

Mediate or litigate: An evaluation of citizen and police officer perspectives on the use of mediation to resolve citizen-police conflict in Trinidad and Tobago

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Abstract: Given the confrontational nature of citizen-police interactions, conflict between both groups is inevitable. On one hand, it is argued that citizen-police conflict and complaints against the police must be properly ventilated; however, on the other hand, it is argued that existing dispute resolution mechanisms are biased in favor of the police. With this in mind, police departments and community residents are increasingly seeking alternative mechanisms to resolve citizen-police conflicts as well as citizen complaints against police officers and mediation has emerged as a forerunner. Using a quantitative approach, this exploratory study concurrently evaluated citizen and police officer perspectives regarding the role of mediation as an alternative to judicial and other legal based mechanisms to resolve citizen-police conflicts in Trinidad and Tobago. The study is premised on 'islandness' and the findings indicate that generally, both citizens and police officers are willing to utilize mediation to resolve citizen-police disputes, however, there are some disparities over the issue by gender. The paper concludes by advocating for a complaints management system that includes mediation within a consultative framework focused of behavioral improvements to be implemented within the Trinidad and Tobago Police Service.

Keywords: citizen complaints, dispute resolution, islands, litigation, mediation, police, social justice, Trinidad and Tobago

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Introduction

Since the inception of policing as a profession, citizen-police conflicts and civilian complaints against police officers have been a feature of policing. Globally, complaints against police officers are premised on the following notions: (1) policing is a profession which places its members in challenging situations, possibly more than any other profession (Volpe, 2014), and (2) the occurrence of conflicts in every environment where humans are present is normal (Doğan, 2016). With the propositions of Doğan (2016) and Volpe (2014) in mind, conflict and strained relationships between citizens and police officers are commonplace and illuminates what Mills (1959) refers to as “the translation of private troubles into public issues.”

For as long as policing has existed in Trinidad and Tobago, citizen-police conflicts and complaints against police officers has been a usual occurrence. More recently, however, complaints against police officers on the island are often prime topics of discussion whenever citizens gather for conversations. Furthermore, a casual glance at the print and electronic media in Trinidad and Tobago reveals a plethora of accounts of citizen-police confrontations and conflicts over a wide range of issues. Complaints by residents are quite usual in the aftermath of contentious police-citizen contact and subsequent conflict. At the root of many police-community conflicts are an incomplete understanding of the work of the police, poor communication on the part of the police and the public, or simple misunderstandings (Berger, 2000, p. 211). Importantly, citizens lodge complaints against the police as this is indicative of their beliefs that they have been wronged and that there will be some form of redress or resolution (Riley & Prenzler, 2020).

Historically, the most common method of dealing with complaints against police has been a formal, internal, departmental police-conducted process (Harris, 2012; Riley & Prenzler, 2020). In Trinidad and Tobago, the resolution of citizen complaints against the police has traditionally been an in-house exercise conducted by the Police Internal Affairs and the Police Complaints Unit of the Trinidad and Tobago Police Service (TTPS). However, starting possibly in the 1990s, the police’s monopoly on handling citizen complaints against police officers on the island came under sustained scrutiny from civic society, commentators, academicians and legislators due to perceptions that police officers investigating claims of misconduct against their colleagues may be biased. The culmination of these efforts was a strong push for policing reforms on the island. Specifically, advocates for police reforms emphasized increased transparency of police procedures and practices and greater internal and external police accountability for members of the TTPS, especially in the context of dealing with citizen-police conflict and complaints against police officers.

As a result of increased pressure from civic society, the Police Complaints Authority (PCA) was established by the Police Complaints Authority Act (2006) to provide civilian oversight of law enforcement in Trinidad and Tobago. The formation of the PCA in 2006 led to a small, but gradual shift away from formal, police-based, internal investigations to external based investigations, though the internal police

based investigative element still remain intact as a component of the TTPS. The introduction of the PCA, however, created a tripartite system of resolving citizen complaints against police officers in the island—one being internal (police led) and the two other external of the police (PCA and private legal action). In spite of the new addition to the complaints-resolution process via the PCA, the resolution of citizen-police conflict remains generally adversarial and based on investigations, findings of guilty or not guilty and allegations being sustained or discontinued via the PCA, the Police Complaints Unit or the Courts. This tripartite system of resolving citizen-police conflict does not appear to represent the best alternative to the traditional adversarial processes of resolving citizen-police disputes as citizen-police conflicts are still being referred to the courts in Trinidad and Tobago.

Within the last two decades, there has been a global shift towards a non-adversarial method of handling citizen complaints against police officers (Stephens, 2011) and this method is known as mediation (Berger, 2000). According to Bellman (1998), there is no one generally accepted definition of mediation, however, Moore (2003, p. 15) submits that mediation is “the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute.” On the other hand, the University of Central Lancashire mediation policy (as cited in Podro & Suff, 2013, p. 8), points out that mediation is based on the principle of collaborative problem-solving, with a focus on the future and rebuilding relationships, rather than apportioning blame, while the Community Oriented Policing Services (2009) points out that mediation involves bringing both parties face-to-face in a neutral and confidential setting to discuss the specifics of the complaint. In this article mediation is conceptualized using the definition of the Community Oriented Policing Services (2009). While there is much research on policing in Trinidad and Tobago (Adams, 2019; Johnson et al., 2008; Lancaster-Ellis, 2013; Pino & Johnson, 2011; Wallace, 2021), there is sparse literature on community-police mediation as a dispute resolution mechanism on the island. The present study therefore seeks to fill an existing void in the literature on community-police mediation in Trinidad and Tobago.

The study

The current study is premised on action research in the context of islandness. According to Todd (1997) action research is oriented towards problem solving. Action research is also viewed as an inquiry or research in the context of focused efforts to improve the quality of an organization and its performance (North Central Regional Educational Laboratory, n.d.). When conducting action research, the researcher(s) is situated within the context of the research and the aim is to “identify problems, generate solutions or knowledge, and finally to integrate the information into the reality of the subjects” (Todd, 1997, p. 21). Indeed, this study was apt for action research as the secondary researcher is a member of the TTPS. This meant that the

secondary researcher was able to understand the issues and nuances associated with community-police conflict. Additionally, the police participants were able to identify issues of relevance to them and this served to move the research from the abstract to the reality of problem solving (Todd, 1997).

The current study is also premised on facets of 'islandness' or characteristics, such as, smallness, land boundedness and isolation (Foley, 2017). These characteristics imply that dispute resolution mechanisms applied in the metropole cannot simply be foisted onto islands. The authors of this article submit that the aforementioned characteristics of 'islandness' provide a valuable framework in which to apply citizen-police mediation as a generalizable framework and that it is particularly useful to illuminate social relationships and subjective perceptions of alternative dispute resolution mechanisms in the context of island life. To use the words of Telesford (2021, p. 3), this study seeks to promote the resolution of citizen-police conflict in "a more optimistic and realistic representation of island life."

This article has much value as it adds to the limited body of research on mediating community-police conflicts. Further, the use of the concurrent methodological approach presents a unique and immediate snapshot of citizen and police views surrounding the use of community-police mediation to resolve conflicts between both groups on the island. The study also adopts a pre-test approach as much of the available literature on community-police mediation emanates from post-test questionnaires. Therefore, the current study contributes to the growing international body of research on the use of mediation as a tool to resolve citizen-police disputes.

Background of the study

Fisher (2011, p. 159) submits, "social conflict is an omnipresent facet of the human experience." In other words, conflicts and disputes are an inherent part of organizations and their relationship with their clients. The resultant lodging of complaints against organizations and their members is also a reality of this relationship and policing is no exception. Similarly, Wagner and Decker (1997) point out that given the often confrontational nature of police-citizen interactions, citizen complaints against the police are inevitable. With this in mind, complaints of abuse of power, unnecessary use of force, biased, discourteous, racist and abusive behaviors are often levelled against police officers in Trinidad and Tobago. Concomitantly, residents who lodge complaints against police officers in Trinidad and Tobago have expressed their frustration with the processes of reporting, inordinate delays in investigations, and/or biased outcomes. Traditionally, citizen complaints against police officers were resolved either by formal internal investigations by Police Internal Affairs, litigation at the courts, and later investigations by the PCA.

While the PCA is viewed as a quicker and a less biased avenue for resolving complaints against police officers (due to its being an entity that is independent from the police), the investigative process is time consuming as is the case with the use of the Judiciary in resolving community-police conflicts and complaints lodged against

police officers by members of the public. The authors of this article submit that whether citizen complaints against police officers are resolved using traditional police internal systems, private legal means or via the PCA's complaints system, the processes are all time-consuming and costly. As a result, within the last two decades, there has been an increased demand for greater community involvement as well as alternatives to the traditional methods of resolving disputes between residents and police officers in Trinidad and Tobago and it is submitted that a worthy alternative is the use of mediation.

Context of the study

This research is positioned in the field of island studies. The authors concurrently evaluate citizen and police officer perspectives regarding the use of mediation as a mechanism to resolve citizen-police conflict in Trinidad and Tobago. The island studies perspective is important as it recognizes that focusing social inquiry on islands has the potential to contribute "towards a better understanding of the world and the furtherance of knowledge" (Baldacchino, 2006, p. 6). Baldacchino (2006), also points out that the core of island studies is the construction of 'islandness' and its influence and impact on aspects of life including human behavior. Despite the pronouncements by Baldacchino (2006), 'islandness' is a highly contested and ambiguous concept, partly due to the openness/closure of island boundaries (openness refers to connectedness with the wider world and closure relates to insularity). In this study, 'islandness' refers to the main qualities of islands—geographical, social and political—that are distinct from those of continents. It is within the context of 'islandness' that this concurrent, exploratory, quantitative research methodology, involving the use of a questionnaire to island stakeholders (citizens and police officers) from five major cities in Trinidad and Tobago, namely, Arima, Chaguanas, Port-of-Spain, San Fernando and Scarborough was conducted to explore perceptions of using mediation to resolve citizen-police conflicts.

The complaint investigation process in Trinidad and Tobago

In Trinidad and Tobago, complaints filed by citizens against police officers are conducted by lodging the complaint at a police station. The complaint is then forwarded to Internal Affairs, Police Complaints Unit or some other Police Department with the responsibility for internal investigations and processing. After this is done, an investigator, usually a senior police officer, is assigned to conduct the requisite investigation and report the findings of the inquiry to a senior officer or the Commissioner of Police for a decision and/or the administration of discipline. The eventual outcome of the investigation is based on the strength of the evidence provided by the civilian complainant. Instructively, as is the case with the criminal justice system in all jurisdictions, the end result of a finding of guilt is discipline and some form of punishment for the wrongdoer, however, discipline and punishment are not always the most effective tool to correct errant behaviors or holding individuals accountable for their actions.

The police investigation process is similar to that used by the Court where the main focus is on findings of guilt or innocence. Whether the court, police oversight agencies or the internal police investigative processes are used to determine the outcome of police-community conflict, it is argued that neither the citizen complainant nor the police officer have any input in the outcome of the complaint. Instructively, this punitive approach to managing citizen complaints often leaves both parties dissatisfied as their interests might not be represented and the processes lengthy and fraught with inordinate delays (court, police investigations or oversight agency investigation). Increasingly, some members of the public as well as police officers are of the view that this complaint process is broken and unresponsive (see Walker & Torres, 2008 for support).

Review of literature

The literature on community-police mediation highlights that there are community-police dispute resolution programs in the United Kingdom, United States of America, Canada, Australia, and New Zealand (Patterson, 2006; Walker & Archbold, 2000), however, the literature does not point to any existing programs in the Caribbean, more specifically, Trinidad and Tobago. Moreover, there is no published research on the mediation of citizen complaints against police officers in Trinidad and Tobago. Like mediation, there are also many definitions of community-police mediation and though the terms community-police mediation, Citizen-Police Mediation and Community-Police Mediation are used interchangeably, they refer to the same phenomenon—the mediation of disputes between police officers and the citizens they serve. According to Beer and Stief (1997), police-community mediation is a formal program designed to resolve citizen complaints against the police through face-to-face meetings between the complainant and the police officer with a neutral third party serving as mediator. On the other hand, the Community Oriented Policing Services (2009) points out that mediation of citizen complaints against police officers involves both parties meeting face-to-face in a neutral setting to discuss the specifics of the complaint, while Birgden and Lopez-Varona (2011, p. 9-10) point out that it is “a voluntary process that allows individuals to sit down face-to-face in a neutral and confidential setting to discuss their issues in a forum facilitated by a professional mediator.” Instructively, Bartels and Silverman (2005, p. 620) in their discourse on police-community mediation point out that police-community mediation is “the process in which the complaining party and the police officer(s) complained against meet face-to-face, in an attempt to informally resolve their disputed complaint.” In this study police-community mediation is operationalized using the definition provided by Bartels and Silverman (2005).

Mediation usage in Trinidad and Tobago

As a dispute resolution mechanism, mediation was brought into force by the Government of Trinidad and Tobago via the Mediation Act, No. 8 of 2004. This Act caters for community mediation at Part V, Section 16, but does not specifically mention police-

community mediation. In other words, mediation is already a feature of the landscape in Trinidad and Tobago. For example, mediation is extensively used at the Family Courts in Trinidad and Tobago in resolving contentious divorce proceedings. Additionally, in 2010 there was the implementation of the Court-Annexed Mediation Pilot Project whereby 60 commercial cases were referred to mediation (Diaz et al., 2018). Reportedly, this project yielded a success rate of 65% and a customer satisfaction rating of 95% (Diaz et al., 2018). Additionally, there was an expanded ADR Pilot Project in 2013 that was initiated by the Judiciary of Trinidad and Tobago whereby 200 were randomly referred to Judiciary in Trinidad and Tobago for resolution.

The Mediation Act of 2004 ushered in a new era aimed at the peaceful resolution of conflict by encouraging disputants to talk through their issues under the guidance of a certified and neutral third party backed by the necessary statutory framework. Much of the thinking behind the introduction of mediation in the island was geared towards a more peaceful resolution of disputes and to ease the strain on the overburdened judicial system in the island. While the introduction of mediation is a notable addition to aid the criminal justice system, the authors of this article argue that its implementation was limited by the lack of specificity regarding the mediation of police-community disputes despite the plethora of police-community conflicts on the island.

Police-community mediation

According to Proctor et al. (2008, p. 2), “mediation is not a new concept,” however, it is increasingly being utilized to resolve a disparate range of disputes. This holds true for Trinidad and Tobago as mediation is fast becoming an integral part of the island’s judicial system via the Family Court (divorce proceedings), small claims in civil proceedings and employee grievance. However, the mediation of citizen complaints against police officers is a relatively new phenomenon that is still in its fledgling phase (McCorkle & Reese, 2015; Proctor et al., 2008; Community Oriented Policing Services, 2009) and is conspicuously absent in the resolution of citizen complaints against police officers in many jurisdictions (Walker & Archbold, 2000; Walker, Archbold, & Herbst, 2002) including Trinidad and Tobago.

Despite the lack of a police-community mediation program in Trinidad and Tobago, many global communities are increasingly looking to mediation as a medium for the potential resolution of complaints made against police by citizens (Berger, 2000). In fact, mediating police-community conflicts has several supporters in the international arena. For instance, researchers Berger (2000) and McCorkle and Reese (2015) cogitate that the police-mediation process can work in a transformative way and therefore improve strained relations between police and the general population. In a similar vein, Volpe and Phillips (2003, p. 263) point out that “Interest in the promises and challenges of police use of mediation has been steadily increasing in the United States since the early 1970s.” While there was no such corresponding interest in Trinidad and Tobago (certainly not in the early history of policing on the island), there is now a growing interest on the island in police-community mediation as a tool

to resolve disputes between police officers and community residents who are competing for the same space. This interest was borne out by Gonzales (2016) as she argues for the use of community-police mediation in Trinidad and Tobago.

It is within this contextual framework (community-police mediation) that this paper is based and it is against this background that the current effort analyzes the views of police officers and residents throughout Trinidad and Tobago regarding their perceptions of the use of mediation as a tool to resolve community-police disputes. The study therefore seeks to assess the views of police officers and local residents on mediation as a viable alternative to the traditional methods of resolving police-community disputes (investigation and litigation) and whether this would improve the outcomes for both parties. This study is conducted against the background of Todd's (1997, p. ii) statement that "The use of mediation to resolve citizen complaints against police has not gained much acceptance within law enforcement" and Volpe's (2014) statement that "the future of policing must incorporate mediation." The central question of this discourse is to assess whether mediation will be an effective dispute resolution mechanism for community-police conflicts and citizen complaints against police officers in Trinidad and Tobago when compared to the traditional, formal, court-based methods.

Mediating police-citizen disputes

Clemmons and Rosenthal (2008) point out that police-community mediations are facilitated by professional mediators who attempt to get the parties to a point of mutual understanding concerning the actions that led to the complaint. Instructively, the process of mediation can work in a transformative manner (Zumeta, 2000) to improve strained relations between police departments and community residents (Berger, 2000; Smith, 2013) and the authors of this article argue that a system of police-community mediation is needed in Trinidad and Tobago. It is the researchers' desire that this study will shed light on the potential use of mediation as a mechanism to resolve citizen-police conflict in Trinidad and Tobago.

It is argued that the use of mediation to resolve citizen complaints against police has not gained much acceptance or traction and that it is hardly used by law enforcement personnel (Todd, 1997, p. ii; Walker et al., 2002; Patterson, 2006; Stephens, 2011) as police officers are generally resistant to mediation as a tool for resolving citizen complaints against police officers (Walker & Archbold, 2000; Patterson, 2006). However, police-community mediation is an inexpensive alternative to fact-finding investigations and litigation (Walker et al., 2002) and there are several police departments in the United Kingdom, Australia, New Zealand, Europe and the United States that use police-community mediation. For example, in the United States, the Denver (Colorado) Police Department has made mediation a part of its overall approach to handling citizen complaints and discipline by way of the Denver's Citizen/Police Complaint Mediation Program (Clemmons & Rosenthal, 2008; Community Oriented Policing Services, 2009). Similarly, the Harvard Mediation

Program (HMP) has partnered with the Boston Police Department (BPD) to mediate minor citizen complaints against police officers, a program known as the Mediation Program for Citizen Complaints at the Boston Police Department. Additionally, the Community Dispute Resolution Center works in partnership with the Office of Police Complaints (OPC) to mediate citizen complaints against the Washington, D.C. Metropolitan Police Department. Other citizen-police mediation programs in the United States include, but are not limited to, the Milwaukee Fire and Police Commission, the City and County of San Francisco Office of Citizen Complaints, the Pasadena Police-Community Mediation and Dialog Program, the Columbia, Missouri Police Department and the New York City Civilian Complaint Review Board's mediation program.

The aforementioned usage of community-police mediation programs to mediate conflict between both groups is consistent with the view of Kian (2011, p. 2) who argues that mediation is more and more becoming recognized as a practical tool to address disputes as an alternative to traditional justice models such as time-consuming litigation and formal investigations that do not repair relationships. Kian (2011) also points out that "In the context of police-community disputes, mediation is increasingly used to handle certain kinds of disputes." In fact, the use of police-community mediation has shown some signs of being a potent alternative to the traditional means of resolving citizen complaints against police officers. It should be noted that not all disputes are suitable for mediation (Boston Police Department, n.d.) as conflicts involving rudeness, unprofessional conduct, and abusive language can be referred to mediation, while more serious cases can be investigated internally or externally. As it relates to the interaction between the adversarial process and mediation, it is submitted that if the conflicting parties reach a resolution, then the matter is deemed closed and reported to the police department as such and no further investigation is warranted. However, if the parties are unable to reach an agreement, the mediators will report to the Department that the matter was not resolved and the complaint then proceeds to further investigations (see Figure 1).

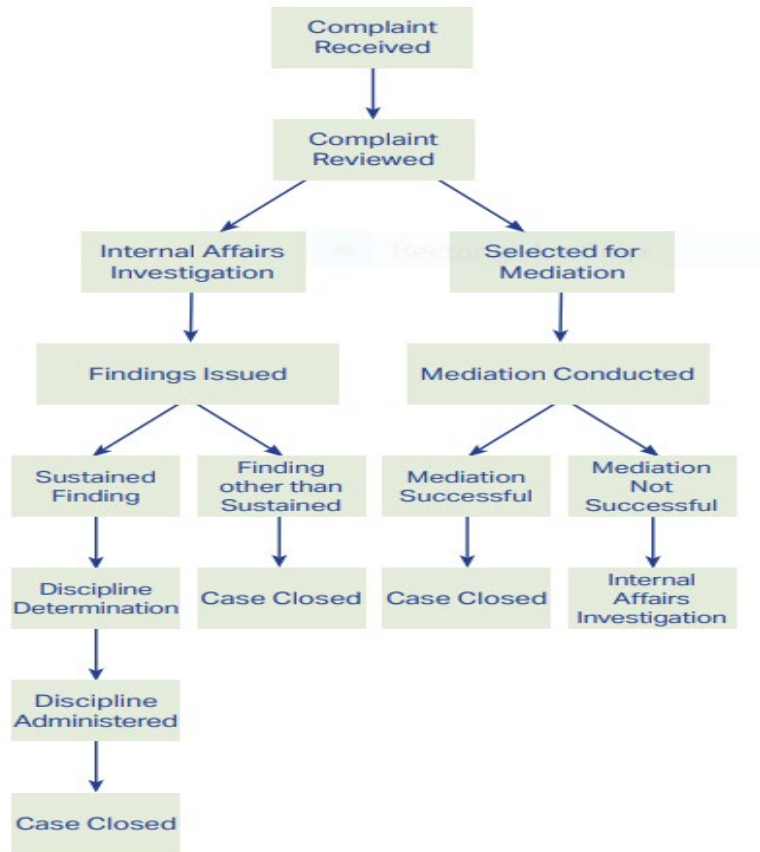


Figure 1. Interaction of the adversarial and mediation processes. *Source:* Boston Police Department. (n.d.).

In a study conducted by Schaible et al. (2013), the results indicated that both police and civilian participants in the mediation program were significantly more satisfied than individuals who participated in traditional complaint processing (Schaible et al., 2013, p. 626). In the Denver study, Schaible et al. (2013) found that 79% of complainants who experienced mediation conducted through ‘an independent mediator’ were satisfied with the process, compared with 11% in the ‘non-mediation’ sample; and 63% were satisfied with the outcome in mediated cases compared with 7% in non-mediated cases (Schaible et al., 2013, pp. 8-15). Schaible et al. (2013, p. 16) also found that 81% of police participants were satisfied with the process, compared to 12% in the non-mediation sample; and 73% were satisfied with the outcome compared to 49% with non-mediated cases. In New York City, Bartels and Silverman (2005) surveyed persons whose complaints were either investigated or mediated by the Civilian Complaint Review Board. The results indicated that “Eighty-one percent of the complainants felt that the real issues of their complaint were discussed in their mediation session, compared with 32 percent of those who participated in regular full investigation” (Bartels & Silverman, 2005, p. 627). In Calgary, a similar study found that 78% of officers accepted the offer of mediation and, of these, 83% were satisfied with the outcome (Calgary Police Commission, 1999, p. 92).

Walker and Archbold (2000, p. 241) point out that “The limited research to date suggests that mediation provides greater satisfaction to complainants than

conventional forms of citizen complaint investigation.” Instructively, other research indicates that complainants who choose mediation do report higher levels of satisfaction than those who choose the traditional process (Walker et al., 2002). In another study conducted in the United Kingdom, it was found that 30 percent of complainants were ‘very satisfied’ with the mediation process compared to none of those whose cases were formally investigated (Corbett, 1991, as cited in Walker et al., 2002, pp. 9-10) and in a study conducted in Queensland, Australia, it was found that about 35 percent of complainants were ‘very satisfied’ with mediation, compared to 16 percent of those whose complaints were formally investigated (Holland, 1996, as cited in Walker et al., 2002, pp. 9-10).

Riley et al. (2020), in their study assessing the role of ADR options in the complaints management systems of the eight policing jurisdictions in Australia and the single jurisdiction of New Zealand, found that a large proportion of complainants were inclined to participate in mediation. The results of the study by Riley et al. (2020) also found that both citizen complainants and police officers who experienced mediation reported much higher rates of satisfaction than those experiencing traditional adversarial investigative and adjudicative processes. Similarly, in another study conducted by Riley et al. (2021) on mediating complaints against police in Los Angeles and New York City, the findings indicate that the inclusion of external mediation in police complaints systems offers complainants a transparent, impartial and often restorative mechanism to resolve complaints.

In 2005, the Denver Office of the Independent Monitor (OIM) introduced police-community mediation, despite low levels of satisfaction with the process, in the United States of America (USA) amongst police officers and civilians. However, prior to the official establishment of the OIM, they conducted a survey with police officers and community members who had filed complaints within the preceding three years, to assess how persons viewed the process of handling complaints and the processes involved in disciplinary action against the police. They found that almost 75% of members of the community were dissatisfied with the process involved when complaints were filed, whilst on the other hand, almost 64% of police officers expressed dissatisfaction. However, after police-community mediation was introduced, only 10.7% of community members and 3.7% of police officers, were reportedly dissatisfied with the processes (Clemmons & Rosenthal, 2008).

In a study on the police-community mediation process, Bartels and Silverman (2005) utilized 285 officers and complainants who had previously participated in the mediation process as proxies for their study. The data emanating from the questionnaires indicated that a greater number of persons who lodged complaints against defaulting officers and who had taken part in the mediation process were contented with the New York Police Department (NYPD) and the complaint procedure, than others whose complaint went through the investigative process.

Unlike the studies discussed above, a study conducted in Calgary, Canada contended that most persons who complained about the alleged wrongdoing of an officer and were given the choice of having the complaint mediated, refused the offer

suggesting that they preferred a formal investigation into their complaint and expressed little faith that the mediation process would yield a positive result for them (Calgary Police Commission, 1999). Interestingly, police-community mediation programs seek to bring both parties together in a neutral setting to resolve their differences. However, it is important to point out that not every citizen who lodges a complaint against a police officer is desirous of having a face-to-face meeting with the officer or having the officer face a loss of job (see Walker, 1997). This position has found support from Sviridoff and Mc Elroy (1989) who in a study which involved interviews with 371 persons who had made complaints to the New York City Civilian Complaint Review Board (CCRB) found that 20% of the persons who made complaints wanted the defaulting officer punished, whilst 20% were only interested in reporting the incident and 60% wanted disciplinary action against the defaulting officer but they were not interested in job loss by the officer.

Bartels and Silverman (2005) also contend that not everyone who lodged a complaint against defaulting officers wanted to meet with them, while the Alberta Law Enforcement Review Board (1997) discovered that in some cases, the complainants were only interested in an apology. Other research found that citizen complaints simply desired moderate disciplinary action—but not extreme—to be taken against errant officers (Maguire & Corbett, 1991; Walker & Archbold, 2000) or “an apology or acknowledgment of their feelings” (Prenzler & Ronken, 2001, p. 171). Similarly, focus group interviews conducted in Omaha, Nebraska found that most of the participants were desirous of having the officer or another official apologize, explain their actions or be given the opportunity to share their opinion in person with the officer concerned (Walker et al., 2002).

Several scholars have pointed out the inherent benefits of using mediation as a tool to resolve police-community conflicts. For instance, Walker et al. (2002) posit that the benefits of mediating community-police conflicts include benefits to police officers and citizen complainants as well as benefits for police accountability, community policing, the complaint process, and the criminal justice system. Walker et al. (2002) also recommend mediation as a tool to settle citizen complaints against police officers and while they suggest that police officers are usually apprehensive in using mediation due to their lack of understanding of the process, they cite the benefits listed above. Like Walker et al. (2002), Clemmons and Rosenthal (2008) point out that there are benefits to be derived from police-community mediation programs and that the benefits of such programs far exceeded the costs. Consequently, they recommend that all police agencies should provide mediation services to resolve conflicts between residents and police officers.

Other benefits of police-community mediation include offering:

both the officer and the complainant a chance to be heard and an opportunity to understand why the other person acted as he or she did. Further, a trained and neutral mediator can help the parties understand the underlying issues, deal with stereotypes and misperceptions, and overcome any perceptual

barriers. These opportunities are not generally realized by traditional police investigations. (Police Assessment Resource Center, 2008, p. 7)

Police-community mediation programs also offer other benefits including, but not limited to, providing a better understanding of police interactions with citizens, an opportunity to explain police actions to citizens, greater citizen satisfaction with the complaint process, a chance for police officers and citizens to learn from mistakes and helping to reduce crime by raising community trust and cooperation with the police (Walker et al., 2002).

Despite the general high levels of satisfaction following police-community mediation, research by Prenzler (2009) suggests that although persons who make complaints derive satisfaction from the police-community mediation process, there is a risk of hiding 'genuine misconduct' which could lead to future breaches. The authors of the current effort do not posit that police-community mediation programs are without challenges and obstacles. What is being posited is that these challenges and obstacles can be overcome and this position has found support from Walker and Archbold (2000).

A theoretical perspective on mediation of complaints against police

Traditionally, processes for resolving citizen-police conflict and complaints lodged against police officers adopted an adversarial approach and this resulted in blame being assigned and win-lose outcomes (see Riley & Prenzler, 2020 for support). This facilitated a heightened level of public dissatisfaction with the perceived bias of complaints processes, increased public mistrust of the police, and reduced public compliance with the law. Instructively, the aforementioned frustrations led to calls for an overhaul of the police complaints systems to better provide outcomes that were aligned to the public's expectations. Importantly, it was the introduction of ADR processes in civil and criminal law proceedings which provided a benchmark for citizen-police mediation as a mechanism to resolve their disputes (Sourdin, 2016).

In sum, the resolution of citizen-police conflicts is undergirded by the restorative justice theory. According to Braithwaite (2016), restorative justice, understood as a theory of relational justice, focuses on healing the harms caused by alleged or actual police wrongdoing as it adopts a 'needs-based' approach (Sullivan & Tift, 2013). With the needs-based approach, the needs (and expectations) of citizen complainants are met through voicing their perspective, being listened to, acknowledged and respected in a safe, neutral, third-party facilitated encounter with the police officer(s) who are subject of the complaint (Sullivan & Tift, 2013). Similarly, the police officer(s) are afforded the opportunity or their need to be heard as well.

Methods and materials

Procedures

A concurrent, quantitative survey was conducted among police officers and residents in Trinidad and Tobago by way of a standardized questionnaire. The instrument for both groups of participants was generally similar with the exception of some demographic questions which aimed to ascertain specific demographics of police officers and residents. The questionnaire consisted of two sections. Section 1 of the questionnaire collected demographic data from the study's participants, while Section 2 contained a number of questions specifically aimed at garnering the views on the use of mediation to resolve police-community disputes. The study concurrently garnered police officers and citizens' perceptions to identify their positions regarding the use of mediation to resolve community-police conflicts.

The researchers utilized concurrent surveys as extensive searches of the literature on policing as well as on the mediation of community-police disputes failed to unearth any prior usage of this method. Indeed, police officers' and citizens' views on community-police mediation (as well as on policing) have continuously been measured; however, these were done separately. The concurrent approach was therefore seen as being innovative, suited to the reality of the study and the most viable option based on the breath and complexity of the study. Instructively, Liederbach et al. (2008) found that the concurrent survey approach is rarely ever utilized by researchers, but that it allows for the direct comparison of citizen and police views.

Forty-nine questions were developed by the researchers for this study and were fairly consistent in terms of content in relation to the participants (police officers and community residents). Importantly, the questionnaire contained a brief definition of mediation, and this was aimed at ensuring that the participants understood the phenomenon under inquiry. Mediation was described on the instrument as "a process in which the complaining party and the police officer(s) complained against meet face-to-face, in the presence of a trained mediator who is neutral and non-police, in an attempt to informally resolve a disputed complaint." The questions emanated from previous research and literature on the topic (Bartels & Silverman, 2005; Kian, 2011; Walker et al., 2002; Zumeta, 2000).

Some common questions asked to both groups of participants included, but was not limited to: (1) Is litigation (going to the Court) the most effective manner of dealing with citizen complaints against police officers? (2) Will mediation provide citizen complainants with a better understanding of policing and police officers than traditional complaint investigation procedures? (3) Are there advantages of using mediation to resolve citizen complaints against police officers? The administration of the questionnaire was by way of self-administration in order to minimize the 'social desirability bias' or the tendency for respondents to respond favorably whenever researchers are facing them (Tourangeau & Yan, 2007). The questions were answered using a five-point Likert response scale which ranged from strongly agree to strongly disagree.

Research questions

Since there is awareness of conflicts between citizens and police officers in Trinidad and Tobago, the authors of this article were not interested in replicating this. Instead, the authors were interested in how people make meaning of the current mechanisms for resolving conflicts between community residents and police officers, an issue that haunts the national psyche. The research questions (RQs) were guided by the premise that conflict, the ways in which people interface with it, and mechanism for its resolution, are socially constructed. Four RQs lie at the heart of this study:

RQ1: Will community residents be willing to attend mediation to resolve police-community conflicts?

RQ2: Will community residents prefer to use the mediation process to resolve conflicts rather than the traditional investigative processes?

RQ3: Will police officers be willing to attend mediation to resolve complaints made against them?

RQ4: Will police officers prefer to use mediation to resolve complaints made against them rather than going to court?

Data collection

Stratified sampling was used to collect data from participants. The target population was first divided into separate strata (major cities) and samples, then selected from each stratum through systematic random sampling (participants selected from fixed intervals from the list of participants). Standardized questionnaires were distributed to citizens (250) in five main cities in Trinidad and Tobago and police officers (250) in the nine Police Divisions of the TTPS between October 2017 and August 2019. Data were collected in two waves as Wave 1 (October 2017 to August 2018) did not yield enough responses for analysis. Wave 2 was conducted from October 2018 to August 2019). This method resulted in 185 citizens and 53 police questionnaires (N=238) being returned to the researchers for an overall response rate of 48%. Of concern is the low response rate by police officers. The low response rate by police officers is attributed to “the proliferation of studies by local, regional and international researchers using the general membership of the TTPS as proxies for their studies and the resultant ‘tiredness’, ‘lethargy’ and lack of interest among the general membership as a result of the over-concentration of research questionnaires completed by members of the TTPS” (Wallace, 2020, p. 117). Data were examined based on age, gender, and employment status.

Data analysis

The Statistical Package for Social Sciences (SPSS) version 20 was used as the tool of analysis of the gathered data. This was done so that the gathered data can be utilized to draw inferences from the populations which were examined; however, the data will be descriptively presented by way of simple percentages. Apart from the use of questionnaires, the study draws on, and analyses, literature specific to mediation as well as community-police mediation.

The participants

The participants included a total of 238 individuals. From the sample, 185 (78%) were civilians and 53 (22%) were police officers. When distilled by gender, for the civilian participants, 56 were males and 128 were females (one participant did not indicate gender). The participants' ages ranged from 18 to 50+, however, the highest number of participants fell within the 18-25 and 26-30 age groups (18% respectively). For the police officer participants, 37 (71%) were males and 15 (28%) were females (one participant did not indicate gender). All seven age ranges were represented by the police officer participants (18-25, 26-30, 31-35, 36-40, 41-45, 46-50, and 50+), however, the largest number of police participants fell within the 31-35 years age group (23%) and 41-45 years age group (17%).

Results

As it relates to Research Question 1 (Will community residents be willing to attend mediation to resolve complaints against police officers?), the majority of community residents (68%) indicated that they would be willing to attend mediation as a mechanism to resolve a citizen-police conflict or complaints against police officers, while 21% remained neutral, and 11% indicated that they would not be willing to attend mediation to resolve citizen-police conflicts or complaints against police officers. Males were slightly more willing to attend mediation to resolve citizen-police conflicts (72%) when compared to females (71%). Those individuals who fell within the 31-35 and 46-50 age groups were more willing to attend mediation, whereas persons between the ages of 26-30 were more likely not to attend these sessions, and persons between the ages of 18-25 were generally neutral on this issue.

In answering Research Question 2 (Community residents will prefer to use the mediation process to resolve conflicts rather than the traditional investigative processes), 52% of the residents reported that they prefer to use mediation rather than the traditional investigative processes to resolve police-community conflicts, 12% of the participants indicated that they would not be willing to use mediation and 36% were neutral. When distilled by gender, 34% of the female participants and 66% of the male participants preferred to use mediation. Community residents between the ages of 18-25 and 36-40 generally preferred to use mediation rather than traditional complaint investigation procedures, whereas community residents ages 26-30 preferred the traditional investigative processes to resolve police-community conflicts.

As it relates to Research Question 3 (Will police officers be willing to attend mediation to resolve complaints made against them?), a slight majority of the police officer participants (55%) indicated that they would be willing to participate in the mediation process to resolve criminal citizen complaints made against them. Conversely, 29% were unwilling to participate and 16% were neutral. When distilled by gender, 62% of the male police officers were willing to attend mediation, while 36% of the female police officers were willing to attend mediation and 2% were neutral. Younger police officers between the ages of 18-25 and older police officers between

the ages of 46-50 were more willing to participate in a mediation exercise to resolve a criminal citizen complaint made against them, whereas police officers between the ages of 31-35 were less willing to attend a mediation exercise.

In answering the fourth Research Question (Will police officers prefer to use mediation to resolve complaints made against them rather than going to court?), 34% of the police officer participants indicated a preference for mediation to resolve conflicts with citizens, 6% preferred going to court and 60% indicated that they had no preference for either Mediation or the Courts to resolve their conflicting situation. However, when distilled by gender, of the police officers who indicated a preference for mediation rather than traditional resolution mechanisms such as going to court, 69% were males, while 31% were females.

Discussion

That the majority of community residents (68%) indicated their willingness to attend mediation as a mechanism to resolve citizen-police conflicts as well as complaints against police officers, was a bit surprising given the poor relations that exist between the police and residents in Trinidad and Tobago (Pino & Johnson, 2011). On the other hand, citizens' willingness to use mediation to resolve conflicts with the police as well as complaints made against police officers in Trinidad and Tobago might reflect that changing paradigm of conflict resolution on the island via a move away from the traditional 'investigate and litigate' approach.

Citizens' willingness to mediate might also be indicative of their beliefs that they have been wronged and therefore need some form of redress and/or resolution (Riley & Prenzler, 2020) as well as their frustration with the inordinate delays within the judicial system. The authors of this article also submit that the willingness of citizens in Trinidad and Tobago to mediate complaints and conflicts with police officers can be linked to restorative justice, and the need to heal the harms caused by alleged or actual police wrongdoing that is premised on the 'needs-based' approach (Sullivan & Tift, 2013) which allows them the need for their voices to be heard. Instructively, the finding that citizens are generally willing to utilize mediation to resolve citizen-police conflict has found support from Riley et al. (2020) who found that a large proportion of complainants were inclined to participate in mediating complaints against the police in Australia and New Zealand.

The finding that 52% of the residents prefer to use mediation rather than the traditional investigative processes to resolve police-community conflicts is slightly surprising. This is premised on the notion of the extremely slow process of taking matters through the courts in Trinidad and Tobago and the inordinate delays faced (Wallace, Hill & Rosales, 2020). Therefore, an expected result was that the authors expected more support for mediation than the traditional investigate and litigate approach to resolving citizen-police conflict on the island. The authors view this finding as being new as there are many studies on satisfaction with, and benefits of, using

citizen-police mediation, however, no studies were located on preference for mediation when compared to litigation.

Interestingly, older residents preferred to use mediation to resolve their conflicts with the police, while younger residents were more inclined to use the traditional investigate and litigate approach. For example, the study found that residents aged between 36-40 generally preferred mediation over the traditional complaint investigation procedures, whereas residents ages 26-30 preferred the traditional investigative processes to resolve police-community conflicts. This is particularly interesting and should signal to police executives on the island their approach to policing different age groups should be altered.

A slight majority of the police officer participants (55%) indicated that they were willing to participate in mediation to resolve criminal citizen complaints made against them. However, when distilled by gender, 62% of the male police officers were willing to participate in mediation, while 36% of the female police officers were willing to attend mediation and 2% were neutral. This finding is similar to that of community residents whereby a great majority indicated their willingness to participate in the citizen-police mediation activity to resolve conflicts and complaints made against them. This finding might be symptomatic of the changing culture, whereby mediation is becoming increasingly used to resolve disputes on the island (Diaz et al., 2016).

Thirty-four per cent (34%) of the police officer participants indicated a preference for mediation to resolve conflicts with citizens, while 6% preferred going to court and 60% indicated that they had no preference for either mediation or the courts to resolve conflicts with local residents. That a greater percentage of police officers indicated a preference for mediation suggests a changing tide in the use of mediation when compared to traditional investigative processes. Interestingly, when distilled by gender, of the police officers who indicated a preference for mediation rather than traditional resolution mechanisms such as going to court, 69% were males, while 31% were females. Given the patriarchal society in which the study was conducted, it was surprising that more female police officers felt comfortable going to the courts to have grievances settled, with the potential of facing a male arbiter (magistrate or judge) in the court being a distinct possibility. However, this preference may redound to the benefit of female police officers in Trinidad and Tobago based on 'the chivalry thesis' or a situation that exists within most societies whereby males are taught to be chivalrous to females. This extends to the criminal justice systems where males tend to be more lenient to females who run afoul of the law.

Implications and importance of the study

In a similar vein to Williams' (2020) study, this study considers the longstanding tensions experienced between the police and residents and attempts to determine which groups (citizens or police) are more or less likely to use mediation to resolve complaints against the police. This study adds to the existing research by examining demographic characteristics linked to mediation selection to resolve community-

police conflict in Trinidad and Tobago. Further, Williams (2021) submits that the overall objective of community-police mediation is to strengthen police ties with the community. With the pronouncement by Williams (2021) in mind, understanding the possible correlates of mediation selection may assist police authorities to allocate resources efficiently, thus, ultimately helping the police improve their relationship with the public.

Recommendations

Two recommendations emanated from this study and they are worthy of further explication. First, an underlying tenet of the participants, both citizens and police officers, was that the state should train professional mediators in the specialized area of police-citizen conflict resolution in response to the growing needs between citizens and police officers to manage disputes. This they felt would remove perceptions of bias from mediators towards citizens and/or police officers. This view was succinctly echoed by both civilians and police officers. The second recommendation that emanated from the participants was that there should be some form of advocacy for a complaints management system that includes mediation within a consultative framework focused of behavioral improvement to be implemented in Trinidad and Tobago.

Conclusion

This paper aims to present an evaluation of citizen and police officer perspectives regarding the use of mediation to resolve citizen-police conflicts in the context of 'islandness', rather than engage in the Western-centric approach to dispute resolution that is mainly litigious and adversarial. The current research effort contributes to the field of island studies by addressing the lack of research on islands in the context of resolving citizen-police conflict in a non-adversarial manner. While there is much research in Western jurisdictions addressing the issue of the resolution of citizen-police conflicts (Berger, 2000; Patterson, 2006; Walker & Torres, 2008), there is a noticeable gap in the scholarship on resolving citizen-police conflict in context of island studies.

This study is a timely response to widespread concerns about litigation costs and access to justice for citizens who lodge complaints against police officers in Trinidad and Tobago. In relation to the existing scholarship, the authors of this article posit that the findings of the study can be used to augment the limited understandings of the phenomenon under inquiry in an island context and link this understanding to the contemporizing of police departments in island contexts. The authors' desire is that this study will spur more research and increased interest in alternative methods of resolving citizen-police conflicts in island contexts as we must repair the roof when the sun is shining and not wait for the rains to fall before seeking an alternative to the clogged system for residents in Trinidad and Tobago who lodge complaints against police officers.

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