

THE COMMUNITY BOARD PROGRAM

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THE APPROPRIATENESS OF DISPUTE RESOLUTION PROGRAMS IN RESPONDING TO YOUTH VIOLENCE

Conflict resolution is nothing new. Friends, neighbors, families, school children, businesses and customers, people who work together - everyone has disputes and problems with others and "negotiates" their way through them constantly. What is relatively new is the organization of specific mediation and other dispute resolution programs serving communities, courts, schools and other populations and institutions throughout the United States.

In terms of the relevance of these programs to issues of youth violence, there are three important question:

- * What type of programs are operating now?
- * How appropriate is mediation for responding to issues of youth-related violence?
- * How accessible are mediation programs to communities, particularly to young people and communities of color?

From a handful of programs in the mid 1970s, there are presently estimated to be more than five hundred community mediation programs throughout the country. These programs, usually with community volunteers serving as mediators, hear and help resolve a wide range of disputes ranging from neighborhood "nuisance" issues (noise, graffiti, etc.) to more serious problems such as fights, harassment, property damage, money disputes, landlord/tenant issues, family matters (between spouses or partners, or between parents and their children) and much more.

While different processes might be used for these conflicts, "mediation" is by far the most common. Mediation is usually understood to mean an approach in which an impartial "third party" intervenes in a dispute with the consent of the parties to aid and assist them in reaching mutually satisfactory agreements.

Community mediation programs may be free standing nonprofit organizations or be attached to another organization, city agency or the courts. They may receive referrals from primarily one agency (District Attorney, Small Claims etc.) or receive cases, including self-referrals, from a multitude of sources.

As these programs have matured and become more of a fixture in their cities/communities, an ever expanding variety of conflicts are referred for settlement. Many mediation organizations now hear a wide range of cases involving young people. The issues may involve delinquent or criminal behavior referred by some component of the legal system, schools or neighborhood residents. Parents and youth may discuss communication issues, school attendance, rules and behavior, or who's hanging out with who.

Some programs have become very much involved in serious youth and gang violence, including the resolution of matters that include threats, fights, gunshots or racially motivated attacks. The attached list of mediated youth-related case summaries provide some specific examples.

Increasingly, mediation processes have been adapted to schools. There are probably three thousand or more schools which now have working peer mediation programs (at the elementary, middle and high school level) in which students themselves help their peers resolve disputes. These programs demonstrate peaceful means to resolve conflicts, may decrease the levels of violence and suspensions, and offer young people opportunities for esteem enhancing service work. The amount of time which school staff spend on discipline issues may also be reduced.

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Other schools may use a "classroom" approach, using communication and conflict resolution lessons to bring these skills to students whether a formal mediation program exists at the school or not.

A new but growing area is the establishment of similar peer mediation programs in juvenile correctional and other youth facilities. Often the interest is to provide youth with new ways to express anger, and to communicate and problem solve.

The above is only a brief sketch representing an ever growing and changing field, but hopefully is a useful overview. The next question is how appropriate such programs and methods may be in responding to youth violence.

On its face, mediation can be useful as an intervention to reduce the intentional use of force by one person against another which might result in injury or death. Many if not most mediation programs can point to numerous situations which, if it were not for mediation, would have led to escalating violence and probable (or repeated) injury.

Most mediation programs offer the opportunity for early entry into a dispute, within a context not of criminal justice, but of community concern, with the options for bringing together additional resources and support for the parties in conflict. In this way mediation is prevention oriented, and does not require that a formal "crime" has been committed or that someone is seriously injured before something can be done. Such an approach moves closer to what might be called for, in part, from a public health perspective on violence.

On the other hand, not all mediation programs may be sensitive to the "life-worlds" of youth, particularly youth of color, and may find it difficult, due to the nature of their chosen mediation process or to those who serve as mediators, to sensitively and competently respond to youths' real disputing needs.

There is also the danger that mediation may be offered as an ultimate answer. A mediation program "thrown at" the issues of youth or gang "violence" may cloud the need for more profound changes in how our society understands the reality of children and youth today. As many have pointed out, justice is the answer to violence not charity. Care must be taken to see that mediation of youth related disputes does not substitute for the analysis of those larger issues relating to family, jobs, media, education and racism which set the environment in which young people grow up.

There are some program innovations underway which attempt to bring conflict resolution processes to bear on broader issues. For instance, youth organizing strategies may be combined with newer collaborative problem-solving methods to prepare and place youth into negotiation postures with city education, law enforcement, business and political leadership. The outcome may be an increased response to the real needs of youth, as well as opportunities for significant youth leadership development.

Another recent application is the use of the mediation process by child welfare workers and parents to reach collaborative agreements about family maintenance, reunification and other dependency issues. While recognizing that the child welfare worker must protect the best interests of the child, mediation allows parents more participation in working out issues which concern them. The end results are stronger, more resilient families experiencing less neglect and abusive behaviors. Similar approaches have been used to provide a means for dialogue between parents and school officials.

It is undoubtedly fair to say that most community (and school) mediation programs have been founded by white professionals who may work off assumptions and models which are of greater relevance to some rather than to all. At the same time, there are many mediation programs in various community and institutional settings which can point to years of success in resolving the conflicts of people of great diversity.

One test of any program is its direct accessibility to the community, and especially to youth in the community. Mediation programs which can only be accessed through the criminal justice system, which are expensive, which are afraid to mediate cases involving violence, and who do not consider the use of youth mediators, may not be useful. At the same time, there are clearly opportunities for making existing community mediation programs more relevant, more ready and more responsive to the needs of community.

While many of the above comments are focused on community mediation, the suggested strengths and weaknesses hold for school based efforts as well. In addition to programs of direct service, training for young persons in effective communication and problem solving is another path to some of the same violence reduction ends. Here again, care must be taken not to rush to unrealistic expectations. Training programs must be created which allow sufficient time to provide and reinforce learning, and respond to the needs of youth as they are and as they live.

Mediation has grown quickly over the last ten plus years and is now available to many communities, institutions, businesses and others. It is worth noting that the founding ideals of this conflict resolution "movement" were not only to reduce court caseloads or to resolve conflicts. One important reason for many peoples' interest was the notion that communities must have ways to take care of themselves, and to seek shared experiences and common values.

If justice is an answer to violence, we must ask what is justice. According to the dictionary, part of that definition relates to "fair handling," "equity," and "moral rightness." If we are to "do justice" to each other we need experiences, and a language, to move beyond ourselves as individuals to how we relate to and respect each other in the home, on the streets and in the broader community. Mediation can provide a means for people to "do justice" one to another and reduce violence. It provides an opportunity to use what one observer has called America's "second language" of cooperation and common values as opposed to our "first language" of individualism and "what's in it for me."

If it takes a village to raise a child, then that village and its residents -youth and adults - must have the means to express and resolve their conflicts and differences peacefully. Mediation may be one useful way for this to take place.