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An Exploratory Study
of
Present and Potential Relations Between Community Policing
and
Neighborhood Justice Centers

by

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August 20, 1991

NCJRS

JUN 11 1992

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ABSTRACT

In recent years, law enforcement agencies and the judicial system have been moving to reorient their efforts to be more responsive to individual neighborhoods. The advent of new and innovative concepts such as community policing and neighborhood justice centers are beginning to place a considerable amount of autonomy in the hands of the community.

During the 1980s, America was suffering from an increasing crime problem. The increase in drug use literally transformed inner city neighborhoods into "war zones" and open drug markets. Citizens and police departments across the nation began to realize that the crime and drug problem could not be solved by the police without assistance. Thus, in order to combat these problems assistance of citizens and other public agencies was deemed necessary. Currently citizens are crucial elements in preventing crime and assisting the police on the drug problem. They conduct many crime prevention tasks and also serve as the "eyes and ears" of police/community operations to combat the drug problem. Many communities have begun to form partnerships between police and citizen groups. As a results of such efforts the concept of "community policing" (CP) is emerging as a permanent community institution.

Another problem which loomed over the American judicial system during the 1970s was the problem of increasing caseloads and the courts system inability to properly handle minor criminal and civil matters. The American judicial system in many ways had come to resemble an assembly-line where justice was delivered as expeditiously as possible often leaving many citizens dissatisfied with the court process. In response to these problems, community dispute resolutions programs were established in major cities and small communities across the country. These neighborhood justice centers (NJC), as they are called, were designed to mediate and settle minor disputes while bypassing the formal court process. Although the program has been quite successful since its incipient stage, a large part of its success can be attributed to the court referral system. Consequently, the court system still plays an important role in facilitating this form of justice.

The author of this paper explored what if any other linkages could play an important role in facilitating "neighborhood justice." One specific area which may deserve a great deal of attention is the possible relationship between community policing and neighborhood justice centers.

I. INTRODUCTION

As a summer intern for the National Institute of Justice, the author was assigned the task of investigating the relationship between two relatively new and innovative criminal justice practices: community policing (CP) and neighborhood justice centers (NJC). The latter is also known as alternative dispute resolution (ADR). To date, little, if any, research has been conducted on the relationship between them. The questions of importance relate to current and possible relations between the rapidly developing theories and practices of community policing and the relatively new but more mature concept of neighborhood justice.

II. ACKNOWLEDGEMENTS

Before reporting on the aforementioned inquiry, certain individuals should be acknowledged for their contributions and overwhelming support. Special thanks must be given to Charles B. DeWitt, Director of the National Institute of Justice (NIJ), for giving the author the opportunity to participate in the NIJ's 1991 summer intern program. Next, thanks must go to Fred Heinzelmann, Director of NIJ's Crime Prevention and Enforcement Division, for his discussions on community policing and his ideas on working relationships that could exist between community policing and neighborhood justice centers. Thanks should be extended to Bernard Auchter, Manager of NIJ's Prosecution and Adjudications research program. Our discussions and his ideas on alternative dispute resolution were important for the conduct of this research project. Last, thanks go to George Shollenberger, Manager of NIJ's Public Safety and Security research program for selecting the topic of research, for the many discussions on community policing, and for his guidance and comments on the preparation of the paper. He believes that community policing is the nation's "best" answer to balance current law enforcement resources with community crime prevention and law enforcement needs. He wondered whether neighborhoods should be an image of the formal criminal justice system for those kinds of human acts that breed crime.

The author would also like to acknowledge the following individuals and their organizations for granting the opportunity to observe the daily operation of each organization: Myron Davis, Assistant Director for the District of Columbia's Mediation Service, Prudence B. Kestner, Associate Director for the American Bar Association's Standing Committee on Dispute Resolution, Summer Intern, Scott Bloom, Rosa Jeter, Staff Member for the District of Columbia's Multi-Door Dispute Resolution Division, and Kathy Owen, Mediator for the District of Columbia's Multi-Door Dispute Resolution Division. Finally, the author would like to thank Meegan Callahan, a staff member at the National Institute for Dispute Resolution (NIDR) for her assistance.

III. BACKGROUND

A. Community Policing

In many cities throughout the country a change is occurring in the style and method police departments are using to respond to the crime problem. Departments are moving away from the traditional methods of reactive policing to a more proactive, crime preventive style. This new and innovative style of policing is commonly known as community policing. Its inception began in the 1970s as a result of the inability of police departments to solve the crime problem alone. In response to the growing problems which affected many urban communities, citizens began to develop and organize neighborhood watch groups and neighborhood patrols. The focus of many of these organizations was to prevent property crimes such as burglary, auto theft, etc. Hence, many of these organizations brought back a sense of community to many neighborhoods yet, on the horizon a greater problem lurked ahead.

During the 1980's America began to suffer from a growing drug problem. The advent of the highly addictive and profitable drug "crack" a potent derivative of cocaine hit the streets of urban America. In response to this problem, police departments initiated additional drug enforcement activities using undercover "buy and bust" operations, crackdowns, etc. Yet, police departments were still unable to solve the drug problem alone. Communities began to realize that in order to solve the crime and drug problems their police would need the assistance of citizens and other public agencies. Thus, communities began working with police to address the problem of crime and drug abuse. Communities are becoming an essential source of information for the police. They serve as the "eyes and ears" for reporting individuals involved in illicit drug sales and drug use. The lack of a formalized partnership between the community and the police eventually led to the development of a more formalized, structured and cohesive relationship. As a result of this partnership, the term "community policing" became the current, new and innovative concept for attacking the crime and drug problems.

Currently, there are many community policing programs operating throughout the nation. Community policing programs exist in almost every major metropolis. Programs extend from New York City to Houston, Texas and as far west as Portland, Oregon. Community policing is not just limited to urban areas. For example, in Prince George's County, Maryland, a small suburb outside of Washington, D.C., police are experimenting with community policing. The State Police of Maryland are also experimenting with community policing at Edgewood, MD. To date, community policing programs have expanded their crime prevention activities considerably and include, for example, activities such

as police athletic leagues, food drives, and referral programs for domestic disputes, drug and alcohol addiction, and landlord/tenant disputes. Acting Police Chief James Hobbs of the Tucson, Arizona Police Department summed up community policing the best by stating "police cannot solve crime apart from the community, crime is everybody's problem, it effect everyone's way of life...thus, the community must share in the responsibility for solving the crime problem."

B. Neighborhood Justice Centers

During the late 1970s, the American judicial system adopted a new and innovative practice that was aimed at assisting the formal court system in alleviating the burden of increasing caseloads. Court systems throughout the nation were often overloaded with cases which could have been handled outside of the formal court system process. Cases such as landlord/tenant disputes, neighborhood disputes, domestic disputes and small claims cases are examples of cases that can be handled by informal processes. Thus, the American Bar Association (ABA) developed the concept of Alternative Dispute Resolution (ADR).

The practice of ADR is based on the use of alternative methods to solve disputes. This process grants the complaining witness and the defendant the opportunity to bypass the formal court process while encouraging a mutually acceptable, satisfying and legally binding agreement for both parties. Alternative dispute resolution is conducted through a process of mediation.

Mediation is a process whereby a trained, unbiased, and neutral third party individual is assigned to mediate a dispute between two parties. The mediator is not allowed to impose personal opinions. Nor is the mediator allowed to impose a formal mandatory, legally binding decision. Mediation is designed to encourage the two disputing parties to create a mutually acceptable agreement which is satisfying to both parties. Mediation offers a process to solve disputes which the formal judiciary system does not provide. Mediation grants its participants the opportunity to create their own solutions. All final agreements are legally binding and enforceable by the law. In a number of ways this process brings the issue of community justice and fairness back to the community level. Neighborhood justice centers give citizens the opportunity to express the rights given to them by the Constitution and the Declaration of Independence.

Currently, neighborhood justice centers operate in cities and small communities throughout the nation. Mediation programs operate in the nation's large urban areas such as New York, Chicago, and Los Angeles and also in smaller urban areas such as Tulsa, Oklahoma and Portland, Maine.

Writing about ADR, McGillis said, "dispute resolution programs are often superior to adjudication for the types of matters (small claims/minor disputes) handled by these programs. This is particularly true if one measures superiority in terms of disputants perceptions of the process, and agreements, perceived fairness and related perceptions." (McGillis, 1986, pg. 71) Although the majority of these mediation programs have been quite successful and community participation in them is increasing annually, a number of the centers examined during this study expressed problems with public relations and community awareness of such programs.

IV. QUESTIONS INVESTIGATED

The following questions were investigated:

- o What is the current relationship between neighborhood justice centers and community policing programs?
- o Should the relationship between neighborhood justice centers and community policing programs be formalized and in what way.?

V. INVESTIGATIVE RESULTS

The collection of data was based on telephone interviews and on-site visitations with directors and staff members of community policing and neighborhood justice center programs. The sample size examined for the project was relatively small due to the relatively short time period the author had to conduct the research. Yet, each sample was randomly selected and the characteristics of each sample varied. On-site observations were conducted within the Washington, D.C. metropolitan area.

After conducting an exploratory study of the current relationship between community policing and neighborhood justice centers in major U.S. cities and small communities with a limited number of samples, the author found that, in general, formal relationships do not exist.

Although, some law enforcement and dispute mediation officials saw an advantage of a formal relationship, the majority of neighborhood justice centers and community policing programs operated independently. When a relationship was found, it was not formally structured. Apparently, not all police involved in community policing programs are informed about the services provided by neighborhood justice centers. Therefore the NJC's are not considered as a part of the new philosophy of community policing. In most urban areas, mediated cases are referred to the NJC's by the courts.

A. What Are the Current Relationships?

1. Survey of Neighborhood Justice Centers

On-site observations were very informative and insightful. The District of Columbia's Multi-Door Dispute Resolution Division is a good example which shows why neighborhood justice centers are useful. During the on-site visitation, empirical data collection was made on the procedures and practices used by trained mediators to settle disputes. Mediator Kathy Owen played an important role in facilitating a mutual agreement among two disputing parties. Her role was unbiased and neutral yet her demeanor was very persuasive. The mediation skills displayed by the mediator were positive evidence that mediation can and does work.

It is important to note that the majority of the mediated cases are court referred through the Multi-Door Courthouse program. This program is based on the concept that cases which are not warranted for formal court hearings should be referred to specific "doors" within the courthouse. These "doors" represent referral programs such as dispute mediation, drug/alcohol counseling centers, domestic counseling and small claims court. There was evidence of a informal relationship between the District's community policing program and the dispute mediation program. Mediator Kathy Owen stated that the mediation programs would benefit from a joint community policing/neighborhood justice center program because she believes that the majority of minor disputes can be settled through mediation. Approximately 50% of the cases referred to the District's mediation center are settled. Thus, community policing/dispute mediation relations are an important in diffusing situations that have the potential to become very serious and to a greater extent violent.

The District of Columbia's Mediation Service lacked a formalized partnership with the police department's community policing program. Although officers are encouraged to use mediation as a referral resource, the officers are not required to refer minor disputes to neighborhood justice centers.

Prudence B. Kestner, Associate Director for the American Bar Association's Standing Committee on Dispute Resolution is also a staunch advocate of joint community policing/neighborhood justice programs. She stated that the current lack of joint programs has been a key factor in initiating her effort to promote the development of more joint community policing/neighborhood justice center pilot programs.

Leilani Armstrong, Director of the Tulsa Mediation Center in Oklahoma, said that a joint community policing and neighborhood justice center is in operation in the Tulsa metropolitan area. Presently, the relationship has been very effective in settling

neighborhood disputes. In Tulsa, police officers are encouraged to issue mediation citation tickets. These citations require that the disputing parties appear at the neighborhood justice center on a scheduled day for mediation.

In Dallas a relationship existed but was terminated. The City of Dallas, Texas tried to establish neighborhood justice centers in police storefronts but the pilot program failed because the community did not respond to police presence very well. One official in Dallas stated that the strained relationship had a "chilling" effect on the mediation process because the community did not trust the police. The relational problems might have been reduced if a more mature community policing program had been established in the community.

In the Houston, Texas metropolitan area, a formalized relationship between the police department's community policing program and the neighborhood justice centers does not exist. In Harris County (Houston) Texas, almost two-thirds of the cases referred to the mediation center are referred by the District Attorney's Office, the remaining one-third of the cases are referred by the courts. Pat Bart, Director the Dispute Resolution Center for Harris County (Houston) stated that police officers are not required to refer minor disputes to neighborhood justice centers. In addition, she felt that neighborhood justice centers should be adopted as a mandatory part of procedures used to settle minor disputes. Currently, discussions are underway to formalize the partnership between the two concepts. Houston police officers are currently being trained in mediation and communication tactics particularly in the area of conflict management. Police substations have also been established in certain communities and are presently being used as points of referral for dispute mediation.

There is also evidence that a large number of the dispute mediation centers suffer from a lack of public exposure. Numerous directors and staff members of dispute resolutions centers expressed concern over the inability of their own programs to expand public awareness of their service. As a result, some community policing programs may either be misinformed or are unaware of the services provided by dispute resolution centers. Myron Davis, Assistant Director of the District of Columbia's Mediation Service stated that one of main problems in bolstering the relationship between community policing and dispute mediation is the problem with public relations. Funding public relations campaigns for the promotion of community justice centers has been minimal at best. Dispute resolution centers in Dallas, Houston and Tulsa cited that public awareness needs to be increased if a joint community policing/neighborhood justice center is going to work.

Not only must the general public become aware of the services provided by the program but, also police officers, judges, etc. Dan Burns, Staff Member for the House of Ruth, the first non-profit women's shelter in the District of Columbia, said, "Community policing/dispute mediation can shift domestic violence away from the courts but, judges must become more educated about community mediation centers."

In general, neighborhood justice center practitioners advocate joint community policing and neighborhood justice center relations. But factors such as those stated above must be taken into account before any formal relationships are fostered or become fully operational.

2. Survey of Community Policing Programs

This investigation indicates that community policing officials have mixed opinions on the idea of a joint community policing/neighborhood justice program. For example, Major Edward E. Adams of the Prince George's County Police of Maryland said that a formalized relationship does not exist between community policing and the neighborhood justice center in the County. But officers use the NJC as a point of referral and many officers use mediation referrals as a part of procedural policy for handling minor disputes.

Houston police officer, C.P. Terpstra, of the Jensen Storefront station believes that there is no need for a formalized relationship between community policing and neighborhood justice centers. Currently, officers use the mediation centers quite often to settle neighborhood disputes. He thought that the mediation centers were quite helpful in preventing future crimes. Officers are encouraged to use the referral process if the situation cannot be mediated on the spot.

Sergeant Dave Austin, Director of Portland, Oregon's Community Policing Division, said that funding for this type of program could be enormously expensive. He stated that if the referral procedure became mandatory, mediation centers would eventually become overloaded with caseloads, which would eventually impose an enormous expense on the project.

Hayward California Police Department's, Lt. Craig Calhoun, said that his department handles disputes through "in-house" mediation counseling. Officers do initial dispute mediation, if the dispute is not settled it is referred to a mediation agency that operates within the department. The in-house mediation staff is comprised of six professional mediators who are licensed by the state. He said that the program has been working very well since its birth in the late 1970s.

The Police Department of Louisville, Kentucky is working in conjunction with other government officials to determine the kinds of relations that should exist between community policing and neighborhood justice centers. Lt. Barrett said that the department would like to have a closer relationship with the NJC. However, the department must provide government officials with supporting documentation showing a need for a more formalized relationship. Currently, the referral procedure is not mandatory but officers are encouraged to refer cases. On some occasions, for example, when officers cannot settle a dispute, they actually transport the disputing parties to the mediation center. This procedure has become a problem for the department because it expends a great deal of time.

Acting Chief of Police, James Hobbs, of the Police Department of Tuscon, Arizona said that although the Tuscon Police Department does not conduct a formal community policing program all officers are required to serve the people from a community oriented perspective. In the past and present, officers have been encouraged to refer minor disputes to mediation centers. Referral of minor disputes to mediation centers has been described as part of police procedure for handling minor disputes. Since the early 1980s, Tuscon police have worked directly with mediation centers. Hobbs said that mediation is a vital tool in helping the police to help the people. According to Hobbs, mediation referrals is not a new concept for the police department. For a long period of time, it has been viewed by the Tuscon Police Department as a legitimate method for settling disputes and preventing crimes.

B. What Should The Relationship Be?

1. The Perspectives of NJC Practitioners

The majority of neighborhood justice center practitioners interviewed believe that a strong working relationship should exist between community policing and neighborhood centers. Leilani Armstrong of Tulsa said that she would like to see the relationship improved. According to Armstrong, a lack of understanding currently exists among the citizens in regard to the mediation process. She also believes that the procedures used to handle minor disputes i.e., domestic cases, needs to be revised to include mediation centers as a first resource for settling disputes; that the police should be encouraged to refer; and that police departments could serve as educators and informers about the process of dispute mediation. As a consequence, the public may become more apt to use the process of dispute mediation before going through the formal court system.

Myron Davis of the District of Columbia Mediation Service said that community policing programs should serve as a point of referral for neighborhood justice centers. He also said that police officers need to conduct community outreach programs which inform citizens within their precinct about the mediation service.

Prudence Kestner of the American Bar Association said that police should encourage citizens to use dispute mediation as an alternative to the courts. She felt that officers should receive more training on methods of mediation. Training could give officers the ability to mediate situations which have the potential for future violence.

2. The Perspectives of Community Police Practitioners

Major Adams of the Prince Georges County Police does not believe that a formalized relationship should exist because citizens generally do not follow through with referrals and there are no means to ensure that citizens do follow up. Consequently, officers usually try to mediate disputes on the spot. He believes that the current relationship between the two programs is effective and thus sees no need for formalization.

Officer Terpstra of the Houston Police Department feels that the present informal relationship between the two concepts is quite effective and efficient and that there is no need for a more formalized relationship.

Sergeant Austin of the Portland Police Department believes that the relationship should be more formalized. He supports the concept "100 percent" that all government agencies should work together to solve the crime problem. These joint efforts should be part of an interagency task force designed to solve the crime problem. Although he feels that a formalized relationship is necessary for addressing the crime problem, he does not believe that referrals should be a mandatory policy procedure. It is his belief that the referral process should be left to the discretion of the officer yet, referrals should become part of the formal planning practice training. Officers should use referrals to inform citizens that the dispute mediation service does exist and to explain what services it provides.

Lt. Barrett, of the Police Department of Louisville believes that the relationship between community policing and neighborhood justice should be more formalized. He would like to see a dispute mediation center established in the community which he patrols. The development of a dispute mediation center within close proximity of the local precinct would eliminate the process of transporting citizens to the main center and it would also encourage officers to refer more cases to mediation. By encouraging officers to refer more disputes, citizens will become

more aware of the services provided by NJC's. These centers would then have a major role in crime prevention. Although, no comprehensive studies have been conducted in the Louisville area on whether the mediation practices facilitated by NJC's prevents potential criminal acts, Lt. Barrett believes that the NJC's do exert a positive effect on preventing potential crimes.

VI. Conclusions

This research indicates that there is a desire by NJC and CP practitioners for relationships between neighborhood justice centers and community policing programs. What is not certain is the structure of such a relationship and the extent of the roles and relations between the two concepts. Thus, the interrelationships of community policing and neighborhood justice centers is a topic that deserves future attention. It is also apparent that numerous criminal justice practitioners feel that interrelationships could prevent crimes as well as move minor disputes away from the formal court system which is already overloaded. The movement or shifting of some forms of justice away from the formal criminal justice system and into the community is a movement that could possibly change the field of law and the style of law enforcement. Is there room for another criminal justice system at the community level? Practitioners surveyed believe that the interrelations addressed in this study could produce a new concept of justice, "community justice." Compared to the centralized form of criminal justice system that now exists throughout the nation, this new concept of justice would bring justice closer to the people. Would this closeness be another factor that would help stem crime, drug abuse, and disorder.

VII. Recommendations

The following recommendations follow from this research:

- 1- The police should consider revising their referral procedures and increasingly refer specific kinds of incidents to their neighborhood justice center, when on-site mediation is not possible.

Rationale:

Current policy in many police departments does not require mandatory referral to neighborhood justice centers. Referrals to neighborhood justice centers should become the preferred procedure for handling minor disputes. The community policing/neighborhood justice center program in Tulsa seems to establish an initial standard that might be used to build an efficient and effective referral procedure. There, citation tickets are issued by police officers to disputing parties for scheduled mediation sessions. These citations are enforceable by

law. This method ensures that both parties appear at the scheduled mediation meeting. This method also serves as a means of promoting public awareness. Citizens may become more acclimated to the mediation process if police officials make the mediation referral procedure mandatory.

2- Police substations or community policing storefront operations should take the initial initiative in establishing a more formal relationship with neighborhood justice centers in their area..

Rationale:

Obviously, police substations and storefront operations are more knowledgeable of the daily activities which occur in neighborhoods in their area. Therefore, it may be more feasible in the initial phases of integration to link NJCs to police substations and/or storefront operations. Disputing parties could take their unsettled disputes to the police substation or storefront operation for mediation, if an NJC mediation office is operated there. An officer trained in dispute mediation would attempt to settle the dispute and if the matter could not be settled through a police mediation process, the dispute could then be immediately referred to the NJC mediator. A dispute would thus have at least two chances for immediate settlement before increasing in intensity and possibly leading to a crime that will have to be processed by the formal criminal justice system.

3- Citizens involved with organized citizen groups, which are are involved with a community policing program, should receive mediation training as part of their voluntary participation in a community policing program or a neighborhood justice program.

Rationale:

Some neighborhood disputes might even be handled by trained citizens. This method attempts to solve disputes prior to the more formal methods that would use police or a NJC.

4- The capacity of handling cases by NJC and other alternative dispute forums should be commensurate with the caseload.

Rationale:

During the research study, some practitioners said that funding for dispute mediation programs was insufficient. Lack of funds has often created situations where these centers have become overloaded with cases. In Portland, Sergeant Dave Austin noted that mediation centers may have to increase their capacity to handle cases after community police officers begin using the

centers as a primary source of referral. As these centers become more popular to the public, increased capacity will be needed to ensure efficiency and expediency in handling cases. Pat Bart, Director for Dispute Resolution Centers in Houston, noted that community interest in mediation programs has been increasing dramatically yet funding for the programs has not followed the demand for mediation services. Other directors of dispute mediation programs in Dallas, Tulsa, and Washington, D.C. have experienced similar resource problems.

VIII. FUTURE CONSIDERATIONS

Citizens and criminal justice practitioners could begin discussing the idea of creating "community laws." Presently, codes and ordinances are the primary means to control those factors that breed crime and disorder in communities. Such a new system of laws would allow law-making and enforcement to be conducted in close harmony with the community. The new system would allow local citizens to legislate and enforce laws that are uniquely suited to their community. Obviously, such laws must be written in accordance with the limitations of federal and State constitutions. Community laws might, in fact, be limited to those that are enforceable by community policing programs. Violations of community laws could be adjudicated by neighborhood justice centers. Although, constitutional limitations and other intricacies of this new concept of criminal justice are in need of intense examination and debate before action, the new system may have the potential to change the future of criminal justice so that it is more responsive to the special needs of communities as well as the general needs of individuals.

CITATIONS

McGillis, Daniel (1986) "Community Dispute Resolution Programs and Public Policy;" Washington: National Institute of Justice, U.S. Department of Justice, Issues and Practices Series

About the author:

The author is a 22-year old graduate student from Philadelphia, PA. He is currently pursuing a master's degree in criminal justice at Rutgers University School of Criminal Justice, specializing in white collar crime and court administration. Recently, he was accepted to the doctoral program at Rutgers. Before interning at the National Institute of Justice, he was unfamiliar with the concept of community policing and dispute mediation. He believes that these ideas could change the face of the nation's justice system. Again, thanks go to George Shollenberger and Bonnie Gowdy, NIJ's Research Manager for Corrections and Intermediate Sanctions, for giving the author opportunities for conducting research at the Institute.