Community Policing:

A critical examination of the rhetorical extolment of community policing as a new orthodoxy in law enforcement.

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Major Research Paper for LLM (ADR)
(208197428)
May 2008

"What makes a successful peacemaker or conflict resolver is not a set of processes, methodologies, or tactics; it is a way of thinking, a set of values, an array of analytical and interpersonal skills, and a clear focus."[1]

Bernard Mayer

Police officers are required to respond to a variety of disputes, in varying circumstances, and under substantial scrutiny. Police practitioners must not only deal with the enforcement of laws and order they are by virtue of their public offices expected to be held to a higher standard of accountability, sensitivity and responsiveness to the needs of their fellow citizens, and communities.

While codes of conduct can regulate behavior by threatening to sanction those that violate standards they do little to change intrinsic ethical standards. Similarly, processes for oversight do little to affect the true nature of those engaged in professions, like policing, except hold those who breach ethical or performance codes accountable after the fact.

Processes such as those represented in the field of alternative dispute resolution, on the other hand, aspire to change the underlying values associated with conflict and harmony amongst citizens, organizations, communities, and nations.

Within policing this movement of transforming organizational values is being advanced through the adoption of collaborative policing practices- namely community policing.

This paper examines whether community policing, sometimes described as a new orthodoxy, is in fact transforming policing as an alternative dispute resolution process or whether it is merely another rhetorical extolments of old practices cloaked in new terms.

[1] Bernard Mayer, The Dynamics of Conflict Resolution, Page 263

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Introduction

Participatory justice brings together the parties and resources required to collectively resolve conflict, and to collectively reintegrate and rehabilitate the offender, the offended, and other affected parties in order to restore a level of harmony among the offender, the victim, their community,[2] and society at large. Participatory justice is for that reason also sometimes called restorative justice.

Restorative justice sees harm as occurring first and foremost to individuals (victim and offender),[3] and the relationships amongst those affected (community). Harm is not merely the result of the violation of a law; instead it is seen as arising from the circumstances underlying the act and its impact on others. This contrasts the traditional justice system (retributive justice system) in which the violation of a law/rule in itself is assumed to cause harm. Restorative justice includes participatory processes such as healing circles, family circles, crime conferencing,[4] community accountability panels,

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[2] 'Community' being used to represent the neighbourhood from which the affected parties come. While 'community' may be defined in different ways depending on the context, it is the assertion of this paper that community should be used in a broader terms than simply referring to the service community represented by the formalized institutions in a given jurisdiction.

[3]The Law Commission of Canada defines restorative justice as "…a process for resolving crime and conflicts, one that focuses on redressing the harm to the victims, holding offenders accountable for their actions and engaging the community in a conflict resolution process." Transforming Relationships Through Participatory Justice, The Law Commission of Canada, 2003

[4] Thomas, Brendan, "Circle sentencing: involving Aboriginal communities in the sentencing process New South Wales", Aboriginal Justice Advisory Council, (Full article @: http://www.aic.gov.au/topics/indigenous/interventions/alternatives/circle.html)
Thomas, Brendan in "Circle sentencing: involving Aboriginal communities in the sentencing process New South Wales notes that "circle sentencing or circle courts arose in Canada in the early 1992 out of a decision from the Supreme Court of the Yukon in the case of R v Moses. In that case the presiding judge, Judge Stuart, advocated a significant change in the Canadian sentencing process. Judge Stuart was of the opinion that a significant and immediate improvement could be achieved within the judicial system by increasing meaningful community involvement in the sentencing process, before during and after the

school-based restitution, reconciliation/peace building initiatives, and extra-judicial sanctions including diversion programs.

The impact of these emerging restorative practices has been felt far beyond the scope of law and, in part, resulted from the fact that alternative dispute resolution draws on and contributes to a variety of disciplines including criminology, law, sociology, psychology, politics, and philosophy. Restorative practices have therefore been manifest in a variety of areas of modern society ranging from the resolution of neighbour disputes, the arbitration of international contracts, and the manner in which societies police their citizens.

As Cathy Costantino and Christina Merchant note in – "Designing Management Systems":

> Given today's economic political, and social realities, executives, managers, organization development consultants, human resource personnel, conflict management systems designers, and attorneys are seeking more creative and improved methods to manage conflict. They are being asked to devise processes that constructively draw conflict to the surface and channel it; these are the sluices and viaducts of effective conflict management.[5]

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sentencing takes place. In attempting to implement this Judge Stuart consulted the local Indian community and the concept of circle courts was developed." Unlike the retributive justice system, restorative justice refocuses the emphasis on redressing the underlying causes of conflict and restoring harmony amongst those that are affected. Restorative programs are therefore designed to bring about a level of healing for those affected by including restoration, reformation, rehabilitation, and transformation by: providing a process for resolving crime and conflict, focusing attention on redressing harm to victims, holding offenders accountable for their actions, providing the necessary rehabilitative intervention to effected parties; and engaging the community in a conflict resolution process. These aims reflect the collective goals of a variety of stakeholders in the prevention of crime and conflict, including police, prosecutors, correctional services, social services, public health, educators, federal/provincial/municipal governments, and affected communities.

[5] Costantino, Cathy A., Merchant Sickles, Christina, "Designing Conflict Management Systems", Page xiii.

Within policing this response, for seeking creative and improved methods for managing conflict, is being advanced through the movement of collaborative policing strategies – namely community policing.

While traditional policing has been based on the enforcement of laws, investigation of accused, and subsequent conviction and incarceration of the guilty, community policing emphasizes collaborative partnerships with other stakeholders within the criminal justice system,[6] health care, and social services to provide a broader understanding and response to issues arising from conflict between citizens and state, crime, as well as those affecting citizens' quality of life issues.

The development of collaborative policing strategies, from traditional 'problem-oriented' policing is similar, in principle, to the evolution of restorative justice from retributive justice - A change from public order policing, zero tolerance, and expert based authority, to a more collaborative philosophy of policing which emphasizes persuasion, social justice, incorporating community and community interaction.[7] Community policing

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[6] Kruger, J, "the Tapestry of Culture; A Design for the Assessment of Intercultural Disputes", Dispute Resolution Readings and Case Studies, Page 738
Identifying who the stakeholders are, and what role they should play in the resolution of conflict, is often a difficult task. It is sometimes suggested that a good benchmark for determining stakeholders is to pose the question: "Does this (individual, group) need to be part of creating a solution because they can otherwise thwart its intent or derail it?" Deciding who should have a seat at the table, and in what authentic representative capacity, is a complex challenge for a designer committed to client-centred design.

[7] Schafer, Joseph A. ""I'm not against it in theory…":global and specific community policing attitudes"; Policing: An International Journal of Police Strategies & Management, Vol. 25 No. 4, 2002, Pages 669-686 notes: "The police were primarily oriented towards controlling crime; they viewed themselves as experts on crime and sought to limit the information they shared with the public. Police organizations were quasi-military bureaucracies which sought to restrict the freedom and discretion of front line employees. Supervisors and subordinates had "command and obey" relationships; the relationship between front line employees and department leaders was characterized by a high degree of tension."

therefore represents a form of collaboration, which like other alternative dispute resolution (ADR) processes, aims to transform the manner in which societies view the nature and scope of conflict.

However collaborative policing, like restorative, justice has also been subject to skepticism and resistance by practitioners and public alike. Mark Umberti writes:

> (T)here is growing evidence among both criminal justice officials and the participants themselves that victim offender mediation can be quite consistent with the community's sense of justice and fairness. Yet, there is likely to remain strong resistance by some officials and citizens to the very notion of the restorative type of justice embodied in the victim offender mediation process. The more dominant retributive sense of justice with its emphasis on the severity of punishment, on behalf of State interests, even at the cost of addressing the direct interests of the person violated by the offence, is deeply rooted in contemporary American culture and is unlikely to be dramatically changed in the near future.[8]

Umberti's observations, although intended for the criminal justice system, apply equally to those engaged in community policing, where despite the obvious advantages of policies which advocate increasing sensitivity and responsiveness to community dynamics, there remains much resistance and skepticism about non-traditional policing.[9]

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[8] Umbreit, Mark S. "Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment", Western Criminology Review, 1(1) 1998, Page 9 of 25.

[9] Eugene A. Paoline; Stephanie M. Myers; Robert E. Worden, Police Culture, Individualism, and Community Policing: Evidence from two police departments, Justice Quarterly, VoI. 17 No. 3, September 2000, Pages 576-605. In a more recent article Martin Innes; in "Why 'Soft' Policing is Hard: On the Curious Development of Reassurance Policing, How it Became Neighbourhood policing and What This Signifies About the Politics of Police Reform" Journal of Community & Applied Social Psychology, Vol. 15, 2005, Page 156-169 also notes; "And yet, despite the manifest benefits that flow from effective soft policing, research shows that trying to introduce a style of policing that promotes soft policing and in the process challenges the cultural sustained orthodoxy of what constitutes 'real' police work in the eyes of 'street cops' tends to result in significant tension and oftentimes implementation failure (Irving et al., 1989)."

Bonnie Bacqueroux a former Associate Director of the National Center for Community Policing at Michigan State University's School of Criminal Justice characterized some of this resistance to community policing in the following manner:

> For some, so massive a change implies a total rejection of their life's work. Others resist – and resent -- being asked to do a job different than the one for which they were hired. Some have philosophical disagreements with a problem-solving approach that assesses success and failure on the basis of community satisfaction. Others rankle at the thought of working directly with people who live in troubled neighborhoods, often because of elitism, outright racism, or an "us versus them" attitude based on the belief that everyone who lives in such neighborhoods either commits or condones the crime and violence.[10]

Despite this resistance there is a growing sense that it is time to look beyond authoritative policing as the only model for police-community relationships and to consider a variety of collaborative partnerships in addressing issues of social conflict and crime. Community policing thereby promise to change the role of law enforcement and the relationships between police and citizens, and can be expected to alter elements of both the operational and organizational environments of policing.

This paper provides a critical examination of community policing, better characterized as collaborative-policing, by drawing on the experiences and principles of ADR processes such as participatory justice and restorative justice to determine the extent to which collaborative policing practices are being employed to provide fairer solutions for victims, accused, communities, and the state.

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[10]Bacqueroux, Bonnie. ”Community Criminal Justice: What Community Policing Teaches” (http://www.policing.com/articles/ccj.html)

Defining Community Policing

Modern policing can be broken into three historical periods: 1840 to 1920s being the political era; 1930 to 1970 being the reform era; and 1980s on representing the period of modern community-based problem solving.[11] Community policing began to appear during the early 1980s leading to a global acceptance of what has at times been characterized as a new paradigm in policing.

The implementation of community policing has however resulted in the interpretation and design of community programs being "many things to many people".[12] In its purest form, community policing can be simultaneously defined as a philosophy and an organizational strategy which emphasizes effective partnerships with the community in order to identify,[13] prioritize and solve conflict, by drawing on the principles of community-based dispute resolution.

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[11] Lewis, Scott, Rosenberg, Helen, and Sigler, Robert "Acceptance of community policing among police officers and police administrators", Police: An International Journal of Police Stratifies & Management, Vol. 22, No 4,1999, Page 567-588

[12] Cardarelli, Albert, McDevitt, Jack, and Baum, Katrina. "The rhetoric and reality of community policing in small and medium-sized cities and towns"; Policing: An International Journal of Police Strategies & Management, Vol. 21 No. 3, 1998, Pages 397-415
As a case in point, a survey of 170 police departments in the United States, conducted by Albert Cardelli (1998) found that there were a variety of interpretations for community policing. This diversity has however been suggestive of a healthy application of subjective criteria in the interpretation and design of community programs, and despite the variety of characterizations it is possible to identify some common elements in providing a more comprehensive picture of what community policing entails

[13] Correia, Mark E., "The conceptual ambiguity of community in community policing-Filtering the muddy waters"; Policing: An International Journal of Police Strategies & Management, Vol. 23, No. 2, 2000, pages 218-232
Although 'community' is the overriding foundation on which community policing is built its definition within community policing has remained somewhat vague, particularly within the context of increasing globalization, where there is limited community organization, making it difficult to locate a cohesive community with strong infrastructures.

Although a universal definition of community policing remains elusive, community-policing programs have a number of common characteristics which can be summarized using the rationales outlined by Ray Shonholtz in "Neighbourhood Justice Systems".[14] Shonholtz principles state:

- First, that diversity and the complexity of societal life directly encourages the strengthening of non-state social entities.
- Second, that peaceful expression of conflict within community can have positive value, and is necessary because the expression of hostilities and differences within the community serve to inform and educate, which creates a base for greater understanding and mutual work between disputants.
- Third, community policing emphasizes the responsibility of the individual and neighbourhoods in exercising responsibility for dealing with conflict. On this point, Shonholtz notes that non-state social entities are weakened in society in large part by the state's assumption that they are incompetent, and by the transferring of the problem to a state agency.
- Fourth, that processes for voluntary resolution of conflict between disputants have positive value, because coerced resolutions have inherent limitations; to the parties, of enforcement, of attitude, of future relations, of understanding, and of future conflict resolution modeling.[15]

Shonholtz's rational are valuable for two reasons: First, because Shonholtz's rational do not originate in criminology or policing. They are instead representative of Shonholtz's work within the context of the field of conflict and alternative dispute resolution and serve as suitable standards for a comparison of the developments in collaborative policing to developments within ADR. Second, Shonholtz rational includes and recognizes

[14] Shonholtz, Raymond, "Neighbourhood Justice Systems". Dispute Resolution: Readings and Case Studies, 420-427.

[15] *Ibid*, 420-427.

conflict as an integral and healthy component in the sharing of responsibility between state and non-state social entities. Furthermore, Shonholtz like Lax and Sebanius recognizes the reality and value of the perpetual struggle inherent in interactions involving power – a value which has often been overlooked in policing due to an overemphasis of authoritative expertise, and on the measurement of success based on the absence of conflict rather than on the qualitative nature of the conflict itself. The failure to recognizes conflict as an integral and healthy component in dispute resolution has contributed to the diminishment of the value of conflict in educating and informing stakeholders, thereby often causing participants to avoid conflict at all cost and to suppress opposition and hostility.[16]

An ideology of community integration on the other hand helps to advance community policing, by enabling police organizations to shift or move slightly from authoritarian bureaucracies (where the primary focus has been a maintenance of expertise, crime control, and administrative control of individuals within police organizations) towards more organic structures (where the emphasis is increasingly on partnerships between police and citizens).

The traditional role of police officers as chiefly "crime fighters" is thus supplanted by the belief that the police should provide a variety of essential community and social services,

[16] Shonholtz, Raymond, "Constructive Response to Conflict in Emerging Democracies: Distinguishing between conflict and dispute", http://www.partnersglobal.org/resources/article8.html.
Shonholtz writes: "in the pre-democratic period, issues become conflicts when they were managed through forms of repression, violence, avoidance, or ideology. Issues become disputes when they are managed through transparent rule of law systems. The difference is that the latter system is designed to resolve differences peacefully, while the former system is designed to manipulate or suppress them at all costs."

including crisis resolution and dispute management in circumstances that are not just related to crime.[17] A movement further reflected by the notion that many policing services do not have to be provided by public police officers and can involve citizens employed in a number of different roles.[18] This represents a shift in police-community relations, influenced by the development and expansion of a philosophy of community engagement, which recognizes the values and expertise inherent in the complexity of societal life. Collaborative policing therefore encourages and strengthens non-state social entities by recognizing that no matter how effective the police are in tackling crime on their own, the results are unlikely to be successful or lasting unless they work in collaborative partnerships with the community. Community policing challenges traditional separations of state and citizen by advocating for collaboration which binds the two a relationship in which is responsive to the peculiar needs of each community. Furthermore, community policing encourages stakeholders (state, non-government, and individual) to look beyond obstacles to create opportunities for enlarging the potential for meeting both parties' (communities and police) interests. This merging of traditional policing with developing collaborative approaches however results in a tension comparable to that, described by David Lax and James Sebenius, between the roles of negotiators as "value creators" and "value claimers".[19]

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[17] ***Supra*** note 7, at 6.

[18] Innes, Martin; "Why 'Soft' Policing is Hard: On the Curious Development of Reassurance Policing, How it Became Neighbourhood Policing and What This Signifies About the Politics of Police Reform" Journal of Community & Applied Social Psychology, Vol. 15, 2005, Page 156-169:
These other roles include private security officers, community wardens, alarm companies, and corporate investigators.

[19] Lax A. David, Sebenius K. James, "The Manager as Negotiator: Bargaining for Cooperation and Competition Gain, Page 29-45. Lax and Sebenius suggest that most negotiation involves both integrative and distributive bargaining which they refer to as "creating value" and "claiming value." Negotiators

Shonholtz's rational requires that police-community relations emphasize the role of the individual and neighbourhoods in exercising responsibility for dealing with conflict.[20] The consequential shift of power to communities challenges state authority and requires police organizations, despite its counter-intuitiveness, to recognize that non-state social entities are weakened by the state's continued assumption that they are incompetent. Police leaders working with more collaborative principles, are encouraged to examine concerns amongst those whose power is weakened to ensure that police organizations do not undermine the effectiveness of non-state social entities. Community policing thus strives to be more than just law enforcement, it represents collaboration through the sharing of power and responsibilities with non-state social agencies to facilitate processes for voluntary participation of citizens towards creating positive values and relations, in ways that parallel developments within the collaborative justice movement.

Shonholtz recognizes that stakeholders are required to embrace the positive value of competitive differences as an inescapable and healthy tension between those who aspire to expand collaborative community involvement and those who seek to protect the capacity for authoritarian autonomy (expertise). Central to collaborative policing therefore is recognition "that the competitive and cooperative elements are inextricably intertwined", and that the power dynamics between the police (state), and communities (citizen and non-state social agencies) cannot be entirely separated.[21]

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according to Lax and Sebenius should do as much as they can to "create value;" or enlarge the pie, as they can thus enabling both parties to enlarge the value of their claims.

[20] ***Supra*** note 14, at 10.

[21] ***Supra*** note 19, at 12.

Proponents suggest that collaborative policing not only redefines the relationships between police and communities,[22] offender and victim and the traditionally asymmetrical power relations between disadvantaged communities and law enforcement but also changes the underlying values attached to disputes, mistrust, skepticism, and hostilities between the police and communities; previously described by frameworks that characterized the same disputes as arising from intractable differences.[23]

Critics of community policing on the other hand argue that community policing is nothing new, having its basis in the principles espoused by Sir Robert Peel in 1829, namely that:

Although Lax and Sebenius discuss the tension between value claimers and value creators within the context of negotiation, this tension can be readily applied, as it is being applied here, to the dual structures within policing- that of collaboration (value creation) and authoritarian rule (value claiming)

Although Lax and Sebenius's work deals with the dynamics of negotiations the tension been value creators and value claimers can be applied equally to the tension between those who aspire to expand collaborative community involvement and those who seek to protect the capacity for authoritarian autonomy.

[22] Proponents of collaborative policing include: Stephen R. Schneider ("Overcoming Barriers to Communication Between Police and Socially Disadvantaged Neighbourhoods: a critical theory of community policing"), Eugene A. Paoline, Stephanie M. Myers and Robert E. Worden ("Police Culture, Individualism, and Community Policing: Evidence from two police departments"), David Lilley and Sameer Hinduja ("Officers Evaluation in the Community Policing Context"), Martin Innes ("Why 'Soft' Policing is Hard: On the Curious Development of Reassurance Policing, How it Became Neighbourhood policing and What This Signifies About the Politics of Police Reform") and Albert Cardarelli ("The Rhetoric and Reality of Community Policing in Small and Medium-sized Cities and Towns")

[23] Petrocelli, Matthew, Piquero, Alex R., and Smith, Michael R. "Conflict theory and racial profiling: An empirical analysis of police traffic stop data"; Journal of Criminal Justice, 31, 2003, Page 1-1; And Sunshine, Jason, and Tyler, Tom. "Role of Procedural Justice and Police Legitimacy in Shaping Public Support for Policing". Law & Society Review, Vol. 37, No. 3, 2003, Page 513-548

Those who, like Petrocelli, Piquero, Sunshine, and Tyler, subscribe to the model of the Conflict Theory represent one such group. Conflict theorists takes the position that the poor and minorities represent a threat to the positions of the powerful (winners) in society and that the interests of the privileged are protected through political and legal systems which counter any challenges from those who represent a threat. This they argue is the real reason for the heightened scrutinization, control, and disproportionate enforcement against culturally dissimilar groups, racial minorities, and those who might endanger the economic superiority of the advantaged.

> The police should at all times maintain a relationship with the public that gives reality to the historical tradition that the police are the public and the public are the police. The police are only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interest of community welfare and existence.[24]

Although it would appear from some contemporary literature and research that there is a strong argument that community policing will continue to be a core aspect of modern policing, there are those who view collaboration as just another pretext for maintaining control and power by advantaged classes within society.[25] Jason Sunshine and Tom Tyler in "Role of Procedural Justice and Police Legitimacy in Shaping Public Support for Policing" note that sponsors of this view hold that:

> Society is largely molded and shaped by the competing interests of social groups who vie for dominance in order to enact or maintain a social structure beneficial to them. Conflict theory asserts that the relative power of any given social group dictates social order in that powerful groups not only control the lawmakers, but also the law enforcement apparatus of the state. In essence, laws are made which serve the interests of the privileged and the police are used to suppress and control any segment of society that poses a threat to the status quo.[26]

To this critical point of view, community policing is merely a repackaging of old ideas in an effort to conceal the true role of police as a mechanism for the use of force and coercion on behalf of those who are privileged in society. Critics of community policing argue that the benefits of community policing, if any, have simply not been subject to

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[24] ***Supra*** note 23, at 14.

[25] ***Supra*** note 12, at 9.

[26] Sunshine, Jason, and Tyler, Tom. "Role of Procedural Justice and Police Legitimacy in Shaping Public Support for Policing". Law & Society Review, Vol. 37, No. 3, 2003, Page 513-548.

sufficient empirical study to confirm any legitimacy.[27] Other issues of discussion in the contemporary literature include: the extent to which community policing practices are actually being implemented, the extent to which police departments are embracing communities in the decision-making process, and the levels to which collaborative policing systems are being accepted or adopted by front-line officers. Critics of community policing may also be justified in their criticisms given that many researchers tend to present community policing not as a new dimension to policing but as a replacement to traditional police strategies.[28]

Challenges to Collaboration

Community policing programs can be divided into three general categories:[29] programs that incorporate or are partners in restorative justice initiatives; programs which involve police-community partnerships with specific non-justice agencies designed to target specific social concerns, and those that can generally be classified as public relations

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[27] Yates, Donald, Vijayan K. Pillai, "Attitudes Towards Community Policing: A Causal Analysis". The Social Sciences Journal, Vol. 33, No. 2, 1996, Page 193-209
Yates observes " Community policing studies have also been criticized for their absence of statistical rigor. Small sample sizes and studies offering no tests of statistical significance have made the results of most of the studies on community policing extremely problematic. Finally, research on community policing lacks an adequate theoretical framework. Both of these deficiencies in research surrounding the police continue to be the object of concern among scholars whose interests on police agencies will extend today to racial and gender group differences among police officers."

[28] ***Supra*** note 12, at 9.

[29] These categories have been based on my observations and experiences with the Toronto Police Service over a 20-year period, including extended secondments with the Royal Canadian Mounted Police, Interpol, and the Attorney General of Ontario.

programs designed to enhance calculus-based and identity-based trust.[30] The first category of programs is exemplified by the types of initiatives represented by partnerships with drug treatment courts, post-charge diversion sentencing programs, and therapeutic courts.[31]

The second category are exemplified by programs of the type represented by the Memphis Police Department's Crisis Intervention Team (CIT), which involves collaborative partnerships between uniformed police officers and trained mental health nurses to meet special needs related to calls involving persons with mental illnesses.[32]

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[30] Lewicki, Roy J, Wiethoff, Carolyn.,"Trust, Trust Development and Trust Repair." Handbook of Conflict Resolution, Pages 86-107.
The authors define trust as "an individual's belief in, and willingness to act on the basis of, the words, actions, and decisions of another."

Roy Lewicki and Carolyn Wiethof note that distrust is not merely the absence of trust, but is an active negative expectation regarding another. They identify two bases for trust (or distrust). **Calculus-based trust** rests on assessments of costs and rewards for violating or sustaining trust, and is more typical of professional relationships. **Identification-based trust** rests on the parties' mutual understanding and affinity, and is more typical of personal relationships such as friendship. Identification-based trust can be fostered if the parties take time to develop their common interests, values, perceptions, motives and goals. Identification-based trust has a strong emotional component, and so is sensitive to a number of non-logical factors. This makes managing identification-based distrust difficult. One strategy is to increase the parties' calculus-based trust. Another is to openly acknowledge areas of distrust, and jointly develop ways to work around those areas.

[31] James, Darlene, and Sawka Ed. "Drug Treatment Courts". Substance Abuse Intervention Within the Justice System, Alberta Alcohol and Drug Abuse Commission, Canadian Centre on Substance Abuse National Working Group on Addictions Policy, November 2000. (www.ccsa.ca/pdf/ccsa-008697-2000.pdf)
Although these types of programs may be considered community justice programs; viewed from the perspective of police involvement (personnel), police policies, and resource expenditure they are inclusive of a larger community policing function.

This category of programs is exemplified by the types of initiatives represented by The Toronto Drug Treatment Court (TDTC) and the post-charge diversion-sentencing program in Toronto. TDTC for instance operates as a collaborative venture between the Center for Addiction and Mental Health, the criminal justice system, the Toronto Police Service, and the City of Toronto Public Health Department.

[32] Memphis Police Department' s web site @ http://www.memphispolice.org/communit.htm.

These first two categories demonstrate how police organizations attempt to expand partnerships with other stakeholders for meeting community needs, but also exemplify how such programs serve to redefine the scope of conflict by restating how police services measure effectiveness, equity, accountability, and efficiency. An important feature of these programs is the purposeful redefinition of certain democratic principles. Mark Corrreia writes that:

> In terms of "effectiveness", emphasis no longer is placed on crime control through reactive methods (e.g. the ability of the police to solve and clear crime rates); instead, effectiveness concerns the identification and solution of community problems. "Equity", which was previously defined as the equal treatment of citizens under the rule-of-law, now rests in the sharing of power with the increased participation of community members. While traditional policing agencies base "accountability" solely on the rule of law, community policing agencies are inclined to emphasise accountability in the context of the community they serve. Lastly, for agencies practicing community policing "efficiency" is defined as the police organization's ability to utilize community (i.e. governmental, and non-governmental) resources to assist in problem-solving activities. This contrasts sharply with traditional law enforcement agency's notion of efficiency: the achievement of rapid response times to citizen complaints and calls for service at minimal taxpayer expense.[33]

In addition to redefining how police departments measure effectiveness, equity, and accountability these programs also provide an opportunity for influencing ways in which police practitioners view socio-pathology, substance abuse, and issues related to mental health.

As discussed by Shonholtz, these programs do not expand substantive power to the individual or neighbourhoods for exercising responsibility in dealing with conflict at the

[33] ***Supra*** note 13, at 9.

community level.[34] Nor do programs such as those exemplified by the CIT go far enough in restoring harmony between the offender and the victim.[35] Shonholtz notes that:

> In the Justice and mental health systems, persons in conflict are rarely able to express their dispute directly with those directly concerned. Attorneys not only take the expression of the conflict away from disputants but the very conflict itself. Mental health specialists generally make judgments about the dispute and are prepared to treat one of the disputants as ill. Both systems negate the value of conflict and rob disputants of the opportunity to express the conflict between themselves.[36]

These types of programs merely transfer responsibility and power from one state agency to another state agency or governmental organization.[37]

Moreover, these police-community 'collaborations' continue to retain elements of coerced resolutions which present inherent limitations; to the parties, to enforcement, attitude, future relations, understanding, and of future conflict resolution modeling.[38] The legitimacy of such programs is further undermined by the perception that they are implemented not so much as altruistic responses to societal needs as for economic effectiveness.[39]

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[34]***Supra*** note 18, at 12.
As Innes notes: "It should be clarified that the position of collaborative policing is not that policing priorities should be wholly determined by local communities, but rather that they should be provided with some input into shaping what these priorities are.

[35]***Supra*** note 32, at 18.

[36] ***Supra*** note 14, at 10.

[37] ***Supra*** note 14, at 10.

[38] ***Supra*** note 14, at 10.

[39] ***Supra*** note 31, at 17.

The third category of programs characterized as public relations programs provide increased police community contact, with the aim of enhancing community awareness of policing activities and to strengthen police community relations.[40] Unfortunately this category fails to live up to the expectations of Shonholtz.[41]

All three types of programs fall short of substantively strengthening community and volunteer agencies. While police organizations promote the duty of the individual and neighbourhoods in exercising responsibility for dealing with conflict they do not transfer sufficient power to non-state social entities. Rather they merely invite participation within a framework that continues to retain power and authority within police departments and does not sufficiently accept or promote programs which serve to channel the expression of conflict in ways that provide positive value for understanding of disputing behaviour. Community policing programs, despite the extolment of collaboration, continue to respond to disputes and conflict with what are perceived as "coerced resolutions with inherent limitations; to the parties, of enforcement, of attitude, of future relations, of understanding, and of future conflict resolution modeling".[42]

A noted goal of the TDTC includes demonstrating the cost effectiveness of judicially supervised treatment as an alternative to incarceration.

[40]As an example within the Toronto Police Service's Community Mobilization Unit there are several such programs including: Empowered Student Partnerships, Public Education and Crime Eradication (PEACE), Toronto Recreational Outreach Out-tripping Program (TROOP), The Newcomer Outreach Program, Empowered Student Partnership Liaison, Adult and the Youth Corps Volunteer Program to name a few. For a detailed description of each program visit: Toronto Police Service web site @ http://www.torontopolice.on.ca/communitymobilization/

[41] ***Supra*** note 14, at 10.

[42] ***Supra*** note 14, at 10.

Another significant challenge to collaboration has its basis in the complexities of the ethnography of modern society. Given that almost all participants in community programmes do so on a volunteer basis (unpaid), police organizations must remain sensitive to those conditions (cultural), both external and internal to police departments, which help to sustain community policing.[43] Policing in diverse communities requires a systematic and genuine understanding of the cultural perceptions and values of those who comprise the communities which are being courted for collaborative partnerships as much as those who will be subject to police enforcement.

Joseph A. Schafer, Beth M. Huebner, and Timothy S. Bynum in a recent study of "Citizen Perceptions of Police Services: Race, Neighborhood Context, And Community Policing" state that:

> It is apparent that there is a need to expand current models of satisfaction with the police and police services in light of community policing. Examining only the community-policing portion of the analysis reveals the importance of dissatisfaction with police contacts in the community policing process. Perceived crime and quality of life are of less importance than is how people felt about their interactions with the police and their communities in general; the nature of police-citizen interactions is especially important in predicting perceptions within the community-policing process.[44]

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[43] ***Supra*** note 12, at 9.

[44] Schafer, Joseph A, Huebner, Beth M, and Bynum, Timothy S. "Citizen Perceptions of Police Services: Race, Neighborhood Context, And Community Policing"; Police Quarterly, Vol. 6 No4 December 2003, Page 461.

Despite such observations, how community policing has affected the attitudes, values, and abilities of front-line officers and their interactions with citizens has remained "largely unclear".[45]

Studies indicate that crime and quality of life are rated as less important than how people feel about their interaction with police represent a significant challenge to the implementation and success of collaborative policing practices and signals how important it is that police organizations to redefine their roles as members of society, how they measure success, and how they respond to the diversification and evolution of their communities, within the context of increasingly fragmented societies.[46] Collaborative policing, unlike enforcement based policing, is much more dependant on the 'qualitative' nature of policing.

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[45] Novak, Kenneth J., Fiftal Alarid, Leanne, Lucas, and Wayne L., "Exploring officers' acceptance of community policing; Implications for policy implementation", Journal of Criminal Justice, 31, 2003, Page 57

[46]According to Census Canada 73% of the population in 1951 claimed their origins as British, where in 2001 only 12% reported their origins as British. By 2001 diversity within Canada had enlarged to include those with Southern European origins to 19%, East and Southeast Asian origins to 18%, South Asian origins to 13%, and Eastern European origins to 6%. Similarly in 1951 only 85 FNP were recorded as residing in the Toronto. By 1961 that number had grown to 1,196, and then to over 20,000 by 1971. Today there are over 100,000 FNP in the Metropolitan Toronto area, including status and non-status Indian, Metis and Inuit. Furthermore, 2001 data indicates that 44 per cent of Toronto's population was born outside Canada and that one in five people living in Toronto have been in the country for less than 10 years. Significantly the proportion of newcomers to Toronto unable to speak either English or French increased from 38.0% in 1997 to 46.8% in 2001. [46] This diversity is not unique to Toronto and these numbers emphasize the evolution of large metropolitan centres like Toronto as being richly multicultural. This increasing diversity is reflective of globalization and repeated in major metropolitan centres across North America and Europe. Oakland, California for instance according to a census conducted in 2000 indicated that it's population was 34.7% Caucasian, 37.6% African American, 17.4% Asia Pacific Islander, 14.1 % American Indian and Alaskan Native. This survey also indicated that 43.1% the youth between the ages of 5 and 17 consisted of African American, 27.5% Hispanic, 26.3% Caucasian, 15.3% Asian, 1.2% Pacific Islander, 1.9% Native American, and 18% other (Lai, 2005). Similarly, according to a 2001 census 26% of persons born in Australia had at least one immigrant parent.

*(The challenges presented by the traditional standards of measurement are central to the implementation of collaborative policing and are therefore discussed in greater length in the section titled **"Measurement of collaborative practices"**.)*

Although it may be self-evident, organizations continue to underestimate how much negative citizen perceptions threaten the efficacy of community policing efforts. Organizations that enact collaborative practices must therefore commit to an ongoing awareness that negative contacts with the public hampers the level of success they achieve.[47] Inherent to the philosophy of community policing must be a heightened emphasis on positive community contact.

Although Shonholtz's rational expound the values of diversity and conflict,[48] others present a more pessimistic view. Samuel Huntington for instance notes that global relationships are configured along cultural lines in which peoples and countries with similar cultures, ethnicities, religions and civilizations coalesce while those with different cultures come apart.[49] Huntington observes: "In coping with identity crisis, what counts for people are blood and belief, faith and family. People rally with those with similar ancestry, religion, language, values, and institutions and distance themselves from those with different ones." [50] This 'clash-of-civilizations' thesis has produces a sharp debate among social scientists arguing that the effect of civilizational differences will be most

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[47] ***Supra*** note 44, at 21.

[48] ***Supra*** note 14, at 10
Shonholts notes: "…that diversity and the complexity of societal life directly encourages the strengthening of non-state social entities."

[49] Huntington, Samuel P. The Clash of Civilizations, 1997, Page 125-126.

[50] ***Supra*** note 49, at 23.

evident in intrastate conflicts rather than in interstate disputes, and that the dangers of escalation in inter-civilizational conflicts rather than the frequency of wars will be a significant factor for domestic policy.[51]

This dynamic, regardless of the intensity with which it is experienced, influences how communities themselves relate to one another and their perceptions towards police and how they themselves resolve conflict. The 'clash-of-civilizations' thesis presents a significant challenge to the values of collaborative policing and community justice, if not sharp contrast to the fundamental values of collaboration embodied in Shonholtz's rational.[52]

Shonholtz's rationales like community mobilization and collective self-efficacy are also impeded by the fact that much of the conflict between various cultural groups is often about the sharing of power rather than norms.[53] Bernard Mayer notes that:

> Much of what appears to be cultural conflict is really an attempt at cultural domination or forced acculturation. When one culture is in a more powerful social position and can impose many of is norms and structures on other cultures, then the dynamics of dominance and submission must be considered. Under these circumstances, the less dominated culture is likely to learn a great deal about how to operate within the more powerful culture. It is less likely however that the

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[51] ***Supra*** note 49, at 23.

[52] ***Supra*** note 14, at 10.

[53] Holloway, Aisha, Watson, Hazel, Role of Self-efficacy and Behaviour, International Journal of Nursing Practice, Vol. 8, 2002, Pages 106–115.
Self-efficacy within the context of this paper is defined as the ability of an individual or group to act as agents capable of proactively engaging in their own development and able to make things happen by their actions. Self−efficacy is the strength of an individual or group to collectively decide to act and to make the choice of whether to persist with a course of action despite difficulties or setbacks or disapproval from others.

> dominating culture will learn as much about how to work within the less advantaged group. But dominance and influence are different phenomena. The less powerful culture may in fact intrude many of its norms into the more dominant group, despite its weaker position.[54]

Mayer's observations are important to collaborative policing for several reasons: First, because they provide a framework for organizational conservatism and an us-against-them attitude, particularly among those who lack cultural fluency or are predisposed to resisting collaborative policing practices.

Mayer's framework provides insight into why police officers whose background is from a dominant group or mainstream may be more likely to be threatened by the efforts of a minority group, despite the minority group's weaker positions, in attempting to impart their norms into the culture of the more dominant group; an imposition which may be interpreted by those in the dominant position as a wrestling away of status from those who have traditionally been in more powerful positions, hence causing resentment and withdraw from participatory processes. Mayer's observation also identifies the potential, however limited, of a power imbalance which can occur in favor of less dominant groups which are able to project their own norms into those of more dominant cultures.

Diversification of modern societies is also significant from the point of view of how police organizations respond to changing cultural values and norms within police organizations themselves (i.e. how well organizations welcome diversity be it gender, cultural, or class). It is not enough therefore to simply adopt the types of rationals

[54] Locke, D., "The Essentials of Project Management Gower", Page 55.

defined by Shonholtz without understanding culture, its complexities, and myriad of influences on those engaged in the policing of heterogeneous, and often fragmented, communities.[55]

Despite Mayer's observations, it must also be noted that not all attempts to gain power and influence by members of disadvantaged communities is about developing equity, nor is it necessarily representative of the various sub-cultures within a community.[56] Community mobilization is not a straightforward process which can be orchestrated through policy implementation. Mobilization and collaboration requires sophistication in cultural fluency which is adaptive and responsive to issues that can arise from fragmented and complex communities, particularly within the context of rapid globalization and fluctuating perspectives of the values associated to diversification and globalization.[57]

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[55] Macfarlane, Julie, Dispute Resolution: Readings and Case Studies, Pages 83-90
Julie Macfarlane notes that studies of culture and conflict also indicate there is often much diversity within communities, reflecting a range of orientations. Intra-cultural conflict can be exemplified in a wide range of opinions. The diversity of views within Canadian society over issues surrounding Afro-centric schooling, or American views on abortion are examples of intra-cultural differences. Equally, the impact of cultural norms particularly with regard to nationality or ethnicity can be overestimated and lead to an oversimplified analysis of disputing behavior leading to stereotyping according to national or ethnic characteristics. Stereotyping however disguises the true complexities of conflict and the relationships of those involved in conflict.

[56] This tension for the expression of norms and exertion of dominance is not restricted to police or obviously dominant and less dominant cultural groups as with western values versus those of immigrants; It is also expressed within groups where the differences are less clear. At Ipperwash this tension was seen and demonstrated internally within the struggles between the Chippewas of Kettle and Stoney Point First Nation and the Aazhoodena people. Although, the tensions between these groups had a significant impact on the events leading up to the shooting of Dudley George, they were not generally discussed. This was an indication of the less powerful group influencing the views and activities of the more dominant group (the non-aboriginal community near Ipperwash as well as other non-aboriginal groups within Ontario and Canada). This observation is based on the author's involvement as a member of the Ipperwash Inquiry staff.

[57] Flynn, D. "Defining the Community in Community Policing", Police Executive Research Forum Monograph: U.S. Department of Justice Downloaded from http.//www.policeforum.org/cp.pdf.

Police services must confront two issues: First, processes for the development and maintenance of cultural fluency[58] and high competency and quality of front-line police practitioners, and secondly the facilitation and development of capacity, through processes for community mobilization, within fragmented communities themselves for dealing with conflict.

Despite resistance to change,[59] one of the ways in which police services have attempted to enlarge their cultural fluency has been through a commitment to the diversification of police demographics.[60]

Research into the relationship between ethnicity and acceptance of community policing programs indicates the importance of workplace diversification for community self-efficacy. Novak, found that minority officers not only favor community policing over

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[58] LeBaron, Michelle. Bridging Cultural Conflict: New Approaches for Changing the World, Pages 83-90
Michelle LeBaron defines cultural fluency as involving the development of a competent familiarity with cultures including their nature, how they work, and how they intertwine with our relationships in times of conflict and harmony. Fluency also includes being aware of other cultural dimensions including communication, ways of naming, framing, and taming conflict; approaches to meaning making; identities and roles; perception; and meaning-making processes. According to LeBaron fluency must be adaptive and responsive to a constant flux in the conditions of the multi-layered nature of cultural dynamics; a dynamic which often results in more diversity within than between cultural groups.

[59] ***Supra*** note 9, at 7.

[60] Cryderman, Brian K., O'Toole, Chris. Police Race and Ethnicity, Page 49
As an example in 1982 the Metro Toronto Police Force had 5,600 officers of whom only 10 were representative of visible minorities, and only one of who held the rank of Staff Sergeant. Similarly the Peel Region Police in 1983 was comprised of 705 officers of whom only 12 were representative of visible minorities of which only one was a Sergeant and one Detective Sergeant. Despite these and other challenges most major services have moved forward and by most standards made remarkable advances since the late 80s. In contrast to the demographics of 1982 the Toronto Police Force's recruit class in 2006 consisted of 144 graduates of whom 54% were women and visible minorities. Furthermore, of the four deputy chiefs one is a black officer and the second a female officer. These demographics have in themselves had a positive influence in empowering members of the multivariate communities by enabling access, influence, and impact on their police organizations.

their white counterparts they also tend to be more intimately tied with the urban communities they serve.[61] Police organizations that are demographically representative of their communities tend to be more sensitive and understanding of ethno-cultural diversity, community norms, and community expectations. This enhances the capacity of community policing programs to respond in ways that are perceived and received by communities as being equitable and effective, but more significantly, sensitive to their underlying needs and expectations. Increased workforce diversity may also be expected to positively impact on the capacity of police services to recognize and mobilize community assets for collaborative partnerships.[62]

This expectation is supported by researchers in ADR, including Michelle LeBaron who observes that in addition to the obvious advantages of representation, diversity enlarges an organization's capacity for learning and responding to the large aspect of culture which lies below the surface, influencing identities and meaning-making, self-perceptions and what we care about – "those symbolic parts of cultural identity which lie largely outside of conscious awareness".[63]

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[61] ***Supra*** note 45, at 22.

[62] Austen, Peggy , "Community Capacity Building and Mobilization in Youth Mental Health Promotion", Health Canada : http://www.phac-aspc.gc.ca/mh-sm/mhp-psm/pub/community-communautaires/index.html#2.

[62] Bollard, John, McCallum, Deborah, "Neighboring and Community Mobilization in High-Poverty Inner-City Neighborhoods", Urban Affairs Review, Vol. 38, No. 1 September 2002 Pages 42-69.

[63] LeBaron, Michelle, Bridging Cultural Conflicts: A New Approach for a Changing World, Page 32-52.

Workforce diversification can present its own challenges. Eugene Paoline, Stephen Myers and Robert Worden, note that changes in the composition of police personnel can contribute to a further fragmentation of the police culture and an even greater heterogeneity in their occupational outlooks.[64] Paoline, Myers and Worden write:

> "…the demographic diversity of police has altered the patterns of interactions among officers because minorities and women have not been accepted readily into the traditional culture. Furthermore, because not all officers come from the same social background, and because they have career alternatives to policing, officers' attachments to the occupation and the peer group may be weaker than in the past. Acculturating forces therefore may be less powerful now than they once were; as a result, pre-service socialization and outlooks would affect the development of officers' occupational outlooks more strongly. As police forces have become more diverse, then, one might expect to find greater variation in officers' adaptations to their working environment and greater covariation between their outlooks and their backgrounds."[65]

The dynamics of change threaten traditional vocational values and norms, as well as the potential fragmentation of the traditional police culture, which once was perceived by police officers to be a bastion of solidarity, as represented by the notion of the "blue wall of silence". Ethnographic changes therefore not only pose a challenge to the existing power dynamics between the police and the communities they serve but also within police organizations themselves.[66]

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[64] ***Supra*** note 9, at 7.

[65] Ibid, Pages 575.

[66] ***Supra*** note 9, at 7.
In a more recent article Martin Innes; in "Why 'Soft' Policing is Hard: On the Curious Development of Reassurance Policing, How it Became Neighbourhood policing and What This Signifies About the Politics of Police Reform" Journal of Community & Applied Social Psychology, Vol. 15, 2005, Page 156-169 also notes; "And yet, despite the manifest benefits that flow from effective soft policing, research shows that trying to introduce a style of policing that promotes soft policing and in the process challenges the cultural

While resistance to workforce diversification, weaker vocational attachments, and less powerful acculturation forces may all have some negative influences on organizational cohesiveness, they may also serve to mitigate traditional attitudes of machismo and an 'us-vs. -them' mindset.[67] The benefits of comparatively less powerful acculturation forces combined with pre-service socialization, noted by Paoline, Myers and Worden, outweigh the negative impacts by enlarging the capacity for police leaders to implement philosophical change; change which would likely have been subject to much greater resistance prior to organizational diversification.

Despite the contribution of the courts, oversight processes and the best efforts of police organizations themselves, there is no simple method for dealing with the multi-layered and often conflicting roles of police officers. The implementation of community policing programs will continue to be affected by social and economic factors over which police leaders and program managers have little control.[68] The best that may be expected is a

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sustained orthodoxy of what constitutes 'real' police work in the eyes of 'street cops' tends to result in significant tension and oftentimes implementation failure (Irving et al., 1989)."

[67] A pervading attitude of police machismo, a sense of 'us against them', and cynicism amongst front-line officers has been found to be a consistent factor even when compared to socially, politically, and culturally different countries including the USA, Canada, Australia, Japan, Korea, and India (Oberschall, 1978; Andy Myhill, 2004; Moon, 2006).

[68] Sandler, Mark J., Tuck-Jackson, Andrea, E.E.; Submission on Behalf of the Ontario Provincial Police and its Senior Officers, 2003, Available @
http://www.ipperwashinquiry.ca/closing_submissions/pdf/OntarioProvincialPolice
The OPP's submission during the Ipperwash Inquiry noted the importance of cultural competence in dealing with conflict: "Since 1995, the OPP has introduced a wealth of initiatives to build respectful relationships with Aboriginal communities, to promote self-determination by First Nations communities of their own policing needs, and ultimately self-directed First Nations police services where practicable. Those initiatives have radically changed how OPP officers are selected and trained; how diversity in the ranks of officers and managers is valued and promoted; how cultural awareness is taught as part of an ongoing commitment by the organization throughout the career of an officer, and how specialty programs, such as ERT, TRU, Crisis Negotiation, POU, Incident Command, and Intelligence have evolved to reflect, in the context of Aboriginal incidents, best practices including relationship building, cultural competence, and preventative and proactive policing. New specialty programs have been introduced, such as ART,

continuing process of checks and balances which cause police leaders to develop flexible, yet rigorous strategies that are responsive to the constantly evolving and often contradictory conditions in both the internal and external environments of police organizations as well as their communities.[69] Effective policing programs must not only address substantive issues but also be committed to addressing the underlying attitudes and perceptions that police officers have of their communities, of themselves, as well as the attitudes of citizens towards their potential police partners.

Legitimacy and Mobilization-

Studies of citizens' perceptions of police services have shown that a citizen's neighbourhood culture can play an important role in generating and sustaining perceptions of the police, particularly for those citizens who do not have routine, direct contact with police. Schafer, Huebner, and Bynum, found that the majority of respondents to community surveys had little or no contact with the police in the preceding year.[70] 'Vicarious' contact therefore play a significant role in shaping views of police and police services, because such individuals evaluate the police using their neighbourhood culture or context, including real or perceived rates of crime rather than basing their perceptions on personal experiences. Citizens may be predisposed to view the police in a particular fashion based on the collective experiences and norms within

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MELT, and Crisis Mediation. They now all operate within a Framework that emphasizes flexibility, relationship building, dialogue, knowledge and awareness of Aboriginal perspectives and culture, and the use of force only as necessary and as carefully measured. Some of these initiatives are innovative, and unique to the OPP. A number also accord with the development of best practices by other large police services."

[69] ***Supra*** note 12, at 9.

[70] ***Supra*** note 44, at 21.

their neighbourhood and, according to Schafer, often base their opinions on the experiences of their neighbors and peer rather than their own.[71] These factors can have a significant influence on the nature and level of self-efficacy and community mobilization.

Failure to address these underlying attitudes and perceptions weaken relationships and perpetuate assumptions by the community that police are incompetent and unfair, as well as assumptions by police that non-state social entities be transferred to state control. Furthermore, any solutions to social conflict by either side may, as noted by Shonholtz, be perceived to be coerced resolutions which have inherent limitations.[72]

Lack of self-efficacy, particularly in deeply divided communities where there is no sense of common community makes it difficult for people to deliberate or reflect on a common problem, because there is no sense of "we".[73] Collaborative policing programs must attempt to respond to the need for mobilizing both inter as well as intra-cultural bonding through a process of "neighboring" or "bonding", which John Bollard and Deborah McCallum identify as a willingness of community members to share in the more mundane activities of daily life. [74] Although difficult to measure, the degree to which these inter and intra-group bonding occurs (amongst both those who belong to the

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[71] Schafer, Joseph A, Huebner, Beth M, and Bynum, Timothy S. "Citizen Perceptions of Police Services: Race, Neighborhood Context, And Community Policing"; Police Quarterly, Vol. 6 No4 December 2003, Page 440-468.

[72] ***Supra*** note 14, at 10.

[73] ***Supra*** note 16, at 11.

[74] ***Supra*** note 62, at 28.

dominant cultural group as well as between less dominant groups) may provide a good measure of a community's capacity for mobilization. Police services must develop strategies and processes which deal with the realities of both, Huntington's observations that diversity contributes to partisanship and crafting conditions that are conducive to overcoming differences and creating opportunities for bonding and self-determination (an ethic of care).[75]

One approach to addressing issues related to various cultures within the criminal justice system involves cultural experts, or "cultural interpreters" who act as ombudsmen in the identification of issues, training of practitioners, and resolution of grievances.[76] Others prefer structures such as "ethnic conciliation commissions"[77]. These strategies may effectively result in an outsourcing of expertise and responsibility and do not necessarily address the underlying issues, nor do such proposals recognize the fact that affected communities often possess the necessary expertise and ability to identify, prioritize, and solve local issues.[78] Meaningful community involvement is essential in effectively minimizing perceptual dissonance and improving response times to community

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[75] Grillo, T. "The Mediation Alternative: Process Dangers for Women". Dispute Resolution: Readings and Case Studies, 2nd Edition, 2003 Page 62

[76] Chin, William. Y. ""Multiple Cultures, One Criminal Justice System: The need for a "cultural Ombudsman" in the courtroom"" Drake Law Review, Vo. 53, 2004-2005, Page 651-665.

[77] Raymond, The Role of Minorities in Establishing Mediating Norms and Institutions in New Democracies, Mediation Quarterly, Spring 1993, Vol. 10, No. 3, Page 231-241.

[78] ***Supra*** note 62, at 28.
The Public Health Agency of Canada notes that "Capacity building places the emphasis on existing strengths and abilities, rather than being overwhelmed by problems or feelings of powerlessness. It is not possible for outsiders to come into a community and create capacity. Capacity building is not likely unless the community has the assets to begin with and the will to mobilize these assets. Assets cannot be fabricated or imposed. Communities are never built from the top down or the outside in.

challenges. An opposing view, particularly from the perspective of societies with fragmented communities, may however uphold the benefit of third party intervention in consolidating the fragmented power of various communities into a single articulable voice. Raymond Shonholtz notes that:

> In segmented communities, specific population groups are able to come together, but they may not have the tools to deliberate on their needs or develop an action plan. The deliberative process is designed to make a specific community cohesive on its issues. This citizen process can have the effect of organizing a community around common objectives and does not have government officials as participants. However, once it has defined its common objectives, the community needs to bring in others, and begin a new process that includes multiple stakeholders. This is more like the cooperative planning process. Coherent communities are able to utilize cooperative planning processes precisely because the stakeholders are in a relationship with one another and reachable. In such societies, there is a "we" when discussing the specific problem. The problem they are working on defines who the stakeholders are. In building a culture of democracy, it is essential that we build the relationships between people that will provide civic actors with the ability to initiate engage and interact with others to achieve common ends.[79]

Approaches which seek to centralize expertise, whether through collaborative community programs such as those exemplified by the CIT or those of a cultural ombudsman, [80] threaten the very principles espoused by Schonoltz - namely that these collaborative endeavors, even when temporarily implemented by government authorities outside of the community itself, diminish the responsibility of the individual and neighbourhoods in exercising responsibility for dealing with conflict and weaken non-state social entities by

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[79] ***Supra*** note 16, at 11.

[80] ***Supra*** note 32, at 18.
Memphis Police Department's Crisis Intervention Team (CIT), which involves collaborative partnerships between uniformed police officers and trained mental health nurses to meet special needs related to calls involving persons with mental illnesses.

presenting the assumption that they are incompetent or incapable of self-efficacy,[81] and must therefore be considered with exceptional care and consideration of the affects.

Regardless of the process, the strengthening of non-state social agencies is central to community mobilization, a term now generally adopted by most police services. Like 'community', and 'community policing', the definition of community mobilization remains elusive.[82] There are a number of common elements that describe community mobilization. Community mobilization refers to the community's ability to undertake collective action including the community's capacity to develop: a sense of community, shared vision, knowledge, skills and abilities, resources (physical and financial), leadership and participation of a broad and representative range of community members, willingness and motivation, infrastructure (supportive institutions, physical resources), enabling policies and systems.[83] Mobilization is a community's capacity for collective

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[81] ***Supra*** note 14, at 10.
This ability of groups, or individuals, to come together to deliberate on their needs or develop an action plan effectively amounts of community mobilization and is also consistent with the definition of self-efficacy adopted for this paper as noted at *Supra* note 53, at 25.

[82] Public Safety Canada notes that: "A fully integrated theory of community mobilization within a model of community change has not yet been developed, and there is no standard "recipe" for mobilization around any issue or for any given community context. Nor has a systematic analysis of community mobilization around crime prevention been attempted in the literature. By drawing upon studies that have been conducted in fields such as community development, health promotion, social development and economic development, as well as crime prevention, however, it is possible to identify some common "elements" of good practice in mobilization processes."

[83] ***Supra*** note10, at 8.
The health of a community to engage in collaborative practices is dependent on opportunity and capability, and according to Public Safety Canada can be summarized to include the following:
Human capital – the skills, knowledge, attitudes, and understanding of people who are part of the community, which may include those who are resident and non-resident.
Social capital – the breadth and depth of social relationships and the extent to which these are integrated within the community and can be used to promote collective identity, common values, trust and participation

self-efficacy in the same way that community justice aims to mobilize communities to institute restorative and participatory processes based on concepts such as 'social contract' and 'public shaming'.[84] The challenge to mobilization lies in the fact that states and dominant groups are likely to respond by developing strategies to safeguard their own interests;[85] a tendency contrary to Shonholtz's rational that diversity and the complexity of societal life directly encourage the strengthening of non-state social entities. This conservatism can be conceptualized in terms of what Shonholtz observes as a comparison between the development of authoritarian and democratic states. Shonholtz writes:

> "Under authoritarian regimes, issues are treated as conflicts because they are managed through forums of repression, violence, or ideology. Moreover, existing settlement mechanisms are always subject to political influence and accordingly politicized depending on the parties, the issues, and regimes of interests. While democratic forums are designed to resolve differences peacefully, systems established by authoritarian regimes are, by design, subject to external influence, manipulation, and suppression of issues.[86]

Spiritual/Cultural capital – includes values, symbols, rituals, traditions, art, language that are used to promote identity and common visions.

[84] Braithwaite, John, Crime Shame and Reintegration, Page 2.
Braithwaite notes that the Pashtoon, an ethnic group in Afghanistan hold a ceremony called the Nanate describes as follows: "The Nanate is a ceremony where the criminal offender brings flour and kills a sheep for a community feast. Often this will be held at the victim's house, where the victim will participate in cooking the food the offender brings. At the ceremonial part of the event, the offender will not be told that he is bad and is need of reform, but rather that "You have done an injustice to this person". At the same time the offender will be assured that "you are one of us and we accept you back among us". The success of the conference is directly relates to two principles, use of shaming to induce conformity with social norms (social contract), and personal remorse leading to the re-establishment of personal bonds between the offender, the victim, and their community. There is also a third dynamic, which is present within rural and aboriginal communities, one that involves the responsibility of an individual to avoid inviting stigmatization and shame on one's family.

[85] ***Supra*** note 26, at 15.

[86] Shonholtz, Raymond, "The General Theory on Conflicts and Disputes" Journal of Dispute Resolution, November 2003, Vol. 2003, No. 2, Pages 405
The use of repression and coercion are not restricted to authoritarian structures. Coercion and repression are a reality in all structures of governance and social order. The challenge within democratic structures such as those represented by collaborative community policing is the willingness to accept the reality an

It is the nature of the "partnerships" at which the issue of legitimacy lies. Partnerships may be ***tokenistic*** where services are provided for the other without asking the alleged partner what they need; they may be ***manipulative*** which includes hand-picking who get what-determined on who toes the line; they may be ***informing*** wherein the other is given real information (although this may only be a one way transfer of information); they may be ***consulting*** partnerships where people- through surveys, neighbourhood and public meetings determine common practices but where the power continues to reside with the consulter; or there can be ***partnering*** which involves genuine negotiations about power and developing appropriate balances between partners and real joint endeavors. Community mobilization remains illusive given that the pursuit of collaborative practices has not indicated any substantial progress beyond tokenism, manipulation, informing, and consulting at best. Collaboration in community policing does not generally incorporate communities, invite participation, share power, or provide the degree of sustainability required to access human, social, or spiritual capital with affected communities; and seldom meets the highest degree of participation represented through partnerships which include and support actual delegation of power.[87] Despite these challenges many police organizations continue to extol the virtues of collaboration, altruism, and a commitment to care.

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existing tension with the needs of the individual and those of the collective group (state) and to recognize that conflict can have a positive value in educating, informing and expanding relationships amongst the stake holders. Furthermore, individuals and groups in asserting self-efficacy may also use repression, coercion, or confrontation within democratic societies. Bernard Mayer writes "Sometimes individuals or groups must develop their potential to exercise power and demonstrate their willingness to use it before less confrontational approaches can be effective: See Infra note 102, at 42.

[87] Layton, Catherine, Jennett Christine. "Partnerships in Policing and Evidence-based Practices in Crime Prevention: Are they incompatible?" Australian Institute of Criminology, Pages 6-7.

Ethics of care-

As police organizations become increasingly democratic, they recognize the failure of tokenism and of programs that do not take into account the human, social, and spiritual/cultural capital of affected communities.[88] This recognition has provoked police leaders to become increasingly responsive to the theoretical and practical aspirations of communities. Police leaders are thus taking a more active role in the advocacy and participation of larger social justice issues, including some that had previously been positioned outside the jurisdiction of traditional police responsibilities.[89] Police practitioners, like their counterparts in the restorative justice movement, are recognizing that traditional police-justice practices have often placed victims of crime in what Mark Umberti notes as totally passive positions, oftentimes not even receiving basic assistance or information, thereby leaving victims feeling powerless and vulnerable within the criminal justice system. Sometimes more vulnerable community members even feeling twice victimized,[90] first by the offender and then by the criminal justice system, which often demonstrates limited care or time for the victim.[91]

Recognition for such community needs and aspirations can be seen in the statements of police executives like Charles Pollard (Chief Constable of the Thames Valley Police)

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[88] Homel, Peter "Issues in policing Partnerships: US/Australia Comparisons; Crime Prevention Division", Attorney-General's Department, NSW, Australia, 1998.

[89] Police leaders are increasingly involved in the lobbying of legislation in areas such as gun control, child sex tourism, and mental health, pornography, and alternative sentencing programs.

[90] Vulnerable members of communities include but are not limited to those who suffer from mental illness, substance abuse, and new immigrants.

[91] ***Supra*** note 8, at 7.

who has openly criticized the New York Police Department's experiment with "zero tolerance" policing which has its basis in the 1980's "broken windows" [92] theory and which continues to enjoy popularity amongst many American police administrators. Pollard, in keeping with Shonholtz's theory,[93] notes that:

> (N)o matter how effective the police are in tackling street level crime on their own, the results are unlikely to be successful or lasting unless they work in close partnership with other public service agencies. This is simply because the signs of urban decay are indicative of a broad range of problems, not just crime. The causes are interlinked and must be responded to in a co-ordinated way. Police efforts on their own will have little impact if they deal effectively with drunks, vagrants and anti-social groups of youths, but the neighbourhood is still scarred with broken windows, boarded up buildings, derelict cars, graffiti and litter.[94]

Such statements indicate a new willingness amongst some police leaders to recognize the importance of collaborative responses to the underlying influences on crime (including economic, cultural, psychological, and pathology), but more importantly of an increasing willingness amongst police executives to challenge traditional police practices that fail to look beyond merely enforcing rules. Furthermore, such statements confirm the inability of law enforcement alone to effect lasting changes in the absence of community collaboration, a view consistent with the likes of Julie Macfalrane who notes that:

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[92] Wilson, James Q., Kelling, George L., "The Police and Neighborhood Safety: Broken Windows", www.manhattan-institute.org/pdf/_atlantic_monthly-broken_windows.pdf
The essence of Broken Windows is that minor incivilities (such as drunkenness, begging, vandalism, disorderly behaviour, graffiti, litter etc.), if allowed to continue unchecked and uncontrolled, produce an atmosphere within which more serious crime can flourish.

[93] ***Supra*** note 14, at 10.

[94] ***Supra*** note 88, at 38.

> Models of conflict analysis that understand conflict through the prism of rules that will "set things right, or fail to consider its underlying causes, provide only a partial explanation for the evolution of dispute.[95]

Police leaders are starting to take an increasing interest in addressing the underlying influences on crime. Some police chiefs have even suggested that policing adopt a "Hippocratic" commitment to society for the creation of a philosophy that is reconfigured as a therapeutic ideology.[96]

Mark Clarke (Police Inspector, Queensland Police Service, Australia) writes:

> There has to be a "totem", to which the individual is connected, for the underpinning justification of a work related action. The Hippocratic oath and medical ethics provides justification of a work related action. The Hippocratic oath and medical ethics provides a "totem" for the medical practitioner and health organization. The well being of the patient is the ready reference point for all decisions in that public service area. The philosophy of victim-centered policing may provide a similar effect for the policing practitioner and policing organizations. [97]

This victim centered policy, with its basis in the ethic of care and specific concern for the victim, is not dissimilar to that advocated by prominent dispute resolution scholars like Carrie Menkel-Meadow who argues that the "ethic of care can and should be brought into the practice of law".[98] This ideology imported into some community policing programs

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[95] Macfarlane, Julie; Dispute Resolution: Readings and Case Studies, Page 43

[96] Clark, Mark, "The importance of a new philosophy to the post modern policing environment" Policing: An International Journal of Police Strategies & Management, Vol. 28, No.4, 2005, Page 642-65
Mark Clark is an Inspector with 31 years of policing experience with the Queensland Police Service in Australia.

[97] ***Supra*** note 96, at 40.

[98] ***Supra*** note 75, at 33.

not only exhibits similarities to the development in restorative justice, it may in fact be a direct outcome of the greater changes brought about by the ADR movement and the resulting restorative justice partnerships between the criminal justice system, the police, and ultimately with disenfranchised communities.[99]

Instances where community members are invited into crime management processes where substantive decisions for deployment of police resources are decided remain exceptions rather than the norm. [100] Most community involvement, such as those represented by community police liaison committees (CPLC), continues for the most part to be symbolic gestures of the type identified by Catherine Layton and Christine Jennett[101].

Bernard Mayer writes "Sometimes individuals or groups must develop their potential to exercise power and demonstrate their willingness to use it before less confrontational approaches can be effective."[102] Mayer's observations are particularly poignant in describing communities which must evolve past fragmented groups to form a common voice in pursuit of self-efficacy. Such groups no longer need advocacy of the type identified by Shonholtz. Instead, these "Coherent communities are able to utilize

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[99] The types of partnerships exemplified by drug treatment courts, post-charge diversion sentencing program, and therapeutic courts- however limited

[100] ***Supra*** note 18, at 12.
Innes notes: "It should be clarified that the position of collaborative policing is not that policing priorities should be wholly determined by local communities, but rather that they should be provided with some input into shaping what these priorities are.

[101] ***Supra*** note 87, at 37.

[102] ***Supra*** note 1, at 2.

cooperative planning processes precisely because the stakeholders are in a relationship with one another and reachable. In such societies, there is a "we" when discussing the specific problem."[103]

Many police leaders remain grounded in the traditional belief that police organizations are meant primarily to respond to crime and disorder.[104] These same leaders would argue that, while they are active partners in the well being of their communities, they are not responsible for the definition of social norms. Policing for many senior police officers remains primarily about responding to those components of society that have deliberately or otherwise decided to violate societal norms (legislated rules or regulations) and nothing more. The danger to collaborative policing lies in policing's failure to develop meaningful collaborative partnerships that keep pace with the development and capacities of communities. The resulting dissonance caused by hollow extolments can result in frustration and anger adding to existing conflict.[105]

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[103] ***Supra*** note 16, at 11.

[104] ***Supra*** note 45, at 22 **AND**
Fleissner, Dan, Heinzelmann, Fred, "Crime Prevention Through Environmental Design and Community Policing", http://www.ncjrs.gov/pdffiles/crimepre.pdf

[105] First Nations Peoples (FNP), a community which has historically been marginalized and economically impoverished, despite their marginalization have been extremely effective in mobilizing themselves towards empowering their communities towards influencing social policies, justices, and economic advancement. Although FNP continue to be impoverished and marginalized within the dominant Canadian culture, FNP have been successful in affecting the outcome of significant national issues including Meach Lake, Charlotte Town Accord, and recognition within the Charter. Canadian FNP have also been successful in receiving recognition at the United Nations, securing significant land claims, and reparations for past injustices. These achievements are indicative of an increasing mobilization and empowerment, a process that is not greatly dissimilar to that being sought by high-risk inner city communities across North America. The events leading to the Ipperwash Inquiry, although negative in many regards, are reflective of the extent of which community mobilization can hold police, politicians, and government accountable for un-met promises.

Given these challenges advocates of collaborative processes should be tempered by the simple reality that it might be unrealistic to assume that any police organization (particularly large urban departments) can magically change their organizational philosophy overnight. Furthermore, advocacy must also be tempered by the fact that policing can never be wholly based upon soft power or wholly founded on hard power. [106]

Measurement of collaborative practices-

Even in instances where community-based policing may contribute to basic changes in values, structure, operations of communities or elements of communities, the dynamics and impact of these strategies cannot be determined in the absence of suitable measurements. Many of the evaluative processes presently used by police services do not meet the needs of the emerging collaborative paradigm. Schafer notes for instance that: "it is apparent that there is a need to expand current models of satisfaction with the police and police services in light of community policing."[107] The measurement of collaborative practices presents challenges for assessing collaborative practices or public perceptions of police services.[108]

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[106] ***Supra*** note 18, at 12.

[107] ***Supra*** note 44, at 21.

[108] Mazerolle, Lorraine, Rombouts, Sacha, and McBroom, James. "The Impact of Operational Performance Reviews" (OPRs) on Reported Crime in Queensland", January 2006, http://www.memphispolice.org/communit.htm

The two largest municipal police services in North America, New York City and Toronto, both employ a similar crime management process, namely COMPSTAT in New York (In 1994 the New York City Commissioner, William Bratton, implemented a new, strategic approach to crime control and order maintenance that he coined "COMPSTAT"- a management strategy designed to reduce, prevent and control crime) and STATCOM in Toronto. While both processes use great detail to measure traditional policing parameters including major crime indicators such as rates of murder, sexual assault, assault, robbery, break and enter, theft over, and auto theft there is notable absence of the types of parameters that

Without qualitative measurements of the benefits of community policing practices, it remains unclear how successfully these collaborative programs address the underlying 'interests' of those who are victimized by crime, affected by deteriorating of quality of life, or subject to misunderstood or misdirected authoritative intervention. The development of valid parameters for measuring or assessing the effectiveness or usefulness of community based policing in addressing these underlying interests remain an obstacle to the acceptance of these collaborative programs.[109] In the absence of such measurements, neither the legitimacy nor the adequacy of collaborative community-based programs can be determined.[110]

The effectiveness of community policing programs is dependent on two factors: the willingness of communities to participate in a program, and their impact on the participant (individual, community, and culture). Because police programs are being filled to capacity does not in itself mean that the right communities have been targeted and mobilized, nor does it reflect the legitimacy ascribed to a specific program or police service. Similarly, clearance rates (percentage of criminal cases where an accused is

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are associated with the measurement of participatory policing practices. The Queensland Police Service in Australia employs its own version of COMPSTAT known as "Operational Performance Reviews" (OPR) which too is restricted to the measurement of crime, without inclusion of a qualitative component.

[109] Galanter, M., and Cahill M., "Most Cases Settle", Dispute Resolution: Readings and Case Studies, Page 804.

[110] ***Supra*** note 44, at 21.
Schafer writes: "There is little disagreement among administrators regarding whether community policing is the future of law enforcement in America; however, exactly how community policing has affected the attitudes, work environment, or the line level officer–citizens interaction remains largely unknown."

identified and arrested) do not necessarily reflect community satisfaction with their perception of the police.[111]

The development of appropriate and successful measurements and conclusions of community policing are constrained by a number of factors: The resistance to devolution of power to communities, resistance to having to become more responsive to the demands and agendas of communities; and reticence to the adaptations of the new substantive and symbolic indicators and measurements of the performance of new and different roles in policing (traditional vs. collaborative); having to negotiate solutions to problems rather than enforce them (persuasive policing vs. coercive policing); challenging dominant political sensibilities about the importance of crime and crime control; and demands for finding alternative ways to measure performance that recognize outcomes generated by collaborative policing.[112]

In addition to program specific measurements and evaluations, police organizations need to develop more effective evaluations of the overall organizational impact of community programs on citizens. Evaluations of collaborative practices do not generally receive the same attention as the measurement of other crime management processes.[113] This problem relates to the very nature of collaborative programs which generally emphasize

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[111] ***Supra*** note 44, at 21.
Schafer notes that perceived crime and quality of life are of less importance than is how people felt about their interactions with the police and their communities in general; the nature of police-citizen interactions is especially important in predicting perceptions within the community-policing process.

[112] ***Supra*** note 18, at 12.

[113] ***Supra*** note 108, at 43.

crime prevention – "problematic for practitioners in that it is an activity which results in non-crime", making it inherently difficult to distinguish whether a reduction in crime is actually a consequence of a particular intervention.

Moreover, as noted earlier "effectiveness is no longer measured in terms of the ability of the police to solve and clear crime rates; instead, effectiveness is determined in terms of the identification and solution of community problems.[114] Similarly, "efficiency" is defined in terms of a police organization's ability to utilize community resources (i.e. governmental, and non-governmental) to assist in crime prevention and problem-solving activities as opposed to achievement of rapid response times, clearance rates, and cost effectiveness. [115] These redefinitions have resulted in qualitative parameters that remain amorphous and therefore redefining how police leaders define success.

Galanter and Cahill writes:

> "In applying agreed standards or criteria to program evaluation, it would be possible to produce data to demonstrate how far a given system or process measured up to these standards in an absolute sense. However, most evaluation strategies do not examine the program under consideration in isolation, but, instead, compare it with a given alternative. Credible evaluation of an existing program, a feasibility study projected program, or a diagnostic evaluation in order to propose change requires a comparison between the system or process being evaluated and some other already existing alternative. The alternative becomes the "control" measure for the study, against which the "experiment" is measured. In evaluating ADR programs, the "control" measure is often the traditional adjudication process"[116]

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[114] ***Supra*** note 13, at 9.

[115] ***Supra*** note 13, at 9.

[116] ***Supra*** note 109, at 44.

These challenges parallel those currently faced by collaborative and community based policing programs, which like ADR programs, tend to be compared to the standards of traditional policing practices.

During the so called professional era[117] of policing, police administrators made an effort to develop performance appraisals which targeted qualitative performance evaluations based on the number of arrests, charges, or parking tickets issued by police officers.[118] Similarly, personnel evaluations were also designed to specify conformity by targeting unacceptable conduct such as mistakes in reports, and internal and external complaints leading to the development of a mindset of avoiding risks and mistakes, while devaluing innovative thinking. David Lilley and Sameer Hinduja note that:

> … raters that value diversity in people and can appreciate individual differences may produce more accurate ratings. However, one study indicated that police performance evaluators tended to give lower overall ratings to intelligent officers and higher ratings to officers that value conformity over individuality. Consequently, assuming those with higher evaluations are more likely to be promoted, a value for conformity may be enhanced among raters in police agencies.[119]

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[117] ***Supra*** note 104, at 42
In the professional era (1900–1970), the police relied heavily on new technology, such as radios, 911 emergency telephone systems, and automobile patrols to respond to calls for help from citizens. This is a period when police dealt only with crime; other community problems were seen as the responsibility of other city agencies.

[118] ***Supra*** note 14, at 10
These measurements represent what Shonholtz calls coerced resolutions having inherent limitations; to the parties, of enforcement, of attitude, of future relations, of understanding, and of future conflict resolution modeling.

[119] Lilley, David, and Hinduja, Sameer; "Officers evaluation in the community policing context"; Policing: An International Journal of Police Strategies & Management; Vol. 29 No. 1, 2006, Page 19-37.

Unfortunately, conformity continues to be represented by police officers' abilities to preserve the status quo by focusing on law enforcement, 911 policing, and order maintenance rather than the types activities which promote and support collaborative community policing.[120]

This high premium on conformity within police culture identifies the phenomenon of 'groupthink', a concept which describes the cohesiveness seeking tendencies of member of groups in conflict.[121] Ronald Fisher writes:

> … groups in conflict are notorious for pressuring members to conform, to toe the line and support the cause. Group norms (standards of acceptable behavior) and related social influence processes dictate both the stereotypes and the discriminatory behavior held to be appropriate with respect to out-groups. Members who deviate from these norms are called to task and may be ridiculed, punished, ostracized, or eliminated, depending on the severity of the conflict and the deviant behavior.[122]

This absence of qualitative assessment can have a powerful influence on the value attached to collaborative community oriented policing strategies as perceived by both supervisors and front-line officers.

Qualitative assessments have been further hampered by the fact that most police performance evaluations for front-line practitioners lack the assessment of collaborative

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[120] ***Supra*** note 45, at 22.

[121] Fisher, Ronald, "Intergroup Conflict" "The Handbook for Conflict Resolution", Pages 166-184
Ronald Fisher notes that groupthink is an phenomenon, attributed to the work of Irving Janis and relates to the cohesiveness seeking tendencies of member of groups in conflict.

[122] ***Supra*** note 121, at 48.

and community based policing skills. These qualities and skills emphaize problem solving, assisting citizens, and developing community collaborations and empowerment.[123] Appraisals in most North American police forces lack validity within the context of emerging collaborative policing strategies, but even more importantly traditional appraisal strategies with their emphasis on statistical measurements of qualitative data and conformity, undermine the implementation, acceptance and success of collaborative strategies amongst front-line police officers.

Novak observes:

> Changing the focus of police organizations from law enforcement and 911 policing to an agency which places priorities on order maintenance and service may run counter to the culture of existing officers. Many line officers have been "recruited, trained and socialized in a traditional law enforcement orientation' and may have a stake in preserving the status quo. The ambiguities associated with subjective outcomes, as well as performance evaluation, may cause line officers to actively and/or passively resist organizational change.[124]

Vocational insularity and hierarchical structures makes policing particularly susceptible to the phenomenon of groupthink,[125] which can create a concurrence-seeking tendency resulting in a deterioration of efficiency, reality testing, and moral judgment leading to over optimism, lack of vigilance, and "sloganistic" thinking about the immorality of "outgroups" [126] or 'other', thereby directly countering the rational on which collaborative

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[123] ***Supra*** note 14, at 10

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[124] ***Supra*** note 45, at 22.

[125] ***Supra*** note 121, at 48.

[126] Oberschall, Anthony. " Theories of Social Conflict", Annual Review of Sociology, Volume 4, 1978, Pages 291-315;

practices are built.[127] The leadership of such homogeneous groups can underestimate the cost of further conflict and overestimate the chances of success, becoming susceptible to using coercive practices due to their belief in their own moral superiority.

Oberschall writes that each individual participant in the policy making leadership group is a rational moral individual, and as individuals they may be the "best and the brightest" yet the decision making output of the group may only be an average of their individual competencies. It is the information and perception utilized in the calculation of cost and benefit that become faulty under groupthink conditions and lead to unrealistic decisions. This phenomenon is particularly strong within police forces where research indicates a strong cultural cohesiveness, not only within individual police organizations but also amongst law enforcement organizations generally. [128] Despite their best intentions police practitioners, executives, and organizations are subject to a unique culture, one that is guided by secrecy and confidentiality. Culture is a major factor in the development of a vocational "groupthink" which severely restricts community involvement and serves to create a 'power distance', which can undermine community policing. It is not surprising that collaboration remains an obstacle to the development of legitimate and effective community policing programs.[129] Some researchers suggest community participation in

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An outgroup is a social group towards which an individual or members of a collective group feel contempt, opposition, or a desire to compete because those within the in-group perceive themselves as privileged over outgroup members.

[127] ***Supra*** note 14, at 10.

[128] ***Infra*** note 134, at 53.

[129] ***Supra*** note 108, at 43.

the design and implementation of evaluative processes as one means to overcome this problem.

The acceptance of collaborative policing, promotion of problem oriented thinking, and innovation, despite the altruistic rhetoric of high-ranking police officials may be greatly restricted by the groupthink presently influencing police organizations. A collective mindset which continues to be based on valuing the ability of police organizations and employees to respond to the enforcement of laws, enforcement of 911 policing, and order maintenance rather than those associated to persuasive policing strategies.[130]

The reluctance of police organizations to develop suitable processes for the evaluation of collaborative strategies and community policing police officers, despite the extolment by police organizations that community policing represents a new paradigm, only serves to support those who would assert that community policing is more rhetoric rather than reality.

Specialization–

Not only does the limited participation by communities and ineffective evaluative processes undermine the implementation of collaborative programs so do design choices currently undertaken by police organizations.[131]

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[130] ***Supra*** note 45, at 22.

[131] ***Supra*** 119, at 47
Police leaders have not sufficiently responded to the impact of performance appraisals on groupthink. David Lilley and Sameer Hinduja note that: "At present, nearly all police agencies that conduct formal performance evaluations allow the immediate supervisor to rate the officer. Research on the role of the rater in performance appraisal has primarily been oriented toward improving rater ability. There is some evidence that raters who are intelligent, possess good social skills, and are emotionally stable tend to

Albert Cardarelli's survey of 170 police departments in the United States found that 90 percent of the police executive listed special training second to political support[132] as an essential ingredient for success.[133] Additionally, 50 percent of the police chiefs interviewed felt that officers should be permanently assigned to community policing, freeing them from having to respond to 911 calls, despite near unanimous agreement amongst police chiefs that permanent assignments are counterproductive.

While permanent assignments may be important during the initial stages in the implementation of participatory processes, it overlooks the negative impact of specialization. Specialization (separation) of community policing from primary response

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produce more accurate ratings. Additionally, according to several management experts, raters that value diversity in people and can appreciate individual differences may produce more accurate ratings. However, one study indicated that police performance evaluators tended to give lower overall ratings to intelligent officers and higher ratings to officers that value conformity over individuality. Consequently, assuming those with higher evaluations are more likely to be promoted, a value for conformity may be enhanced among raters in police agencies. Until recently, much of the research in performance appraisal has operated under the assumption that the rater played a minor role by passively observing performance and recording a score that was calculated in accordance with the rating instrument. Many management experts and personnel psychologists, however, now recognize the importance of the individual rater in the process of information gathering and evaluative judgments. One alternative to focusing on individual rater characteristics to improve appraisal accuracy may then be to include other sources of information in the rating process. Recent studies have shown that the use of multiple raters significantly increases validity. Additionally, since community policing places value in the opinion of citizens, some agencies have considered incorporating some form of community feedback into the evaluation process."

[132] Welsh, Brandon C., Farrington David B. "Evidence-Based Crime Prevention: Conclusions and Directions for a Safer Society", Canadian Journal of Criminology and Criminal Justice, Vol. 47 No2 April 2005, Page 337-354.
Welsh and Farrington note that: "Evidence of what works best is rarely a factor in implementing new crime prevention programs. Politics and policy considerations seemingly dominate." They cite political interest, and government priorities as important factors in the implementation or expansion of successful programs, or even ending ineffective or harmful programs. Most importantly Walsh and Farrington note that: "Other political considerations that are germane to crime prevention include politicians' apprehension that they may be perceived as being soft on crime if they support social crime prevention efforts, and politicians' short time horizons, which make programs that show results only in the longer run less appealing to those who are trying to get elected every few years."

[133] ***Supra*** note 12, at 9.

functions has the negative effect of perpetuating and sustaining a mindset which separates those who would rather remain founded in hard policing practices from those who aspire to the inclusion of collaborative policing practices.

Studies of police culture indicates that there is a pervading attitude of police machismo, a sense of 'us against them', and cynicism amongst front-line officers. Such attitudes appear to be consistent even when compared across socially, politically, and culturally different jurisdictions.[134] Many of the studies indicate that these characteristics have, at least in part, been influenced by four aspects of police culture: crime fighting (vocationalism and power), conflict with supervisors (resulting from traditional hierarchical structures and value differences resulting from processes used in the measurement of performance noted earlier), strong group loyalty (groupthink), and isolation from the general public (a sense of professional expertise exclusive to police officers).

Research by Schafer indicates that the non-acceptance of community policing may also simply be due to a lack of understanding about alternative approaches to conflict resolution and the goals and techniques associated with the philosophy of collaborative policing. Schafer found that officers who do not fully understand a new program, like

[134] ***Supra*** note 117, at 49; also Moon, Byongook; "The influence of organizational socialization on police officers' acceptance of community policing", Policing: An International Journal of Police Strategies & Management, Vol. 29, No. 4, 2006, Page 704-722

community policing, fear change simply because it disrupts the status quo and not necessarily because they believe that such change is fundamentally flawed.[135]

Schafer writes:

> …experience working in a community policing assignment typically results in officers with more positive perceptions of community policing as a philosophy. One of the reasons officers may be less supportive of community policing is due to a lack of understanding about the goals and techniques associated with this philosophy. Employees who do not fully understand a new program or philosophy may fear such change simply because it disrupts the status quo, not because they believe that such change is fundamentally a flawed idea. It would be expected that officers who have working experience with community policing have a better understanding of the philosophy; this understanding may translate into more positive attitudes.[136]

Police leaders must institute changes in ways that minimize misunderstanding and fragmentation of job legitimacy to ensure that collaborative policing philosophies are not marginalized, but instead implemented service wide.

Central to the transformation and advancement of collaborative policing, with its emphasis on alternative approaches, must be a positive influence on the organizational socialization on all police officers' acceptance of community policing and non-conventional dispute resolution approaches. Yates and Pillai in their work "Attitudes Towards Community Policing: A Causal Analysis" observe that:

> In recent years, community policing has been presented as a tool for enabling police officers to control crime and to improve police-citizen relations. The comfort of long established and traditional roles of police institutions and

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[135] ***Supra*** note 7, at 6.

[136] ***Supra*** note 7, at 6.

> authorities, ranks as a prime obstacle to any new and different model of local police work, and specifically, what is happening in the current venturing into community policing. Community policing program successes are, thus, likely to be determined by the level of interest and willingness on the part of police officers to identify with the basic principles of community policing; principles that by their very nature have caused changes to well established police organizational and job structurings. [137]

Because front-line officers have a crucial role in the development of relationship dynamics (i.e. attitudinal and perceptual biases, trust, and legitimacy) between the community and police it is crucial to establish front-line officer's acceptance and support of generalized community policing in order to effectively implement collaborative policing practices.[138] Job tasking (organizational approaches to assign policing roles to employees - either as a specialized function or by embedding collaborative practices as a universal model for all employees) is an important factor in the acceptance of community policing programs by front-line officers, and consequently by police organizations and their communities.

Despite some marginal benefits associated with stable patrol tasks ('police beats'), primarily in terms of providing an opportunity to develop relationships with communities, Cardelli disagrees with the specialization of community police function who writes:

> Although agencies may find the use of specialized units to be more efficient, community policing works best when it is not forced to operate in isolation. By its very nature, specialization separates community policing from the core of an

[137] ***Supra*** note 27, at 16.

[138] Here generalized community policing refers to an operational model in which both CRU and PRU officers are indoctrinated and trained in alternative (persuasive) policing techniques and philosophy.

> agency, making it difficult, if not impossible, for this philosophy to become a guiding force. [139]

Similarly, Schafer also writes that:

> Community policing is a philosophy which ought to transcend organizational and structural constructs. It is not intended to be a program carried out by a select group of officers within an organization, nor is it a tactic to be used to target specific community problems. Under ideal circumstances, the philosophy should be so pervasive that its success is a generalized responsibility influencing how every employee within an organization performs his or her duties.[140]

Research would seem to favor the development of generalized training and deployment practices which bring about a seamless integration of collaborative community policing in all aspects of uniform function. Officers should be trained to accept collaborative community based policing as a component of all aspects of policing, including community response, primary response, or specialized functions[141]. Uniform officers should be socialized to be able to move between community response functions and primary response functions without having to make the leap of adjustment that is presently associated with the segregation of community policing as a process apart from traditional policing.

Specialization also perpetuates elitism and expert based authority thereby making it difficult for stakeholders outside policing, particularly those from disadvantaged groups, to be empowered in the substantive processes of collaborative policing. Specialization,

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[139] ***Supra*** note 12, at 9.

[140] ***Supra*** note 7, at 6.

[141] Specialized functions include detective operations such as those associated with a homicide squad, hold-up unit, sexual assault investigations unit, fraud squad, or auto-theft unit.

currently preferred by police executives, is counter intuitive to the "social context of learning",[142] which suggests that learning and socialization should be based on cooperation, constructive resolution, and creative controversy. This preference for specialization, elitism, and a dualism in policing strategy and philosophy is likely to continue to diminish the scope, potential, and benefits of collaborative community policing practices.[143]

An added consequence of specialization is that communities with higher levels of crime may become subject to two distinct police responses - one, which is coercive, and the second that is persuasive. The efforts of community policing officers under such conditions are undermined by the coercive response of their counterparts leading to enhanced suspicion, acrimony, and conflict between citizens and police.[144] The present preference for specialization presents a challenge to police legitimacy, demonstrated by the recurring view that police organizations are failing to protect the rights of disadvantaged and powerless members of communities.[145]

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[142]Deutsch, Morton, Coleman, Peter, C. The Handbook of Conflict Resolution, Page 38.
According to Morton Deutsch the social context of learning is one in which cooperation, constructive resolution, and creative controversy are strongly emphasized; And one which requires those involved in this form of learning to walk the talk exemplifying the values and social norms of cooperation in order to model skills involved in constructive management of conflicts.

[143] Police culture in this context refers to the findings of studies that police cultures have a pervading attitude of police machismo, a sense of 'us against them', and cynicism amongst front-line officers. This has been found to be a consistent factor even when compared to socially, politically, and culturally different countries including the USA, Canada, Australia, Japan, Korea, and India (Oberschall, 1978; Andy Myhill, 2004; Moon, 2006).

[144] ***Supra*** note 44, at 21.

[145] ***Supra*** note 23, at 14.

Specialization, viewed within the power culture of police organizations themselves, represents processes that contradict Shonholtz's rationale: Not only does specialization undermine the value of diversity and the complexity, represented by the collaborative partnerships available with outside stakeholders, it also weakens non-state social entities and collaborative processes. It creates an assumption that collaborative practices (like non-state social agencies) are incompetent thereby necessitating a centralization of power. Furthermore, specialization may contribute to feelings of being coerced into collaborative practices, amongst those who value conformity with traditional approaches. Coercion in turn creates limitations "because coerced resolutions have inherent limitations; to the parties, of enforcement, of attitude, of future relations, of understanding, and of future conflict resolution modeling".[146]

Conclusion

Much of the modern police structure, sometimes called the professional era, has come to be based on authoritarian, [147] autocratic models having characteristics similar in many ways to those of pre-democratic societies; structures in which issues often became conflicts because they tended to be managed through repression, violence, avoidance, or ideology.[148] Collaborative policing, on the other hand, aspires to manage disputes

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[146] ***Supra*** note 14, at 10.

[147] ***Supra*** note 104, at 42.
In the professional era (1900–1970), the police relied heavily on new technology, such as radios, 911 emergency telephone systems, and automobile patrols to respond to calls for help from citizens. This is a period when police dealt only with crime; other community problems were seen as the responsibility of other city agencies.

[148] ***Supra*** note 16, at 11.

through transparent rules of law, accountability, and partnerships. The latter being designed to resolve differences peacefully, while the former was inclined to manipulate or suppress conflict at all cost. [149] The current discourse on policing often presents the new paradigm of collaborative policing as a replacement for traditional policing. The reality however is that neither style of policing can suffice on its own. Instead, elements of both coercive, and persuasive policing must exist and be balanced in order to provide the appropriate response under appropriate circumstances.

The current discourse on policing is not so much about reinventing policing but rather about re-establishing a healthy balance between two aspects of policing – those that require coercive responses and those which restore harmony. The underlying distinction between community policing and traditional policing is perhaps better conceptualized as one where collaborative policing aspires to deal with and solve disputes whereas traditional policing responds to conflict; leading to a process not dissimilar to the tension between "value creating" and "value claiming" described by Lax and Sebenius.[150]

Many of the challenges faced by collaborative policing are neither new nor novel, as much as a reflection of the cultural and organizational 'gap' which was created by and during the professional era of policing. An era during which cultural and social values have rapidly experienced unprecedented changes influenced by globalization,

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[149] ***Supra*** note 14, at 10.

[150] ***Supra*** note 19, at 12.

immigration, cultural diversification and new technologies, throughout which police organizations insulated themselves from their communities.[151]

Police organizations over the past several decades have come to realize that policing cannot be sustained without the type of collaboration, identified by Shonholtz's rational for community based justice. The resulting readjustment and re-integration of ethnographic responsibility (recognizing, incorporating, and adjustment to ethnographic demographics and values) by police services has become a central focus for developing the variations in officers' adaptations to their working environment, relationships with their communities, an ethics of care, and for changing policing into a profession which can again be sensitive and responsive to the underlying causes of crime and social injustice.[152] The current discourse on policing provides an opportunity for making fundamental changes; changes which integrate the best of traditional processes and alternative dispute resolution initiatives and to transform the role of the police within their communities and the criminal justice system. This transformation will require a conceptual shift to bring together interdisciplinary research and social strategies in attempting to empower communities and neighbourhoods to restore community control.

Collaborative policing and restorative justice together present an opportunity for the criminal justice system and policing to move beyond merely creating parallel systems (retributive justice vs. restorative justice and traditional policing vs. collaborative

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[151] ***Supra*** note 44, at 21.

[152] ***Supra*** note 96, at 40.

policing).Collaborative policing requires a combining of aspects from traditional policing and community policing practices to create a third alternative. This "restributive" [153] process would be neither purely retributive nor restorative, nor based entirely on coercive policing nor persuasive policing, but one that combines the attributes of traditional policing and justice practices with those of restorative justice to meet the particular needs of each dispute; a model within which police, communities, and justice systems work to decentralize substantive responsibilities to serve communities at the neighbourhood level. Police services and courts must work to reduce their excessive reliance on jails, police, lawyers and judges by returning to families and communities some of the responsibilities appropriated by government in the past century and making communities and non-governmental agencies real partners, with real powers.[154]

Instead of courts being located outside of neighbourhoods, where there is little community accountability; neighbourhood courts, governments services, police services, and non-governmental services must advocate for courts and diversion programs to be administered within the view of the communities. Accused persons should be held responsible for their actions by their community peers - those with whom a social contact can be enacted and not merely extricated from the very communities which are being called upon to take greater responsibility for local issues. As Barry Stewart notes, such

[153] Restributive – This is a term I use to represent a hybridization of retributive and restorative processes.

[154] Stewart, Barry, "Sentencing Circles: making 'Real Differences' "Rethinking Disputes: the Mediation Alternative, Page 203.

substantive changes, despite the extolment of community policing and community mobilization remain lacking.[155]

This difficulty is further compounded by the institutional inequalities such as those reflected by the upwards of one third of the African American men in their twenties who find themselves behind bars, on probation, or on parole;[156] or the 18 percent of Canadian prison population represented by First Nations Peoples. Peoples of colour, and other minorities continue to be incarcerated in disproportionate numbers, community participation remains lacking and even prominent judicial officials remain skeptical.[157] The value of diversity and the complexity of societal life, despite its recognition and extolment,[158] are not reflected in the outcomes of criminal justice practices.

Politics, policy considerations, political interest (being perceived as being soft on crime if they support social crime prevention efforts, and politicians' short time horizons), and vocational cynicism[159] seemingly continue to dominate the implementation and

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[155] ***Supra*** note 154, at 61.

[156] Wacquart, Loic, "Deadly Symbiosis and Prison Meet and Mesh", Punishment & Society, vol. 3, no. 1, January 200, pages. 95-133.
Wacquart provides an overview of the inequities of minority incarceration rates: "The rate of incarceration for African Americans has soared to levels unknown in any other society and is higher now than the total incarceration rate in the Soviet Union at the zenith of the Gulag and in South Africa at the height of the anti-apartheid struggle. As of mid-1999, close to 800,000 black men were in custody in federal penitentiaries, state prisons, and county jails—one male out of every twenty-one, and one out of every nine between twenty and thirty-four. On any given day, upwards of one third of African-American men in their twenties find themselves behind bars, on probation, or on parole. And, at the core of the formerly industrial cities of the North, this proportion often exceeds two thirds."

[157] ***Supra*** note 156, at 62.

[158] ***Supra*** note 14, at 10.

[159] This vocational cynicism is well documented in research by: Oberschall, 1978; Andy Myhill, 2004; Moon, 2006.

expansion of successful community policing programs, or even ending ineffective or harmful programs.[160] Many of the claims of community policing, appear to be based on an illusion of inclusion rather than collaborative partnerships with communities, non-governmental agencies, educators, public health, or social services. Moreover, collaboration and neighbourhood justice advocates often exemplify these processes in the absence of defining central issues such as community, stakeholders, mobilization or collaboration. Issues which are central to collaborative policing and increasingly complex given the global nature of crimes such as illicit drug trafficking, human trafficking, money laundering, and terrorism.

Policing needs to become more skilled at understanding change in cultural and community environments and responding to these changes in a timely and effective manner. This will require police services to develop new strategies, new networks, and institutional structures that are less hierarchical and more flexible and are suitable for situations of continuous, rapid, and often unpredictable change.[161] Police organizations, particularly their senior staff, need to ensure that their organizational culture(s) are receptive to change and that the best personnel are selected, and that police officers are appropriately motivated, skilled and equipped to deal with new and difficult issues.

Police services must work towards addressing the cynicism and marginalization of collaborative community policing by acculturating police officers in the benefits of

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[160] ***Supra*** note 132, at 52.

[161] ***Supra*** note 18, at 12.

diversity and the acceptance of persuasive processes in the same manner as is presently the case for reactive policing and 911 policing. This acculturation must be multidimensional and ongoing, including recruit training and line training and should address the existing issue confronting community policing performance measures.[162]

Novak observes that officers often remarked:

> ...that while community policing may be important, ''so is real police work,'' and that real police work should not be sacrificed in the name of community policing. ''Real'' police work includes a more traditional law enforcement orientation to police service delivery.[163]

Novak's observations summarize how much the culture of policing emphasizes the means or process - making arrests, conducting investigations, responding to calls for service, and rapid response and dealing with the politicized agenda of policing rather than the ends.[164]

Novak correctly notes:

> These activities, while important, are not the true organizational goals. The goal of police organizations should be articulated as improved neighborhood quality of life, reducing fear of crime, and crime prevention. Certainly, the above tasks are possible means to achieve these goals, rather than the goals themselves. Community policing is not anti-law enforcement; it embraces law enforcement as a major tool in the maintenance of order. It is important for police departments to conduct regular surveys of their employees to assist the organization to effectively change to a community policing style of services. Understanding the attitudes and

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[162] ***Supra*** note 45, at 22.

[163] ***Supra*** note 45, at 22

[164] ***Supra*** note 45, at 22

> beliefs of employees will assist the department in creating sound mission statements, goals, and a customer-focused organization. As indicated, healthy organizations know their people, what motivates them, and what demoralizes them. Understanding this can lead to effective decisions regarding supervision, training, recruitment, and job design. Conducting self-assessments, and identification of attributes that promote organizational goals, is one way to achieve a healthy organizational climate.[165]

At present the development of collaborative community policing remains an interest and goal to senior police management. Novak continues:

> Whether officers accept the tenets of community policing is an important issue to address since these officers are in the best position to implement these programmatic changes. While there is widespread acceptance and understanding of the paradigm at the administrative level, many community policing programs are not fully understood or accepted at the line level.[166]

Collaborative policing strategies, referred to generally as community policing or neighbourhood policing, are in large part over optimistic representations of the ideological aspirations of progressive police leaders and community organizations.[167] Much of what has been promised by community policing advocates and practitioners, often remarked as the new orthodoxy or new paradigm, in-fact falls short of the type of substantive community participation on which these programs base their transformative principles.

Despite the challenges collaborative policing and restorative justice continue to positively influence our understanding of the complexity of societal life, the value of the peaceful

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[165] ***Supra*** note 45, at 22

[166] ***Supra*** note 45, at 22.

[167] The Toronto Drug Strategy, October 2005, Page 53.

expression of conflict in informing and educating stakeholders, and the importance of strengthening non-state social entities in exercising responsibility for dealing with conflict.

In the final analysis what makes a successful peacemaker or conflict resolver is not a set of processes, methodologies, or tactics; it is a way of thinking, a set of values, an array of analytical and interpersonal skills, and a clear focus[168]- some of which is clearly being imparted through the influence of collaborative policing and restorative justice practices.

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[168] ***Supra*** note 1, at 2.

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