Mediation in black and white: Mediation center-policepartnerships - a dignified police response

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Mediation in Black and White: Mediation Center–Police Partnerships—A Dignified Police Response

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This article addresses how mediation center–police partnerships, in which police are mere referral agents for mediation centers, perpetuate superficial responses to police calls-for-service, social inequality, social subordination, and the already bad police–people of color relationship. I take an alternative position, which calls for mediation centers not to discourage police officers from doing what they have been doing all along (although selectively): mediating. In this regard, I show how partnerships that discourage police officers from transferring power in interpersonal disputes perpetuate the fundamental social problem of racially discriminatory policing. Specifically, the problem is that of mediation being performed less frequently in communities of color than in other communities. A mediation center–police partnership that looks to many mediation professionals like a healthy, traditional institutional arrangement could justifiably be perceived by people of color as contributing to social injustice.

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

One way in which disputing parties are steered away from the courts is through partnerships between mediation centers and police agencies. This article presents an analysis of partnerships between mediation centers and police departments, in which patrol police officers refer disputing parties to mediation centers. Such initiatives are laudable efforts in championing the use of mediation, but they are problematic when police officers are discouraged from mediating themselves, in order that a mediation center not be deprived...
of a referral. Via the field research method, content analysis, secondary analysis of quantitative and qualitative data, and recognition of police–people of color relations in America, I show the shortcomings of the aforementioned partnership model. The unit of analysis for this theoretical presentation is mediation centers, with a more limited focus on the contribution of police departments to the shortcomings of mediation center–police partnerships. Discussion of the shortcomings is followed by a description of an efficient and socially conscious mediation center–police partnership.

The field research I conducted indicates that there are mediation center–police partnerships in the United States in which the extent and level of cooperation is ideal. Unfortunately, these are outnumbered by the type of partnerships in which the collaboration is not ideal. It is in the interest of people of color that I wish to encourage existing, problematic mediation center–police partnerships to undergo revision. To avoid putting specific parties on the defensive, I decided not to name specific centers for which the research is critical. Moreover, as the problematic partnership model does in fact exist in many parts of the country, it would not be fair to focus on just a few centers.

I take the position that the mediation centers and professionals (the discipline) should be responsible for designing and implementing mediation center–police partnerships that improve police responses to interpersonal disputes in communities of color. In this way, in addition to contributing to a reduction in litigation, the mediation discipline can address inequality of police services and improve police–people of color relations.

Police Officers as Third-Party Intervenors

Regardless of the community, most police officers are assigned to patrol duties that require them to respond to interpersonal disputes (see Bercal, 1969; Black, 1980; Cooper, 1997, 1999a, 1999b, 1999c, 2000). The uniformed patrol officer, unlike other types of police officers, is the first responder to many interpersonal disputes.

Patrol officers often handle interpersonal disputes where they originate— in parties' homes, on street corners, in shopping malls, on basketball courts, in parking lots, and so forth. Examples of disputes that prompt police intervention include neighbor disputes—such as arguments about driveway access and on-street parking, customer-merchant disputes, portable property disputes—over such items as television sets and clothing, and disputes between roommates. Some of these disputes are marked by flaring tempers or chaos, and some are orderly.

Many interpersonal disputes that prompt police attention are episodic—they do not have a history, nor are they ongoing. Episodic disputes include such situations as (1) argument over a mall parking lot space, (2) a customer-merchant dispute in which a customer desires an exchange or refund for an item and the merchant refuses, and (3) a public argument in which a client or
customer has taken offense to perceived improper or rude conduct on the part of a clerk. Episodic disputes are always ripe for the intervention of highly skilled police officers trained in mediation.

Other disputes that police officers encounter have two layers—latent and manifest. These disputes have a history and are likely to be ongoing. The term conflict is often used to define the latent dispute, in which the conflict is in fact the underlying issue. In other cases, the conflict and the underlying issue are distinguishable. The manifestation of the conflict, which we call the dispute, is what prompts the police response, and it is often expressed by arguing and shouting (Cooper, 1997, 1999a, 1999b, 1999c, 2000). The apparent dispute issues may not mirror the underlying (actual) issue(s) or conflict.

The present study is specifically concerned with the manner in which uniformed patrol police officers respond to calls-for-service involving an interpersonal dispute, the expression of which does not provide an officer with grounds to arrest a party or to cite a disputing party for a law violation. Although this article may also pertain to some situations in which the police have grounds to arrest but choose not to (for example, a minor fistfight preceding the officer's intervention), it does not concern itself with how officers should handle domestic violence.

Upon the police officer's arrival at an interpersonal dispute where there are no grounds for arrest of either or any of the parties involved, he or she has the authority and power to dictate a problem-solving strategy. The officer's choices include, for example, informal arbitration or mediation, dictating (without first hearing the parties and directing them to respond in a certain way), threats to arrest, physical force, and arrest.

An operational definition of mediation is the intervention of a neutral third party (mediator) into an interpersonal dispute. The mediator helps the parties in the dispute arrive at a resolution, and he or she is an active and assertive facilitator. The mediator does not impose a resolution; instead, by use of a systematic process, he or she empowers the parties to arrive at a resolution. It is important to see the contrast between mediation and arbitration. Arbitration is a commonly used problem-solving methodology used by patrol police officers (Cooper, 1996; Black, 1980), and in the context of a police response to a call-for-service involving an interpersonal dispute, the police officer (as arbitrator) gives each party an opportunity to explain his or her side, and based on the facts presented, the officer renders a decision. In a case in which there is absolutely no doubt that a piece of property belongs to another, arbitration is the appropriate method. To further illustrate, if I were to strike you over the head and take your Walkman, not only would I be guilty of assault and battery, but I may also have created a dispute over the ownership of the Walkman. The dispute is suitable for arbitration (and, at the officer's discretion, arrest of the perpetrator may be appropriate as well), as, upon examination of the facts, it will become clear that I am not entitled to the property; the Walkman belongs to you. Many interpersonal disputes in society are not so clear-cut.
Often, each party or disputant has a legitimate right to or basis for the outcome sought by the other. Since identical outcomes or resolutions for each party are not always feasible, the police officer may use either arbitration to settle the dispute or mediation to help the parties find their own solutions.

Most mediated agreements involve compromise. For this reason, mediation is generally preferred to arbitration as a method of conflict resolution. Both the parties get to have control over the contents of the agreement or resolution, and they make the agreement themselves. This way, each party is able walk away from the process a winner—although with less than what was originally sought. The process affords each party a certain dignity, in that it allows each party to play a role in deciding a matter in which he or she has an exclusive right to participate. This suggests that arbitration may not afford the same dignity (or that the dignity is limited), because someone other than the two disputants is making a decision that, ordinarily, only the people involved would want to make.

Other benefits of the use of mediation by the patrol officer—which transfers the power of problem solving from him or her to the disputants—include

- Improved relations between police officers and citizens, as disputing citizens appreciate the empowerment given to them by the mediating officer (compare Pruitt and Rubin, 1986; Goldstein, 1990).
- Reduction in repeat calls-for-service (calls to 911, and so forth), as the application of mediation to an interpersonal conflict or dispute provides an opportunity for full resolution of the conflict (rather than taking a superficial approach). This approach creates a strong likelihood that a repeat call-for-service will not be necessary (see the quantitative data in the Hillsboro, Oregon, Police Department Mediation Program Status Report, 2000, which show an isolation of the relevant variable [use of mediation by police or other] and a substantial decrease in calls-for-service).
- Reduction in the likelihood that an officer's conflict resolution skills will escalate the matter. Where poor conflict resolution skills and unsystematic approaches on the part of an officer escalate police scenes (on-site situations), using a systematic dispute resolution process such as mediation is likely to lesson the likelihood of a negative end (Cooper, 1997, 1999a, 1999b, 1999c).

Mediation by the patrol police officer represents a transfer of decision-making power from police officer to citizen. This phenomenon is indigenous to police work, yet very few American police officers have been given formal instruction in how to mediate interpersonal disputes that they encounter on patrol (compare Muir, 1977; Goldstein, 1990). Because of the nature of patrol police work, many police officers employ the methodology of mediation, but do so selectively (compare Muir, 1977). Granted, whenever a police officer has not received formal mediation instruction, his or her use of the method will
not always be systematic or the most competent. However, there are police
officers, who, even though they have not received mediation instruction, are
high-quality mediators because they came to the police profession with excel-
 lent social interaction skills, coupled with a commitment to treating people
with dignity.

Critics would likely contend that the mediation process employed by the
police is either an informal variation of mediation or something less than medi-
ation. (For example, Slaikeu, 1996, contends that mediation in other than an
office setting is informal.) Having sixteen years’ experience in the mediation
field, I feel comfortable calling this perspective elitist and selfish, to say the
least. Distinguishing formal mediation from informal mediation (meaning, to
separate “real” mediation from some less authentic variant thereof) should not
be based on the geography or location of the venue or the social status of the
third party. Rather, it should be based on whether or not the mediator adheres
to the systematic process of conducting the mediation process (Cooper, 1996,
1999a, 1999b, 1999c). Using this definition, police officers who have not been
formally trained in mediation tend not to conduct formal mediation. For ex-
ample, they begin with each side conveying his or her account of the situation
(step two) rather than with introductory remarks by the mediator (step one).
Even if an officer were formally trained as a mediator, because of the nature of
police work, beginning with step two would be sensible on many occasions.
In this regard, police officers are able to engage people in mediation without
formally identifying the process for the parties.

In this article, it should be crystal clear that the term empowerment is an
essential component of any mediation process. Moreover, the basic definition
of mediation is that the mediator helps the parties help themselves. It is the
parties in conflict who arrive at the solution; the solution is not imposed by
the third party. Granted, there are some procedural differences between what
police do when they mediate and what “sit down” mediators do when they
mediate; however, substantive differences should not occur if the mediator is
adhering to appropriate ethical guidelines and the formal mediation process.

The police profession is not known for hiring people who could receive
high marks for their social interaction skills. The New York City police com-
missioner, in an effort to defend the police department’s image following the
shooting death of Amadou Diallo by four of New York City’s police officers,
exclaimed that his officers were not brutal, but that many were socially inept
(Safir, 1999; see also Berger, 1999). Certainly, many people would take the
position that just because an individual is socially inept does not mean he or
she should be disqualified from employment as a police officer.

Many officers hone their mediation skills through trial and error, after
responding to countless interpersonal disputes and learning what works and
what does not work. In particular, the officer realizes that there are benefits in
transferring decision-making power to the disputants. For example, he or she
notices the enormous staying power of mediated agreements; they last because
Parties have a sense of ownership of them—because they created them (see Pruitt and Rubin's discussion [1986] regarding the stability of mediated agreements). The officer contrasts this knowledge with his or her awareness that an agreement resulting from arbitration is not as likely to last. This phenomenon is consistent with the adage that no one likes being told what to do. Compare, for example, Walton's ideas (1969).

It is important to note that the officer's newfound approach (mediation) to being more efficient in dealing with disputants does not imply that he is suddenly adorned with the social graces that are the mark of a respectful cop. At a minimum, it means that he has figured out how to expedite matters. In this regard, the officer's motivation to use the method may or may not reflect a desire to show respect to citizens. For some officers, mediation represents the best way to expedite matters that they consider an annoyance (Bittner, 1990; Cooper, 1999a, 1999b, 1999c). The method becomes a way to reduce the likelihood of a repeat call, thereby giving them the time to engage in other, perhaps more interesting, police activity (Goldstein, 1990). And many officers will experience the self-satisfaction of having transferred power to disputants and shown respect for their right to have a role in how a matter affecting them is resolved.

**Problematic Mediation Center–Police Partnerships**

Mediation center–police partnerships are expressed in many shapes and forms. I have focused on partnership models in which, at the request of mediation centers, police officers refer disputing parties to them (the mediation centers). For example, an officer answers a call-for-service involving an interpersonal dispute that is amenable to mediation. Instead of empowering the parties to help themselves, the officer refers them to the mediation center, where they would have an opportunity for self-empowerment.

In this model, police officers are told by mediation staff (via meetings and so forth) to leave the mediating to the "professionals" (the mediation center staff). Officers are taught to identify cases amenable to mediation and then to make a referral to a mediation center. The mediation center does not have the authority to prohibit officers from mediating, but the center insists that the officers not mediate. In fact, to reduce the likelihood that an officer will mediate, the centers intentionally avoid providing the officers with training in mediation skills.

The problem with this style of mediation center–police partnership is that officers become mere "super triage agents." Officers arriving at an interpersonal dispute call-for-service do not attempt to empower disputants, instead referring them to a mediation center. Officers therefore do not take substantive action (see Goldstein, 1990), but instead take superficial approaches to calls-for-service, managing the conflict by mediating the manifest dispute or trying to get the disputants to arrive at a truce—but merely making a referral for any actual mediation.
The idea of police referring parties to a mediation center does have some merit, since, before there were mediation centers, the police referred disputants to the courts, if they referred them at all. However, any such arrangement between the police and mediation centers must not ignore the fact that police officers must take some form of substantive action at a scene, even though they may not always be able to mediate the underlying issues of the dispute and will therefore need to refer the disputants to a mediation center because the issues may be so involved that what is needed is the extended attention that a mediation center can offer. A mediation center–police partnership of this sort is one that is socially conscious.

Repeat calls-for-service deplete police department budgets, detract from officer responses to other pressing emergencies, and increase physical danger to parties and police, since repeat calls often represent a worsened situation (Bard, 1970; Goldstein, 1990; Cooper, 1997, 1999a, 1999b, 1999c).

Mediation Center–Police Partnerships and Egalitarianism in Providing Mediation Services

Present friction between police and people of color in the United States is without a doubt related to the dictatorial role that many officers assume when responding to interpersonal disputes in communities of color. In this section I argue for a style of partnership in which mediation centers augment, by instruction, police officers' mediation skills. This would be followed by a requirement of the partnership that officers mediate in addition to making referrals. In order to make a strong, scientifically grounded argument against mediation center–police partnerships in which police are not encouraged to mediate—or even worse, are discouraged from mediating—the present study focuses attention on the policing literature and the social climate of relations between the police and people of color in the United States.

In a 1965 periodical addressing treatment of black citizens as an impetus for the Watts racial riots, Professor Murray L. Schwartz wrote, "It is inconceivable that the police treat the people of Watts with the same attitudes and methods as those they apply to the middle-class white community" (p. 35). This inequality of policing styles—one style for blacks (and other visible minorities, specifically Latinos) and another style for whites—is still a ubiquitous mark on the U.S. sociopolitical landscape. This social injustice is profoundly evident in the manner in which many police officers respond to nonviolent and non-law-breaking interpersonal disputes involving black people (see Black, 1980, for documentation of this phenomenon). The issue here is that race is determining whether or not an officer will provide the mediation option to parties in dispute.

Consider the findings of Smith and Klein (1984), in their study of police response to interpersonal disputes. They found that patrol police officers would mediate where disputing parties were members of a higher socioeconomic class...
(almost all of whom were white) "to help them identify alternatives to resolving their dispute." Officers in their sample would not provide the same service to members of a lower socioeconomic class, many of whom were people of color. Work by Goldberg (1999) reveals that little has changed since 1984.

Many mediation center–police partnerships exist, or are concentrated on, communities of color. These are places in which there is an overuse of arbitration by police officers when handling interpersonal disputes. It is common among people of color that, too often, in their communities, disputes that are suitable for mediation are handled by police officers through improper dictating, as in threats to make an unlawful arrest or possibly an inept effort to arbitrate (compare Goldstein, 1960; Niederhoffer, 1969; Black, 1980; Stark, 1987; Cole, 1999; Goldberg, 1999), thereby demonstrating how little respect they had for the parties' legitimate expectation to be involved in resolving their own problems.

The problem lies in situations where arbitration is employed when the matter is actually amenable to mediation, or the use of arbitration is warranted but is ineptly performed by the officer. For example, the officer does not give one of the parties an opportunity to tell his or her side, or the officer does not base his or her decision on the facts presented. Essentially, the inappropriate use of arbitration reflects an officer showing indifference to or contempt for the matter for which the citizens have sought police assistance (see Black, 1980). For example, an officer directs the transfer of property to one party when both parties have an equal right to its possession, or an officer coming into a person's home dictates how an issue that the disputants have every right to participate in resolving will be settled.

Just as bad are situations of interpersonal dispute between people of color that police respond to with the use of dictating and arbitration that are marked by the use of profanity and lack of civility toward the disputants (see Black, 1980; Stark, 1987; Goldstein, 1990; Cole, 1999; Goldberg, 1999). The worst-case scenarios are those in which officers address interpersonal disputes by brutal means or by making an unlawful arrest (see Chevigny, 1969, 1995). Concerns of people of color around police responses in their communities call for mediation centers to design referral processes that do not perpetuate inadequate police responses. In particular, the referral process must not bolster the use of arbitration when mediation by the police may be more appropriate. This shortcoming is exemplified when an officer simply issues a referral slip for mediation, thus avoiding the duty to help parties achieve empowerment.

Arbitrating and dictating by police officers contribute to a poor police-citizen relationship, for obvious reasons. People generally do not want to be told how to resolve a matter in which they should have a role in settling (Walton, 1969). There is an inherent problem when a police officer intervenes in an interpersonal dispute and dictates how the matter will be resolved when the disagreement is better suited to a collaborative process like mediation.

Mediation centers that enter into partnerships with police officers for referrals have a moral responsibility to (1) acknowledge that racially discriminatory
policing still exists, (2) consider the perceptions of people of color of police responses, and (3) improve (embellish) the mediation skills of police officers. In general, mediation professionals and mediation centers have a duty to play a role in addressing relations between police and people of color and to respond to the powerlessness of people of color in addressing their own disputes when police officers intervene. In mediation center–police partnerships, mediation partners have a special duty not to champion programs that allow such social problems as crime, poverty, and dilapidated housing to undermine efforts that push for the provision of equitable and dignified police services. A morally just partnership is one that concerns itself with the substantive and deferential quality of institutional responses to interpersonal conflict in the community.

Many patrol police officers employing mediation are doing so with limited success, since their use of the mediation method has not been fine-tuned by formal instruction. My position is that in an effective mediation center–police partnership, mediation center staff should provide patrol police officers with the requisite mediation training so that the officers can perfect their mediation skills and then apply these skills systematically. This instruction would help police officers become more adept at empowering parties to work out a resolution of the immediate dispute that prompted the call for assistance or help the parties mediate a truce. Either outcome could be followed by a referral to the mediation center, where the center staff would help the parties fully address all of their unresolved issues.

However, professional mediation instruction would not entirely address the problem of unequal distribution of police responses. The matters of police department orientation and individual officer personalities need to be addressed by police departments. In the absence of a police department directive, whether or not an officer uses mediation in communities of color is largely dependent on his or her life socialization process—that is, his or her influences and lessons from birth to adulthood, prior to becoming a police officer. The significant birth-to-adulthood socialization process conveys who in society is supposed to be owed discretionary respect or automatic respect and who is less deserving of either. Some police officers have been socialized to believe that some people are to be properly marginalized because of their skin color or ethnicity. For these officers, mediation center–police partnerships that encourage them to not mediate in communities of color simply reinforce their beliefs from early lessons that blacks and Latinos are not worthy of mediation by police.

Some officers, because of their biases or personality, never consider the use of mediation, or they use it selectively—for example, they may provide it for whites, but not for blacks or visible Latinos. Blame for the selective use of mediation should be laid equally on the individual officer and the police agency. Police departments are not powerful forces of nature that render officers robots who carry out a departmental mandate that calls for discriminatory policing (compare Brown's, 1981, discussion of officers as free agents). Rather,
if an officer selectively uses mediation that is based on race or ethnicity, it is because he or she is free to express a propensity for racially discriminatory behavior. And a police department is culpable when it encourages and condones this officer's behavior.

Klinger (1997) and others would counterargue that macrophenomena take precedence over microphenomena. In particular, Klinger has held that negotiated-order theory (Strauss and others, 1963) explains many behaviors of police officers, as well as the perspective that human behavior is a product of the interpretive understanding that individuals have of social circumstance, followed by individuals as a group negotiating construction of conduct norms. Although the first part of the theory seems quite logical, when the theory as a whole is applied to the discussion at hand, shortcomings persist. From a negotiated-order perspective, unwillingness to offer a mediation service is reflective of a group decision rather than individualistic biases of the officer.

The negotiated-order perspective implies that officers do not think as individuals but as a group. Hence, in order to understand selective use of mediation by police officers, negotiated-order theorists might argue that the problem of crime and poverty that is endemic to many communities of color in the United States triggers a collective conscience among police officers who work in such communities. The collective conscience would hold that use of mediation would not be effective—a view that is based on negative perceptions of people of color by police officers. Such negative perceptions held by officers might include a perverted notion that blacks and Latinos are by nature predisposed to violence; hence, the blacks and Latinos will not object to police using unlawful violence or dictating. So the negotiated order perspective would likely conclude that perceptions of people of color held collectively by police officers determine the extent to which police mediate for people of color. This conclusion absolves officers of "individual" biases and culpability for omitting to mediate and does not explain how many officers choose not to participate in group or collective thinking, but instead do mediate in poor communities of people of color. Like Brown (1981) and Manning (1977), I point to scientific evidence that shows police behavior to be reflective of individual personalities. Equally important is the oath that an officer takes to remain professional regardless of the nature of the environment. Negotiated-order perspective falters, since it would be hard-pressed to explain why there are officers in crime-ridden communities of color who do provide mediation services and other dignified police responses. Hence, if a police officer exhibits racially discriminatory tendencies or neglects to mediate, it is more likely the result of something intrinsic to him- or herself, and the informal or formal norms of a police department or agency may allow officers to neglect their duty.

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

Granted, the problem of overuse of arbitration and dictating by the police in communities of color is a dilemma for which the police institution is largely to blame; however, mediation centers should not become complicit in perpetuating the practice of superficial and dictatorial police responses. By insisting and conveying to officers that mediation should be left to the mediation professionals (hence, police officers should not mediate), there is an implication by the centers that all alternatives (except mediation), such as arbitration, dictating, unlawful threats and arrest, and even unlawful force, are appropriate. It should be realized that there is likely no police methodology remaining that would afford the degree of dignity that someone would be entitled to if the matter were amenable to mediation. In this regard, centers should not assume that the parties immediately cease their disagreement upon receiving referral cards. For this reason, I take the position that mediation centers must not stand in the way of officers doing something more substantive than providing the previously mentioned responses. Such substantive action must respect citizens and allow for their dignity to remain intact. Hence, if arbitration, dictating, threats, arrest, and force are inappropriate, officers should not be influenced or pushed by a mediation center to forgo mediation.

Conclusion

Critics may point to the fact that there are many people who are dependent on others for resolving their disputes (such as judges and school officials); hence, the police should not automatically press to mediate disputes and simply rely on dictating and arbitration (compare Pruitt and Rubin, 1986). However, the option to use mediation and thereby empower people should not be denied because a person is in a dependent position or because of an officers' perception that one or both of the parties expect that the police will make decisions
for them. Whether in a white community or a community of people of color, it is sometimes the case that a party has a position and welcomes the intervention by a third party who may see things his or her way. In communities of color, in which people have become accustomed to police barking orders in the name of problem solving, parties are sometimes shocked when a cop shows them respect by empowering them to resolve their dispute. When I was a police officer, I encountered many such situations. The surprise reaction of the parties should not deter the officer from offering to mediate and thereby empower them.

I have asserted in past work that competent mediation is best accomplished by officers who have the intellectual and educational knowledge and skills needed to practice mediation (compare Bittner's, 1990, discussion of how much education an officer should have). Granted, some U.S. police departments have low educational requirements for entry, and, no doubt, this fact will present challenges to some officers, who will not be able to comprehend the mediation course curriculum. However, notwithstanding their lack of formal education, many officers are already mediators of moderate quality, although their application of the method is not systematic and consistent. Once again, as mediation is an essential part of police work, dispute resolution professionals should spend less time opposing its use by police officers and more time helping them become more effective mediators.

Regarding the amount of time needed to mediate—for example, how much time a police officer spends on a scene—it would be helpful if officers could easily request and be permitted the time needed to mediate. The fact remains that many of the situations that officers should mediate will not extend the average time needed to substantively handle an interpersonal call-for-service. Many situations that are episodic or given a referral can be mediated in less than twenty minutes (Cooper, 1999a; Hillsboro, Oregon, Police Department Mediation Program Status Report, 2000).

It is necessary that police administrations mandate the implementation of official protocols for the use of mediation. Such a policy would reduce the likelihood that an officer will omit to offer empowerment as an option to citizens. The cities of Pittsburgh, Pennsylvania, and Hillsboro, Oregon, for example, have had great success with such a protocol.

The fact that police departments throughout the country have been involved in behavior that suggests or demonstrates the unwillingness of some of their officers to show respect to a person of color does not mean that officers should not be compelled to perform their mediation duty. Consider the following analogy: police officers carry guns and have a duty not to use their guns unnecessarily—that is, not to abuse use of deadly force policy. It is common knowledge to Americans that in recent months there have been many instances in which police officers have abused use of deadly force policy. People of color are justifiably concerned about these atrocities and about officers who show signs of having a high propensity to use their guns unnecessarily.
So we need to ask: Should we disband policing in America because of a large number of dangerous police officers? and Should we take guns away from all police officers, since many have used their guns improperly (using unnecessary force) or are inclined to do so? Most people would say no to both. The position that police should forgo mediating or empowering people because of past behavior and the propensity for bad behavior is equally unacceptable. Such a prohibition would mean that police officers would employ alternatives to mediating and empowering that could take away people's dignity.

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

As I have indicated, when police officers mediate, a benefit to society is that police-citizen relations are improved. Poor relations, in particular between people of color and the police, are at epidemic levels throughout the United States. This relationship is strained in part by police officers arbitrating and dictating in situations in which citizens have a legitimate expectation that they will be empowered to help themselves. Mediation by patrol police officers champions community policing objectives by providing the free agency and self-empowerment citizens should expect from a police service.

Mediation professionals who condone partnership models that reduce police officers to mere referral agents and prohibit them from mediating have overlooked the experiences of people of color with the police and the reality of the manner in which communities of color are policed. A mediation center–police partnership that looks to many mediation professionals to be a healthy, traditional institutional arrangement could justly be perceived by people of color as contributing to social injustice (Esposito and Murphy, 2000).

Mediation center–police partnerships must take into consideration the social justice issue of poor police–people of color relations—an epidemic of racially discriminatory policing in so many respects—and they must also consider the problem of the social subordination of people of color when police arbitrate or dictate where empowerment is appropriate. Hence, the creation of mediation center–police partnerships requires moral, humane, and socially conscious objectives by the mediation center, as well as a commitment of police departments to the objectives and value of mediation by police officers. Insistence that police officers not mediate perpetuates the social subordination of people of color by the police.

Notes
1. Regarding content analysis and secondary analysis, I reviewed documents provided by mediation centers and police departments. Field research included conducting interviews of police officers and mediation staff.
2. A call-for-service is the term used to describe a request for police assistance. The term has come to have a broader meaning. It includes situations to which the police respond without having been summoned; they just happen upon the situation.

3. A case in point: the Hillsboro, Oregon, police department requires all of its officers to receive mediation training. This department has experienced a reduction in repeat calls-for-service, in part, as a result of police officers using mediation at the scene of a dispute (see Hillsboro, Oregon, Police Department Mediation Program Status Report, 2000).

4. For example, many disputes mediated by the police involve only an oral agreement.

5. This is to be expected in a society that adheres to democratic principles and the free agency of citizens.

6. See the statistics in the Hillsboro, Oregon, Police Department Mediation Program Status Report (2000), which show a decrease in repeat calls and subsequent monetary savings as a result of officers using the mediation method and referral process.

7. See Goldberg's discussion (1999) regarding use of distinguishing protocol—one for blacks and another for whites (specifically, with regard to traffic stops).

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