

From the Editor

We are so pleased to announce the publication of the 2008 issue of the journal. More meaningful is that this is the first issue since the journal adopted the new title, Asia Pacific Journal of Police & Criminal Justice (APJPCJ) this year. Since the first issue came out in 2003, Asian Policing has been an important outlet for scholarly works covering a variety of police issues in Asian countries. The journal also has provided a meaningful forum where scholars and practitioners interact and exchange knowledge and ideas for better police work. Despite the significant and substantial value of the regional focus with concentration on police issues, needs and demands for expanding the scope of the journal have existed continuously. First, as the law enforcement environment becomes globalized rapidly (e.g. cross-national crime, immigration), there has been a growing interest in overcoming the narrow regional boundary. Furthermore, countries surrounding the Pacific Ocean have long maintained close relations as a regional community politically, economically, and in many other ways. Second, policing does not exist in a vacuum, but rather the police perform their activities under a broad criminal justice context through constant associations with other components of the system. The need to embrace the dynamics of police issues in a forum has led us to expand the topical boundary covering a variety of issues in criminal justice.

The journal under the new title aims to provide a meaningful forum for exchange of knowledge, information, and research outcomes among academicians, researchers, practitioners and policy-makers on all aspects of police and criminal justice in the Asia-Pacific region. With the unique regional focus, the primary emphasis will be on comparative perspectives among countries in Asia, North America, South America, and Oceania. In addition to the change in the title and the coverage, we constituted a new editorial team including a new advisory board consisting of scholars representing a variety of countries and areas, as well as new manuscript submission guidelines and reviewing policy.

The current issue contains three articles. The first article, by Ilhong Yun, compares social control mechanisms between the United States and East Asian countries. He attempts to trace the differences in crime rates between the two regions from moral education and reintegrative shaming in East Asia. In the second article, based on research in Nakhon Pathom Province of Thailand, Srisombat Chokprajakchat and her associates examine the mediatory roles of the police and administrative authority in disputes. The final article, by Robert Hanser, explores difficulties and challenges in establishing a collaborative relationship between the police and Asian American communities in the southern United States. He provides specific recommendations for building an effective relationship with Asian immigrants.

This is the first issue compiled by the new editorial team under the new title. As a newly appointed editor, I had to rely on many people for support and advice from the beginning to the end. I would like to take this opportunity to express my sincere appreciation to all the people who contribute time and efforts for this journal. Special thanks to the reviewers both outside and inside.

In closing, we will continue to endeavor to accomplish the aforementioned goals. Please feel free to share comments or suggestions for the journal. We will keep our ears wide open to your voice.

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Wengu Zhisxin: Review the Old and Know the New

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The different modes of social control mechanisms between the United States and East Asia are discussed primarily drawing upon Confucianism. The American get-tough polices and resultant prison population are juxtaposed with East Asian justice policies' focusing on reintegrative shaming and moral education. The comparison and contrast of realities of social control between East Asia and the United States is used as a means to exhort East Asians not to be blindly swayed by the wave of Westernization at the expense of their own traditional values.

According to the Source Book of Criminal Justice Statistics (2006), the crime rates of the United States have remarkably been declining since the early 1990s. The victimization rate for personal crimes per 1,000 persons was 22.1 in 2006, a conspicuous 57.7% nose dive from 52.2 in 1993. The property crime victimization rate also went down from 318.9 per 1,000 persons to 154, a 51.7% drop. Americans have been enjoying the safest era during the recent several decades.

Criminal justice functionaries including police managers around the nation are eager to take the credit for this long-sought crime decline, claiming that their aggressive initiatives had finally come to fruition. Not to be outdone, politicians who had jumped on the so-called "get-tough" bandwagon from the 1970s are also scrambling around to get the glamorous credit (Blumstein & Wallman, 2000). Such American celebration is clearly understandable given her perennial presence at the top rung of the most violent industrialized countries during the second half of the twentieth century.

While America is celebrating its unprecedented low crime rate, nations across the Pacific Ocean, especially East Asian countries, do not seem particularly impressed by such an American feat. This East Asian attitude toward the United States is well reflected in Malaysia's Prime Minister, Mahathir's remark following the U.S. State Department's release of Human Rights Report in the late 1990s, giving low marks to Malaysia regarding the freedom of the press and basic legal protections: "The United States? Here's a country that tolerates the murder of twenty thousand of its citizens every year, where one million citizens are held in jails, where a man can kill his wife and go free if he gets the right lawyer, and they have the gall to lecture us about human rights?" (Reid, 1999, p.64)

As a matter of fact, nations in East Asia enjoy much safer streets and far lower crime rates than the U.S. The following crime rate figures in 1994 (Table 1) are from the United Nations World Crime Surveys (1997), which is the most recent data available that has employed coherent methods in compiling crime rates from different countries. Numbers reflect the crime rate per a population of 100,000.



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Table 1: Crime Rates between the United States and East Asian Countries

	Robbery	Rape	Drug Offenses
United States	237	39	3836
Malaysia	31	5	53
South Korea	10	14	4
Singapore	28	3	63
Japan	3	1	18

Table 2: Violent Crime Rates between the United States and East Asian Countries

Murder	Rape	Robbery
1. United States: 6.32	1. United States: 34.20	1. United States: 169.02
2. Malaysia: 2.73	2. Taiwan: 8.82	2. Taiwan: 14.35
3. Taiwan: 1.17	3. South Korea: 4.38	3. South Korea: 11.74
4. Japan: 0.58.	4. Japan: 1.48	4. Japan: 2.71

The statistical figures from 1998 (Table 2) draw on various sources that also reflect similar differences in crime rates between the United States and East Asian countries (Taiwan Nation Police Agency, 1999; Japanese Statistics Bureau, 1999; Bureau of Justice Statistics, 1999).

After the Second World War, many East Asian countries¹, such as Japan, South Korea, Hong Kong, Taiwan, Singapore, and Malaysia, successfully stepped onto the rung of industrialized societies; this was accomplished even though most of them had experienced devastation wrought by the War, and the earlier egregious exploitation by Western colonialists. The economic growth of East Asia, arising from the scar of Western colonialism and the debris of the Second World War, has been an unparalleled feat. In the 1990s, for example, even many American managers and scholars made pilgrimages to Japan to study the Japanese management styles (Lillrank, 1995). The economic miracles of South Korea, Taiwan, Singapore, and Hong Kong were known as the Four Asian Tigers.

Far more remarkable than the economic miracle in East Asia, however, is the

¹ The definition of East Asia is far from being clear-cut; the term can be used in the sense of geography, culture, politics, or any combination of these. In terms of cultural sense, some scholars use “chopstick culture,” “kanji culture,” or even “Star Channel culture” to refer to East Asia (Reid, 1999). Given the emphasis on Confucianism in this article, East Asia refers to nations that have embraced a Confucian ethic that serves them as a value system. This group includes Japan, China, Taiwan, Korea, and Singapore. Malaysia, Thailand, and Indonesia fit the mold to some extent, primarily because of the influence of the “overseas Chinese.”

fact that this region was successful in keeping the civility robust and crime rates down even amidst of the unparalleled rapid economic growth. The renowned French sociologist Durkheim's (1964) argument that the extent of criminal behavior is proportional to the rapidity of social change has been largely correct in many Western countries (Neuman & Berger, 1988; Shelley, 1981). Notwithstanding such empirical findings elsewhere, it does not seem to hold true as much in the East Asian case. The statistical figures shown above tellingly prove the uniqueness of the East Asian experience. East Asians were notably successful in maintaining the safest streets and schools and the most stable families in the world despite the rapid social change. Referring to this East Asian phenomenon, the longtime reporter and Asia correspondent for the Washington Post, T. R. Reid, termed "social miracle" (Reid, 1999, p. 7).

East Asian countries vary in terms of population, climate, and geography. But they all, more or less, have shared the experience of maintaining relatively safe streets and high civility incident to rapid economic development during the second half of the twentieth century. Then, how were East Asians able to accomplish such an outstanding "social miracle" despite the rapid social change accompanying this industrialization and economic development? Although there have been some attempts to explain this phenomena, especially looking at Japanese society, using concepts such as reintegrative shaming (Braithwaite, 1988), this author argues that the critical commonality underlying the social miracle in many East Asian countries is predominantly a set of shared ethical and moral values, Confucian values.² In so doing, the author purports to remind East Asians of the time-honored efficacy of Confucianism in crime control. This kind of argument is deemed timely and appropriate, especially because recent decades have witnessed almost an unstoppable wave of Westernization among East Asian countries, in spite of the danger of trumping their own traditional, oftentimes extremely valuable, beliefs and practices (Rosen, 1990; Xu, 1995; Yao, 1996).

² Although China is the motherland of Confucianism, China is excluded in the discussion here. The reason is that the Chinese Communist Party has consciously discredited Confucianism during the latter half of the twentieth century, including the Consolidation, Great Cultural Revaluation, and Social Reform Era. Although recent social reforms have brought Confucius back into the Chinese political/cultural/social landscape, the exposure of Chinese youth who grew up during the Social Reform Era (1978 to present) to Confucian tenets has been limited (Rosen, 1990). Further, due to the incomparability in the transparency of official crime statistics between China and other democracies, the United Nations World Crime Survey (1997) does not report Chinese crime statistics.

CONFUCIANISM

While Judaeo-Christian tradition has been the dominant value in the Western hemisphere, Confucianism has been the authoritative moral doctrine in guiding social attitudes and behaviors in almost all of the East Asian countries. While living in a chaotic and violent China in the fifth century BCE, Confucius (551-479 BCE) tried to find a way to realize a stable, civil, unified, and virtuous society. The virtuous society that he had envisioned was where men and states conducted in a proper manner because that would produce the best results for the society as a whole, and thus, for the individual members as well. Confucius placed the decay of society squarely in terms of moral deterioration: All social problems had their roots in the morality of the members of the society. Therefore, he believed that the restoration of a peaceful society was only possible through the ethical cultivation of every member of society (Chau, 1996; Legge, 1970).

Since Confucius believed that all humans are good—there is no concept of original sin or evil in Confucianism, any person could become virtuous through appropriate moral education (Berthrong & Berthrong, 2000; Legge, 1970; Reid, 1999; Yao, 2000). He claimed: “Man is born for uprightness” (Legge, 1970. p. 190). These educated moral people, or virtuous men, would consider group harmony to be most important in establishing a virtuous community. People living in such a community would avoid confrontation, resolve disputes by negotiation, and search for solutions that would serve all interested parties rather than total victory for one side and total defeat for another (Berthrong & Berthrong, 2000; Yao, 2000).

Confucius emphasized “order” as a way of keeping societal harmony. He set forth the rules of social behavior around five basic relationships: (1) between ruler and people; (2) between parent and child; (3) between the marital relationship; (4) between older and younger; and (5) between friends (Kim, 1976). Within each set of relationship, the younger or the lower class was expected to show respect and deference toward the elder or the higher one. Yet, such a hierarchy does not mean an oppressive relationship where the higher suppress the lower or take advantage of the offered deference. By contrast, those on a higher rung of social hierarchy should, with strong moral standard, guide, educate, and look after the others who are at a lower status. Such social-moral standards that govern relations between individuals ultimately extend to the mode of governing an entire nation. Confucius concluded that a strong moral standard at the top led to a far more effective government than strict laws and harsh punishment (Berthrong & Berthrong, 2000; Reid, 1999).

Contrary to some Westerners’ belief that Confucianism is akin to religion, it is strictly secular. Confucianism demands that people’s circumstances be changed by virtue of changing people themselves and their own behaviors (Berthrong &

Berthrong, 2000; Yao, 2000). Confucianism is a theory of action and pragmatism which aims at solving the problems of this world through the actions of people. When asked by one of his disciples about serving spiritual beings and death, the master answered: “You are not able even to serve man. How can you serve the spirits... You do not understand even life. How can you understand death?” (Lau, 1983, p. 99).

What the great sage, Confucius, had tried to accomplish during his lifetime is relatively well preserved in the Confucian Classics, such as the Five Classics and Four Books—*Lun Yü*, *Chung Yung*, *Meng-tzu*, *I Ching* etc. Among them, the *Lun Yü* or *Analects*, whose title means “dialogues,” is believed to have influenced the people of East Asian region the most (Berthrong & Berthrong, 2000; Yao, 2000). That is why almost every child enrolled in school in Japan, China, South Korea, Taiwan, and Singapore still writes and recites several lines of *the Analects*.

In sum, his teachings made an indelible impact on the lives of East Asian nations literally in every way. Confucian teachings have had an influence more far reaching in the minds and life of many East Asians than other religions or philosophies (Kim, 1976). Fundamental institutions underlying the vitality and maintenance of any society, namely, family, economy, law, and education are all deeply touched by Confucius edicts. In turn, these institutions appear to play a significant role in bringing about the high civility and low crime rates in East Asia. Thus, as a logical path of inquiry, the following sections will delve into how Confucianism has manifested itself in the fundamental institutions of many East Asian nations and consequently how it has begotten the low crime rates in this region.

Family

Criminologists in the U.S. have been paying a great deal of attention toward the observed correlation between race/ethnicity and crime (Bursik & Webb, 1982; Tonry, 1995). Yet criminologist’s attention directed specifically toward Asian-Americans is far less than that given to other races and ethnicities. The reason appears to be that criminologists have not felt the urgency to study Asian-Americans due to their low involvement in violent criminal activities. In fact, official statistics on arrest rates of Asian Americans are uniquely low. Asian Americans have the lowest crime rate of any racial or ethnic group in the United States (Wei, 1993), and such phenomenon is observed consistently across time and place (Rushton & Whitney, 2002). Data that are as early as the beginning of the twentieth century show lower arrest rates for those of Asian origin than for non-Asians for all types of offenses (Hayner, 1933, 1938; Lind, 1930). The low criminality among Asian Americans manifests itself also among the juvenile population: The Uniform Crime Reports for a 17-year period (1982—1998) reveals that Asian-American juvenile arrest rate is, on average, a half of white and one fourth of the

black rate (Jang, 2002). The low crime rates among Asian immigrants and their children also appear in other Western countries such as Canada (Ontario, 1996), England (Smith, 1997), France (Tournier, 1997), the Netherlands (Junger-Tas, 1997), and Sweden (Martens, 1997).

Several criminologists have concluded that the lower crime rates among Asian immigrants are attributable to their effective social control through strong family units within a wider kinship network (Bratta et al., 1981; Jang, 2002). East Asians' bond within the family context appears to be stronger than that of Americans (Bratta et al., 1981; Jang, 2002). After an extensive review of related literature, Rushton and Whitney (2000) conclude that East Asians devote more resources to producing fewer children, invest more heavily in them, and provide them with greater parent care than whites or blacks.

For instance, observers of early child-raising practices have noted that East Asian mothers maintain physical proximity with their children more closely and in longer terms than American mothers (Bayley, 1994; Caudill & Weinstein, 1974). Children in East Asia sleep with their parents until the age of four or five. American children are left with baby-sitters, a practice extremely rare in East Asia. American babies learn to attract parents' attention by crying loud and being demanding, while East Asian mothers anticipate their children's needs before they cry or demand (Caudill & Weinstein, 1974).

It is customary that sons and daughters in Japan are financially and otherwise supported by their parents until they become economically independent. Even after they are married, it is often observed that children continue to live with their parents unless they are capable of financially standing on their own (Reid, 1999). Parents in South Korea are notably willing to sacrifice themselves to provide the best future possible for their children, which is best exemplified by Korean parents' unwavering zeal for their young's education. More than 80 percent of high school graduates go to college, with most of their tuition expended by their parents (Choe, 2008). Korean parents spend the highest amount of money for private education among all the member nations of the OECD, which amounts to 2.8 percent of the country's gross domestic product in 2004 (Choe, 2008). Korean students constitute the largest number of all foreign students with a study visa in the United States, which is 15 percent of all the foreign students in the U.S. (Young Koreans in America, 2007). The responsibility for the rather expensive tuition and living cost in the U.S. usually falls on the parents who reside in South Korea.

The strong bond in families is created and maintained not only through parental commitment to their children's betterment. Children, in return, are strongly encouraged to show respect and filial loyalty to their parents. Into this equation of reciprocal commitment, the state, an unexpected entity from Americans' point of view, enters to play a critical role. For example, the President of South Korea awards a prize to a son or a daughter who best exemplifies filial piety every year.

Likewise, each local government follows suit and lauds its This Year's Filial Child on every Parent's Day (Reid, 1999). The values of elementary and junior high schools in Taiwan and Japan frequently start with "'忠 (zhōng) and 孝 (xiào)", which mean "loyalty and filial piety." The core value of filial piety, which includes respect and care for the elderly with affection, responsibility, and gratitude are strongly espoused and supported by the various entities of the state (Sung, 1998). Simply put, the familial bond is too important to be left to individuals in East Asian countries.

Much of the root of this familial cohesiveness and filial royalty in East Asia is traced back to Confucian teachings. Parents' untiring commitment and sacrifice for the wellbeing of their young are not hard to comprehend given the Confucian teaching that the meaning of life is to ensure the glory of the next generation (Tai, 1989). To Confucius, family is the fundamental social grouping at the heart of a society. All the Confucian texts are filled with emphasis on filial piety and fraternal loyalty. He is constantly praising people for placing family first and denouncing those who failed to be good sons, fathers, husbands, wives, or even distant cousins. His teachings are clearly revealed in Chapter 18 of Book 13 of *the Analects*:

The duke of Sheh informed Confucius, saying, "Among us there are those who may be styled upright in their conduct. If their fathers have [sic] stolen a sheep, they will bear witness to the fact." Confucius said, "Among us, in our part of the country, those who are upright are different from this. The father conceals the misconduct of the son, and the son conceals the misconduct of the father. Uprightness is to be found in this." (Legge, 1970, p. 270)

Since family is such a powerful concept in East Asia, divorce is largely considered a disgrace. A man or woman who is divorced is known as a *batsu-ichi* in Japanese, which means "a one-time failure." If divorced twice, he/she becomes a *batsu-ni* or "a two-time failure," which is extremely rare when compared to the American standard. East Asian couples are much more likely to stay married than couples in Western countries. The lower divorce rate in East Asia is not because marriages are happier than marriages in western countries, but because couples feel a strong joint responsibility to maintain a union and a family (Reid, 1999).

As numerous Western criminologists have long asserted, family plays a crucial role in curbing as well as generating deviant behavior among its members. Family attachment and bond appear as a compelling variable in explaining delinquency in a vast majority of criminological and sociological literature (Gottfredson & Hirschi, 1990; Hirschi, 1969; Sampson & Laub, 1993; Thornberry, 1987; Wilson, 1987). For instance, the Harvard sociologist and writer of *The Truly Disadvantaged*, William J. Wilson, in his examination of the plights in black ghetto

Table 3: Performance on Standardized Tests of Math and Science

	Fourth Grade				Eighth Grade			
	Math		Science		Math		Science	
Singapore	625	South Korea	597	Singapore	643	Singapore	607	
South Korea	611	Japan	574	South Korea	607	Czech Republic	574	
Japan	597	United States	563	Japan	605	Japan	571	
Hong Kong	587	Czech Republic	557	Hong Kong	588	South Korea	565	
United States	545	England	551	United States	500	United States	534	

lives in the United States, concludes that one of the major causal factors generating the vicious cycle of unemployment and crime in ghetto life is broken homes where youngsters find no suitable role model for law-abiding life and legitimate labor market participation (1987).

Not only for the black minority youths in urban ghettos, broken families and high divorce rates are also tremendously deleterious to youngsters from other social strata. The point to be made here is that a vast majority of American adults attach a lot less shame to their divorce than their East Asian counterparts (Reid, 1999). It is quite persuasive when an East Asian professor privately stated, “As long as Americans do not feel a strong sense of shame for their current divorce practices, crime and other social problems in America will never decrease.”

Education

Although it is definitely an overwhelming task to determine whether one system of education is better than another, public schools in East Asia largely produce better academic grades than those in other regions. Such a comparison can be relatively reliable when the comparison involves some universally taught fields such as math, science, and geography. Table 3.0 shows the schoolchildren’s performance on standardized tests of math and science, which was garnered from a study by the U.S. National Departments of Education in twenty six nations in 1996 (adopted from Reid, 1999).

It was observed that Asian American parents socialize their children to regard their relationships with teachers at school as an extension of their relationships with parents at home. Thus, the children are encouraged to obey teachers’ authority and behave respectfully toward them (Kim & Chun, 1994). Also, as noted, East Asian parents tend to be more willing to sacrifice than parents in other regions for their children’s best possible education (Choe, 2008; Rushton & Whitney, 2002). The enrollment rates of primary and secondary schools are generally higher than other regions given their level of income (Chau, 1996). Research conducted in the

U.S. context consistently supports the notion that the influence of East Asian parents on their children's high educational achievement is stronger than that of non-East Asian parents (Choi et al., 1994; Kim & Chum, 1994; Yee, 1992).

As was argued by many criminological theorists, academic achievement at school and commitment to educational attainment are significant factors in deterring involvement in delinquent activities (Gottfredson & Hirschi, 1999; Hirschi, 1969; Thornberry, 1987). Given the eagerness of parents to provide the best education and ensuing higher academic achievement of their children, the low crime rates among East Asians as well as Asian immigrants in the U.S. are hardly implausible. But education in East Asia is not only limited to school life or academic achievement—education plays a fundamental role in instilling civility and morality. In effect, the widespread and active moral education appears to play a more important role than academic achievement in bringing about the low crime rate in East Asian countries.

In East Asia, parents are keen on teaching their children on appropriate social behaviors and attitudes regarding school life, relationship with family members, and with other members of the community. Adoption of suitable language and attitudes concerning social/age status must be taught by their parents with a considerable emphasis (Reid, 1999; Sung, 1998). The great concern in maintaining social order in East Asia ended up developing two types of language: One is used between peers, another is between younger and older individuals. For example, in large part of East Asia, there are two different words meaning brother—younger brother and elder brother. A three-year-old must call his four-year-old brother elder brother. It applies exactly the same to the relationship between a 92-year-old and 93-year-old grandfather.

Teachers at every level of schools in East Asia make enormous efforts in teaching school children ethics and civility. It is not only limited to elementary schools but extends to high schools, to universities, and even to graduate level institutions. Unlike their American counterparts, students in East Asia do not stretch and put their legs on a chair in a classroom. They do not eat food or drink while professors are lecturing. Entering the classroom after the professor enters or leaving the room before the professor leaves is considered extremely rude. As a result, East Asian students' classroom behaviors in general are less disruptive and distracting than their American counterparts (Huang & Waxman, 1993).

Instilling civility and virtue is not only the job of parents and teachers. In this age-hierarchical society, elders have the presumptive right to tell the younger people how to behave appropriately (Bayley, 1994; Reid, 1999). Moral education occurs in a classroom, in an office, on a street, or even in a bar. Confucius emphasized the roles of rituals and ceremonies in reminding people that they live in a community with a shared moral and cultural tradition (Reid, 1999). Consequently, various forms of ceremonies and rituals—New Year's Day, Coming-of-Age day,

ancestral rituals and shrines, etc—are also used to perpetuate community values and morals.

In addition, in almost all of the East Asian countries, the constant preaching of values and good citizenship appears almost ubiquitously in the form of slogans, posters, billboards, advertisements, and TV commercials (Reid, 1999). A big banner in Narita Airport in Japan says: “Enjoy your stay in Japan, but please observe the rules.” On the passenger trains in Kuala Lumpur, there are framed signs that read: “Have a safe and pleasant journey, in the spirit of a caring society.” On a bridge over the Han River in downtown Seoul, a big sign says: “Join together to maintain moral values.” In a subway train in Seoul, the automatic announcement endlessly speaks: “Please don’t stretch your legs for other people’s comfort.” Those public slogans and notices are also seen in the United States concerning public health and safety practices, such as fire safety alert. The difference is that the East Asian messages are predominantly concerned with moral values, good citizenship, and social etiquette. Furthermore, East Asian moral teaching is a constant and on-going endeavor occurring virtually from one’s cradle to grave, while the American version of moral teaching is relatively short-lived and ends when one advances into higher education.

Law and Criminal Justice System

Contrary to classicists who propose that crimes are basically determined by whether the law defines it as a crime or not (Tappan, 1947), many contemporary scholars tend to be critical of such a rigid legal definition of crime. Gould, Kleck, and Gertz (1992), for example, assert that crime is not merely defined by the actions of the offender per se; rather crime involves the actions of multiple entities involving victims, bystanders, families, community members, prosecutors, and also members of political society at large. An illustrative case is found in the first chapter of the Norwegian criminologist Nils Christie’s *A Suitable Amount of Crime* (2004). Here, a slightly deranged man, without any criminal intent, opens his fly-buttons while being surrounded by several playful kids. This act is evidently deemed as criminal by one group of people who reside in an anonymous community, while another group who lives in a close-knit community regards the man’s behavior as a little strange but clearly an unharmed one. The former contacts the police, the man gets into the formal process of the criminal justice system and ends up being branded as a criminal. The latter tolerates his behavior, and no criminal justice action ensues without disrupting the peaceful flow of community life. The former creates a criminal; the latter enjoys crimelessness.

In many respects, East Asians resemble the second group in this example, while Americans tend to follow the first group’s behavioral mode. Compared to their American counterparts, East Asians are more likely to resolve conflicts

through informal mechanisms. The reluctance to call on formal agents stems from Confucianism teachings, which stress moral education and conscience as a mechanism of social control: Good people often engage in disreputable behavior, not because they lack goodness but because they lack moral education (Reid, 1999; Regge, 1970). Thus, a better form of social control is accomplished through moral education rather than through a threat of punishment or deterrence.

In marked contrast, people in the U.S. have developed a disturbing penchant for calling the police at the slightest infringement of their presumed “rights.” The author, an East Asian residing in the U.S., has frequently witnessed people calling the police simply because of the loud music coming from their neighbors. Such is clearly never an exemplary mode of behavior in East Asia.

The American predilection of resorting to formal mechanisms to resolve conflicts has its serious and deleterious consequences. As was maintained by Christie, once the formal criminal justice functionaries become involved, they tend to turn into “King Midas”—all he touched became gold, but he died of starvation (Christie, 2004, p. 5). Most of what the police touch, and all the prisons touch, become crimes and criminals. Thusly, the United States has become the *world champion* boasting the highest prison population rate in the world. The number of prisoners in the United States tops 2.3 million as of 2008, which amounts to one incarceration out of every 99.1 adults. The high prison population and its staggering social costs are not simply due to Americans’ relatively pronounced crime-proneness. Rather they appear to be the result of people’s willingness to resolve conflicts by way of formal ways, which inevitably produces crimes and criminals.

The frequent resort to the formal criminal justice institution is based on the common belief that the police and other justice institutions are able to prevent and deter crime. However, it has never been proven that the police can substantially prevent crime or that other justice institutions can significantly deter and rehabilitate criminals (Bayley, 1994). In effect, criminal justice agencies play a very small role in deterring crime. The secret of civil and orderly society reside not in the effectiveness of criminal justice system, but in the effectiveness of more fundamental institutions, namely, family, education, economy, and culture. Borrowing Bayley’s argument, “The police are not the first line of defense against crime: The true first lines are families, churches, teachers, employers, workmates, friends, community groups” (1996, p. 49). In the overall picture of social control, therefore, police and other justice institutions must be the last resort. While this maxim seems to have long been forgotten in the United States, it has been quite well practiced in East Asia.

As manifested in the discussion between Confucius and the Duke of Sheh, Confucius held a basic distrust of law and regulation as a means of assuring virtuous conduct. To Confucius, a dusty book of statutes was simply too inflexible to handle the infinite variety of human experiences. Thus, he chose to trust people,

not laws, relying on innate goodness, arguing that benevolent attitudes, as the best guarantees of a civil society, could be instilled by education (Regge, 1970). He further believed that litigation only served to make a society more confrontational, competitive, and less harmonious. As a consequence, in East Asia the law has been perceived as a sort of fallback position that could be reluctantly and lastly relied upon (Chen, 2002; Reid, 1999).

Individualism and Collectivism

Individualism places emphasis on individuals' ability to take care of themselves, whereas collectivism prefers a tightly knit social framework in which individuals can expect their relatives, clan, or other in-group members to look after them in exchange for unquestioning loyalty (Hofstede, 1980). In an individualistic society, individuals place personal goals ahead of the group goals while people in collective cultures are willing to subordinate their personal goals to the goals of in-groups, such as family or the workgroup (Triandis, 1995).

East Asian societies are characterized by stronger collectivism than their American counterparts (Bayley, 1994; Braithwaite, 1989; Reid, 1999). Pursuant to Confucian teachings on group harmony, East Asians are not raised to stand alone, rather they are taught to fit into groups and to subordinate themselves to the goals of groups such as family, school, and workplace (Bayley, 1994). Becoming part of a group engenders an emotional satisfaction to East Asians.

For instance, children in South Korea describe their home as "our" home, their mother "our" mother, even when the child is an only child. For East Asians, the family, the group, the majority, and the community take precedence over individuals. Individuals tend to reinforce their sense of identity when they engage in a collective party. Individuals and the minority strive to conform to the accepted values of the group and the majority. An unrestrained demonstration of personal freedom which comes at the expense of society or deviates far from collective values is to be frowned upon by other members of the society. It is often observed in East Asian that youngsters are being reprimanded by an anonymous adult for their boisterous behavior in a public place. The belief that individual freedom must be restricted when it conflicts with social mores and collective good is widely accepted.

In contrast, America places its most stock on individual freedom and rights. Individual Americans want more than anything else to convince themselves that they are strong enough to stand on their own, with no need for a group, company, or a community in order to feel the sense of identity. Individual rights take on an almost a sacred value, something that must be protected and provided even at the expense of the collective good.

The difference between collectivism and individualism is particularly illustra-

tive when one compares child discipline practices between East Asia and America. When East Asian children misbehave, parents frequently threaten them by locking them out of the home. The underlying assumption is that because children want to stay with the family, placing them outside the boundary of home is a punishment. American parents discipline their misbehaving children by doing exactly the opposite; by having them “grounded.” The assumption is that children want to stand alone, and placing them inside home is a punishment.

The East Asian orientation toward groups and collectivism plays a critical role as a powerful social control mechanism. Because belonging to a group and being attached to the members of the group takes precedence, individuals’ impulse to crime and deviance from accepted norms is strongly inhibited. Desire to belong and to be attached to others is a crucial element in setting an individual on a prosocial pathway. As the social control theorist Hirschi puts it: “The essence of internalization of norms, conscience, or superego lies in the attachment of the individuals to others” (Hirschi, 1969, p.18).

Not only is East Asian collectivism conducive to attachment, an essential element to conformity in social control theory, it also takes an added meaning in the context of Braithwaite’s reintegrative shaming theory. Braithwaite (1989) notes that it is reintegrative shaming, as opposed to stigmatizing shaming, that is at the heart of societies with low crime rates, whether it be the East Asian Japanese society or the European cantonal Switzerland. Further, two fundamental societal conditions conducive to reintegrative shaming are communitarianism and interdependency, both of which are an essential element of collectivism (Braithwaite, 1989). Low crime societies with effective reintegrative shaming maintain low crime rates not by way of the formal social control system. Rather, such societies are characterized by strong *informal* social control that operates through cohesive group networks including the family, workgroups, neighborhood, and community (Braithwaite, 1989; Adler, 1983). In such societies, public reprimand, cold shoulder, or a mere frown expressed by a social group to which the offender belongs functions as a robust—more robust than the threat of formal punishment—social control apparatus.

The main tenets of reintegrative shaming theory perfectly conform to Confucius teachings. Confucius following statement in Book 2 Chapter 3 *The Analects* reflects it clearly:

Confucius said: Guide them with edicts, keep them in line with punishments and people may stay out of trouble but will have no sense of shame. But if you guide them by your own virtue, and keep them in line with acts of decency, they will develop a sense of shame and control themselves (Legge, 1970, p.146).

DISCUSSION

The diametrically differing value systems between East Asia and the United States have resulted in different forms of life style in urban cities in the two regions. As the theorists of the Chicago School of Human Ecology described long ago (Park, 1952; Shaw & McKay, 1969), many inner-cities in America have become deserted at night due to somewhat palpable fear of crime. Conversely, the downtowns of big cities in East Asia such as Tokyo, Seoul, and Taipei are teeming with people at night. Citizens in these cities enjoy vivaciously a night life with significantly less fear of victimization than their American counterparts.

The United States is known as the “land of freedom” to many East Asians. Americans do enjoy more individual freedom than their East Asian counterparts in terms of speech, expression, and behaviors. When the matter of crime is considered, however, the American freedom shrinks precipitously. It is a common rule that there are places in big cities that a decent citizen should not venture into after dark. Citizens in big cities confine themselves in their little fortresses with bigger locks and burglar alarms, and leave their home at night with some trepidation of criminal victimization. Decent citizens limit their activities to areas perceived to be safe, cautiously avoiding certain areas and certain types of people. Looking over one’s shoulder, when walking on the streets at night, is not an exception. Although Americans live in a vast territory, they are living and working within increasingly narrow boundaries. An apparent paradox is that the United States that places such a high stock on individual freedom has, unwittingly but practically, reduced the substantial freedom of its members.

In contrast, East Asians, in spite of the twentieth century’s rapid social change accompanying an economic miracle, have maintained a relatively civil and safe society. Strong families, low divorce rates, high civility, and low crime rates are the hallmark of this society.

The author thus far has argued that Confucianism underlies the social miracle of East Asia. That is, although strong families, education, informal social control, and collectivism can be analytically separated, they are part of a single dynamic—Confucianism. On a closer look, nonetheless, the teachings of Confucius share a great similarity to the Judaeo-Christian precepts. The idea of compassionate love for humanity and consideration for others are frequently seen in the Bible and the Analects alike (Allinson, 1992; Yao, 1996). When a student one day asks the master to reduce all his teachings to one sentence, Confucius says: “Do not impose on others what you do not want for yourself” (Legge, 1970, p. 301). And this is exactly what Jesus Christ taught five hundred years later.

Then, why the big difference in crime rates between the U.S. and East Asia? The secret to the social miracle in East Asia, the author proposes, is the ceaseless inculcation of morals and virtues at every phase of social life. Social mores and

appropriate modes of behaviors are preached from elementary school to graduate schools in East Asia. The state puts great efforts posting up slogans, posters, billboards, TV commercials, and banners to make sure that social etiquettes are not lost. The business of instilling civility and morality lies in the family, neighborhood, on the street, in a subway, and beyond.

On the other hand, in the United States, it appears that the job of inculcating civility and virtues is simply restricted within the elementary educational institutions, families, and churches. In contrast to the East Asian on-going endeavor to teach morality from cradle to grave, the American morality teaching is limited in its scope and, most of all, short-lived. Thus, it is frequently found that deviants and offenders substantially lack the sense of shame when their wrongdoing is exposed. Criminal defendants who have perpetrated criminal acts unabashedly claim, “I’m not guilty, Your Honor.” Law-abiding people surrounding the deviants are slow at admonishing the moral depravity of the deviant, while quick at pressing the dial 911. No wonder that the United States has become the “world champion” with its highest incarceration rate.

As acknowledged by Confucius and practiced for centuries by East Asians, keeping crime rate low and maintaining safe streets has never been and should not be the monopoly of the formal control agents such as the police. It is a collective art orchestrated by communities, families, schools, labor markets, and criminal justice institutions, which are all morally strong and healthy. Crime control is best achieved by the conjoined efforts of the collective.

This simple but powerful maxim has been continually honored and rarely overlooked by East Asians. Americans in a somewhat belated manner recognized this maxim after a long hiatus and now strive to invite the community as a “co-producer” of public safety (Sherman et al., 1997). What does the American phenomenon tell us East Asians? What can we learn from the comparison of the U.S. and East Asia? The *Analects* answers this most eloquently: 溫故知新 (*Wengu zhixin*—review the old and know the new). Namely, we are to learn from the past. The East Asian experience tells us to cherish and improve what we already have, and the American story admonishes us to build the new drawing upon the old.

Because of this maxim, several Asian scholars have exhibited wariness against the recent massive Westernization—more correctly, Americanization—of social control techniques in East Asia (Zhang, Messner, & Liu, 2008; Xu, 1995). It is also under the same philosophical vein that the Norwegian criminologist Nils Christie warns against the monopolization and professionalization of social control by criminal justice institutions excluding the community (2004).

As discussed earlier, the East’s traditional social control methods have proved effective and humane in maintaining harmony and order. The observed effectiveness, however, does not seem to be the result of superior East Asian police forces or otherwise heavy-handed criminal justice functionaries; rather, it appears to be

the outcome of an orchestra collectively performed by individuals, families, relatives, communities, and the state, tightly held together by the common thread of moral education.

Within the past several decades, however, an unrelenting wave of Westernized social control modes has been engulfing the East Asian landscape. Subsequently, following the western model, social control is increasingly being construed and communicated in terms of monopolization of professionalized police force and presumed efficacy of deterrence. The salience of moral education has increasingly been less visible within the discourse of social control. In light of the time-honored efficacy that Confucianism has demonstrated in sustaining harmonious and civil societies in East Asia, it will be only prudent for East Asians to pause a moment and reflect on the value of and practice the old East Asian sage's exhortation: review the old and know the new.

REFERENCES

- Adler, F. (1983). *Nations not obsessed with crime*. Littleton, Colo.: F.B. Rothman.
- Allison, R. (1993). The golden rule as the core value in Confucianism and Christianity: Ethical similarities and differences. *Asian Philosophy*, 2, 173-185.
- Bayley, D. H. (1994). *Police for the future*. New York: Oxford University Press.
- Berthrong, J. H., & Berthrong, E. N. (2000). *Confucianism: A short introduction*. Oxford: OneWord.
- Blumstein, A., & Wallman, J. (Eds.). (2000). *The crime drop in America*. New York: Cambridge University Press.
- Braithwaite, J. (1988). *Crime, shame, and reintegration*. Cambridge, UK: Cambridge University Press.
- Bratta, I. D., Mawby, R. I. and McCulloch, J. W. (1981). Crime, social problems, and Asian immigration: The Bradford experience. *International Journal of Contemporary Sociology*, 18, 135-168.
- Bureau of Justice Statistics (2006). *Source Book of Criminal Justice Statistics 2005*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics (1999). *Source Book of Criminal Justice Statistics 2002*. U.S. Department of Justice. Office of Justice Programs.
- Bursik, R., & Webb, J. (1982). Community change and patterns of delinquency. *American Journal of Sociology*, 88, 24-42.
- Caudill, W., & Weinstein, H. (1974). Maternal care and infant behavior in Japan and America. *Psychiatry*, 32, 12-43.
- Chen, X. (2002). Social control in China: Applications of the labeling theory and the reintegrative shaming theory. *International Journal of Offender Therapy and Comparative Criminology*, 46, 45-63.
- Chau, D. (1996). Administrative concepts in Confucianism and their influence on development in Confucian countries. *Asian Journal of Public Administration*, 18, 45-69.
- Choe, S. (2008, August 13). *A taste of failure fuels an appetite for success at South Korea's cram schools*. Retrieved August 29, 2008, from <http://www.nytimes.com/2008/08/13/world/asia/13cram.html?pagewanted=print>
- Choi, Y., Bempechat, J. and Ginsburg, H. P. (1994). Educational socialization in Korean American children: A longitudinal study. *Journal of Applied Developmental Psychology*, 15, 313-318.
- Christie, N. (2004). *A suitable amount of crime*. New York: Routledge.
- Durkheim, E. (1964). *The rules of sociological method* (S. Solovay & J. Mueller, & G. Catlin, Trans.). New York: Macmillan. (Original work published 1895).

ILHONG YUN

- Gottfredson, M., & Hirschi, T. (1990). *A general theory of crime*. Palo Alto, CA: Stanford University Press.
- Gould, L., Kleck, G. & Gertz, M. (1992). The concept of crime in criminological theory and practice. *The Criminologist*, 17, 1-6.
- Hayner, N. S. (1933). Delinquency areas in the Puget Sound. *American Journal of Sociology*, 39, 314-328.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley, CA: University of California Press.
- Hofstede, G. (1980). *Culture's consequences: International differences in work-related values*. Newbury Park, CA: Sage.
- Huang, S., & Waxman, H. (1993). *Grade, sex, and ethnic-related differences among middle-school students' classroom behavior in mathematics*. Paper presented at the annual meeting of the American Educational Research Association, Atlanta.
- Jang, S. (2002). Race, ethnicity, and deviance: a study of Asian and non-Asian adolescents in America. *Sociological Forum*, 17 (4): 647-6870. Japanese Statistics Bureau (1999). *Statistical Year Book. Bureau of Justice Statistics*. Retrieved November 3, 2004. from <http://www.stat.go.jp/english/data/nenkan/zuhyou/b2301000.xls>
- Junger-Tas, J. (1997). Ethnic minorities and criminal justice in the Netherlands. In M. Tonry (ed.), *Ethnicity, crime, and immigration: Comparative and cross-national perspectives, vol. 21: Crime and Justice: A review of research*: 257-310. Chicago: University of Chicago Press.
- Kim, Y. (Ed. & Trans.). (1976). *Women of Korea: A history from ancient times to 1945*. Seoul, Korea: Ewha Woman's University Press.
- Kim, U. and Chun, M. (1994). Educational 'success' of Asian Americans: An indigenous perspective. *Journal of Applied Developmental Psychology*, 15, 329-343.
- Lau, D. (1983). *The Analects*. Hong Kong: The Chinese University Press.
- Legge, J. (1970). *The Chinese Classics: Confucian Analects*. Hong Kong: Hong Kong University Press.
- Lillrank, P. (1995). The transfer of management innovations from Japan. *Organization Studies*, 16, 971-989.
- Lind, A. W. (1930). Some ecological patterns of community disorganization in Honolulu. *American Journal of Sociology*, 26, 206-220.
- Martens, P. L. (1997). Immigrants, crime, and criminal justice in Sweden. In Michael Tonry (ed.), *Ethnicity, crime, and immigration: Comparative and cross-national perspectives, vol. 21: Crime and Justice: A review of research*: 183-255. Chicago: University of Chicago Press.
- Neuman, W. L., & Berger, R. J. (1988). Competing perspectives on cross-national crime:

REVIEW THE OLD AND KNOW THE NEW

- An evaluation of theory and evidence. *Sociological Quarterly*, 29, 281–313.
- Ontario. (1996). *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. Ministry of the Solicitor-General and Correctional Services. Toronto, Canada: Queen's Printer for Ontario.
- Park, R. (1952). *Human communities*. Glencoe, IL: The Free Press.
- Reid, T. (1999). *Confucius lives next door*. New York: Random Houses, Inc.
- Rosen, S. (1990). The impact of reform policies on youth attitudes. In D. Davis & E. Vogel (Eds.), *Chinese Society on the Eve of Tiananmen: The Impact of Reform* (pp. 283-374). Cambridge, MA: Harvard University Press, Cambridge.
- Rushton, P., & Whitney, G. (2002). Cross-national variation in violent crime rates: Race, r-K theory, and income. *Population and Environment*, 23, 501-511.
- Sampson, R., & Laub, J. (1993). *Crime in the making: Pathways and turning points through life course*. Cambridge: Harvard University Press.
- Shelley, L. (1981). *Modernization, age structure and regional context: A cross-national study of crime*. Carbondale: Southern Illinois University Press.
- Sherman, L., Gottfredson, D., MacKenzie, D., Eck, J., Reuter, P. & Bushway, S. (1997). *Preventing Crime: What Works, What Doesn't, What's Promising*. Washington, DC: U.S. Department of Justice, NCJ 165366.
- Shaw, C. R. and McKay, H. D. (1969). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Smith, D. F. (1997). Ethnic origins, crime, and criminal justice in England and Wales. In Michael Tonry(ed.), *Ethnicity, crime, and immigration: Comparative and cross-national perspectives, vol. 21: Crime and Justice: A review of research*: 101-182. Chicago: University of Chicago Press.
- Sung, K. (1998). *Filial piety: The traditional ideal of parent care in East Asia*. Retrieved August 31, 2008, from <http://www.asaging.org/networks/forsa/a&s-101.html>.
- Tai, H. (1989). The Oriental alternative: An hypothesis on culture and economy. In C. Tai (Eds.), *Confucianism and economic development* (pp. 6-37). London: Methaneon.
- Taiwan National Police Agency (1999). *Statistics*. Ministry of the Interior. Retrieved November 2, 2004. from <http://www.npa.gov.tw/eg/statistic.htm>.
- Tappan, P. (1947). Who Is Criminal? *American Sociological Review*, 12, 96-102.
- Thornberry, T. (1987). Toward an interactional theory of delinquency. *Criminology*, 25, 863-887.
- Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.
- Tournier, P. (1997). Nationality, crime, and criminal justice in France. In Michael Tonry(ed.), *Ethnicity, crime, and immigration: Comparative and cross-national pers-*

ILHONG YUN

- pectives, vol. 21: Crime and Justice: A review of research: 523-551. Chicago: University of Chicago Press.*
- Triandis, H.C. (1995) *Individualism and Collectivism*. Boulder, CO: Westview Press
- United Nations United Nations (1997). *World Crime Surveys: Fifth survey, 1990-1994*. Vienna, Austria: Crime Prevention and Criminal Justice Branch.
- Wei, W. (1993). *The Asian American movement: A social history*. Philadelphia: Temple University Press.
- Wilson, W. J. (1987). *The truly disadvantaged: the inner city, the underclass, and public policy*. Chicago: University of Chicago Press.
- Yao, X. (2000). *An Introduction to Confucianism*. Cambridge, England: Cambridge University Press.
- Yao, X. (1996). *Confucianism and Christianity: A comparative study of jen and agape*. Brighton, England: Sussex Academic.
- Yee, H. (1992). Asians as stereotypes and students: Misperceptions that persist. *Educational Psychology Review*, 4, 95-132.
- Young Koreans in America (2007, April 19). Chosunilbo. Retrieved August 29, 2008, Retrieved from <http://english.chosun.com/w21data/html/news/200704/200704190015.html>.
- Xu, X (1995). The impact of western forms of social control on China. *Crime, Law, and Social Change*, 23, 67-87.
- Zhang, L., Messner, S., & Liu, J. (2008). A critical review of recent literature on crime and criminal justice in China: research findings, challenges, and prospects (Introduction). *Crime, Law, and Social Change*, 50, 125-130.

REVIEW THE OLD AND KNOW THE NEW

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The Mediation in Thailand: A Case Study of Nakhon Pathom Province¹

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The objectives of this research were to examine and to categorize the cases mediated by the government officials in Nakhon Pathom Province, Thailand. This research used qualitative methods of data collection, namely focus group, archival records and documents and interviews. Content analysis was used to analyze the collected data. The research found that the administrative authorities have rights to conduct mediation in all civil cases and compoundable offenses, but it appears to be ineffective. In contrast, the police are not legally empowered to mediate in any dispute but in practice the police, favored by the citizen, are in a strong position to mediate disputes in both compoundable and non-compoundable offenses.

This research was conducted in 2005 during which time the studies on dispute resolution were rare. Review of related literature found some contributions, all of which studied the civil mediators' roles. Also, the statistics regarding to the dispute resolution mediated by people participation were rare as well because they did not collect data systematically. However, this research would like to draw public attention on the dispute resolution mediated by the government officials in Nakhon Pathom with some reasons.

For the first reason, based on the research entitled "Problem definition in law enforcement in Nakhon Pathom Province", it was found that law enforcement problem in Nakhon Pathom was identified as its scope and its severity. In terms of its severity, the police's performance was identified as most severely problem. The severity problem in law enforcement was defined as to see whether the impact of problem was going on or not. In addition, the results also suggested that the local government offices were scoped in law enforcement problem too much.

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This result provided an instructive case study for the government to be aware of law enforcement of the local government, especially in Nakhon Pathom Province. Also, the mediation conducted by the police was mentioned as drawing our attention (Chokprajakchat, et al., 2004).

Thus, this research, entitled the Mediation in Thailand: a case study of Nakhon Pathom, was developed to be a research project in 2005 by collecting experience gained from the previous research results mentioned above and collaboration with local communities. Moreover, this research emphasized significantly on the area of Nakhon Pathom under the guidance of authorizing of researchers and concerned agencies under the umbrella of Group 6 of "Integrated Research Network of Thachin-Maeklong" Project.

Another reason of our interest in this subject was the using restorative justice approach with juveniles and adults conducted by criminal justice practitioners. Since 2000, Thai criminal justice practitioners first got familiar with the concept of restorative justice from western scientific literature, but the first implementation of restorative justice practices did not occur until 2003 when the Department of Juvenile Observation and Protection initiated a Family and Community Group Conferencing (FCGC) as a response to juvenile offending cases and in 2004, the Department of Probation also implemented victim-offender mediation with adult cases. However, those practices conducted without legal research support for the purpose of mediation. While the juvenile cases had been conducted along the Juvenile and Family Court and Procedure Act in which has two relevant articles -- Articles 50 and 63 -- that facilitate the implementation of FCGC (Srijantra, 2004), for the adults, there has been no law supporting those practice (Boonsit, January 15, 2005). Although there is no legal provision to effect mediation based on the restorative justice principle, the mediation has been practiced in almost all steps of the justice system.

However, up until now, the dispute resolution by means of mediation is, in principle, undertaken by (1) government officials, i.e. administrative authority (district chief, administrative officer, village headman, the police, public prosecutor); and (2) local residents (people participation), i.e. village arbitrator, village committee. At that time, only some studies related literature were found, all of which studied the mediators' roles conducted by the local residents. Importantly, all researches came to the similar conclusion that the village committee was the most suitable for mediatory roles. It was found, however, that the undertaking of mediatory process was ineffective due to weaknesses on the part of the village committee members because of their lack of knowledge in legal matters, techniques in mediation and uncertainties of the policy guided by the Ministry of Interior, etc (Mallikamarl, Angkasuwan & Ruengsakul, 1985). There were no research examined the legitimate roles of government officials in the mediation or conciliation.

Therefore, this research placed its interest in the practice of mediation conducted by the government officials - police and administrative authority. Without the legal supporting in criminal cases, in practice many of the cases mediated by the police are non-compoundable criminal cases. The police are deemed to sides as gate keepers responsible for interrogation before entering into case proceedings. This gives them the opportunity to compel the parties to reach an agreement on compoundable and non-compoundable criminal cases.

In contrast, with the legal support, the administrative have authority to conduct mediation in both criminal and civil cases. However, in practice, the administrative authority seldom undertakes mediation due to the fact that the people have little understanding about its mandate and responsibility despite its role of directly dealing with the well-being of local residents. Moreover, it was evident that the police had an active role in mediation when compared with the administrative authority, village headman and sub – district headman who were empowered to undertake mediatory process although the result remained ineffective.

Because of the above mentioned reasons, the approach of this research would focus on the basic concept of dispute resolution by means of traditional mediation at provincial and local levels with the emphasis on the role of government officials. In addition, this research put forward to make links between the problems of law enforcement conditions, particularly exercised by the police and the administrative authority as said above. Hence, this research would focus only on the role of the police and administrative officials responsible for dispute resolution.

Importantly, this research has the objective to examine features of mediation undertaken by the police and administrative authority. It will explore how the administrative authority and the police conducting the mediation, what types of cases had been brought to the mediation process guided by the administrative authority and the police and what problems and obstacles are faced by administrative authority and the police in the mediation process.

Therefore, the objectives of the research were (1) to examine the mediatory roles of the police and administrative authority in Nakhon Pathom Province; (2) to categorize the types of cases resolved by the police and administrative authority using mediation; and (3) to investigate problems and obstacles in the course of mediation exercised by the police and administrative authority.

DISPUTE RESOLUATION IN THALIAND

Concepts of Disputes and Mediation or Conciliation

In legal terms, there are two categories of dispute as follows. Disputes in criminal cases means the acts of a serious nature of which the authorities deem it

a disturbance to the public harmony. The authorities will institute legislation to prohibit the said act and impose a penalty on any violator. The law enacted for the said objective is the criminal law. Hence in the case where there is a dispute arising from a criminal offense, the dispute shall be a criminal dispute. Disputes in civil cases means the cases where a person was aggrieved by an act of another person. Settlements may include compensation for the damages, e.g. in the form of assets or money (Satayarak, 1992).

Viewed from the restorative justice philosophy, the purpose of mediation has been to establish and to provide for a balance of rights and responsibilities of the injured, the offender, the community and the state (Meyer, 2003). Likewise, “conciliation” in the Thai criminal justice system refers to appropriate dispute resolution to seek and reach the agreement of two disputants with the government official’s role being to find ways to lessen the likely harsh penalty on the offender, while less emphasis is given on the injured party or the damages caused by the crime.

Mediation or conciliation is a process which’s aims to bring peace to the society and to benefit two disputants in reaching an agreement before trial. The mediator has no authority to establish terms of agreement between the two disputants but rather facilitate to generate options that help the disputants reach a satisfactory resolution (Rangsisahat, 1995).

Therefore, mediation means “the two parties in dispute resolve their problem that has occurred or is likely to occur by means of concessions or a person or representative of an entity involves, intervenes or acts as a mediator to effect a settlement or amity between the two persons or parties by way of conciliation. However, the mediator does not exercise any power either directly or indirectly to compel the parties to reach an agreement.” (Khomsattham, n.d, p. 47; Sattayarak, 1992, p. 69). Mediation or conciliation in all cases should have the following elements:

- 1) mutual agreement between the disputants;
- 2) voluntary;
- 3) the mediator must be impartial role and has no authority to determine any terms of settlement for the parties;
- 4) the mediator is able to guide the discussion and encourage the parties to resolve their differences by interpreting each of the parties’ objectives;
- 5) conciliation is not negotiation because negotiation needs no third party and at times, can occur with or without a dispute. Negotiation aims merely to achieve what each side desires.

In Thailand, the resolution of dispute can be undertaken by means of arbitrator, or and the dispute resolution by ways of mediation or conciliation. Mediation

uses a mediator to facilitate unofficial negotiation while the conciliation sets up a committee in an official manner having proper rules and regulations. Later both terms are used interchangeable. Importantly, the mediation was conducted with the legitimacy of the administrative authority

Generally, there are two approaches to dispute resolution. The first approach is the dispute resolution by way of mediation or conciliation by the government officials, i.e. administrative authority, the police and public prosecutor. The second approach is the dispute resolution by way of mediation by local residents (people participation), i.e. the village committee, village arbitrator, Village Headman and the Central Committee of Voluntary Development and Self-defense Village (VDS), Provincial sub-committee on the assistance for farmers and the poor (Provincial AFP) and the district sub-committee on the assistance for farmers and the poor (District AFP) (Satayarak, 1992).

Dispute Resolution Mediated by Government Officials

For the administrative authority, administrative officials comprise district chief officer, assistant district chief officer and village headman in the line with local administration which is divided into village, sub-district, district and province. The administrative authority is empowered to conduct the dispute relating to a civil and compoundable criminal case by way of mediation (see Appendix for the type of dispute resolved by conciliation and mediation).

A village has 200 residents having village headman as administrator. A sub-district has 20 villages having a sub-district headman supervising the village headmen. A district consists of a number of sub-districts having a district chief officer as chief officer. Since 1994, local administration had been changed by establishing sub-district administration organization within the municipal area and the position of village headman was dissolved (Tambon Administration Authority Act, 1994). Later the position of village headman has been resumed up until the retirement (Local Administration Act 1999, 2008). The village headman and sub-district headman's authority is under Section 27 and 34 of the Provincial Administration Act, B.E. 2457 (1914) which authorized the village headman to resolve dispute as mediator or conciliator or arbitrator (Mallikamarl et al., 1985).

For the criminal justice officials, the police and public prosecutor are not clearly defined by law to undertake mediation or conciliation. Although there are no legal provisions, the law does not limit the people's right, thus allowing the people to enter into mediatory process via government officials. Currently, as for the police, under the Child Protection Act, B.E. 2546 (2003), the committee set up under the said laws is authorized to appoint mediator to resolve the cases or predicate offenses under the laws. However, it is not clear whether the mediator may appoint police officer as a conciliator. In 2005, the National Police proposed the

draft “Dispute Resolution Act” aiming to empower the police to undertake mediation of certain criminal cases such as compoundable criminal offenses which carry penalty for not more than 5 years. The draft law is now being reviewed by the Council of the State.

Therefore, the dispute resolution undertaken by the police so far is based on the principle of civil law in all cases. As for compoundable offenses under the criminal law, the police would first inquire the offended party and ask it’s agreed. If he or she agreed to the resolution process, the offender will be summoned and negotiated so as to resolve the difference in heir position. As for civil cases related to non-compoundable offenses, the police may inquire the damaged party whether any compensation is demanded from the offender. The police will also inform the offender that the payment of compensation may lead to court’s consideration for lessening criminal punishment.

As for the public prosecutor, mediation or conciliation is a function defined in the policy and plan to protect the right, liberty and interest of the public. This task was initiated at the central prosecutor office before expanding to almost all provincial prosecutor offices. The mediation commences upon one of the parties in dispute seeking legal assistance from the public prosecutor. It can be seen that the mediatory process undertaken by the police and public prosecutor is involving the civil right in a positive manner. Later the Rules of Administration of the Kingdom Act, B.E. 2550 (2007), Article 61/2 empowers the prosecutor to undertake mediatory function.

In view of the role of the court, although the court is empowered by the Criminal Procedure Code (section 228) to summon witnesses and mediate both civil and criminal cases, the court is usually not taking any mediatory role. The judges’ code of conduct requires neutrality and thus bars them from involving in mediation. Lately, since the court has set a “continuous case proceedings” in order to close cases one after another resulting in a great number of cases pending in court. This led the court to start using mediatory approach so as not to prolong too many pending cases. However, at present the court is attempting to employ mediation approach based on the concept of restorative justice. As Weerawess (2004) point that the suitable court in consideration and adjudication domestic violence case should be The Juvenile and Family Court by the application of Restorative Justice to domestic violence case only relating to husband and wife assaulting each other.

Dispute Resolution Mediated by People Participation

The village committee is set up by virtue of the Provincial Administration Act, B.E. 2457 (1914) which stipulates that a village shall have a village committee responsible for making recommendations and providing advice to the village

headman pertaining to his administrative functions. Later, to enhance the efficiency of the village committee in response to the community's needs, the Ministry of Interior was assigned by the cabinet to reform the committee. The ministry thus issued the Rule of the Ministry of Interior relating to the functions of village committee, B.E. 2526 (1983) which provides for an election of qualified experts to act as a village committee as well as establishes functional divisions and appoints advisors to the committee nationwide.

Later the Ministry issued the Rule of the Ministry of Interior relating to the functions of village committees, B.E. 2534 (1991) which provides opportunity for other villagers beside the village headman, in particular the women to chair some other affairs of the village. The rule also sets out for provinces and districts to establish a women's affairs division within the village committee. Thus the village committee has power and duty in mediating a dispute at the village level by the provisions of article 5 of the Rule of the Ministry of Interior relating to the functions of village committees, B.E. 2526 (1983) which establishes that the village committee has a duty to recommend and advise the village headman regarding administrative affairs and public order and affairs relating to civil and criminal proceedings (Institute of Administration Development, 2004) and by the provisions of the Rule of the Ministry of Interior relating to the village committee's mediatory procedure, B.E. 2530 (1987) (Department of Legal Aid and Civil Rights Protection, n.d.).

For the village arbitrator, this approach convinces people participation by which the people are given the role in dispute resolution is derived from the concept of promoting people's participation. This concept emphasizing the role of senior residents respectable among the community who renders justice would, no doubt, be recognized and accepted by the parties leading to satisfactory results.

Central Committee of Voluntary Development and Self-defense Village (VDS) is a statutory body set up by virtue of the Administration of Voluntary Development and Self-defense Village Act, B.E. 2522 (1978). The law sets up a village central committee consisting of the village headman as chairperson; assistant headman, sub-district council members and qualified experts as members; and no less than five and no more than seven qualified experts elected by villagers as members. In conciliation or mediation, the VDS has a duty to settle disputes involving neighbors in civil cases in order to render justice and harmony in the community. The results will be reported to the district chief officer (Department of Legal Aid and Civil Rights Protection, n d., p. 65).

For Provincial sub-committee on the assistance for farmers and the poor (Provincial AFP) and the district sub-committee on the assistance for farmers and the poor (District AFP), both sub-committees are set up by the Regulation of the Office of the Prime Minister Relating to the Assistance for Farmers and the Poor, B.E. 2528 (1985). The provincial sub-committee consists of the provincial gover-

nor as chairman, deputy governor as deputy chairman, and provincial public prosecutor, superintendent of the provincial police, provincial land officer, provincial agricultural extension official, provincial public welfare, representative of the Bank for Agriculture and Cooperatives in respective province, chairman of the provincial cooperatives, representative of the provincial farmers' group, district chief or representative of the aggrieved person who has a residency or land plot in dispute as members and chief of the administration and justice enhancement group is member and secretary. The district sub-committee on the assistance for farmers and the poor consists of the superintendent of the district police station as deputy chairman, district land officer, district agricultural extension official, manager of the Bank for Agriculture and Cooperatives in respective district (if any), sub-district headman whose jurisdiction the aggrieved person has a residency or land plot in dispute as members; assistant district chief officer is member and secretary (Department of Legal Aid and Civil Rights Protection, n. d., p. 69).

Both sub-committees have a duty to inquire into facts and to settle the dispute by conciliation between the two disputants or the persons involved with farmers or the poor who have suffered from or aggrieved by unfair treatment relating to debts, land and lawsuit to settle debts, repay for or buy back plot of land, to seek the justice or eliminate or resolve the dispute and grievance (Department of Legal Aid and Civil Rights Protection, n.d., p. 69).

Prior Researches on Mediation

Prior researches have most often focused on the people participation conducting mediation. Mallikamarl, Angkasuwan and Ruengsakul (1985) conducted an important role of the village arbitrator by focusing on the village arbitrator project of Kampanghet Province established in 1983 to fulfill the policy of the Ministry of Interior. Their research aimed to test the efficiency of the village arbitrator in the attempt to settle the disputant resolution of the disputants and the villagers. Their findings tend to confirm the role of the village arbitrator by reviewing a literature in which it compiled statistics in the target area, Kampaengpetch Province from July 1983 through January 1985. It appeared that there were 553 cases being brought to the mediatory process by the village arbitrator. It was divided into 309 civil cases and 244 criminal cases. However, some districts had not reported statistics conducting the mediation. As from August 1984, the village arbitrator was able to resolve 527 cases, making up 99.43 percent of the total. Only 6 cases could not be settled. This did not include the cases which had not been recorded in the files. The majority of the cases in dispute involved trespassing, rape, theft and bodily injury. The civil cases were mainly family dispute such as sexual affairs, arguments and violation.

Moreover, their findings provided the important points as follows: Firstly, the village arbitrator project allowed the villagers an opportunity to participate in disputes of resolution and every party accepts the settling of the village arbitrator. Secondly, the villagers still needed this project to be continued although they had to manage it by themselves in case the government reduced the support. Thirdly, factors affecting on the success of this village arbitrator project were the inconsistency of the policy and lack of co-operation at the provincial and ministerial level concerning disputant resolution with the traditional mediation. Besides, there were insufficiency of educational background and legal knowledge on the disputes of resolution, and a lack of readiness for self-reliance among the villagers (Mallikamarl et al, 1985).

Mantraporn, Chamnarnwej, Assawaroj, Supattananond and Siangsuwan (1989) conducted the dispute resolution and arbitration at village level to eliminate legal disputes with the objectives to improve the arbitration and dispute resolution system and to minimize legal disputes in the community. It examined the principles of laws relating to arbitration and dispute resolution, patterns, criteria, methods and legal manual for mediator's reference. It also developed Train-the-Trainers course to provide training for village leaders who would act as mediator. The research collected information from surveys and interviews as well as documents with the target areas in Kampaengpetch, Petchburi, Buriram and Nakhon Sawan. The research found that the local residents had good attitudes towards mediation undertaken at village level and wanted to establish the system in their locality. They viewed the village committee as appropriate mediator. There were problems relating to the mediators' lack of knowledge and understanding about their power and responsibility, techniques, methods and steps in the undertaking of mediation, laws relating to mediation. In addition to that, it was suggested that the mediators should be protected by statutory power. The best method for mediation was conciliating between the two parties. Training of mediators was also essential.

Another prior research was conducted by Thavorn Senniemi entitled "Mediation at village level in Thailand: Case Study of Organizations Responsible for Mediation". This study found that village committee was a suitable organization to undertake mediation process at village level. As their exercise was lawful, the performance thus was trusted and accepted by the people. Besides, the organization comes from election and has the potential to improve its efficiency as peoples' organization (Senniemi, 1988).

Importantly, the three researches made similar conclusion that the village committee was suitable for mediatory roles. It was found however that the undertaking of mediatory process was ineffective due to weaknesses on the part of the village committee members who lack knowledge in legal matters, techniques in mediation and uncertainties of the policy guided by the Ministry of Interior, etc.

There were no researches on the roles of government officials in mediation or conciliation.

In sum, dispute resolution by means of mediation is, in principle, undertaken by government officials, i.e. administrative authority (district chief officer, village headman, the police, public prosecutor); and people participation, i.e. village arbiter. The approach by which the people are given the role in dispute resolution is derived from the concept of promoting people's participation. This concept emphasizing the role of senior residents respectable among the community who renders justice would, no doubt, be recognized and accepted by the parties leading to satisfactory results.

METHODOLOGY

Nakhon Pathom Province is one of the central provinces (changwat) of Thailand, located just 56 km from Bangkok with area of 2,168 Square kilometer and population of 815,159. Most of the residents earn their living from agriculture such as plantation, farming, and fruit orchard. The provincial slogan is sweet pomelos, delicious rice, beautiful young ladies (Nakhon Pathom Administrative Committee, 2004). The province is subdivided into 7 districts (Amphoe) as follows: Mueang Nakhon Pathom, Kamphaeng Saen, Nakhon Chai Si, Don Tum, Phutthamonthon, Bang Len, Sam Phran. The districts are further subdivided into 106 communes (tambon) and 929 villages (muban). There is also one city (thesaban nakhon), 14 townships (thesaban tambon), and 102 tambon administrative organizations (TAO). There are 12 police stations with staff of 231 and 1479 (Nakhon Pathom Administrative Committee, 2004 cited in Chokprajakchat et al, 2004).

Since 2002, Mahidol University, Thailand has launched the collaborative research project with a strategy namely "research for achieving the goal" in order to solve some urgent and specific problems. Its strategy aims to support potentiality among communities and to strengthen them to be sufficient-independent communities. Moreover, a part of some research aims to drive communities in the western part of Thailand through carrying out research with civil network in the areas of Thachin-Maeklong river basins (consist of -13 provinces, i.e. Nakhon Pathom), as managed by the Faculty of Environment and Resource Studies (Pongsomlee, 2002).

Research projects, based on interdisciplinary study through research design process which is done by joining hands between researchers and civil society, are composed of 6 groups under Project Proposal Phase II. Group1-3 started to conduct their assignment since April, 2002 and Group 4-6 started according to strategies goals since 2003-2006. Importantly, "Legal Project" has been under the um-

rella of Group 6, “Strengthening management system of transdisciplinary research network of Thachin Maeklong river basins” and was initiated in 2004 with the title of “Problem definition in law enforcement in Nakhon Pathom Province” (Chokprajakchat, et al., 2004). That is why this project entitled “The Mediation in Thailand” would like to proceed.

This research used qualitative single case-study. Triangulation of data collection was conducted with interviews, focus group discussion, archival records and documents. By using data triangulation, it helps this researchers strengthen the collect data and collected data to be more reliable. In-depth interviews with three officials were conducted at the initiated project in order to find out the better way to conduct the research method. Some interviewees felt unsafe to provide the information directly because some conducts of mediation did not getting legal support.

For focus group discussion, the participants in the focus group had been selected by purposive sampling method. The research invited police officers who work as interrogators from 12 police stations and administrative officials ranked district chief officers from 7 districts. The participants voluntarily consisted of four interrogators ranked police captain and lieutenant colonel from the police stations of Nakhon Chai Sri, Sam Pran, Phuttamonthon and Nakhon Pathom. On the part of administrative authority, those who participated in the focus group were assistant district chief officers from Nakhon Chai Sri, Sam Pran, Muang Nakhon Pathom and Phuttamonthon who joined the focus group discussions voluntarily. Their names are not mentioned here for the sake of confidentiality. Interview and focus group questions are the informal conversational interview. Qualitative data analysis was conducted using the content analysis technique and presented the data in narrative text.

RESULTS

Discussions of the research results will be made along the line of the research objectives. The first part discusses the findings on the roles of the administrative authority and the police in mediation. The next issue discusses the types of disputes having been mediated by administrative authority and the police. Finally, it presents the discussion of problems and constraints faced by administrative authority and the police in the resolution of disputes by way of mediation.

Mediatory Roles of the Administrative Authority

Having reviewed documents and archival records, it was found that district chief officer or assistant district chief officer has a statutory power and duty in

mediation or conciliation by virtue of the Provincial Administration Act, B.E. 2457 (1914), the Rules of Administration of the Kingdom Act, B.E. 2495 (1952) and the Rule of the Ministry of Interior relating to the village committee's mediatory procedure, B.E. 2530 (1987). According to the Provincial Administration Act, B.E. 2457 (1914) and amendments No. 7, B.E. 2521 (1978), section 87 and 108 empower the district chief officer to resolve dispute of citizens in his jurisdiction. According to Section 87, "district chief shall allow any citizens for a meeting at all times. Should the citizens have any complaint to make, the district chief shall render assistance as appropriate." Section 108 stipulates that the district chief officer may exercise judicial power in matters relating to civil cases of which the fund in dispute shall not exceed 20,000 baht and the offense occurs within the jurisdiction of the district or in which the accused has a residency. If the complainant lodges a submission with the district officer to summon the accused for a mediation and settlement without having to go to court, the dispute should be settled accordingly (Department of Legal Aid and Civil Rights Protection, no date.; Satayarak, 1992). Therefore, the district chief officer is empowered with judicial authority.

Information from focus group discussions revealed to us that district chief officer, assistant district chief officer, police officer ranked sub – lieutenant and public prosecutor are able to provide advice as well as support for giving training and knowledge to village committee in respective locality. This performance would be recorded into the village headman inspection report. It would be the role of the district chief officer to mediate disputes that the parties are unable to resolve. The focus group had discussed this issue with consistency and one officer provided clear statement by saying:

In the case where the disputants are unable to agree upon the differences, the committee shall refer the case to the district office. If they wish to proceed with judicial proceeding, they may file the case to court. During the course of conciliation, should the disputants need any assistance, they may ask district chief officer, assistant district chief officer, police officer ranked sub – lieutenant including public prosecutor for an advice.

Having requested for operational report or statistics of mediation undertaken in the area, it revealed that there was no record of statistics or figures of dispute mediation. The only record made was the operational report of the administrative authority whose work was dealing with public harmony purpose. During site visits by the assistant district chief officer, he may resolve minor dispute occurred in the community without making any record. Similarly, village headman and village committee do not systematically record the undertaking of dispute resolution. The authorities thus were not able to provide statistics on dispute resolution un-

dertaken each year which should have been useful for an analysis of work effectiveness and efficiency.

According to focus group discussion, it revealed that the administrative authority may take the roles in the conciliation or mediation in the dispute resolving cases with the consent of the two disputants taking voluntary participation as the key principle. If one of the parties is unwilling to resolve the dispute, mediation may not take place. The parties may not be forced to enter into the mediation against their will. Importantly, the administrative authority, i.e. chief district officer, assistant chief district officer will usually not be involved directly with the mediation process but rather delegate this role to the village committee including the village headman in the capacity of the chief of the villagers in his respective locality in order to support people participation in mediation. Besides, the village headman will have to report the results of the mediation to the chief district officer at the headmen monthly meeting.

Mediatory Roles of the Police

According to Article 12 of the Rule of the Ministry of Interior relating to the village committee's mediatory procedure, B.E. 2530 (1987), it was found that police officer played advisory role as well as gave support for training to provide knowledge to village committee. Also, information obtained from focus group discussions showed that all parties admitted that police officers had an important role in the course of dispute resolution. As said by a participant of the focus group:

In fact, dispute resolution should have long been undertaken by the police. What we had done, however, was unlawful as legal provisions for this purpose do not exist. The only principle is the consent. Today the parties may be satisfied, tomorrow not. The police may also be involved to make easy money. If the law provided enforcing power for the police to undertake mediation, we can do it very well. Now we are at risk - - - We need to accept reality of which we try to conceal these days.

Undeniably, police officers were unable to provide statistics concerning dispute resolution so as they kept only case files before filing to the public prosecutor. As there are no legal provisions for the police to undertake mediatory role, the act of the mediation is unofficial and no proper record is being made. This could cause that some police officers to commit an abuse of power in order to obtain undue advantage, thus damaging the image of all police officers.

Although the police is not empowered by law to mediate in civil disputes, in practice the police's role in mediation is well recognized as it provides a channel

for parties in the conflict to resolve their differences in their positions through non-traditional judicial forums. The police thus open the door for alternatives to litigation that enable parties to close petty cases. Moreover, the police are eager to introduce mediation as a means to meet satisfaction of both parties in a dispute. Thus said, the disputants must agree to enter into mediation, and only then the dispute could be mediated and settled.

Yet, for the purposes of mediation, it is necessary for the police to have a statutory power to undertake a mediatory role. At present the law does not empower the police to mediate civil disputes, thus putting them in a vulnerable position in terms of liability and affecting their career. Also because of the absence of statutory power to undertake a mediatory role, certain disputes cannot be settled or resolved. Often the parties refuse to honor the mediated agreement arguing that the mediation by the police was not legally binding.

Types of Disputes Conducted by Means of Mediation

Having viewed from the documents and focus group discussion and interviews, the cases under mediatory jurisdiction of administrative authority must fall within the following categories; in the case of a criminal offense, it must be a petty case or an offense against an individual, not the public. The authority has the power to mediate all civil cases.

From focus group discussions, it revealed that the administrative officials had the mediatory role in “underground loans” matters in each area. The involvement is owing to the establishment of the Damrong Dham Center at each district officer. The district chief officers have the role to summon both debtor and lender to settle debts by which both sides would make written agreement. As for other cases, the people do not favor of using the mediated disputes of the administrative authority.

Moreover, it revealed that although the law does not establish enforcing power for the police to undertake mediation, it happens in practice that the police have engaged in dispute resolution, in particular, in cases of “fraud” and “embezzlement”, both of which are compoundable. Having filed the complaint with the police, if the parties could negotiate for settlement to both parties’ satisfaction, the case shall be closed. In terms of criminal or non-compoundable cases, the police officers have no authority to settle as it is not instituted by law. The focus group had extensively shared information and discussed the police’s involvement in dispute resolution even when they have no statutory power in such cases as “offense of sexual abuse”, “offense of bodily injury” especially that committed by spouses, “offense of trespassing”, “offense of fraud”, “offense of embezzlement” and “offense of traffic violation.”

In addition, the police officers have to settle civil cases aiming to reach a satisfactory resolution and bring a social harmony. The mediation of civil cases is divided into two cases. In general cases, people seek police officers' assistance in such cases as refusing to repay loans. In other cases matters related to the property rights involved.

Having discussed during focus group investigation, this study found that although the administrative authority is empowered by legal provisions to undertake mediation, the performance is ineffective. On the contrary, the police officers are well accepted to settle both the compoundable and non – compoundable offenses. Although the law does not provide for legal authority, it does not prohibit settlement of dispute between the two parties. This means that even though the police officers are not empowered, the law tends not to limit civil rights. Hence, the types of cases having been settled by the police could include either the compoundable or non – compoundable offenses. However, the authority was unable to provide statistics of the types of cases. The only known information was the nature of cases that the people sought for a resolution.

Although the law does not establish enforcing power for the police to undertake mediation, it happens in practice that the police have engaged in this act more than the administrative official. The types of case having been mediated by the police are both civil and criminal offenses which encompass offenses affecting individuals and the public. The police usually undertake mediation in such case as bodily injury caused by provocation between spouses or offenses against the traffic law. Most parties consent to mediate so as to settle or finalize the dispute quickly. Nonetheless, the mediation undertaken without enforcing power may bring positive and negative effects. On the positive side, in the case where the disputants wish to enter into the mediation process and achieve amicable settlement, it helps reduce the burden of the court in judging petty cases. On the negative side, if the parties come to terms at the mediation process, but later refuse to comply with such settlement, the police have to proceed with the prosecution.

Thus the important matter is the types of case having been settled by the police. In terms of the collection of statistics, the settlement of case by way of mediation must be kept confidential as the undertaking is not instituted by law although the police have the data and information of the types of cases having been resolved with the consent of the disputants.

Problems and Obstacles in Mediation Undertaken by the Police

Information obtained from focus group discussions, documents and interviews revealed that problems of mediated disputes are as follows.

Firstly, although administrative authority has an enforcing power to mediate disputes, the problem lies in the competence of the mediators. To support people

who participate in mediation, the administrative authority provides dispute resolution mediated by the village committee or headman. The problem is that the village committee members responsible for mediation have been removed frequently for some reasons such as the necessity to seasonally migrate elsewhere to make a living. Therefore appropriate remuneration for the village committee should be taken into account to support their performing of the duties. In addition to that, training courses in mediation should be arranged for the village committee.

Secondly, the mediation conducted by the administrative authority is not efficient in carrying out their functions because citizens are not favor using their services. In addition, the lack of the administrative official's efficiency in mediation is also because the village committee fails to gain confidence from the villagers who tend to argue that the village committee, in particular the headman who is one of the members of the committee, are elected officials and hence lack neutrality. This may well deter the headman from exercising mediation as it could affect his popularity. Because of these conditions, there is little that the administrative authority can contribute to the settlement of disputes.

Thirdly, the absence of the statistics of dispute resolution presidents is the main problem. Some district offices do not collect statistics relating to this type of cases. The problem occurs because the assistant district chief officers do not record systematically any mediation conducts undertaken by government officials. The problem is also because the village committees do not continuously report the cases to the district offices, making it difficult to set policy for the management of dispute resolution by means of mediation.

Fourthly, as for the police officers, the fact that the inquiry officers are burdened with workload and insufficient budgets necessary for police work, the officers tend to mediate the cases in dispute so as to lessen the number of cases. Meanwhile, the police's work performance relating to mediation is not taken into account because of the absence of legal provisions.

Of greater significance is the number of cases mediated by the police. If the mediation is successful, the case in dispute is closed and not filed with the court. The fact that this type of cases is off-record in the police daily file could in effect distort the actual statistics of cases or work performed by the police. Thus in the view of administration, this situation may possibly affect the performance of the police. Besides, the volume of workload may undermine efficiency, while having cases unrecorded could mislead the planning and formulation of criminal policy.

Sixthly, the police are tasked with great volume of work while the undertaking of some cases is not statutory by law. The police have traditionally practiced the work even when legal provisions do not exist. This has become police culture although this does not guarantee the rightfulness. The mediation is usually undertaken informally without any written document. This, at times, causes misconduct by the police and thus affects the whole police's image.

In sum, in terms of mediation, the police actually have no statutory power. Although the mediatory role of the police acting may be well recognized by two disputants in an attempt to resolve their dispute, the mediation, in itself, is not binding and the aggrieved party has the right to file a civil suit anytime. Since the said mediation process has no legal standing, the police are unable to function in a flexible manner. It could also become a loophole for some officers to commit an abuse of power in order to obtain undue advantage.

CONCLUSION AND RECOMMENDATIONS

For conducting the mediation, the administrative authority has statutory power to mediate all offenses relating to civil cases and compoundable criminal cases. The district chief officer has a statutory role in mediation to resolve neighborhood conflict subject to the parties' consent. The district chief officer practicing mediation is thus taking the role of a mediator. Moreover "district chief officer has a judicial power" empowering him to impose fines on a party in a dispute. Nevertheless, the police play a greater role in practicing mediation although they have no enforcing power to do so either in civil or criminal cases. So in practice, the police have endeavored to resolve compoundable criminal cases. The extent of the mediation also covers non-compoundable offenses such as cases relating to sexual assault and bodily injury.

The problems on the part of administrative authority are the lack of efficiency in performing their duties owing to the facts that the village committee has frequently changed, and the facts that the administrative authority, i.e. assistant district chief officer and district chief officer, have enforcing power, but not having accepted favor from the citizens. Moreover, in the case where there are complaints of misconduct or injustice in the undertaking of mediation, the officials are at high risk of being prosecuted. This makes administrative officials seldom involve in mediated the disputes.

Hence, having viewed from the principle of administrative section, it is the right practice to empower the administrative authority to undertake mediation in minor disputes because of their closeness to the community. Also, the authorizing of mediated disputes are absolutely mentioned in the legitimacy of administrative section, i.e. administrative authority, or laws involving administrative section such as the Provincial Administration Act, B.E. 2457 (1914), the Rules of Administration of the Kingdom Act, B.E. 2495 (1952), the Rule of the Ministry of Interior relating to the village committee's mediatory procedure, B.E. 2530 (1987).

However, should the government require the administrative authority to enforce mediation, consideration should be given to a safe conduct, i.e. legal protections. If not, the authority in mediation should be vested with the public prosecu-

tor offices or the court which tends to involve with the mediation and readily upholds independent power in passing judgment under the legal provisions. Interestingly, this approach may have a pitfall in that the court is not familiar with working at community level. For the public prosecutor, they will face with the insufficient manpower.

Moreover, the criminal justice practitioners are interesting in using mediated disputes by means of restorative justice philosophy although currently, there is no law supporting their practices. On the other side, the police already have key roles to play in the capacity of law enforcement authority and have expertise in practicing mediation in dispute resolution. The important point is whether a provision should be included in the law to provide enforcing power for the police to undertake mediation. If so, the law also should be taken as to the type of case that should lend itself to mediation by the police.

REFERENCES

- Child Protection Act. B.E. 2546 (2003).
- Chokprajakchat, S., Insorn, T., Chewlum, I., Limprasert A., Siritipwanit, P., Putrakul, K., Supreyasuntorn, K., Sinlouyma, P., Borwornuntakul, T., Sittisak, S., Yusawat, P., Srihorn, S., & Sangsai, A. (2004). *Problem Definition in Law Enforcement in Nakhon Pathom Province: Integrated Research Network of Thachin-Maeklong Project*, Mahidol University, Thailand.
- Criminal Procedure Code (No.20) B.E. 2542 (1999).
- Department of Legal Aid and Civil Rights Protection.(n.d). *Mediation Guide: New Version*. [คู่มือ/ระบอบข้อพิพาท ฉบับปรับปรุงใหม่]. Office of the Attorney General in Thailand, Bangkok: Srisombat Publishers.
- Institute of Administration Development. (2004). *Handbook for village committee*. [คู่มือปฏิบัติงานคณะกรรมการหมู่บ้าน]. Department of Provincial Administration. Bangkok: Asaragsadindang.
- Khomsattham, Kasem.(n.d.). Principle of mediation, [คู่มือ/ระบอบข้อพิพาท ฉบับปรับปรุงใหม่]. In *Mediation guide: new version*, Civil Rights Protection and Legal Aid Provision, Office of the Attorney General in Thailand. Bangkok: Srisombat Publishers.
- Local Administration Act B.E. 2457 (1914).
- Local Administration Act (No. 10.) B.E. 2542 (1999).
- Local Administration Act (No. 11.) B.E. 2551 (2008).
- Mantraporn, W., Chamnarnwej, V., Assawaroj, S., Supattananond, N., & Siangsuwan, K. (1989). *Dispute resolution and arbitration at village level to eliminate legal disputes*. Civil Rights Protection and Legal Aid Provision, Office of the Attorney General in Thailand.
- Meyer, J. F. (2003). Restoration and the Criminal Justice System. (pp.81-90). In *Controversies in Victimology*, Laura J. Moriarty. OH: Anderson Publishing Co.Mallikamarl, Sunee.; Amaravadee Angkasuwan, and Veena Ruengsakul. (1985). *Village Arbitrator*. Research project of Chularlongkorn University.
- Nakhon Pathom Administrative Committee. (2004). *Strategy to Develop Nakhon Pathom Province*. Nakhon Pathom Office.
- Penal Code Amendment Act (No. 14) B.E. 2540 (1997).
- Polawan, K. (2001). *Handbook for Village committee* [คู่มือปฏิบัติงานคณะกรรมการหมู่บ้าน]. Institute of Administration Development, Department of Provincial Administration, Bangkok: Asaragsadindang.

- Provincial Administration Act. B.E. 2457 (1914).
- Poungsomlee, A. (2002). *Integrated Research Network of Thachin-Maeklong Project*. Unpublished paper.
- Provincial Administration Act, B.E. 2457 (1914).
- Rangsisahat, Panu. (1995). Mediation or Conciliation [การไกล่เกลี่ยหรือประนอมข้อพิพาท]. *Dulpaha Journal [ดลพาห]* (2): 42. (April-June).
- Rules of Administration of the Kingdom Act (No. 7), B.E. 2550 (2007).
- Rule of the Ministry of Interior, B.E. 2526 (1983).
- Rule of the Ministry of Interior, B.E. 2530 (1987).
- Rule of the Ministry of Interior, B.E. 2534 (1991).
- Sattayarak, Sompit, P. (1992). *Law concerning mediation for village's leader*. [กฎหมายที่ควรรู้สำหรับผู้นำท้องถิ่นในการประนอมข้อพิพาทระดับหมู่บ้าน]. Bangkok: Srisombat Publishers .
- Senniern, Tavorn. (1988). *Mediation at Village Level in Thailand: A Case Study of Organizations responsible for mediation*. Research Study of Senior Administrator College's Student Group 23rd .
- Srijuntra, Visamai. (2004). Visit restorative justice in Canada. [ไปดูระบบ RJ ที่แคนาดา]. *Journal of Department of Juvenile Observation and Protection [สารพินิจ]*. 1(3):26-34.
- Tambon Administration Authority Act B.E.2537 (1994).
- Umbreit, M.S. (1990). Victim-offender mediation with violent offenders: implications for modification of the VORP model (pp.337-351). In *The Victimology Handbook: Research Findings, Treatment, and Public Policy*, Emilio C. Viano. New York: Gland Publishing, Inc.
- Viano, E. C. (1990). The Recognition and Implementation of Victims' Rights in the United States: Developments and Achievements (pp. 319-335). In *The Victimology Handbook: Research Findings, Treatment, and Public Policy*, Emilio C. Viano. New York: Gland Publishing, Inc.
- Weerawess, Chitruedee. (2004). *Restorative Justice in Thai Court: The Casr Study of Appropriate Model Relating to Domestic Violence*. (draft of dissertation), Mahidol University.

THE MEDIATION IN THAILAND

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Appendix: Types of Dispute Resolved by Conciliation or Mediation

- 1) All civil cases: a civil case renders interrelationship between private parties, normally dealing with ability, person, asset, legal agreement, contract, liabilities, family, legacy, etc. As these civil cases have no impact on the general public, the law allows a settlement by way of mediation in all cases.
- 2) Compoundable criminal offenses: Certain criminal cases are compoundable by the provisions of the laws. If the law does not establish that the offense is compoundable, regardless of the terms of punishment, such the case shall not be compoundable. Compoundable criminal cases normally relate to individual rights, not the public, thus making it allowable to be withdrawn or conciliated. Certain types of criminal offenses which are compoundable under the Penal Code Amendment Act (1997) are listed below.
 - a. Offenses of using brand name or trademark of other person (S.272)
 - b. Offenses of rape (S.267 paragraph 1)
 - c. Offenses of sexual harassment (S.278)
 - d. Offenses of taking woman for sexual harassment (S.284)
 - e. Offenses against liberty (S.309 paragraph 1)
 - f. Offenses of detention of other person (S.310 paragraph 1)
 - g. Offenses of detention of other person by negligent act (S.311 paragraph 1)
 - h. Offenses of disclosure of secrets contained in a letter (S.322)
 - i. Offenses of disclosure of other person's secrets which have been known in the course of performing duties (S.323)
 - j. Offenses of disclosure of secrets in industry and science (S.324)
 - k. Offenses of defamation against person (S.326)
 - l. Offenses of defamation against the deceased (S.327)
 - m. Offenses of defamatory libel (S.328)
 - n. Offenses of cheating (S.341)
 - o. Offenses of cheating by extraordinary causes (S.342)
 - p. Offenses of labor fraud (S.344)
 - q. Offenses of failing to pay for food or hotel accommodation (S.345)
 - r. Offenses of taking advantage by inducing mentally retard minor to sell goods (S.346)
 - s. Offenses of cheating in insurance (S.347)
 - t. Offenses of cheating over a mortgage (S.349)
 - u. Offenses of cheating creditors (S.350)
 - v. Offenses of embezzlement (S.352)
 - w. Offenses of embezzlement when performing duty of the executor (S.353)
 - x. Offenses of embezzlement when performing duty of the administrator (S.354)

- y. Offenses of embezzlement of lost property (S.355)
- z. Offenses of malicious mischief (S.358)
- aa. Offenses of criminal damage (S.359)
- bb. Offenses of trespass (S.362)
- cc. Offenses of trespass by removing movable property signs (S.363)
- dd. Offenses of house trespass (S.364)
- ee. Other offenses beside to the afore-mentioned offenses when the injured and the accused are relatives under Section 71:
 - i. Offenses of theft (S.334)
 - ii. Offenses of theft by extraordinary causes (S. 335)
 - iii. Offenses of snatching (S. 336 paragraph 1)
 - iv. Offenses of public fraud (S.343)
 - v. Offenses of receiving stolen property (S. 357)
 - vi. Offenses against public property (S.360)

Establishing Effective Police Relations with Asian American Populations in Mid-Sized United States Communities

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This article examines difficulties and challenges encountered when establishing an effective rapport with Indian, Vietnamese, and Chinese populations in the southern regions of the United States. The effective cross-cultural training of peace officers at both the pre-service and in-service points of career development are discussed in-depth. Problems with trust-building, community involvement, language barriers, and religious misunderstandings are considered. In addition, specific issues such as domestic violence responses, immigration issues, and cultural adaptation are also acknowledged. Specific recommendations for improving criminal justice outreach and collaboration with Indian, Vietnamese, and Chinese citizens in the southern United States are provided.

The term “Asian American” encompasses a broad array of diverse groups that tend to be combined as if the same. While many Asian Americans do experience similar challenges with the society of the United States, they naturally have numerous cultural differences. Despite this, many people in the United States may be largely unaware of the diversity that exists between Asian Americans (Shusta, Levine, Wong, & Harris, 2005; Sue & Sue, 2007). Indeed, a high percentage of persons in the United States are not even aware of the geographical location of different nations throughout the world (including those in Asia) and are correspondingly less informed of the differences in cultures that may occur among various ethnic minorities (McGoldrick, Giordano, & Pearce, 1996). This is especially true with the Asian American population since this population has well over 40 distinct ethnic groups within its membership (McGoldrick et al., 1996; Sue & Sue, 2007).

This same lack of cultural awareness extends to personnel in a variety of social occupations, such as medical workers, mental health providers, and police officers. Naturally, it is this last group of professionals that is the focus of this manuscript. Indeed, this is an important issue for police professionals due to a variety of events that have occurred in differing parts of the nation during the last decade (Shusta et al., 2005). Media-catching incidents that have occurred across the United States make it clear that many law enforcement officers have difficulty understanding the diversity of customs, activities, behaviors, and values associated with different Asian American groups. Likewise, these officers either do not know where to go for information about these groups or (and this is more like-



ly the case in many instances), they may not have sufficient incentive to do so of their own accord. This is dually important for those agencies that do serve a substantial Asian American population but it is likewise important for those jurisdictions that do not have a substantial representation of Asian Americans. This is because a lack of understanding due to a lack of incentive will simply ensure that officers do not become competent with these citizens and, seemingly in defense of their apparent lack of motivation, this ensures that this group of citizens will continue to be on the periphery of the community, thereby being largely unnoticed. This is especially true in the southern region of the United States.

PURPOSE OF THIS MANUSCRIPT

It is with the preceding points in mind that this paper sets forward to demonstrate the importance of law enforcement training that is specifically related to the Asian American population in the United States. In addition, it is the purpose of this paper to demonstrate that there is an even greater need for such training in the southeastern part of the United States due to the changing population demographics that have occurred in that region. This change has occurred in the larger cities and is now moving outward into midsized communities throughout the southeastern United States. Currently, most agencies in midsized communities in the southeastern portion of the United States do not emphasize such specific training. This article will seek to demonstrate why it is important that these agencies begin to do so.

In addition, this exploratory research will highlight specific changes that should be implemented. The point to this is not to give law enforcement agencies a specific point-by-point curriculum for such training, but is to instead point toward the learning lessons of other police agencies in other areas of the United States. Large and midsized communities on the west coast of the United States and in the northeastern part of the United States have already made substantial changes in their training to accommodate the Asian American population within their own respective jurisdictions. Because of this, midsized agencies in the southeastern part of the United States should look to these areas for guidance, when and where this is feasible. Thus, midsized communities in the southern United States should utilize the resources available from agencies located in other areas of the United States rather than re-inventing training curricula that already exists in the United States. Simple modifications to curricula that already exist can aid police-community relations among agencies and Asian American communities throughout the suburban southeastern sections of the United States.

It is important to again note that this manuscript is designed to be exploratory in nature. With this in mind, this paper will demonstrate that officers in agencies

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

in the southeast must understand the relevance of training related to the Asian American police-community relations. Though the Asian American population is still, in comparative terms, proportionally smaller than other minority groups in the United States such as Latino Americans and African Americans, their proportionate numbers are increasing at a rate that is greater than these other minority groups. Thus, Asian Americans will become much more prominent in the southeast section of the United States. This then means that Asian Americans will also more greatly impact the social landscape of this region of the United States in the future. As such, officers in these midsized communities in the southeastern United States would be well served to attend such training.

THE NEED FOR ENHANCED TRAINING

An apparent lack of knowledge exists in many agencies despite the fact that throughout the past four decades, the Asian American population has experienced the largest proportional increase of any minority group in the United States (Centers for Disease Control, 2005; Shusta et al., 2005; Sue & Sue, 2007). In fact, it is estimated that the Asian American community, currently consisting of approximately 3.4 percent of the U.S. population, will grow to account for 9.3 percent of the overall U.S. population by the year 2050 (Centers for Disease Control, 2005). Likewise, it is fairly well known that this same population tends to be predominantly located in California, New York, Illinois (mainly Chicago), and various regions around the nation's capitol. However, what is not so well known (partially due to the newness of this phenomenon) is the fact that the Asian American population is growing in the southern and Southeastern sections of the United States. In fact, the rate of growth in states throughout the southern region tends to be higher than that occurring in California and New York (Sue & Sue, 2007).

The fact that the Asian American population is growing at such a rapid rate underscores this population's emerging importance throughout the nation in general, and points toward the need for further accommodation within the southern region of the United States in particular. Thus, law enforcement officers in the southern region of the United States will increasingly need to have an understanding of Asian groups in their area. This alone demonstrates the need for training and attentiveness to community-relations issues and also makes it clear that there is a need for culturally competent law enforcement (specific to the Asian American groups in a given jurisdiction) in this region of the United States. However, some notable challenges have been observed among police agencies tasked with creating effective relations with Asian American communities other parts of the nation; the underlying point being that states in the southern United States can and should learn from these observations as a means of side-stepping many of the

media-catching mistakes that have occurred in the past. If police agencies in states such as Georgia, Virginia, Louisiana, Texas, and Florida are willing to learn from other areas of the nation, this may save lives and avoid impairment of effective police-community relations in these states.

There is another important point to note in narrowing the scope and focus of the issue currently being examined. Throughout much of the nation, it has been a common occurrence that Asian Americans tend to congregate in various urban areas (i.e. Los Angeles, San Francisco, Chicago, New York, and Washington, D.C.-Baltimore). This same trend has been noted in many southern states such as Georgia, Virginia, Louisiana, Texas, and Florida, with the metropolitan regions typically including Atlanta, Norfolk, New Orleans, Houston, and Miami, respectively. But large city areas in the south tend to be better equipped to provide training than are their mid-sized counterpart jurisdictions throughout the southern United States.

However, it is becoming increasingly clear that Asian Americans are also entering mid-sized communities and suburban areas of the southern United States. These areas are frequently not well equipped to address the influx of Asian immigrants within their communities. This is particularly true when considering dynamics in criminal activity that can be associated with and, specific to, this population. Thus, Asian American communities should be given specific focus since these law enforcement agencies tend to have less expertise in working with this population. In addition, this discussion will revolve around three groups of Asian Americans - Asian Indian Americans, Chinese Americans, and Vietnamese Americans – since these are the three largest groups in the United States, with 23 percent being Chinese American, 16 percent being Asian Indian, and 10.3 percent being Vietnamese American (Banes and Bennett, 2002). As one would expect, these are the primary groups of Asian Americans that are located in the southern United States as well.

It should be added that in many police jurisdictions throughout the southern and southeastern United States, training standards are set by the Peace Officer Standards and Training (POST) requirements. These standards, while extensive, provide vague guidelines regarding diversity training for law enforcement officers. While such training is encouraged, it is typically included as elective training for academy administrators to integrate as seems necessary. Because of this, there is a great degree of variation from one jurisdiction to another. In many cases, this lack of detailed oversight results in training that is not proven to be effective and is not necessarily demonstrated to be appropriate for a given area. On the other hand, this also means that areas where Asian American populations are increasing, jurisdictions do have the flexibility to modify their training requirements. It is with this in mind that the suggestions throughout this manuscript are provided; to note challenges that can impede effective police-community relations with new

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

Asian American populations and to provide training approaches that can help to ameliorate these challenges.

DIFFICULTIES AND CHALLENGES IN ESTABLISHING A RAPPORT

It is important for law enforcement to recognize some of the differences that may cut across or be common to all Asian American ethnic groups. Shusta et al. (2005) note the following considerations:

- 1) Generational status in the United States (first, second, third generation)
- 2) Degree of acculturation and assimilation
- 3) Comfort with and competence in English
- 4) Religious beliefs and cultural value orientation.
- 5) Family cultural dynamics

Each of these five noted factors are among many others that can hinder the ability of law enforcement to develop an effective rapport with Asian Americans. Some are more relevant than others to specific groups but most all of these issues are relevant at one point or another when considering Asian Indian Americans, Chinese Americans, and Vietnamese Americans.

Generational status in the United States

A very substantial portion of Asian Americans are born outside of the United States, collectively comprising more than 25 percent of all the foreign-born citizens in the U.S. (Barnes & Bennett, 2002). Indeed, throughout the United States, over 60 percent of all Chinese Americans, 70 percent of all Asian Indian Americans, and a full 90 percent of all Vietnamese Americans are not born in the United States. These percentages are likewise reflected among various states in the southern region of the United States. In fact, it is often the case that even more Asian Americans are foreign born within the southern region of the United States (Barnes & Bennett, 2002).

Degree of Acculturation and Assimilation

There has been a substantial amount of literature on this issue, particularly among social science research. However, Shusta et al. (2005) provides one of the clearest yet pragmatic descriptions of this process by providing several categories or points of acculturation that Asian Americans may fall within. These categories apply equally well to any Asian American group, whether they be Chinese Amer-

ican, Vietnamese American, Asian Indian, or otherwise. These categories are adapted from Shusta et al. (2005) and are as follows:

1. **Surviving** – Includes individuals that have recently immigrated to the United States (within the last 5 years) and the majority of their socialization and experience will have been in their own nation-of-origin.
2. **Preserving** – This includes immigrants or refugees that have been in the United States for more than 5 years but who still had the majority of their socialization in their own nation-of-origin.
3. **Adjusting** – This will include the second generation offspring of Asian American immigrants.
4. **Changing** – This group includes immigrants, but these immigrants will have had the majority of their experiences within the United States.
5. **Choosing** – This category consists of third generation (or later) Asian Americans.

When considering each of these categories, it is important to understand the individual perspective from which these individuals view the world. For instance, those in the “surviving” category are typically in a survival mode and may have come from areas where police and other authority figures were oppressive and abusive. This then will tend to shape their frame of reference when dealing with police in the United States. Likewise, individuals in the “preserving” category seek to preserve their home culture and identity. Their own values and customs are preserved and this can be the source of intergenerational conflict within their family as youth become more “Americanized” and lose contact with their culture-of-origin. Among the remaining categories (Adjusting, Changing, and Choosing), there is value for the homeland but there is also a realistic understanding that changes will need to be made (Shusta et al., 2005; Sue & Sue, 2007). This is particularly true for those in the Changing and Choosing categories, where decisions to include aspects of the old culture or to integrate aspects of the new culture are made. These individuals tend to be truly bicultural and it may be that many will use English as their primary language, allowing their proficiency with their native language to lapse (Sue & Sue, 2007). For these individuals, contact with law enforcement may be no different than that occurring between other citizens of the United States.

Comfort with and Competence in English

As previously noted, proficiency with the English language is a particular hindrance that can cause serious misunderstandings between police officers and Asian American citizens (Jackman, 2008). This issue is somewhat tied to the ge-

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

nerational status of the individual and their specific nation-of-origin, since groups that have immigrated most recently tend to be those with larger percentages that do not speak English. This is particularly true among the Southeast Asian groups. Indeed, nearly 38 percent of all Vietnamese Americans do not speak English (Shusta et al., 2005). In addition, it has been determined that an approximate 23 percent of Chinese Americans also do not speak English (Shusta et al., 2005). On the other hand, this is not typically an issue for Asian Indians due to the fact that most all speak English as a result of prior subjugation during the reign of the British Empire (Almeida, 1996).

One other issue regarding Asian American proficiency with the English language may be important to note. In many cases, Asian American youth quickly learn the English language due to their mandatory involvement in the public school system (Sue & Sue, 2007). Therefore, it may be the case that in many Asian households, the children are much more proficient in English than are the parental figures or any extended family members (Almeida, 1996; Sue & Sue, 2007). While this does allow these youth to aid their older family members, this can also lead to problems since the adult caretakers are generally at the mercy of their younger children when communicating with officials or non Asians in society (Almeida, 1996; Sue & Sue, 2007). Naturally, this can (and sometimes does) lead to manipulation among children in Asian American households. In fact, of those Asian American youth (particularly Vietnamese and to a lesser extent Chinese American youth) that do become involved in delinquent activity, the parents are hard-pressed to adequately supervise these youth who become skilled at navigating around a system that cannot effectively communicate with the parents as well as the mastery of parental manipulation due to language deficits. Police officers, juvenile caseworkers, truancy officers, and school officials alike have grappled with this challenge in many areas of the United States, including regions in Texas (Houston), Georgia (Atlanta), and Louisiana (New Orleans).

Religious Beliefs and Cultural Value Orientation

For Asian Indian Americans, it has been found that the higher the social class and the longer the time since immigration, the weaker is the allegiance to traditional gender roles and the greater the preference for individualistic rather than collective norms (Almeida, 1996; Sue & Sue, 2007). With this in mind, it has been said that Hinduism in the United States is more of a cultural tradition for Asian Indian Americans than a religious doctrine (Almeida, 1996). Despite this, many Asian Indians may seek “purity” in their life, abstaining from bodily pleasures such as sex, alcohol, and other sensual pleasures with the view that these are “impure” and part of a polluted existence (Almeida, 1996). Likewise, even though there may not be rigid adherence to the caste system among Asian Indian Ameri-

cans in the United States, “caste” is still seen as important and is considered part of one’s *karma* (Almeida, 1996; Sue & Sue, 2007). Lastly, because Hinduism does not require regular worship at a temple, practice of the religion occurs mostly at home. Asian Indian families in the United States are left with no societal support and this has led to some deterioration in ardent Hinduism (Almeida, 1996).

Likewise, some Asian Indians (in addition to Pakistani Americans) may be Muslim and therefore follow the beliefs of Allah as recorded in the Qu’ran (Almeida, 1996; Shusta, et al., 2005). How observant these Muslims will be often depends on their education, economics, societal influences, immigration patterns, and acculturation (Sue & Sue, 2007). Because of this religious affiliation, there have been documented incidents where police have misidentified Asian Indians for interrogation during the period shortly after the World Trade Center bombing in 2001 (Shusta, et al., 2005). It is with this in mind that it is important for police (particularly in the southern United States where police tend to lack exposure to many Asian groups) to effectively distinguish between Indian, Pakistani, and other racial groups. Over generalizations regarding attire and/or association can lead to erroneous conclusions and can also result incidents of embarrassment for the police agency. This same misidentification (particularly among turban-wearing Sikhs) has been the basis for hate crimes against Asian Indians in various parts of the United States (Sue & Sue, 2007). Granted, hate crimes are equally abhorrent and punishable regardless of the group that is intended to receive the abusive treatment, but these incidents do demonstrate how the general public in the United States is ill equipped to distinguish between racial and ethnic groups among Asian American citizens (Shusta, et al., 2005).

For Chinese and Vietnamese Americans, Buddhism, Confucianism, and Taoism tend to be honored. For Buddhist followers, the concepts of karma and reincarnation may be important considerations (Almeida, 1996; Sue & Sue, 2007). In addition, the reverence for ancestors may be honored as well. This practice may be found to be quite common in some areas, even among converts to Judeo-Christian traditions. On important anniversaries or family events, offerings to ancestors may be observed as a means of opening such festivities and celebrations (Almeida, 1996). Police officers in many areas of the southeast United States may not have a firm understanding of the religious dynamics associated with different Asian groups due to the fact that the representation of Asian Americans has traditionally been scant throughout most of the south; naturally then, appropriate training in this area of knowledge could become a necessity.

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

AGENCY PRE-SERVICE AND IN-SERVICE CROSS-CULTURAL TRAINING & RECRUITMENT OF ASIAN POLICE AND VOLUNTEERS

From the previous discussion regarding the growth of the Asian American population within the United States, it is clear that agencies will need to ensure that they are effective in law enforcement service delivery to this segment of the population. This is true because of the high growth that is occurring among the Asian American population (particularly among the Asian Indian and Chinese American groups), but as will be discussed later, this is equally true due to the unique cultural differences that each of these groups present. Likewise, as noted earlier, many larger metropolitan police forces have gone through the growing pains and the organizational change process to effectively implement culturally competent services to minority groups in their jurisdiction; including those minority groups that are categorized as Asian American. But, other agencies that are smaller or in locations where Asian Americans are just beginning to arrive, may be unprepared to effectively meet the demand for services that will emerge.

In fact, with immigration demographics as they are in the United States, it might not be a stretch to say that this is a new “phase” in an ever-evolving population shift where Asian Americans will become more and more common throughout all regions and segments of society in the United States; thereby breaking from the tendency to stay mainly within large urban locations. Indeed, a substantial body of research has shown that as various immigrant groups move into the United States and assimilate within the nation’s population, they will tend to move from their initial urban areas of concentration into the suburbs and outlying communities within that region (Beck, Kolankiewicz, & Camarota, 2003; Felson, 1994; Jackman, 2008; Olivo, & Avila, 2006; Shaw & McKay, 1942; Singer, 2006). Thus, agencies in suburbs and mid-sized communities stand to benefit from the “lessons learned” from various metropolitan areas that have accommodated immigrant minority groups (Jackman, 2008).

It should be noted that it is quite natural that an agency’s cultural competence educational format will be specific to minority groups in that jurisdiction. In other words, if the community encounters a large population of Vietnamese Americans (but not Asian Indians) then the training will of course be most applicable and most useful if it is tailored around issues specific to Vietnamese Americans. Beyond this, Herbert Z. Wong - a leading diversity expert on Asian American issues - notes that many of the exercises that can be used in teaching multicultural law enforcement can be quite simple, regardless of the specific racial or ethnic group that is represented (Johnson, 2006).

With this point made, the specific length and timing of the training should be given careful consideration. While it is always good for agencies to provide multicultural training to recruits during the pre-service stage of training, this is not

likely to have sufficient results in and of itself. In many cases, such training will typically consist of a small 2 to 4 hour block of training that is generic in presentation. This is understandable given that police academy training schedules tend to consist of a wide range of topics with little room for variation. Further still, there may be budgetary issues concerned if additional training segments are added into a pre-service academy schedule (Stewart, 2005). In other cases, it may simply be that officers have so many areas of knowledge to master that additional units of training serve to dilute the overall impact of the multiple content areas. Therefore, academy training should not be considered the stopping point in this process (Shusta et al., 2005). Rather, such training should be provided with the explicit intent and understanding (communicated to the cadets themselves) that such training is an introductory segment that will later lead into further culturally specific in-service training within the first year of service (Dana, Behn, & Gonwa, 1992; Dana, & Matheson, 1992).

It is recommended that agencies provide such in-service training as early as possible once recruits have graduated from their basic level of police academy pre-service training (Dana, & Matheson, 1992; Shusta et al., 2005). The reasons for this should be obvious and self-explanatory; simply put, officers should be culturally competent as early as possible to ensure effective policing in jurisdictions that contain diverse minority populations. Likewise, any such in-service training must address diversity within the police organization as well as diversity external to the agency (Dana et al., 1992; Robbins, 2005). This is important because the agency itself must develop an organizational culture that is supportive of diversity and the need for cultural competence (Robbins, 2005). This must come from within the agency and must also be emphasized by top leadership within the agency (Robbins, 2005). Thus, diversity training within the department should be seen as an internal mirror of the culturally competent external services provided from within the department to the outside community. It is in this manner that the police agency will become a culture-based learning organization.

In designing training for cultural competence with Asian American populations, several recommendations and guidelines should be implemented. The guidelines that follow are adapted from the U.S. Department of Justice Community Relations Service (2005) mediation agreement between the Milwaukee Police Department and several cultural and social service agencies in Milwaukee. This mediation agreement resulted in a proposal that was directed at improving interaction between the Milwaukee Police Department personnel and citizens in the greater Milwaukee area. It should be noted that this mediation agreement was completely voluntary on the part of the Milwaukee Police Department and therefore demonstrates a good faith effort by that department to improve communications and relations with the diverse elements of that jurisdiction. This is perhaps one of the most effective "first steps" when implementing culturally competent

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

services to any minority group. It is important for smaller agencies to take heed of this and to also implement guidelines that are both broad and specific (appealing to a wide variety of populations and providing in-depth knowledge and/or services when needed). Because the proposal has received federal oversight and approval, is comprehensive yet specific in scope, and because this proposal is a very good example of how diversity issues can be addressed in a good faith manner by police agencies, these guidelines are likely to be ideal for smaller police agencies faced with an influx of diverse populations, including of course, recently arriving Asian American citizens. These modified guidelines, are as follows:

- A. Cultural competency training should operate within the structure and guidelines of the tradition in-service training schedule and should specifically include elements relevant to Asian American populations within the jurisdiction that is served.
- B. The police agency should provide sufficient training hours in cultural competency. Preferably two days (sixteen clock hours) or more should be provided each year.
- C. The agency staff providing cultural competency training shall be well-versed in Asian cultures. Staff shall be skilled in diverse group facilitation and should be specific to the Asian communities that are served.
- D. When possible, personnel from the local community that is served should provide or at least assist in the training. This provides an added personal link between the agency and members of the community.
- E. Cultural Competency training should be broad and in-depth, and address issues such as race, ethnicity, gender, age, disability, religion, gender expression and sexual orientation.
- F. Scenario-based training shall include topics of racism and racial profiling.
- G. Scenario-based training shall be reflective of actual incidents or situations that have occurred between the community and the police agency. It is important that these specific incidents be overtly addressed and worked upon since this will provide the opportunity for rapport and since this will make the training relevant and practical rather than theoretical.
- H. The agency training program should include a component devoted to police officer professionalism independent of personal beliefs or attitudes. In this instance, the need to maintain professional and ethical decorum should be emphasized, regardless of individual religious or cultural orientations.
- I. The program should also include police officer safety, customer service, Asian youth/police relations, cultivating positive cross-cultural relationships, mediation and negotiating conflict and life threatening situations.

- J. Cultural competent services must be dynamic and must change as the need arises. This requires the following:
 - 1. Review of training curriculum
 - 2. Observation and evaluation of training sessions
 - 3. Periodic evaluation of training outcomes.
 - 4. Periodic meetings with agency staff involved in the development of the training program to discuss the content, status and direction of the program.
- K. In addition, the agency should implement policies and procedures that contribute to citizen satisfaction and that assist the department in managing its interactions with residents of the Asian American community.
- L. The agency should provide all agency personnel with citizen service training that includes techniques that have proven effective in professional service delivery with relevant Asian American communities.
- M. When and where appropriate, agencies should encourage officers to learn a second language that is used by primary minority groups in the region. Agencies should make a point to provide tuition assistance for such efforts and should provide promotional incentives to those employees that pursue such educational options.

Further, the National Crime Prevention Council (1995) showcases a training course that exemplifies many of the points previously discussed. This training course is entitled "*Cultural Diversity: An Integral Part of Community Oriented Policing*" and is a two-week cultural diversity course conducted as part of the North East Multi-Regional Training program as administrated by the Illinois State Police training standards division. Among other things, this course:

...teaches law enforcement diversity trainers about anxieties experienced by newly graduated non-native officers. The course focuses on ways that anxiety can interfere with clear thinking and decisive action, how it can be a response to ambiguous situations, how it can destroy trust, and ways it can limit communication. Additionally, anxiety can lead to absenteeism, dissatisfaction, stress, isolation, and defensiveness. The course enables selected law enforcement officers (Command, First Line Supervisors, FTOs, and Patrol) to become certified Cultural Diversity Instructors who will teach a one- to two-day curriculum to other law enforcement personnel. Additional course subjects include: the concept and implications of diversity, values, prejudice, acculturation, recruitment and retention, community relations, ethnicity and race relations, gender issues, homophobia, concerns and reactions of the community, verbal and non-verbal communication, cognitive functions, prob-

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

lem-solving and action-planning, teaching methodologies and evaluation (The National Crime Prevention Council, 1995, p. 8).

Lastly, Herbert Wong points out that many techniques, even those that are very simple to implement, can be very powerful in revealing the discomfort for peace officers receiving such training. For instance, in one exercise called "guess the facilitator," Wong frequently exposes officers to their own biases by asking three simple questions: What kind of car do you think I drive? What is my favorite food? And what do you think my hobbies are? As Wong notes, the answers are often very unorthodox and even illogical. Wong notes that "people bend over backwards to not be stereotypical. They will not even say Asian food or Chinese food..." when guessing an Asian instructor's favorite cuisine (Johnson, 2006, p. 2). Wong notes that these incongruent responses are often given because the persons in training do not wish to offend the instructor (Johnson, 2006). But, according to Wong, "...that creates as much a problem as it does otherwise. To be over-sensitive is not to be sensitive." (Johnson, 2006, p. 2)

From this it can be determined that the particular instructor that provides this training is instrumental in its success. While agencies can generate guideline and curricula that "appear" to address cultural competency, it is the specific skill and technique of the instructor that is likely to translate the information from "written theory" to insight that actually affects the day-to-day practice and routine of the officer. Thus, agencies should carefully select instructors that provide such training. It is perhaps best that the instructor be a member of one of the Asian American cultural groups that are represented in the jurisdiction and it is even more ideal that the person come from the same region or locale.

Having instructors from the same region is sometimes counter-intuitive to some training administrators since some may think that police familiarity with the individual can diminish respect for the credentialed qualifications (or at least the novelty) of the instructor. In other words, officers may see the training as much more informal when the instructor is personally known - directly or indirectly - by the officers (Robbins, 2005). Because of this, the official in-service training should not be conducted by officers within the agency (though they should be encouraged to augment such training when and where they desire). In an opposite manner, persons outside the agency that have impeccable credentials in providing such training should be selected, even if they are known locally by officers in the agency. The quality of the instructor will typically override the perceived informality that officers may perceive and, if such credentials are indeed known and respected in the community, this can enhance officer receptiveness to such training. If a given community has no suitable training personnel to provide cultural competency training, then agencies should enlist the aid of a trainer from areas outside the jurisdiction.

SPECIFIC ISSUES PERTAINING TO ASIAN AMERICANS

Within the U.S. media, Asian Americans have been described as the “model minority,” due to successes in educational and economic achievement and the apparent lack of criminality, mental health trauma, substance abuse challenges, or other such human deficits. Indeed, when compared with other racial/ethnic groups in the United States, Asian Americans have the highest college degree attainment rate (including advanced degrees), the highest median family income, and the highest rate of working within a “high skill” occupation (Asian Nation, 2006). However, this image has some serious drawbacks and there are likewise many inherent flaws to the media reporting that perpetuates this image (Shusta, et al., 2005).

For instance, while it may be true that Asian American families/households have the highest median income, it is often not emphasized that Asian households tend to have more members that are employed than do Caucasian American families. This is important because it demonstrates that when considered per person, Asian Americans tend to make less than Caucasian Americans. Indeed, it is not at all unusual for many Asian American families to have 4 or more adult members that are fully employed yet living in the same household (Asian Nation, 2006).

As has been noted previously, many Asian Americans tend to be concentrated in urban areas of the United States, namely Honolulu (64.9 percent), San Francisco (18.8 percent), Los Angeles (11.4 percent), New York (6.7 percent), Washington, D.C./Baltimore (5.1 percent), and Chicago (4.2 percent). Each of these areas of the United States are known to have higher-than-average living expenses. Thus, while Asian Americans may tend to make more in gross earnings, the actual amount of money that they retain may be substantially less than is often thought. Within each of these metropolitan areas, the incomes of Asian Americans tend to be lower than those of Caucasian Americans (Asian Nation, 2006). Lastly, and in stark contrast to the model minority stereotype is the fact that roughly one million Asian Americans live below the poverty level (Centers for Disease Control, 2005).

This then demonstrates that while Asian Americans (particularly the Asian Indian and Chinese American communities) have made great strides, they do not all meet the arbitrary mold that is portrayed in the media (Lee, 1996). Such stereotypes have served to hide the true differences between individual Asians and the diversity that exists between groups/categories of Asian Americans. Shusta et al. (2005) illustrates this quite well when presenting the following quoted scenario:

Four outlaws gathered at a Decatur coffeehouse to talk over their crimes. One had married an African-American man. Another chose the wrong career. One

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

is openly gay. The fourth, well she just isn't submissive enough. The group looked like a caramel-colored version of the cast of "Friends": four attractive, well-educated Indian-Americans brimming with confidence and laughter. But each has become an outlaw of sorts in Atlanta's South Asian community – people from India, Pakistan, Sri Lanka, Bangladesh and Nepal – because they've broken the rules for being a good South Asian, sometimes considered a "model minority" in America... More than 70,000 South Asians now live in the Atlanta metro area, with the Indian-American population alone having recorded a 230 percent increase in Georgia from 1990 to 2000. Indians are also estimated to own nearly half the roadside hotels and motels in the state. None of those numbers reflects the escalating divisions within the South Asian community, many of whose younger members say they're tired of being viewed as the "good minority": hardworking, submissive, overachievers. They say this image has become an ethnic straitjacket that stifles individuality – and is often used to demean African-Americans by comparison (Blake, 2002, p. M1).

Aside from the fact that media reporting should be accurate, there are other concerns that arise from this "model minority" status. First, this creates the impression in the public eye that Asian Americans are not in need of assistance; assistance that is perhaps commonly provided to other racial groups. Second, this image has helped to develop animosity from some members of other racial and/or ethnic groups (particularly among the African American and Caucasian American populations). Related to this animosity is the observance of hate crimes against Asian Americans (Shusta et al., 2005). In addition, there is a corresponding trend among some groups of offenders to single out Asian American businesses and/or persons for robberies and other utilitarian crimes due to the perception that these individuals will have substantial material wealth to make such criminal endeavors profitable (Valdez, 2005; Shusta, 2005).

TRUST-BUILDING, COMMUNITY INVOLVEMENT, AND COLLABORATION

First and foremost is the need to determine the state of a given community. This first step should usually consist of a basic "baseline" assessment of the community. The Law Enforcement Resource Center (1997) refers to this process as developing a community profile. This may not be necessary in many urban areas of the United States since it is presumed that these regions have already come to or past that point of intervention. However, mid-sized communities, particularly those that are experiencing an influx of Asian American newcomers, will

find it prudent to develop such a profile of the Asian American community as a means of developing some form of organized action plan to improve services. From this point, agencies can proceed to the goals of trust-building and community collaboration.

Trust-building & Community Involvement

According to the National Crime Prevention Council (1995), law enforcement agencies and members can develop trust with ethnic minority residents on three levels:

- 1) Formally, through organizations, coalitions, councils, and task forces.
- 2) On the working level, with patrol officers walking the beat through newcomer neighborhoods and getting to know residents.
- 3) Informally (and often most effectively), when community residents and law enforcement become acquainted through social and civic events or join together to work for common goals, such as youth safety.

Furthermore, it has been found that trust often develops from the bottom up, not the top down (National Crime Prevention Council, 1995). Relationships are more easily developed at the individual level and it is the personal interaction that ultimately bridges cultural gaps that may exist (Khashu, Busch, Latif, 2005). Trust is a valued by-product when individuals, often from diverse backgrounds, collaborate on social and civic activities within their respective communities in an effort to solve local problems. Consider the following example:

Vietnamese American Officer Nguyen Van Trong of the Biloxi, Mississippi, Police Department goes into schools and works with individual youth to teach them anti-drug techniques using the Drug Abuse Resistance Education (D.A.R.E.) curriculum. He also meets with Vietnamese adults in their community to teach parenting skills. He is well known in Biloxi, having been a sworn officer since 1985 when he served first as a patrolman and then as a detective. He reports that crime has decreased in the Vietnamese neighborhoods of Biloxi because he personally encourages residents to trust law enforcement and report crime (National Crime Prevention Council, 1995, p. 10)

Collaboration

In addition to the typical actions that are part-and-parcel to a community policing orientation of peace keeping, there are other specific activities that can prove effective with the Asian American community (Khashu et al., 2005). For

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

instance, officers can develop relationships through a variety of activities include service as liaison between newcomer communities and law enforcement, providing assistance with language proficiency classes and interpreting services, and educating refugees about the American criminal justice system (Khashu et al., 2005; National Crime Prevention Council, 1995). In addition, agencies and officers can support mutual assistance associations and refugee self-help groups that understand the needs of fellow refugees. All of these activities build trust that can lead to further collaboration.

Partnerships between community members and the police agency are the most effective means of identifying areas and locations that are at risk. Shusta (2005) defines the term “at-risk” as those communities that have a high level of criminal activity or social disorganization, as well as the occurrence of civil rights violations and/or concerns (i.e. hate/bias crimes, discrimination allegations, racism, and so forth). The use of various community policing strategies will naturally mesh well with this type of policing and will facilitate the agency’s efforts to empower the Asian American community as a stakeholder and contributor to their own community.

Empowerment is the key word in this case, since it is the community that is likely to have the most information and intelligence regarding activities within the boundaries of the community and because the police agency cannot operate in a proactive (as opposed to reactive) manner on its own without the aid of the Asian American citizenry (Khashu et al., 2005). In short, the two entities must be partners, and the best means of establishing this partnership is through empowerment of the community itself. Indeed, an empowered community will also be one that will have less need for police intervention; thereby benefiting the agency and its personnel through a reduction in future calls for service.

CONCLUSION

The Asian American community has typically been a very small component of the overall United States population. In fact, the Asian American community has been largely overlooked by the general American public. However, this has changed with the recent growth of this population. Further, Asian American migration is now observed at record levels in areas of the United States that were not previously considered to be viable options just a decade ago. Because of these developments and because Asian Americans are increasingly leaving urban areas for less sizable communities, there is a need for law enforcement agencies to develop strategies of response and service delivery that are culturally competent. The need for such services is particularly pronounced within the southern region of the United States. Though the challenges can be extensive, sufficient examples exist

ROBERT D. HANSER

from other areas of the United States to ensure that these agencies are equipped to face the emerging demographic changes. Prudent agency administrators will recognize the demographic trends set for the future and will react by improving services for this growing population. Agencies that do prepare for this trend will be of the greatest service to their communities and will also avoid much of the organizational stress and conflict that have been observed among other agencies that have traversed this issue in the past.

EFFECTIVE POLICE RELATIONS WITH ASIAN AMERICAN POPULATIONS

REFERENCES

- Almeida, R. (1996). Hindu, Christian, and Muslim families. In M. McGoldrick, M. Giordano, J. Pearce, & J. Giordano (Eds.). *Ethnicity and family therapy* (2nd ed., pp. 395-423). New York: Guilford Press.
- Asian-Nation (2006) *The model minority image*. Retrieved from: <http://www.asian-nation.org/model-minority.shtml>.
- Beck, R., Kolankiewicz, L., & Camarota, S. (2003). *Outsmarting smart growth: Population growth, immigration, and the problem of sprawl*. Center for Immigration Studies. Retrieved from: <http://www.cis.org/articles/2003/sprawlcoverage.html>.
- Barnes, J. S. & Bennett, C. E. (2002). *The Asian population: 2000*. Washington, DC: U.S. Census Bureau.
- Bennett, C. E. (2002). *A profile of the nation's foreign-born population from Asia (2000 update)*. Washington, DC: U.S. Census Bureau.
- Blake, J. (2002). Ethnic straitjacket: South Asians confront stereotypes as "model minority." *Atlanta Journal and Constitution*, p. M1.
- Centers for Disease Control (2005). *Asian American Populations*. Retrieved from: <http://www.cdc.gov/omh/Populations/AsianAm/AsianAm.htm>.
- Chou, R. S. & Feagin, J. R. (2008). *The myth of the model minority: Asian Americans facing racism*. Boulder, CO: Paradigm Publishers.
- Dana, R. H., Behn, J. D., & Gonwa, T. (1992). A checklist for the examination of cultural competence in social service agencies. *Research of Social Work Practice*, 2, 220-233.
- Dana, R. H. & Matheson, L. (1992). An application of the agency cultural competence checklist to a program serving small and diverse ethnic communities. *Psychological rehabilitation Journal*, 15(1), 101-105.
- Felson, M. (1994). *Crime and Everyday Life: Insights and Implications for Society*. Thousand Oaks, California: Pine Forge Press.
- Jackman, T. (2008). To serve and protect, with an eye to culture. *Washington Post* (22 June, p. PW04). <http://www.washingtonpost.com/wp-dyn/content/article/2008/06/17/AR2008061703127.html>
- Johnson, C. (2006). Know the new neighbors: With Asian influx, Quincy leaders work on cultural competency. *Boston Globe*. Retrieved from: http://www.boston.com/news/local/articles/2006/04/20/know_the_new_neighbors

ROBERT D. HANSER

- Khashu, A., Busch, R., Latif, Z. (2005). *Building Strong Police-Immigrant Community Relations: Lessons from a New York City Project*. New York, NY: Vera Institute of Justice.
- Law Enforcement Resource Center (1997). *Community oriented policing: Facilitator's Guide*. Minneapolis, MN: Law Enforcement Resource Center.
- Lee, A. (2006). Korean latchkey kids under scrutiny in United States. *News America Media*. Retrieved from:
http://imdcontentnew.searchease.com/villages/asian/family_lifestyle_traditions/pns_latchkey_kids_0306.asp.
- Lee, S. J. (1996). *Unraveling the "model minority" stereotype: Listening to Asian American youth*. New York: Teachers College Press.
- Lee, M., & Au, P. (1998). Chinese battered women in North America: Their experiences and treatment. In A. R. Roberts (Ed.). *Battered women and their families: Intervention and treatment strategies* (2nd ed., pp. 448-482). New York: Springer Publishing Company.
- National Drug Intelligence Center (2001). *Louisiana drug threat assessment, 2001*. National Drug Intelligence Center, Johnstown, PA: Retrieved from:
<http://www.justice.gov/ndic/pubs0/666/overview.htm>.
- McGoldrick, M., Giordano, J., Pearce, J. K., & Giordano, J. (1996). *Ethnicity and family therapy* (2nd ed.). New York: Guilford Press.
- National Crime Prevention Council (1995). *Lengthening the stride: employing peace officers from newly arrived ethnic groups*. National Crime Prevention Council, Washington, D.C. Retrieved from: <http://www.ncjrs.gov/txtfiles/stride.txt>.
- Olivo, A. & Avila, O. (2006). *Latinos choosing suburbs over cities*. Indiana: University of Notre Dame.
- Robbins, S. P. (2003). *Organizational Behavior* (10th ed.). Upper Saddle River, NJ: Prentice Hall.
- Shaw, C. & McKay, H. (1942). *Juvenile delinquency in urban areas*. Chicago, IL: University of Chicago Press.
- Shusta, M., Levine, D. R., Harris, P. R., & Wong, H. Z. (2005). *Multicultural Law Enforcement: Strategies for Peacekeeping in a Diverse Society* (3rd Ed.). Upper Saddle River, New Jersey: Prentice Hall.
- Singer, A. (2006). Skipping the city for the suburbs. *Urbanite Baltimore*, 19, pp. 47-49.
- Song, Y. I. (1996). *Battered women in Korean immigrant families*. New York: Garland.

**EFFECTIVE POLICE RELATIONS WITH
ASIAN AMERICAN POPULATIONS**

- Stewart, P. (2005). *Management practices in police training* (personal communication) West Monroe, LA: North Delta Regional Training Academy.
- Sue, D. W. & Sue, D. (2007). *Counseling the Culturally Diverse: Theory and Practice* (5th ed.). New York, NY: John Wiley & Sons, Inc.
- Tapestri, Inc. (2006). *Trafficking: A Contemporary Manifestation of Slavery*. Tucker, GA: Tapestri, Inc. Retrieved from:
http://www.tapestri.org/article_human_trafficking1.html.
- United States Department of Justice – Community Relations Service (2005). *The Milwaukee Agreement*. Chicago, IL: United States Department of Justice – Community Relations Service.
- Valdez, A. (2005). *Gangs: A guide to understanding street gangs* (4th ed.). LawTech Publishing. Retrieved from: <http://www.LawTechPublishing.com>.

ROBERT D. HANSER

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