# Chapter 11
# Promoting Positive Peace One Block at a Time: Lessons from Innovative Community Conferencing Programs

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## Introduction

This chapter describes principles and practices of Community Conferencing, a process in which a group of people meet to address a common concern. The process is most often used with a group of people affected by interpersonal conflict. Participants in a Community Conference reach a shared understanding about the causes and consequences of the conflict. They then devise a plan of action.

Conferencing is used in a variety of settings, including schools, youth and adult criminal justice systems, neighborhoods, and workplaces. It asks different questions than those asked by adversarial processes. Adversarial processes typically ask: "Who did it?" and "What are those in authority entitled to do to them?" In schools, the justice system and elsewhere, authorities tend to administer some form of punishment.

In contrast, Conferencing asks: "What has happened?" "Who has been affected; and how have they been affected?" and, "What can be done to repair the harm and to make things better in the future?" Where people have disengaged from each other, or have engaged destructively, Conferencing creates the potential for *constructive* engagement. The *primary* emphasis is not on entitlements and rights. The primary emphasis is on responsibilities and resolution. In this way, Conferencing can help restore, maintain, or create positive connections between and among people.

The authors have collaborated to incorporate theory and practice from a range of disciplines and from international experiences. We have aimed to create a

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"learning organization," by continually furthering our understanding of theory and principles that guide how the Conferencing process is facilitated and programs are implemented. The resulting principles and practices have helped bring this work to scale, while maintaining fidelity and quality.

We provide detailed examples from a Conferencing program with some unique features. Since 1998, a group of committed colleagues in the US city of Baltimore have developed an innovative approach to this work. (www. communityconferencing.org) The Baltimore Community Conferencing Canter has: (1) applied Conferencing in a variety of sectors and venues, (2) built a firmer understanding of core principles that guide the work, and (3) regularly reflected on each of these principles. This paper highlights key lessons we have learned, and possible next steps of reform.

## Community Conferencing: An Inclusive Conflict Transformation Process

### *Brief General History of Community Conferencing*

The first Community Conferencing programs were established in New Zealand. Reform activists among the indigenous Maori promoted a community process called (in English translation) "Family Group Conferencing". Pilot programs offered Conferencing as an alternative to state practice (Hudson et al. 1996). The success of these pilot programs in the 1980s led to national legislation in 1989. The use of Family Group Conferencing was extended across New Zealand, both in youth justice and in care and protection matters. Legislation was subsequently extended to cases involving adult non-violent offenders.

Various jurisdictions in Australia and Canada followed New Zealand's lead. The Conferencing process was adopted and adapted in neighboring Australia in the early 1990s. A group working in youth justice sought to develop a practical theory and an optimal format for the Conferencing process. Conferencing was initially used by community police in a border region of the state of New South Wales. In this pilot program, police diverted youth justice cases from the children's court to an official caution, which now involved a Conference (Moore and Forsythe 1995).

The training program developed for youth justice conveners in New South Wales was next offered in neighboring South Australia, and then more widely. Within a year, training was being provided for school teachers in Queensland and New South Wales, and for youth justice conveners in other Australian states. The same Conferencing format and generic training program evolved through the 1990s, bringing Conferencing to many other countries.

This emerging Conferencing movement was categorised early as part of the broader international "restorative justice" movement, which began in Canada

and the US in the early and mid-1970s (www.restorativejustice.org). 'Restorative justice' promises a non-authoritarian response to crime (McCold 1997; Sharpe 1998; Van Ness and Strong 1997; Zehr 1990). Community Conferencing has been recognized as way of realizing principles of restorative justice. By the mid-1990s, Conferencing was routinely described as a "restorative justice process" and offered as an alternative or adjunct to *retributive* justice (Hudson et al. 1996; Chatterjee 1998; Trimboli 2000).

However, the archetypal restorative scene involves reconciliation between two individuals, one of whom has harmed the other. In contrast, the archetypal Conferencing scene is a group seated in a circle, reaching collective agreement. Furthermore, Conferencing shares values and practices with several other social movements. One such movement, with origins in North American (and other) indigenous traditions, promotes the use of "circles". The movement is well-described in publications from Minnesota's Living Justice Press (Pranis et al. 2003).

In part, because of convergence between the Conferencing and Circles movements, a delegation from Canada's Aboriginal Justice Learning Network and the Royal Canadian Mounted Police invited David Moore and John McDonald to bring the program developed in Australia to Canada in 1996 (Deukmedjian 2008). The same trainers later helped establish Conferencing programs in Norway and the UK (Sherman and Strang 2007)

Many similar Conferencing programs have been established since the mid-1990s. The larger programs are administered by established institutions such as departments of education, human services, youth justice or adult criminal justice. Far fewer programs operate as a community-based entity, as we will discuss below.

## The Community Conferencing Process

The basic structure of a Community Conference is simple. A skilled facilitator brings together a group of people who are in conflict. Participants are seated in a circle. This arrangement maximizes direct conversation and non-verbal communication between participants. No person is in a position of power relative to others. No tables or other barriers interfere with communication around the circle. For similar reasons, we eschew co-facilitation. The working relationship between co-facilitators can distract participants, drawing their attention to questions such as which facilitator might speak next. Flipcharts or other visual aids are not usually necessary (unless to record a particularly complicated agreement). In most applications of Conferencing, agreements tend not to be lengthy or complicated.

To prepare a Conference, the facilitator meets with individual participants, describes the process, and addresses questions and concerns. Thus, participants attend the Conference voluntarily, with informed consent and an understanding of the Conference structure.

The facilitator leads the group through what we have traditionally described as *three* stages of a structured conversation. During the conference, each participant has a chance to:

1. Describe what they did, or observed, or had related to them.
2. Hear and feel how other participants have been affected. Individual contributions add to a shared understanding of what caused the conflict that affects everyone present. Participants can then:
3. Negotiate a plan to improve their situation. They can repair what can be repaired, work together to prevent something similar from recurring, and often also work together on some fundamentally positive change.

## *A Deepening Appreciation for the Power of Simple Questions*

The following process overview combines elements of our initial understanding with lessons from our experiences of Conferencing in neighborhoods, workplaces and other community applications. Our initial explanation of the Conference structure or sequence was that it guides participants through three stages:

**Stage I: What happened?** The Conference begins with an examination of the origins of the conflict. Participants are invited to describe 'What has happened?' This question is important for several reasons. First, conflict cannot be transformed until it is understood and acknowledged. It is significantly more powerful for all of the people who have been affected to acknowledge the conflict than it is for any single individual to do so. Second, participants often attend the Conference with different understandings – derived from incomplete or false information – of what actually happened. Beginning the conversation with a detailed story of what happened can thus go a long way towards dispelling misinformation that has fueled the conflict. Third, when a Community Conference is held in a criminal justice setting, and victims, offenders and others address the harm that has resulted from a crime, there are several advantages to first "hearing the story" of what happened.

For an offender to describe the details of what happened can be the first step toward accountability and responsibility. It can be very challenging for offenders to face those affected directly and to describe what they did. Victims are often greatly relieved just to hear the details of what happened. Many victims believe they were targeted for the crime. Often, they learn that they were simply in the wrong place at the wrong time, and are victims of a random crime.

A slightly different logic applies when cases involve many disputes. After preparatory interviews, the facilitator typically suggests that the group revisit three key incidents and/or periods in the history of the conflict. The Conference facilitator assists participants to focus on concrete details. Revisiting three incidents or periods allows participants to see patterns that were not clear when the incidents are recalled in isolation. The exercise also restrains Conference participants from amplifying interpersonal conflict.

A natural and universal human tendency, when people experience conflict, is to: (1) judge the other people involved, (2) characterize their actions, (3) attribute motives to them, and/or (4) demand specific actions to solve perceived problems (Stone et al. 1999). These are *symptoms* of conflict, most often fueled by fear and anger, but they also *cause* conflict, generating fear and anger in others. Tendencies to judge, characterize, attribute motives and dictate solutions are all associated with what psychology calls the "fundamental attribution error". Most of us tend to accord too much explanatory weight to the character and motives of others, and not enough to the situation in which they find themselves.

When participants are invited to focus on specific events, and to describe their own experience in detail, they are helped to avoid judging others' characters, characterizing their actions, speculating on motives, or demanding unilateral action. Instead, as each describes what they alone could know, participants collaborate to paint a picture of their common situation.

Where conflict is the cause and consequence of many poorly resolved disputes, the facilitator may invite one participant to begin the Conference by describing what has happened. In these cases, the sequence in which people speak is rarely a point of contention. The conversation grows lively. Other participants soon engage. Again, the process provides a safe and structured forum for people to listen to each other's stories, rather than focusing on whose version of the facts is correct. Remarkably, once participants connect with each other as fellow human beings (rather than as an archetypal "offender," "bully", "heartless city official", and so on), the urge to dispute facts diminishes. The prospect of creating a better future emerges as people's keenest concern.

**Stage II: How have people been affected?** Participants are invited to examine the effects of the conflict. Each person is asked 'How have you been affected?' This stage of the Conference is often strongly emotional. Participants are encouraged to express how they feel – and this can involve rage, terror, surprise, disgust, or any other strong emotion. However, the facilitator minimizes the likelihood that participants attack others – verbally or otherwise. Should such an attack begin, the facilitator focuses attention more directly on how each participant has been personally affected by what happened. The effective technique here is thus not to rely on preliminary *talk* about ground rules for decent behavior. Rather, the facilitator *actively* fosters civility by encouraging people to contribute facts about their own experience to a collective picture. Constructive activity trumps the temptation to allow fear and anger to drive judgments about others and further encourage interpersonal conflict. A vital aspect of this stage of the process is that each person gets to "tell his or her story"; to give voice to pain, suffering, and distress; and to learn how others have also been affected. Participants provide narrative accounts, rather than formulaic responses.

Replacing formulas with stories tends to connect people (Tilly 2006). As each participant shares his or her story, the group collectively paints a broader, deeper picture of how conflict has affected them. Participants understand a variety of perspectives. They connect with each other as human beings – which they have

previously been unable and often unwilling to do. To be *heard* is a fundamental human need. To be *understood* is better still.

We now understand what we initially called the first *two* stages of a Conference as a *single* stage. "What happened?" and "How have people have been affected?" are questions about the legacy of the past and about the present. Participants are thus "negotiating a shared understanding" of their present situation.

The facilitator helps people share "objective facts" about actions, and "subjective facts" about associated feelings and thoughts (reflecting values and beliefs). In some cases, feelings have been a response to actions or thoughts; in other cases, the feelings or thoughts came first, motivating actions. As participants discuss events in a structured sequence, they often articulate beliefs about the world, ways of thinking and feeling that influence their actions. In this way, participants gain insights about themselves and about others.

**Stage III: How can the situation be made better?**  Once everyone's experience has been heard, the group is invited to consider the future. The facilitator asks: "How can we repair harm, and how can this be prevented from happening again?" In short: How can we make things better? By now, participants understand more, and *feel* differently about the situation and each other. They have reached a degree of "shared understanding".

Participants often reach resolutions dramatically different from what they might first have felt to be appropriate. Participants experience themselves as more connected to each other. They see their futures as interdependent. Individuals who were initially keen on severe punishment typically find themselves addressing the underlying causes of the conflict. For example, a woman seeking monetary compensation from three young men who stole her car learns during the Conference that they are jobless and have little family support. She reaches into her purse and gives them each her contact information. She says she knows where they can get good work and she expects to hear from them within 48 hours. Similarly, adults on a city block, who have repeatedly called police to stop boys playing ball in the street and thereby damaging their cars, finally learn during the Conference that these children have no safe place to play. The neighbors agree to create a youth football league run by adult volunteers – the same adults who previously wanted the children dealt with by police and even jailed.

The facilitator notes suggestions. The group deliberates whether each suggestion is fair, workable, and would achieve the agreed goals. The facilitator checks which suggestions are agreeable and drafts an agreement, which participants sign.

The facilitator then invites participants to enjoy refreshments with each other. This is more than a courtesy; it is an important part of the process. Now that their feelings and understandings about each other have changed, people use this opportunity beyond the formal circle to establish or re-establish relationships with each other. Contact details are often exchanged, plans made, and there is a general feeling of cooperation.

## Innovative Implementation of Community Conferencing in a Mid-Sized American Inner-City

This deceptively simple Conferencing process is now used in many countries. It is used in education, justice systems, human services, neighborhoods and workplaces. Most programs are administered by an institution that refers cases – whether that be courts, corrections, human services, schools, or police.

The Baltimore, Maryland program remains unusual because it:

1. Is the first Conferencing program implemented in a large inner-city in the United States,
2. Applies Conferencing in a variety of institutions, neighborhoods and other settings, and
3. Is coordinated by a community-based organization created specifically to deliver Community Conferencing, rather than by a larger agency with a broader mandate (Abramson and Moore 2001).[1]

### *Baltimore as an Urban Context for Community Conferencing Programs*

Baltimore is a mid-sized city located in the state of Maryland in the mid-Atlantic region of the United States (Fig. 11.1). As in other cities of the region, an exodus of automotive and related industries depleted Baltimore's economic base from the early 1980s. The city's population declined from one million to approximately 640,000 residents between the 1970s and the mid-1980s. Financial and social investment in neighborhoods suffered greatly. Over half of Baltimore's families now have annual incomes below the poverty level. (Baltimore Neighborhood Indicators Alliance, www.bnia.org.)

Baltimore has many strengths. Its hundreds of neighborhoods each have their own identity and sense of pride. But after years of economic and social disinvestment in low-income areas, many residents struggle to find living-wage jobs, accessible shopping for food and clothes, quality schooling, and recreational opportunities. Many are greatly concerned about crime and safety, particularly in the most disinvested neighborhoods. Baltimore has ranked as the second most violent city in the United States, with annual murders exceeding 300 during the 1990s. The 2009 murder rate was 238 (Fenton 2010). An estimated 60,000 residents are addicted to hard drugs, and this malaise contributes significantly to both crime and social decay. Juvenile arrests have numbered between 9,000 and 11,000 for the past decade. This is the challenging context in which the Baltimore Community Conferencing Center (BCCC) was established in 1998.

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[1]For example, many conferencing programs are run within juvenile justice institutions, or by individual schools.
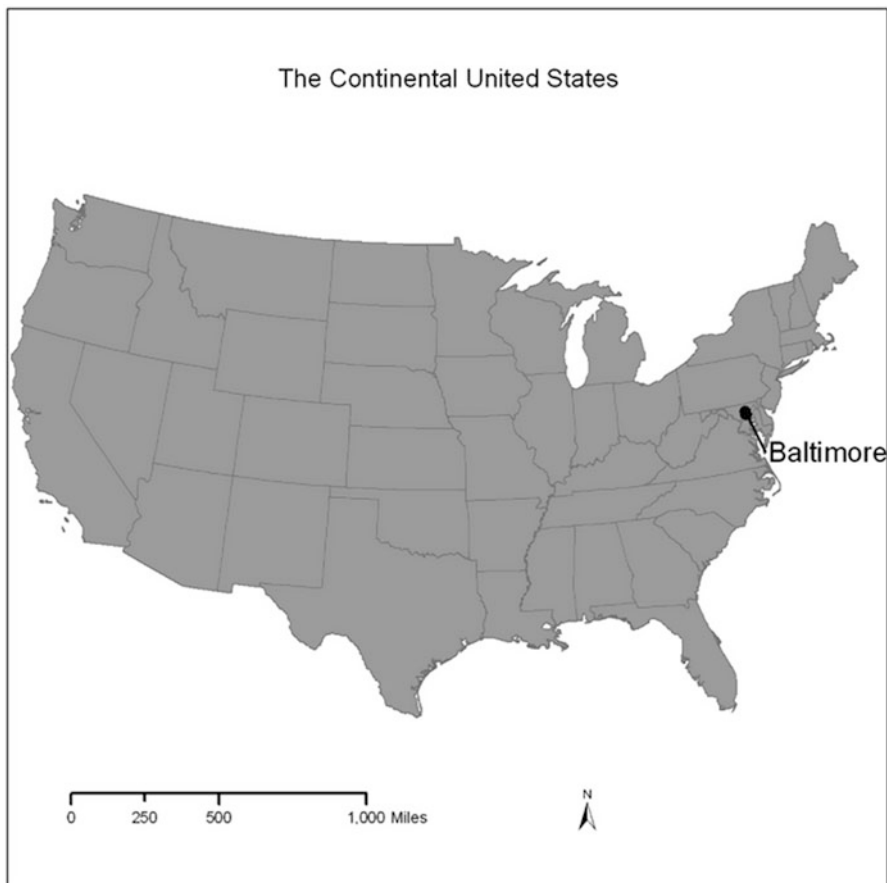
**Fig. 11.1** The city of Baltimore, Maryland

The Community Conferencing Center provides most of its services in Baltimore's low-income neighborhoods. A founding aim of the Center was to fill the gap in available, effective, and community-based responses to interpersonal conflict and to crime. Many matters were being dealt with as crimes, drawing an authoritarian response from police and other justice system officials. Yet many of these incidents and issues could be resolved if understood and addressed more broadly as interpersonal conflict (Lipstein 2003).

### Program Details

The BCCC currently operates with seven full-time staff and two part-time interns. Everyone on staff is a trained facilitator; however, some staff members also have

administrative responsibilities. Approximately 85 % of the referrals are handled by staff facilitators. That said, each of the seven other Community Conferencing programs which have been established in other Maryland jurisdictions independent of the BCCC (though the BCCC provides ongoing training and technical assistance to all programs in Maryland), operate with a paid (usually part-time) Program Coordinator, and a pool of about 12 volunteer facilitators.

Every Community Conferencing facilitator has completed a two-part training program. The first part consists of a 22-hour Facilitator Training Workshop, with experiential and didactic learning focused on the principles of Community Conferencing, and the nuts-and-bolts of facilitating a Conference. Once training is completed, facilitators undergo an Apprenticeship, which consists of two Conference observations, three facilitations, with extensive debriefing/feedback after each activity. At the end of the Apprenticeship, the Program Director discusses strengths and challenges with the facilitator trainee, to determine whether the trainee's skills meet the requirements for facilitating Community Conferences.

## Uses of Community Conferencing in Baltimore

The following are brief summaries of the various different ways Conferencing is used in Baltimore.

**Criminal justice.** The Community Conferencing Center uses Community Conferencing as a court diversion for misdemeanor and certain felony offenses. Criminal justice referrals are accepted only in cases where the offender "acknowledges involvement" in the crime. Participation in the process is always voluntary. Victims, offenders, and their respective supporters are invited to attend. An average conference involves 12 people.

Referrals include cases such as assaults, theft (including auto theft), and trespassing. The BCCC aims to receive the referral *before* the case has formally entered the court system. This is accomplished through strong partnerships established with police, juvenile justice, and the prosecutor's office. The Center currently receives referrals for misdemeanor and felony offenses, and encourages referral partners to send referrals for the *more* serious cases, rather than for the first-time offense. There are two reasons for this: First, research indicates that most first-time offenders will not re-offend even without intervention (Iyengar 1988). Second, whatever is currently being done is obviously not preventing the 12-year-old who has 10 prior offenses from re-offending, so why not refer to Community Conferencing? We have shown that Conferencing produces a recidivism rate 60 % lower than that for young offenders who go through the mainstream juvenile justice system (Irvine and Iyengar 2005). We therefore emphasize that sending more serious cases to Community Conferencing can truly reduce the labor and financial burden on the system.

Participants understand that if the case is referred to Community Conferencing and is successfully resolved, the matter will not be pursued by the courts. If, for any reason, the case is not resolved through Community Conferencing, it is simply referred back to the police or courts to be handled in the usual manner (e.g., court, probation).

Since 1998, the Center conducted over 400 of this kind of Community Conference, with a high level of success and reported satisfaction. Over 97 % of the conferences have resulted in an agreement, and the rate of compliance with agreements is over 90 %.[2]

**Schools.** Schools are targeted for referrals around suspension and truancy issues. Principals are asked: "Do you have any conflicts or incidents which have not been resolved in a way you that are happy with?" This question has prompted a growing number of school referrals. During each of the past several school years, over 400 students were referred to Community Conferencing. By 2009, over 5,000 students, parents, teacher and administrators had participated in a Community Conference. Again, over 95 % of the School Community Conferences resulted in a written agreement, with over 93 % compliance with the agreements. Thus, as a result of conferencing, many students have been able to stay *in* school – instead of being sent home as part of the standard authoritarian disciplinary arrangements. School conferencing has had powerful additional impact on the school climate, including increased teacher morale, improved parent-teacher relationships, and stronger connections between teachers and students. In addition, for each student that remains on the school rolls, that school is able to continue to receive the yearly dollar amount the state allocates for each student.

**Re-entry from prison into families and communities.** Cities in the United States are facing the challenge of thousands of people who have been incarcerated struggling to reintegrate into society upon their release (c.f., Re-entry Policy Council 2005). Hundreds of "re-entry" programs are now funded across the nation, providing a range of services to men and women trying to establish a decent life for themselves outside of prison. Recent research shows that a strong social support network is an important component of successful re-entry from prison (Coates et al. 2000). The BCCC began in 2003 to use Community Conferencing for individuals who are released from prison. Conferencing provides a structured process for ex-offenders to meet with family and friends, hear how these people have been affected by their incarceration, and work with the group to find ways to better support each other as the ex-offenders try to get their feet back on the ground.

**Neighborhood unrest.** The BCCC conducts extensive outreach in neighborhoods, to increase residents' awareness of an option other than calling the police or calling a lawyer in the event of conflict. Outreach takes place at community meetings,

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[2]The Community Conferencing Center developed a customized database in 2003, which captures in-depth information about each referral, conference, and participants. These data are compiled quarterly, and can be obtained upon request at info@communityconferencing.org.

churches, schools, and any other venue that invites us. Residents experiencing ongoing and intractable conflicts in their neighborhood have now initiated several Community Conferences. These tend to be much larger than Conferences related to criminal justice referrals. An average Conference of this kind includes 30 participants. One such Conference, alluded to above, included 44 people. Residents tired of kids playing in the street and damaging people's property collaborated to create a volunteer-led football team for the children. The inspiring story was featured on the cover of Baltimore's city newspaper (Sullivan 2002).

**Neighborhood planning issues.** The BCCC also has conducted successful Community Conferences focusing on complex community and urban planning issues. One example was the case of a neighborhood that for years had angrily battled the businesses on their narrow street. Huge trucks used their street each day, endangering children on their way to school and damaging the foundations of their 50-year-old fragile homes. After a fruitless struggle for over 10 years, residents heard about Community Conferencing and decided to try it. Over 40 people attended, including business owners, city traffic planners, city officials, and community organizers. Their agreement included the city redirecting traffic and business owners helping neighborhood residents in a variety of ways.

**Conflicts between and within organizations.** It is now common for government-funded grant programs to require many community organizations to work in partnership. Once funding arrives, it is not uncommon for conflicts between these organizations to arise. Not everyone is in agreement with how to best conduct the project. The resulting conflicts can undermine project goals and jeopardize funding. The BCCC has facilitated several Community Conferences to address the conflicts between funded organizations. The situations are typically complicated and emotionally charged, yet Conferencing has been effective at helping the organizations to work through misunderstandings, clarify common goals, and create viable and lasting resolutions.

**Serious crimes dialogue.** The current criminal justice system rarely allows people an opportunity to talk directly to each other. In cases of serious crimes such as murder, this can have a lasting negative impact on victims, offenders, and their families. Many learn that time may not, in fact, heal wounds. For years and decades following an incident, victims and their families have lingering questions or wish they had been able to speak directly to the person responsible. In response to the need for dialogue between victims, offenders, and their supporters, the BCCC offers "Serious Crimes Conferencing" on a voluntary basis. Some exclusions for participation apply, including: (1) active drug use, (2) active gang activity, and/or (3) high psychopathology on the part of the offender. Most requests for these Conferences come from victims' family members. Many of the incidents occurred 10–30 years prior to the request for a Serious Crimes Conference.

Requests for Serious Crimes Conferences come mostly from victims' family members. The CCC has received over 40 referrals for Serious Crimes Conferences. The amount of time that has lapsed between the incident and the request for a

Serious Crimes Conference ranges from 8 to 27 years. For a variety of reasons, many cases do not end up with a Serious Crimes Conference taking place, (this is most typically because the offender is not interested, or the victim decides, at some point, to decline the service). However, in each case where the conversation did take place, participants reported that they were glad that they participated in the process, and that they felt a sense of healing as a result of the conversation.

## The Growing Impact of Community Conferencing in Baltimore

It took a surprisingly long time to build a program that was well-established in, and well-used by, the institutions that refer cases to Community Conferencing. It took at least 5 years, from 1998 to 2003, before the BCCC received a steady rate of referrals from a variety of sources (juvenile justice, schools, court, neighborhoods). Encouragingly, from 2004 to 2009, the annual number of referrals averaged 850 young people. Over these five years, over 6,500 Baltimore residents safely resolved their own crimes and conflicts through Community Conferencing. Most of the cases handled by the CCC involve young people.[3] Research conducted by the Maryland Department of Juvenile Services in 2005 showed that young offenders who went through conferencing re-offended 60 % less often than a comparable group who went through the juvenile justice system (Irvine and Iyengar 2005).

## Deliberate Effort to Keep the Program Community-Based

The Baltimore Community Conferencing Center (BCCC) uses a model of service delivery different to that offered by most agencies using the Conferencing process. The BCCC was founded as an autonomous community-based organization which partners closely with public agencies, receiving referrals from all of them, as well as from individual residents. There are at least four important reasons for maintaining the community-based identity.

First, the program's community-based identity helps demonstrate that justice can be fair *and* cost-effective when it is conducted "by and for the people." The community base sends the message that if residents and communities are provided with an appropriate structure, they can safely and effectively resolve crimes and conflicts themselves. It further promotes the idea that Conference outcomes belong to the participants themselves.

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[3]This is because most of the funding is directed towards youth cases. However, the CCC readily accepts referrals for adult criminal cases, workplace and neighborhood conflicts – comprising 5 % of referrals to the CCC.

Second, the community base allows for flexibility in determining *how* and *where* Conferencing is offered. The Center is not "housed" with any single institution, nor is it overly identified with one area of state governance. Consequently, no institution has direct control over how or where the process is offered. Because the program is not limited to criminal justice interventions, Conferencing is not identified solely as a "Restorative Justice" intervention. From its inception, the program has been viewed more broadly as a program delivering conflict transformation and relationship management.

Community Conferences are typically convened in the neighborhood where the conflict or crime occurred, and at *times* (e.g., day, evening, weekend) and *locations* (e.g., library, recreation center, school) that are convenient for the participants. Because the program is independent of any particular institution, the choice of Conference locations is not delimited or restricted. The program strives to maintain the *voluntary* nature of participation. The independent status of the program protects against institutional pressure to mandate particular intervention options at certain times, for certain types of case.

Third, the community base allows for flexibility in funding sources. Funding flexibility has helped create the necessary degree of administrative flexibility. Early funding sources for the BCCC included the Maryland Judiciary (via their Alternative Dispute Resolution efforts), private foundations, the public school system, as well as a few, significant, private donors. This varied funding has allowed the BCCC to provide services in a variety of sectors.

For the first six years of operation, the bulk of BCCC funding came from private foundations. Foundation funders delivered a consistent message that public funding of this effort was needed in order to sustain these services. It was 6 years before the majority of BCCC funding shifted to public sources. The Maryland Department of Juvenile Services (DJS), which was a primary source of referrals, finally provided funding for a portion of the Community Conferencing diversion services which they were utilizing for 4 years. However, despite documenting 60 % reductions in recidivism, Community Conferencing funding was cut by DJS in the wake of recession-induced statewide budget cuts.[4]

After more than 15 years in operation, BCCC funding consists of fluctuating proportions of public sources, private sources, fundraisers, and fee-for-service income such as training and technical assistance. For the first six years of operation, most of CCC's funding came from private foundations. Funding from state agencies became the largest source of funding from years 7 to 11, with the exception of Maryland's judiciary having been supportive throughout. Revenue from training and technical assistance has grown over the years, contributing variably from 5 % to 20 % of CCC's annual operating expenses.

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[4]The Maryland Department of Juvenile Services (DJS) has an annual budget of approximately $250 million. DJS funded 20 % of the diversion services provided by the Community Conferencing Center from 2004 to 2008, The CCC secured one-time-only funding from two sources to cover DJS, and other state-wide, funding cuts in FY10. More creative and diversified sources of funding are being explored for the future, including the application of dialogue circles and "Reintegration Conferences" with returning soldiers.

A fourth advantage of the community base is that it helps participants in conflict to move away from a punishment paradigm, and to experience Conferencing as a stepping stone to building relationships and community in the wake of crime. Conferencing engages the strong emotions of people in conflict, and provides a safe and effective structure for them to transform the negative emotions associated with conflict into the positive emotions associated with cooperation (Abramson and Moore 2002).

For this reason, in criminal cases, we prefer not to rely on designated victim representatives as a *substitute* for victims. Representatives can save *time* and increase *case volume*. Designated victim representatives are used in a variety of Restorative Justice programs in the United States and Europe, most-often when the program is sponsored by a state or governmental agency, and have been very helpful in supporting victims, especially in Conference preparation and follow-up. But *representing* rather than supporting victims limits the opportunity to *transform* conflict into cooperation, *heal/build* relationships and *strengthen community bonds,* all of which is possible when the people directly affected meet face-to-face.

## Understanding the Vital Role of Emotion in Conflict Transformation

We have described elsewhere the transformation of emotions during the course of a Conference (Abramson and Moore 2002). In essence, once participants have shared their stories, and acknowledged conflict within and between themselves, their emotional state shifts, and their motivation shifts accordingly – from conflict to cooperation. Group members can now connect with each other, negotiate, and create lasting resolutions. In the language favored by the Harvard Negotiation Project, participants have first "gotten to peace", allowing them to "get to yes".[5]

We understand emotions to be a fundamental reason for the effectiveness of the Conferencing process. A key element of our understanding is the work of Silvan Tomkins, who extended Darwin's prescient work on the motivational and communicative functions of emotions (Tomkins 1962, 1963). The physiology of anger involves pupils constricting to bring a threat into sharper focus, and our heart pumping more blood to muscles to prepare for attack. In contrast, interest motivates us to "engage" in positive ways with our environment and the people in it. Table 11.1 outlines nine "basic emotions" and the specific ways that they motivate us.

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[5]Fisher and Ury's classic text *Getting to Yes* (1981) is the widely-read and cited early formulation of interest-based negotiation theory, and has since been promulgated through the Harvard Negotiation Project. The theory of interest-based negotiation has informed mediation practice over several decades. A mediator assists disputing parties to negotiate an agreement that meets their interests.

**Table 11.1** Basic emotions and motivation

| Basic emotion | Motivation |
| --- | --- |
| CONTEMPT | Stay away! |
| DISGUST | Get rid of it |
| FEAR | Get away! |
| ANGER | Attack! |
| DISTRESS | Seek & provide comfort |
| SHAME | Seek to restore |
| SURPRISE | Stop, look. listen |
| INTEREST | Engage |
| JOY | Affiliate |

In essence, the collective mood during a Community Conference shifts from the most strongly negative emotions associated with conflict (contempt, fear, anger, disgust), to less strongly negative emotions that motivate us to seek comfort and connection (distress, shame), and finally to the positive emotions that motivate us to cooperate and affiliate with one another (interest, joy). A Conference enables these emotions to be expressed and then transformed, and this drives the shift from conflict to cooperation.

This powerful theory linking basic emotions to motivation and group dynamics has subsequently helped us to develop guidelines for other facilitated processes. These processes are likewise informed by the principle that participants can successfully cooperate when they communicate within a structure that allows the negative emotions associated with conflict to be expressed and transformed into the positive emotions associated with cooperation. There is a clear a link between this practical theory and evolving fields of practice such as positive psychology and group decision-making – but this is the basis for another, broader discussion (e.g., Seligman 2002; Sawyer 2007; Senge et al. 2008).

## *All Conflicts Are Not Created Equal*

In early Conferencing programs, the distinction was not well understood between Conferencing in those cases where there is *no dispute*, and Conferencing for situations where there are *many poorly resolved disputes*. In youth justice programs, there generally has to be to be no dispute about the nature of the case for Conferencing to be appropriate. Someone has offended against someone else. There are one or more clearly identified offenders, one or more victims, and their supporters. If an accused person denies an accusation against them, they retain the right to have their case heard before a court. The shortest Community Conferences, and by far the easiest to facilitate, involve cases of "undisputed harm." This type of Conference usually last from 45 to 90 minutes. The BCCC typically assigns volunteer facilitators to only this kind of case.

When Conferencing began to be used in schools, however, we encountered cases that were less clear-cut. There was frequently a history of destructive interaction between students. A person may have worn the label of "offender" in one of these interactions, but could be understood as the "victim" in some other interaction, and as a "bystander" in another, and may not have been involved at all in yet another interaction that affected fellow students.

As Conferencing began to be used to address conflict in schools and other settings beyond the justice system, this distinction between "no dispute" and "many dispute" cases became clearer. Dialogue between programs in Baltimore and in Australia greatly helped us to understand these differences.

Soon after it was established, the BCCC began running Conferences for neighborhood conflict. These cases often involved neighbors who were engaged in long-running, complex, seemingly intractable conflicts. There may have been many incidents, with little agreement on how conflict began and what had since transpired. Neighborhood conflicts were often maintained – even exacerbated – by a "professional pot stirrer". This person (or group of people) in the neighborhood can gain status in the local community by fomenting conflict – spreading misinformation through gossip and rumor. Community Conferencing has proven a powerful tool for helping everyone affected to collectively "cut through" this misinformation. If neighborhood residents are gathered in the same place, at the same time, they can hear the same collective story. A Community Conference facilitator provides the coordination that renders ineffective the "divide and conquer" strategy of a "pot-stirring" political entrepreneur.

While BCCC staff members were learning these lessons in the second half of the 1990s, colleagues in Australia had comparable experiences extending applications of Conferencing. John McDonald and David Moore (2001) partnered with a local law firm to form Transformative Justice Australia (TJA). Here they gained extensive experience convening Conferences in Australian community-, government- and corporate sector *workplaces* (Moore 2003, 2004).

As in schools, Conferences in workplaces and in neighborhoods typically addressed complex situations. These situations had developed over several years, even decades. And yet, with slight adjustment to language and format, the Conferencing process proved ideally suited to addressing these situations. This experience provided useful lessons on what sort of incidents to revisit, which additional participants to invite, and when to run parallel or subsequent mediation or training sessions.

BCCC staff members have learned over the years that the relative difficulty and labor intensity of facilitating Community Conferences for these different situations varies significantly. Table 11.2 summarizes basic differences between Conferences for the various types of cases. This summary is of the several hundred cases referred to the Center between 2006 and 2010. As the table indicates, half of the cases involve juvenile court diversion cases.

This table seems to suggest that the primary focus of most cases in Baltimore is still *remediation* – "responding to bad things". Closer analysis shows that much

**Table 11.2** Characteristics of different types of community conferences

| Referral from | % cases | How complex? | Requisite convenor skill level | Average hours to prepare | Typical number of sessions & length (hours) |
|---|---|---|---|---|---|
| Juvenile justice | 30 | Low | Beginner | 3 | 1 @ 1 |
| School suspension arrest | 40 | Low-med | Beginner | 6 | 1 @ 1.5 |
| Re-entry after prison | 2 | Low-med | Intermediate | 10 | 1–2 @ 1.5 |
| Courts: multiple charges | 8 | Med | Intermediate | 12 | 1 @ 2 |
| Ongoing community conflicts | 14 | High | Intermediate – advanced | 20 | 1–2 @ 2 |
| Planning/ environmental issues | 2 | Very high | Advanced | 30 | 1–3 @ 2–3 |
| Organizational conflicts | 3 | Very high | Advanced | 30 | 1–3 @ 2–3 |
| Serious crimes conference | 1 | Very high | Advanced | 40 | 1–2 @ 1–2 |

more is happening. The program as a whole is having a *preventative effect* on crime and social disorder. By responding more constructively to cases that require remediation, Conferencing is reducing the total amount of social harm in affected neighbourhoods – and so is "stopping bad things from happening", in many cases, by making good things happen.

For example, participants in many of the larger Conferences are addressing more complex issues. Their agreements solve coordination problems such as how to organise recreational arrangements for young people, link local businesses with residents, and forge relationships and networking opportunities that fulfil an identified unmet need. In addition, *most* school-based Conference Agreements include a detailed plan for handling volatile situations more safely and effectively in future. These plans prove to be powerful tools for building positive relationships and school climate. Large fights among students typically begin as a result of some "s/he said, s/he said" incident (whether earlier in the week or several years ago). Most of these incidents are resolved through Conferencing, which allows participants to problem-solve about better ways to handle similar situations in the future. In short, these larger Conferences are fostering safe and supportive communities.

Whether this positive counterpart to remediation and prevention is called "flourishing", "building social capital", or some other term, it is perhaps the most promising element of this social movement. It leads us to reconsider early goals and assumptions, and to reconsider how to categorise the Conferencing process.

## Changing How a Culture Deals with Conflict

The Baltimore Conferencing program illustrates the power and the importance of *informal referral sources* in expanding the awareness and use of Community Conferencing. For example, a police lieutenant who attended a Community Conference in her district was so impressed with the outcomes that, some weeks later, she referred a case to Community Conferencing that had been plaguing her for over a year. She had been seeking an effective response to a situation involving three feuding families on one block. Police had received more than 75 calls about the case during the previous 12 months. The families had forgotten *why* they were fighting. There had been a knife fight, a gun incident, and four court cases during the year, yet nothing was resolved. The lieutenant requested a Community Conference.

As the Conference unfolded, participants learned that the conflict had begun 14 months earlier, when two teenagers exchanged insults. It escalated over the following months as parents from the three homes sought to intervene. The adults were fed up with taking time off from work each month to attend court, and readily agreed to participate in a Community Conference. The Conference itself lasted a mere 75 minutes, yet in that time participants reached an agreement that was so effective that police logged no calls whatsoever from those homes over the following 12 months. Local police now use Community Conferencing regularly, with the support of area residents. This outcome exemplifies the way that an effective Community Conference gains advocates for the process.

Residents, court officials, counselors, police, teachers, principals, and policy makers have been helping transform conflict, Conference by Conference, across their neighborhoods. Community Conferencing has helped to build human and social capital. Each Community Conference helps improve and/or extend a network of relationships while individuals, communities and/or systems are transformed. And all this occurs without external experts and institutions doing things to or for people. Rather, the facilitator mobilizes resources within the community. A goal of the BCCC is to extend this work across the state and into other states.

## Reflections and Lessons

### Building Skills on Many Levels Using a Variety of Structured Processes

The delivery model developed by the Baltimore Community Conferencing Center allowed us to compare the application of Conferencing more broadly than in other programs. Conferencing in neighborhoods demonstrated how valuable these large scale, democratic meetings could be for coordinating local action where such coordination had been lacking.

Using Conferencing in the artificial, non-residential communities of schools and workplaces showed how Conferencing techniques came to be applied outside Conferences both in informal communication and in other formal processes. Students, staff and work colleagues have regularly reported that they apply, in their regular communication at school and in other workplaces, lessons learned during Conferencing. As educators, we sought ways to "fast-track" this outcome.

The slow path to cultural change in a school, workplace or neighbourhood was to train Conference facilitators, wait until they could address a suitable case with a Conference, and then hope that participants would apply more broadly some of the lessons learned. As more Conferences were convened, the likelihood of skills transfer and cultural change would increase. But there seemed to be a more rapid path to cultural change. This was to identify the techniques and principles learned by Conference participants, and to teach these directly.

For example, the BCCC provides a relationship-building tool for the classroom called the "Daily Rap." These sessions provide students with a regular, safe structure to talk about issues that concern *them*, and with an opportunity to come up with their own ideas about how to make things better in their lives. This circle training offers teachers an easy-to-implement, yet powerful, intervention to broaden and deepen the school's efforts to build better relationships among and between staff and students.

Thus, our work with Conferencing was suggesting we focus attention on the structure of conversations in groups. We observed participants in Conferences and mediations applying in more general communication many of the tactics from these processes. We also observed the value of coaching processes, which assist individuals to understand their working relations with others, and to change their own behaviour. Feedback, in the form of coaching or mentoring, influences the type of conversation one has with oneself.

We now see an immediate impact in schools when we build skills across these several levels of communication. With a combination of training workshops, mentoring, and group decision-making, we can improve the: (1) nature of observational feedback; (2) capacity of individuals to negotiate with each other, and (3) capacity of groups to engage proactively in true dialogue so that conversation generates new, creative, and helpful insights.

It is increasingly understood that the quality of feedback can be the most influential factor contributing to intrinsic motivation and to learning (Dweck 2006; Hattie and Timperley 2007). Likewise, the capacity to negotiate effectively is an invaluable skill – and the more individuals can negotiate without the need of a third party, the better their agreements and the greater the social harmony. Finally, it is increasingly understood that groups can be truly wise – but only if communication is structured to allow for creativity rather than groupthink (Surowiecki 2004). Like many insights, it then struck us as quite obvious that there should be a self-reinforcing effect from improving several modes of communication within a school community. We just hadn't seen it done in this way.

## *Re-categorizing Conferencing*

The label of "restorative justice, though still applied to much work involving Conferencing and other circle-based processes internationally, is becoming less apt. Although the process is designed for fairness of process and outcome, much Conferencing occurs well clear of the justice system. Furthermore, in many cases the focus is not so much on "restoring" as it is on preventing harm, and on creating and/or coordinating social networks.

Schools were probably the first institutions to address this concern about terminology. Teaching staff in many jurisdictions spoke of restorative "practices" or "approaches" rather than restorative "justice". More recently, "relationship management" has emerged as preferred terminology to describe the use of Conferencing and related processes in school. The phrase *relationship management* contrasts with a traditional focus on *behaviour management*. It emphasises a shift from manipulating the psychology of individuals to negotiating the rules of social networks.

This shift had already begun in schools with initiatives like peer mediation, which was introduced well before Conferencing came to prominence. Peer mediation is part of the much broader movement for "Alternative", or "Appropriate" Dispute Resolution. That movement has offered victim-offender mediation to the justice system across North America, and elsewhere. When Conferencing began to be offered in schools and in those justice systems offering victim-offender mediation, there was a need to explain the relationship between these various processes in which a third party facilitates a negotiated agreement between participants.

A program that offers more than one process requires an intake system to identify which process will be most effective at addressing a particular conflict. The BCCC has asked the following simple questions to help determine whether Community Conferencing might be most appropriate:

1. *How many people are affected?*

If many people are affected, Community Conferencing may provide the optimal process. It includes everyone who might be helpful in deciding *and* implementing the best resolution.

2. *Are people in such conflict that some or all do not want to sit down with each other? Do some even feel that a meeting would not be safe?*

Sometimes people disagree with each other so strongly that they do not even want to sit at the negotiating table with the other person. When people are in such vehement conflict, a more appropriate approach is to allow them to get to *peace* before they try to get to *yes*. Community Conferencing encourages people to bring supporters and anyone else they feel has been affected by the conflict. In a "widened circle" of participants, people feel safer and more supported, and are often more willing to engage in a process to address the conflict. For high conflict situations, the familiar format of mediator-assisted negotiation between or among participants may not be ideal. Conferencing has been able to fill this gap.

The distinction between disputes and conflict helped us understand and explain which process was likely to be suitable for which situations.[6] This distinction, as the basis for determining when to use mediation and when to use Conferencing, proved invaluable in the late 1990s, when the Australian Defense Forces (ADF) was revising its own workplace relations practice, and looked to offer more than one process for addressing staffing issues (Cadd et al. 2002). The ADF then followed a Canadian lead and also began offering the process of conflict coaching as another method of addressing working relations among staff.

## *New Language to Reflect Shift in Focus*

Lessons from work in schools and neighborhoods in the Baltimore program, and schools and workplaces in Australia, began to suggest a more fundamental shift in how we understood Conferencing and other processes for transforming conflict into cooperation. One broad lesson is that the shifting focus of our practice reflects a general trend in reform programs. We have seen the primary focus of our work shift from *remediation* – "responding to bad things" – through *prevention* – "stopping bad things from happening" – through to a more subtle and complex question: What promotes safe and supportive communities? This positive counterpart to remediation and prevention can be called, variously, "*pro*vention", flourish*ing*, or building social capital. Whatever it is called, "encouraging good things to happen" requires that we adjust our language, practice, and assumptions about the most effective pathways for reform.

When we combine the distinction between the aims of communication – *Reactive* (i.e., reacting to something bad); *Preventative* (i.e., seeking to prevent something bad); and *Proactive* (i.e., promoting something good) – with conversations that occurred – with *oneself* (prompted by observational coaching), *between individuals*, *between individuals with the assistance of a third party,* and *within a group* (with the assistance of a third party), we generate a fairly simple typology. The typology (Table 11.3) helps us categorize all the processes we had used and/or observed in communities, whether these communities were residential neighborhoods or artificial communities such as school or workplaces.[7]

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[6]As it happens, the distinction had been made in international relations literature decades earlier, but had not been widely applied in the field of inter-personal and small group negotiation (Dunn 2004).

[7]"Circles" refers generally to a variety of inclusive and participatory dialogue processes which are convened by a "circle keeper" or facilitator, who is neutral (can also be thought of as being "equally caring of all participants") and who provides the structure for the dialogue. Circles can be convened for a variety of purposes, such as healing, conflict transformation and planning. Appreciative Inquiry (Cooperrider and Whitney 2005) refers to a collaborative approach to change that helps a group focus on those things that are working well, and using the existing successes and healthy dynamics to guide and envision an energized plan for the future.

**Table 11.3** Typology of the range of relationship management processes

| Mode 🏺 Aim ☞ | Reactive | Preventative | Proactive/creative |
|---|---|---|---|
| Observation | Counselling | Coaching, mentoring, advising | |
| Conversation | Problem-solving/self-resolution | | Dialogue |
| Mediation | Assisted negotiation | | |
| | Relationship counselling | | |
| Facilitation | "Conferencing" | "Conferencing" | "Appreciative Inquiry" |
| | | "Circles" | "Daily Rap" |
| | | | "Circles" |

This framework helps us understand at a glance the set of processes for managing relationships in a school, a workplace or a neighbourhood. The framework is based on the assumption that decision-makers need a range of structured communication processes for collaborative problem-solving. It helps describe the skills and processes colleagues in communities can use to communicate constructively. It moves us beyond the language of "restorative justice" *and* "alternative dispute resolution." In this way, it has helped us and our colleagues shift the focus of our thinking and practice, from responding reactively using Community Conferencing, to the more complex question: How can we achieve more effective communication and constructive action in communities?

# Conclusion

Community Conferencing is a process for responding to something bad that has happened in a particular community. The process begins as *remediation*. Participants determine together how best to respond to what has happened. But they then often focus on how to stop bad things from happening again in their community and how to make good things happen. Their focus shifts from *remediation* to *prevention* and *flourishing*.

We now see this shift occurring more broadly within the social movement that includes circles, Conferencing and other processes. This movement to improve the way we manage our own relationships in communities has implications for criminal justice, education, social welfare, and community development. It has implications for the way communities and organizations are governed.

Circles, Conferencing and related processes create a safe space for participatory decision-making. These processes are now frequently being applied in situations where the preferred approach would previously have been to engage an expert (e.g., judge, police officer, consultant) to make a decision. When the expert or Conference facilitator instead encourages/facilitate a group to reach a shared understanding and its own decision, conflict is transformed into cooperation, leaving individuals with greater control over their own lives and the life of their community.

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