, the two sergeants, unprompted, spoke strongly in favour of the need for reinforcement and feedback.

Second, the referral method we chose seems cumbersome and ineffective. This conclusion is supported not only by the interviews but also, obviously, by the fact that only one officer out of 19 used it. In addition, the four interviewees were unanimous that the simpler the method the better. However what is simpler for the police can be a drain on the resources of CRS. The officers' default practice of leaving it up to the complainant to make contact meant CRS had to track down the other party in the dispute. Given the likelihood that more than 19 cards were handed out, a number of complainants presumably did not make the call at all. The study of mediation centres in Scotland found a similar problem with referral agents. Those agents also left it up to parties to make the contact, and the researchers blame this practice for a low level of referrals (Mackay & Moody, 1999).

Additionally, the interviews I conducted provided key new information in this regard: officers do not make a record of every address they visit, particularly if no charge was laid or crime committed. The referral method I selected was based on the erroneous assumption that officers are already required to record every visit. Since the original goal was to make the process as simple as possible, while also maximizing the numbers of referrals, an amendment is required in the referral method.

Third, with regard to an understanding of CM, the one officer present for the talk had a reasonable comprehension of the process. As well, none of the cases referred were clearly inappropriate for mediation, from which one might assume the learning curve on mediation can be fairly rapid. This is supported slightly in the literature. The fore mentioned study of mediation centres in Scotland found that there was consensus among referral agencies (which included the local police) about what constituted a suitable case for mediation, and that this definition was the same as that held by mediators. If anything, referrers tended to err on the side of caution, withholding cases where criminal proceedings were likely, where mental health issues were prominent and where violence or the risk of violence was present (Mackay & Moody, 1999). This does raise the question of whether the TPS officers were similarly conservative in their approach. It would be useful to explore more fully the kinds of cases they are not referring to determine whether disputes that might benefit from mediation are being overlooked.

Finally, all the feedback was unanimously supportive of the concept of CM, and the value of having an agency to which the police can refer non-criminal cases. As well, the

significantly high number of referrals would indicate officers considered it a useful way in which to deal with some of their calls.

CHAPTER FIVE

Conclusions and Implications

The Best Laid Plans...

At this point I would like to briefly address the nature of the process involved in working with the TPS. This project was envisioned and put in motion by CRS and myself, without initial input from the TPS. Certainly there were meetings with various officers and CRO's as it gathered steam, but those meetings were more to work out the details than discuss whether or not a collaboration would be a good idea.

Sometimes phone calls were returned in the early stages, sometimes not, but even when they were, it would often be days or weeks for that to occur. The start date for the project was postponed a number of times, and various new hurdles presented themselves long after it appeared all the i's were dotted and t's crossed. Even after the meetings with the platoons had been agreed upon, there was great uncertainty about the exact time and date they were to begin, and I spent some anxious days trying to get confirmation leading up to the first two talks at 14 and 52 Divisions. I can say that on the day of those two introductory sessions, I was still uncertain as to who would be there, how much time I would have and how it would unfold.

It was clear from the outset that the fact of this being a thesis paper was incidental and probably irrelevant to the TPS; if a collaboration could help them do their job more easily, that was something they could embrace and ‘sell’ to the officers. This attitude had the effect, later on, of inhibiting my ability to collect the data I had outlined in the prospectus. In spite of the fact that the CRO’s and superintendents knew and accepted this was part of the project, and in spite of including this information in every talk to every platoon, I was unable to get more than two officers to return phone calls when it came time to do follow-up interviews.

I think it fair to speculate on why that happened. And I think this also speaks to the chances of success or failure of this project over the long-term. It has been amply substantiated in research that human behaviour tends to be need fulfilling, and that our needs affect what we perceive. The tendency of research subjects to supply information will be based on their perception of whether the research is meaningful to them (Argyris, 1960).

As Argyris notes, the subject must perceive the research as helping them to gain something which they desire. “They must feel they are contributing to something whose completion will be quite satisfying to them.” (Argyris, 1960, p.114).

Argyris goes on to note that one way to encourage greater cooperation is to promise and deliver feedback. Both the staff and training sergeants mentioned feedback as a need.

Had CRS reported back to specific officers with updates on their referrals, they might have been more interested in encouraging the collaboration. Had I returned once more during the pilot project to tell them how it was going and to remind them that I would need *their* feedback, they might have felt more cooperative toward me personally and have had a greater understanding of the importance of those follow-up interviews.

Mapping mental models (one of Senge's five disciplines) might also have provided forewarning (Senge, 1990). Determining in advance the officers' assumptions and expectations might have helped me to design a project more closely tailored to their needs. The use of reflection and inquiry, which are central to organizational learning, would have provided knowledge of their assumptions (or mental models), which in turn can offer the highest advantage for change of the five disciplines (Senge et al., 1994). Another discipline, that of shared vision, considers the dysfunctional profiles of typical authoritarian organizations (such as police departments) and the mental models that are often held by members of those groups. Bryan Smith, a co-author of Senge's follow-up book, the Fifth Discipline Fieldbook, believes that the narrow purpose of such organizations leads to mental models that assume participation in decision-making to be a "manipulative sham" (Senge et al., 1994, p.328). Those mental models will lead members to settle for the lowest level of participation. He suggests only a deliberate effort to create shared vision will move people out of the rut of learning only what they want to learn (Senge et al, 1994).

The lack of police response in this project could partly have been the result of my own omission in not attempting to create a “collective aspiration” (Ibid, p. 328). In other words, I may have successfully pinpointed their WIFM, but was not successful at Winning Hearts and Minds (WHAM). The fact that the officers were clear on how referrals could work for them is evidenced in their ability to mold the process to suit their needs more perfectly. Hence their tendency to ignore the suggested protocol and let disputants phone in themselves (an example of learning only what they needed/wanted to learn).

Action research, as contrasted with pure scientific research, allows the investigator to become a vital part of the process under investigation, to not only define but also to a certain extent manipulate outcomes, to strategically influence the situation (Holmberg, 1960, p.82). In retrospect, I believe I needed to be more involved with frontline officers, before and after the initial contact with the various platoons. Instead, I allowed the project to essentially unfold with little additional input from me.

Recommendations for maintaining an ongoing collaboration

As mentioned at the beginning of this paper, a key point when considering the genesis of an interorganizational collaboration is whether it can be sustained. Organizational and systems theory suggests that even successful partnerships tend toward disorganization and entropy. This a concept borrowed from the laws of thermodynamics which proposes that non-living systems first gravitate toward equilibrium. Then entropy sets in and the

system disintegrates unless energy is added (Berryman, 1995). Community partnerships are even more susceptible to disintegration, because they are highly dependent on volunteers and public funding, which latter is itself dependent on the vagaries of local politics (Chavis, Florin & Felix, 1993; Alter & Hage, 1993). Given the pull towards entropy that already exists, it behooves the initiator of any collaboration to have stores of energy in reserve to sustain the momentum. Additional evidence of the need for added energy is the experience of the mediation centres in the U.S. In every case of a successful collaboration, the centre had gradually increased its interactions with the police department, spending more of its time and resources to nurture the relationship.

In the Short Term

Beginning with the nuts and bolts of the interaction, the referral methodology appears in need of amendment. In light of new information that the police do not record all the visits they make, it is understandable that officers will balk at having to record extra information for an outside agency. As well, studies of officer reactions to community policing initiatives indicate they have strong negative responses to the idea of civilians planning a program for them or playing a role in setting their priorities. But the one thing they singled out for the biggest criticism was having to do extra paperwork (Skogan & Hartnett, 1997).

So what referral method would be best? All the feedback and information gleaned from other mediation centres indicated that officers are willing to carry the small, business

sized cards to give to complainants. The facts suggest that officers in Toronto *did* use them. I was asked to drop off extra boxes of cards at both divisions, for a grand total of three-thousand. There is no way of knowing exactly how many of those cards were handed out, but, as suggested earlier, it is likely that the number is greater than the 19 cases with which CRS dealt. While it is not immediately measurable to what extent people will save and use the cards at a later date, this seems a cost effective way of disseminating information about the mediation service. Therefore I would recommend continuing with the cards as an extremely low cost initiative, with the addition of the case manager's local to the phone number, so that disputants who call after hours can at least leave a message.

This still leaves the problems of disputants who choose not to call, and making contact with the second party. The suggested method of having officers leave that information with someone at the station clearly will not work, as it involves extra steps and extra paperwork (and the officers chose not to do it during the pilot project). However, on their own initiative, they did sometimes call CRS themselves. Therefore, it seems promising to adopt that as the referral method for the time being. As the sergeants suggested, officers can be asked to make the call to CRS from the location of the dispute. In addition, centres in the U.S. found that police were willing to do this. To ensure officers leave the right kind of information, the case manager's voicemail message should be amended to include a request for the names of BOTH disputants, addresses, phone numbers, the nature of the conflict and the name and number of the caller. This phone message would work for police calls, but would not deter civilians.

The new suggested protocol should be the subject of a follow-up talk held as soon as possible with all the platoons, during which the speaker would specifically request that officers not ask disputants to make contact, and explain why. Clearly, however, and in the spirit of collaboration, the referral protocol should be the subject of ongoing evaluation and input from the officers themselves.

This brings us to the subject of further communication with the police. In his recipe for successful partnerships, Himmelman (1992) emphasizes the need for open and frequent communication as well as established informal and formal communication links. These involve personal interactions and a paper flow of information. In all successful collaborations at American mediation centres, formalized feedback was provided and platoons were addressed on a regular and frequent basis. These centres employ devices such as a monthly newsletter, distributed to all officers in their mail slots (these newsletters include general information on the numbers of referrals and one or two success stories); follow-up phone calls to officers who request information on disputes they personally referred; and phone calls to staff sergeants with general information on results in their platoons.

The most impactful of these methods, especially in the early stages of a collaboration, appears to be direct communication in the form of talks to platoons. It is the one and only way to ensure getting their attention, as newsletters may go unread and phone calls unanswered. In the Toronto project, both sergeants and the two constables interviewed

agreed that officers already have a lot to remember. One talk, they suggest, is not sufficient to anchor a new idea in their minds. As well, they pointed out the large number of new recruits passing through these 'training' divisions. Since there is a significant shift in personnel every three months, that seems to be the optimal or even minimal expanse of time between talks. I realize this is a serious commitment of resources for the small staff at CRS, and it is possible the talks could be spaced farther apart in a year or two. But as with all new collaborations, the early days are key in cementing the relationship.

At this point I would recommend targetting three groups I overlooked in my initial foray. During one of many phone calls to track down an officer for an interview, I spoke to a desk sergeant at 52 Division. He said had been looking for some of our cards just that morning to give to a "walk-in", a citizen who had a problem that seemed suitable for mediation. Apparently a "lot" of people walk in or call looking for help with problems. They are often dealt with only by the desk sergeants and the officers manning the phone lines, who are not present for the platoon parades. The CRO's recommended talking specifically to these officers. (Clearly, it would also be helpful to drop off boxes of the cards for use at the front desk.)

The second group are the coaches mentioned by the training sergeant who are brought in to teach the new recruits in each of the five training divisions. These coaches are senior officers who are culled from regular duty and given special training in inculcating new officers. They are often not in the platoons to which CRS would be making its normal pitch for referrals. However they are a potent force for disseminating information, as they

have the ear, and the trust of new recruits. This is strongly linked to the ways in which the police culture learns, which tends not to be from higher management but rather from sergeants and the peer group of officers (Harrison, 1998).

Assimilation to the police culture moves into high gear once the rookie officer is assigned to the street. Most departments assign the officer to a training officer for some period of time. The field assignment now has the officer working as part of a group. Additionally, the officer is aware that he/she is on probation and the report of their training officer could make a difference to keeping the job or not (Drummond in Harrison, 1998, n.p.).

Conveniently, it is possible to speak to the coaches themselves as a group. They are given special training at the TPS College, and requests to address them are sometimes granted (Training sergeant, 14 Division, Personal communication, May 19, 2001).

While not a group per se, staff sergeants merit special consideration. The CRO's were extremely helpful in providing initial entry to the TPS, but they did not personally know many of the men and women in the platoons to which I spoke and do not have a lot of power over the platoons, if any (CRO's in 14 and 52 Division, TPS, personal communication, various times). However there is ample evidence in the literature to suggest that sergeants do wield considerable influence.

However strongly the head of an agency may elicit a different style of policing, the quality of an officer's daily life is heavily dependent on how well the officer satisfies the expectations and demands of his or her immediate supervisor (Goldstein in Skogan & Hartnett, 1997, p. 71).

I had varying degrees of contact with the sergeants before addressing their platoons. A few, such as the staff sergeant mentioned in the interview section, were extremely interested in the concept of mediation. None of them was dismissive of the idea, and they all encouraged their officers, in a preamble to my talk, to take advantage of the service I

was offering. All but one of them (nine out of ten) sat in for the talk. Therefore, while talking to the platoons by default includes most of the sergeants, a WHAM strategy aimed specifically at sergeants would likely bear more fruit.

The one sergeant willing to take the mediation course is a good place to start. He may even qualify as an organizational “change agent”, who is generally considered to be:

the most sought-after person in today’s workplace...a new breed of middle manager...these mavericks get big results when you need them. They are focused, determined, willing to break rules, and great at motivating their troops (Rosenbach & Taylor, 1998, p.170).

Change agents tend to be flexible, people-oriented, comfortable in situations even when they are not in control, technically skilled, and confident in the people working the frontlines. They have a strong desire to learn and they use this new information to motivate their people (Rosenbach & Taylor, 1998). If sergeants in general are important in aiding or hindering change within a police department, sergeants who act as change agents are even more valuable. And by all these measures, the staff sergeant is an ideal example. He spoke at length about his officers, their needs and personal problems, and his own satisfaction in being able to support them as individuals and encourage them in their work. It was on his own initiative that he took the mediation course, and even though he was placed in a situation over which he could not exercise his usual authority, he enjoyed the experience and learned from it. Again, on his own initiative, he gave his officers a summary of the course, urged them to take it as well, and used his new skills in both personal problems within the platoon, and in citizen/police interactions. In other words, he used this new information to motivate his people.

Granted, many change agents are required for significant transformation to take place within an organization (Rosenbach & Taylor, 1998). Nevertheless, one is an excellent place to start, and collaborations are a process rather than an event. The experience of mediation centres in the U.S. indicates that often it only took a single officer to move the process forward in a meaningful way.

An immediate opportunity to take advantage of the staff sergeant's support would be to enroll the 11 officers in his platoon who indicated an interest in the course. The U.S. centres found that the officers who took their mediation course became powerful promoters of the service as well as developing a better personal understanding of neighbourhood conflict (see foregoing information on Dayton, San Francisco, Berkeley, New Haven, Hillsboro CM centres). The New Haven centre, which now handles in excess of 1,140 cases a year (Pillsbury, 2001), began its association with the police in 1992 by giving two officers its mediation course.

Caution and common sense should dictate how many of these officers would take the course together. As the literature review illustrates, police culture has a tendency towards isolation and them/us attitudes. Having a large group of officers within a mediation course could negate much of the interactive learning inherent in intense multi-day workshops. Obviously, a them/us mentality will be exacerbated if they have an experience similar to that of the staff sergeant, who felt singled out and criticized as a representative of the police by other members of the workshop. As a change agent, the

sergeant can be expected to react in a slightly more sanguine way than his officers might. As a factor in the development of trust, such a negative experience could work to damage the fabric of the incipient relationship. The workshop instructors would have to find a way to forestall such an occurrence.

Other strategies have been used by CM centres to move the partnership forward, such as enlisting officers as volunteers. Some have gone even further. Dayton, Hillsboro and Vancouver all have permanent police liaison staff, paid for by the police.

As well as spreading the word about mediation, most of these strategies have the equally important effect of providing feedback. According to the study of policing in Chicago, a majority said they wanted a sense of completion in their work, but less than one-third felt their job allowed them to see situations through to the end. Only about 25 percent felt they had any influence over their job, and most significant, only about a third felt they were ever given feedback (Skogan & Hartnett, 1997).

Repeated interactions with the specific aim of providing feedback should, theoretically, also result in more referrals, a little like Senge's reinforcing loops in systems thinking. These loops represent small changes that build on themselves, either for good or for bad. What Senge (1990) would describe as a virtuous cycle would be characterized by positive growth. In the case of this collaboration, that would mean a talk by CRS resulting in police referrals, leading to mediations and reduced callbacks for police, which would be brought up in the next talk to police, resulting in more referrals, and so on. At any time, the loop can just as easily spiral in the other direction, in a vicious cycle (Ibid.). This

could look like the status quo before the collaborative intervention, with police waiting until a situation is desperate before remembering CRS, at which point CRS would likely fail in its mediation efforts, reinforcing the police decision to wait until all else fails before referring again.

In the Long Term

Applying Melaville and Blank's five stages of collaboration to this project, perhaps only the first stage and the fourth stage have been met so far, that of getting together and taking action to construct a prototype. Developing a strategic plan will involve more divisions and more levels of the hierarchy. That will lead hopefully, to the fifth stage, going to scale. The authors suggest that would be the final step, after the other stages have been met, and involves the partners adapting the prototype strategies to other locations in the community. To do this, they say, requires developing local leadership in each of those locations (similar to bringing the CRO's onboard, or local training sergeants); strengthening the capacity of staff at CRS to aggressively support the collaboration; and building a strong constituency for change, within the police hierarchy (Melaville & Blank, 1993).

At some point, CRS will have to consider whether and how to move towards a city-wide collaboration. As 14 and 52 are training divisions, recruits from there will naturally be transferred to other divisions at the end of their initiation period. But there is no guarantee these officers will become advocates of CM in their new divisions. (Two of the cases

referred during the project came from outside the pilot area. That presents intriguing possibilities, but there is no evidence, at this juncture, to explain how that happened.) To create a truly collaborative relationship between the two organizations it seems advisable to be inclusive of all divisions, particularly in consideration of the high mobility of officers. The question of how these divisions will be brought in needs to be considered. An important consideration is the indications in the literature that policies from higher up do not necessarily have weight on the front lines.

Police anticipate that newly unveiled policies will evaporate after the next election. Chiefs and politicians also come and go, so it can seem best to just wait things out; many programs will not survive future changes at the top (Skogan & Hartnett, 1997, p.73).

Given this antipathy to top down initiatives, along with the success of the pilot project, the most obvious way to broaden the collaboration would be using the same low profile methods. This strategy has added appeal in that permission from individual divisions should be easier to obtain than trying to establish mediation referrals as a city-wide policy. If they felt the project was worthwhile, the superintendents from 14 and 52 might be willing to open doors in other divisions.

Nevertheless, at some point the collaboration will have to include those higher up in the organization. As suggested by the literature review, researchers believe that successful collaborations, at some point, enjoy the support of political leaders and opinion-makers, people in positions of authority (Mattesich & Monsey, 1992; Gray, 1989). Gray (1989) says this is not crucial in the beginning, but often marks the transition from an informal to a formal collaboration with a greater likelihood of longevity.

While going to scale sounds appealing, the literature also reinforces the importance of not glossing over the intervening steps, such as the creation of trust. In the absence of contracts and more formal agreements, the creation of trust is considered a *necessary* development for longevity (Gulati, 1995). "Creating and nurturing [an] open and credible process is extraordinarily important for those who are initiating collaboration" (Chrislip & Larson, 1994, p.80). In a study of public agency partnerships, Bardach (1992) concluded that they were likely not successful when a culture of trust was not established, as well as a method for finding and sustaining consensus.

Trust, a problem-solving ethos, and consensus-building processes do not just appear, however. It takes time, effort, skill, a mix of constructive personalities who are around long enough to build effective relationships (p.4).

The beginnings of trust will be engendered as the officers come to realize that CRS is determined to devote time and effort to the relationship. This will help to counteract their natural skepticism of new initiatives.

Police are especially cynical about programs invented by civilians – civilian intrusion into department business touches a deep and sensitive nerve in police culture (Skogan & Hartnett, 1997, p. 73).

Skogan and Hartnett (1997) say the most important factors helping to "bring officers on board" have been time and experience. They need to be convinced that other city agencies will be there to support them in new initiatives.

One way to nurture the relationship goes back to Senge's (1990) discipline of shared vision. Perhaps the mutual purpose of the CRS/TPS collaboration is to refer more cases to mediation. But that is an assumption, based on the perspective and goals of CRS. The practice of shared vision would encourage both groups to delve deeper into each other's

motivations and develop shared pictures of the future that create real commitment, and not just compliance (Senge, 1990). If communities can be learning organizations, as Senge (2001) believes, then they must be transformed in some way by the learning:

In transformational learning, there are no problems “out there” to be solved independent of how we think and act in articulating those problems. Such learning is not ultimately about tools and techniques. It is about who we are. We often prefer to fail again and again rather than let go of some core belief or master assessment. This explains the paradox of learning. Even when we claim we want to learn, we normally mean that we want to acquire some new tool or understanding (n.p.).

Members of the TPS are already learning more about CRS and community mediation.

One officer has taken the three-day workshop and others are willing to do so. It is incumbent upon CRS, as the initiator of the collaboration, to reciprocate that interest. For instance, there is a civilian policing course that gives the public a sense of what the police learn during their training. It is a three-day intensive workshop, similar to the mediation workshop at CRS.

The purpose of this program is to build positive, supportive and mutually trusting relationships between the members of the Service and the community through education directed at increasing citizen understanding of policing issues (TPS, 2001b).

Having key personnel within CRS take this course would serve the dual purpose of providing insights into police concepts of conflict management, while encouraging a sense of reciprocity within police ranks. It might counter the complaint heard in surveys of police officers (mentioned earlier) that members of the public do not understand their jobs (Skogan & Hartnett, 1997). Taking this course, which is free of charge, would at least help CRS convince them it is interested in bridging that gap.

Areas for Future Research and Consideration

Gray's (1989) definition of collaboration suggested it allows organizations to go beyond "their own limited vision of what is possible" (p.5). While CRS, as the initiator of the partnership, may believe it is helping TPS expand its limited vision, the definition invites self-examination on the part of *both* parties. For instance, CRS might want to look at its own low profile in the community and how it could militate against the partnership.

Citizens who are unaware of programs will not know to turn to them for assistance when disputes arise and may resist referrals to mediation from the police, courts, and social services. In addition, legislators and other potential funders are less likely to provide support for programs if they are not aware of their accomplishments and do not feel that programs are well known and have widespread support from the community (Glensor & Stern in McGillis, 1997, n.p.)

Additionally, CRS would also have to look at its own approach to conflict and discuss with the police and the disputants whether everyone's needs are being met in the most effective way. Its four-phase model of mediation, for instance, which leads disputants through a series of pre-ordained steps in a linear, directive approach, might benefit from the kind of reflective analysis Senge (1990) talks about in his systems thinking.

Successful nonprofits are embracing Senge's disciplines of the learning organization in order to keep pace with changes in their environment (Zdenek, 1998). Just as CRS expects the TPS to change the way it treats these disputes, CRS would do well to reflect on its own methods to determine whether they are meeting the needs of this new group of referrals.

Which brings us to one of the key areas that was not examined in any way during this project: the disputants themselves. Do they present a different profile from the usual CRS client? Do they feel coerced in any way when the referral comes from the police?

As mentioned in the introduction, Toronto is a city of great ethnic and racial diversity.

One of the challenges facing public organizations everywhere, is managing this diversity.

Organizations need to test their basic assumptions in light of growing diversity, and reflect whether the mission and philosophy of the organization should be altered. Learning and knowledge are becoming essential competencies for organizations, and those organizations that have a culture which embraces team learning and participation, will be most effective in fulfilling their mission (Zdenek, 1998, n.p.).

Since success for CRS cannot be measured by the simple private business tools of profit or market share, it needs clarity around what that success would look like. Deal and Kennedy say that organizations become institutions only after they have a clear sense of values (Deal & Kennedy in Ott, 1989). Is CRS clear about its goals and how a collaboration with the police might evolve?

As mentioned in the earlier discussion of informalism, there is a concern among some mediation centres that too close an association with the police will undermine their goals of community empowerment. They worry that people will feel obligated to engage in mediation when the suggestion comes from an organization that is coercive and punitive in nature. Research shows that mediators will often use the threat of coercive action by the state as a shadow incentive in community mediation sessions (Mulcahy, 2000).

While I could find no specific studies of disputant reactions to police referrals, studies in the U.S. suggest mediation *can* be used to encourage weaker parties to settle for less than they would have if they had pursued more adversarial channels (Greatbatch & Dingwall in Mulcahy, 2000). Critics argue this kind of covert coercion is more disempowering than police action, for instance, because recognized coercion stimulates resistance (Mulcahy, 2000).

A more insidious issue for CRS is the possibility that the state is the *cause* of many neighbourhood disputes. Liebmann claims that increased potential for conflict in large, urban centres is in part directly attributable to three actions of the government. Two of these are applicable to Toronto: a shortage of low cost, decent housing (which causes noise and cultural disputes), and a return-to-the-community policy for mental health patients (which results in numbers of mentally-challenged people living in unsupervised and inadequately supported situations):

By conceptualizing complaints about such problems as disputes between neighbours, the state avoids direct challenges about the quality of its social housing and social services (in Mulcahy, 2000, p. 143).

Some writers suggest that the standard mediation model used in CM (and by CRS) already tends to reduce most conflicts to matters of interpersonal communication, from what may be larger structural issues. It is cited as the major reason for CM's failure to generate change on a societal scale (Bush, 1996).

In the same vein, funding may become a matter of consideration at some point in the future. Certainly CRS is hopeful that, should its services prove valuable in reducing

repeat calls for the TPS, it will be able to argue for financial support. While justice system funding of mediation is not necessarily detrimental, it wields considerable influence (Hedeem & Coy, 2000). CRS must decide to what extent it is willing to accept money from the police and how that might influence other decisions down the road. In order to safeguard its neutrality, it needs to consider that even the appearance of police involvement might affect its credibility (Hedeem & Coy, 2000).

One of the reasons for pursuing this collaboration was the low voluntary usage of mediation by the Toronto community, a problem CRS shares with the vast majority of mediation centres (Morrill & Mckee, 1993). Morrill and McKee (1993), in a study of institutional isomorphism, blamed this low voluntary usage on the survival strategies adopted by CM centres. They conclude that funding and caseload concerns

orient the community mediation center toward closer ties with governmental agencies for referrals and funding... We suggest that organizational survival strategies consciously enacted by community mediation programs lead such programs to become isomorphic members in organizational fields of social control agencies... As a result managers may become... cognitively constrained as they come to see their organizational fields in relation to the ends of state social control institutions (p.458).

Shonholtz (2000) argues that mediation centres need to get back in touch with their original civic mission as the primary promoter of prevention and intervention services. If leaders in the field of CM are already suggesting disengaging from close ties with state and police departments, any new initiatives in the opposite direction should at the very least be closely monitored.

Final Remarks

This project began with two research questions. With regard to the first (that referral of neighbourhood disputes would reduce the likelihood of repeat police calls and that it would facilitate community mediation), empirical evidence of a reduction in police calls is not possible at this point, given the inconsistencies in reporting this information by the TPS. A worthwhile, perhaps even necessary goal, though, would be to find a way to measure any reduction. The staff sergeant at 14 Division offered to run a computer check on all the addresses for which there had been a CRS intervention, in order to provide more concrete feedback to the officers. Possibly something of this nature could be arranged at 52 Division as well.

The latter goal (that referral will facilitate mediation) was accomplished, in the sense that an estimated three mediations were conducted as a result of the collaboration.

The second research question was that a collaboration could be arranged between these two organizations, and that it would be mutually beneficial. Referring to a statement by Gray (1989) quoted in the literature review, cooperation and coordination can be early signs of collaboration. She suggests it is the “skillful management of [these] early interactions” (p.30) that will make the difference between a temporary association and a long-term successful collaboration. I think it could be argued that the *early* stages of a collaboration have been successfully completed, in that the two groups cooperated to solve a single problem (neighbourhood conflict), that a plan was developed and enacted (coordinated), and that referrals were made and mediations conducted.

Nevertheless, the true success of this effort will only be discernable down the road. That collaborations take time and skill is a theme echoed in virtually all the literature.

The most effective partnerships typically do not happen easily or overnight. Instead, they are most frequently long-term efforts that require unusually skilled and dedicated staff, sustained financial support, and clear and consistent goals. [They] often took years to develop and even longer to become recognized as successful (Edwards & Stern, 1998, Conclusions and Observations).

The centres in the U.S. often spent years to formalize their relationships with the police (Dayton took ten years, Berkeley took seven).

With regard to the latter part of the second research question (that the collaboration will be mutually beneficial) that, too, may only become evident with time. Certainly the tenets of COP open the door to a more generous view of conflict, the sort of tolerance that would have appealed to the gurus of conflict resolution theory, such as Morton Deutsch. In his theory of productive versus destructive conflict, Deutsch (1973) placed most urban conflicts in the former category. In those situations, as Simmel would argue, conflict has the potential to be an integrative force, “bringing together disparate and contending influences” (in Tidwell, 1998, p.62). Simmel believed that conflict is a socialization process that reduces tension and satisfies the dual human needs for sympathy and hostility.

Such conflicts can end in three ways: conciliation, compromise, or victory. The Toronto police respond to hundreds of thousands of callouts every year (849,000 in 2000), many of which are conflictual (TPS, 2001c). Moreover, while the police may be moving

towards an acceptance of new ways of dealing with conflict, the nature of police intervention tends to be limited to solutions of compromise or victory for one party. CRS handles mere hundreds of conflicts (200 in its most productive year). Yet it introduces an important alternative to state interventionist techniques, the promise of conciliation. While the partnership should always be aware of the tendency towards isomorphism, it can also act as a catalyst to change the community and each other.

The brief interaction of the two organizations during this project indicates that the seeds of a collaboration can quite easily take root. How tenacious is their hold and how fecund the alliance is depends on the “skillful management of these early interactions” (Gray, 1989, p.30).

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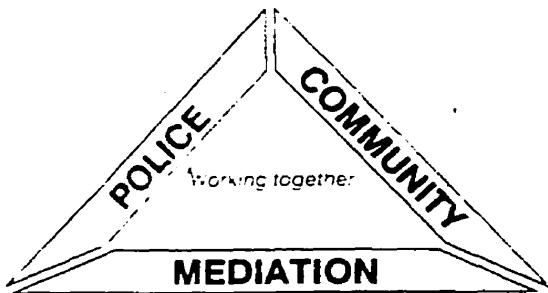
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Appendix A

A
COMMUNITY
POLICING PROGRAM
OF THE
HILLSBORO
POLICE DEPARTMENT



Hillsboro Youth Mediation Program

Conflict Hotline
(503) 681-6198

Mission Statement

To offer mediation services,
education and training for
youth in our community.



Hillsboro Mediation Program

*A Community Policing
Program of the Hillsboro
Police Department*



*Serving Hillsboro
& Western Washington
County Communities*

Officer: _____

Date: _____

Hillsboro Mediation Program

Hillsboro Mediation Program (HMP) offers free mediation of community conflicts such as:

- | | |
|------------------------|-----------------------|
| <i>Litter</i> | <i>School</i> |
| <i>Landlord/Tenant</i> | <i>Family</i> |
| <i>Noise</i> | <i>Animals</i> |
| <i>Property Damage</i> | <i>and more</i> |
| <i>Parking</i> | |

HMP is fast, free and private. Mediation is a positive alternative to court, and successful 85 percent of the time. Call **681-6491** from 8:00 am to 5:00 pm Monday through Friday.

Hillsboro Mediation Program
205 SE 2nd Ave.
Hillsboro, OR 97123
(503) 681-6491

Appendix B

Here is the OPP letter to Mending Fences, dated August 9, 1999, quoted in its entirety.

To Whom It May Concern:

Re: Mending Fences – Mediation Services

Please be advised that in June 1999 the Team Leaders at Orillia detachment received a presentation from some of the executive members at Mending Fences. They offered their services & a call out protocol was initiated. We have utilized these services on a number of occasions since June. Officers have found this service very beneficial in dealing with minor neighbour disputes and trivial civil matters that have traditionally taken a great deal of officer time. This service has allowed the officers to turn these types of calls over to properly trained experts and allowed them to respond in a more timely fashion to the more serious calls for service.

We have found the members of this service to be very professional, properly trained and a definite asset to our police service.

J.C. Vessey
S/Sergeant
A-Detachment Commander

Appendix C

Letter to Superintendents at 14, 52 Divisions

I am a Masters candidate in the Conflict Resolution program at Royal Roads University in Victoria, British Columbia. I am proposing to devote my thesis project to a collaboration between the Toronto Police Service and St. Stephen's Conflict Resolution Service. I have worked at the Conflict Resolution Service (CRS) as case manager for the past eight months, as my practicum for the aforementioned program.

St. Stephen's Conflict Resolution Service (CRS) has been operating a free community mediation service in Toronto for 25 years. It is funded by the City of Toronto, the United Way and revenues from its mediation training courses. Community mediation refers to a process involving a neutral third party who assists people in dispute to come to a mutually acceptable solution to their difficulties.

These difficulties include disagreements over fences, shared driveways, barking dogs, trees, noise, parking, water drainage and snow removal. It often includes disputes between landlords and tenants, businesses, and family members. Some of these disputes are referred to CRS by the police. More often they are referred by city bylaw officers or other social service agencies. CRS has also recently begun working with College Park Courts on Private Information Charges. These are now routinely referred to CRS for mediation before proceeding to trial (with the exception of domestic violence charges).

This thesis project would encourage more referrals of neighbourhood disputes by the police to CRS. I anticipate, based on the experience of other jurisdictions, that the police department will notice reduced repeat calls to the same addresses, less frustration by officers in the community and more time for police-related activities. As part of this pilot, I would undertake to speak to the various parades within the division so that each officer has a better understanding of what mediation is and what cases would be appropriate for referral. The full thesis report with analysis will be available sometime in the fall.

If you think this might be a worthwhile project, would like more information or a follow-up meeting, please call me at 368-5395. Peter Bruer is the manager of St. Stephen's Conflict Resolution Service. His number is 926-8221, ext. 225.

Sincerely,

Sandra Lewis

Appendix D

This image is enlarged. The actual size is that of a business card. The top image is the front of the card, the bottom is the reverse.



**St. Stephen's
COMMUNITY
HOUSE**

Creating Opportunities
Strengthening Communities

CONFLICT RESOLUTION SERVICE (CRS)

A free and confidential mediation program for disputes over noise, parking, animals, property, fences, landlord-tenant and other issues. CRS is a positive alternative to court. It is free and confidential.

416-926-8221

St. Stephen's Community House

CONFLICT RESOLUTION SERVICE

169 Brunswick Avenue, Toronto, ON, M5S 2M4

416-926-8221 • www.ststephenshouse.com

Referred by Police Constable:

Badge Number:

Appendix E

Outline of Presentation to Toronto Police Department Platoons

The estimated time for this talk is 15 minutes.

- ♥ Greetings
- ♥ Who I am, what CRS is
- ♥ WIFM: how they will benefit
- ♥ Details of the kinds of conflicts CRS can help the police department with: neighbour/neighbour disputes; landlord/tenant disputes; contractual disputes; business/residential disputes; cases where you perhaps can't lay a charge, which may require a substantial investment of time or where the police have already made one or more calls with little resolution in sight (I will give specific examples of disputes)
- ♥ What is conflict mediation: it is free, voluntary and confidential; it helps people find their own way of resolving their disputes and therefore tends to produce longer-lasting agreements
- ♥ As a mediator myself, I can explain this process in greater detail: people are brought together in the same room with two mediators and asked to talk about what happened, how it has affected them and how they would like to see it resolved; mediators are neutral third-parties, they don't take sides and don't impose solutions
- ♥ The results of mediations are encouraging: 85 to 90% of the cases that reach mediation are successfully resolved; additionally, there is some evidence from centres in the U.S. which have had longer relationships with their local police departments that even if a case doesn't go to mediation, calls to the police stop or drop off dramatically

How the process of referral works: officers are being given small business cards with some information about CRS, as well as a line where they can write their name and badge number; when you (the police) are called to an address and feel it is appropriate for mediation, you can give the disputants the cards and tell them someone from CRS will be contacting them; you then write their names and numbers on your duty sheet and give that to the CRO at the end of your shift; at that point the CRO will contact CRS and the case manager will make immediate contact, usually the following day; if the disputants want to proceed, two mediators will be assigned and they will meet separately with the disputants to hear their stories and do a further assessment; if everyone still wants to proceed, the actual mediation will be arranged; it requires a time commitment of three hours, and there may or may not be a signed agreement at the end of it; the agreement has no legal power, however it is useful as a reminder of what was agreed to, and it has some moral weight

- ♥ CRS conducts follow-up evaluations in a few weeks time to find out whether the agreement is holding, and if not, whether the disputants would like another round of mediation
- ♥ The mediators used by CRS are all trained volunteers; they are required to take an intensive 27-hour training course, as well as various evening courses throughout the year; they are screened before being admitted to the program, and must observe a number of mediations before being allowed to sit as a mediator on an actual case.; they are evaluated by experienced mediators during this period, many of whom make their living in the mediation field
- ♥ More detail about CRS: its history, funding, downtown address, etc.; the fact that Private Information Charges are now being diverted by two downtown courts to CRS for mediation
- ♥ Screening criteria: how to tell if a case is appropriate for referral
- ♥ Assurances participation in this pilot project is voluntary and no officer will be penalized in any way if they choose not to participate
- ♥ This study forms part of my Masters Thesis at Royal Roads University, and a copy of the final report will be housed at RRU and publicly accessible

- ♥ If anyone has any concerns, you are encouraged to contact my thesis supervisor, James McKenzie, at York University, at 416-736-5252
- ♥ Questions for and to platoon: do they want updates on the outcome of cases; notification that we will be doing random interviews at the end to get the police perspective on the usefulness of the project