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Conferencing, Policing and Community

AN INTERVIEW WITH LEN WILDMAN AND TOM DWYER OF ROCHESTER POLICE DEPARTMENT'S JUVENILE ACCOUNTABILITY CONFERENCING PROGRAM

Len Wildman and Tom Dwyer work for the Rochester Police Department in Rochester, New York, USA. Len is the manager of the Family and Victims Services section. Tom is the coordinator of that section's Juvenile Accountability Conferencing (JAC) program. They were interviewed by reporter Laura Mirsky at IIRP's Third International Conference on Conferencing, Circles and other Restorative Practices in August 2002.

Q: How did you get involved in integrating conferencing into the police department?

A (Len): Before Tom came to the police department to coordinate the project, we had heard about conferencing within our department, the juvenile section. We were interested in focusing on juveniles and developing a diversion program. We knew we needed more and better diversion programs. We just didn't know in which direction we should go. We had eliminated a few programs because our research was telling us that they weren't effective. One of our commanding officers had heard about something called restorative practices. She really didn't know much about it and she asked me to pursue it. I called a number of people.

One of them directed me to Bethlehem, Pennsylvania. I met the folks at Real Justice [an IIRP program] on the phone. After a number of conversations and some faxed material, I sat down with my super-

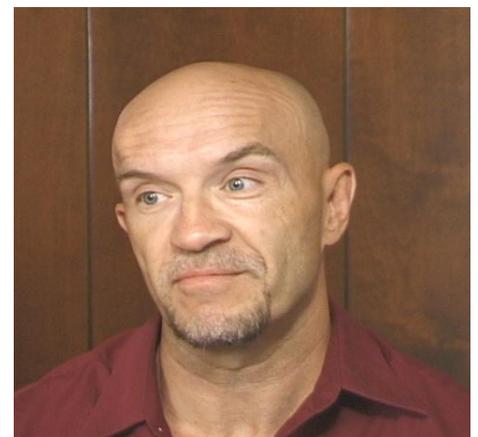
visor and told her what I thought the program was about. It was a unique idea and I thought it would work for police officers in our department. She was convinced that it was a good thing to try. She found some money for us. We hired Real Justice to come and train 20 of our police officers and about 10 of our civilians in my section to be conference facilitators. As an experiment, we chose a junior high school. All of our junior and senior high schools have school police officers. We picked a few officers and began the process. We did about 40 conferences in a year. We thought it was very successful. We wrote a grant, won the award and were able to hire Tom to coordinate the program. This was the official beginning of our program which has now operated for three years.

Q: Do you feel that the program has worked well?

A (Len): We are asked that by our grants people and by our chief. We measure our recidivism rate by noting whether or not the juvenile enters back into the juvenile system. We don't track them after they become adults and in New York state you become an adult when you are 16. We have had a 93% success rate thus far. Again, by our definition, this means they don't come back into the system. I think that mirrors some of the research that has been done, so we are glad that we are on target and that helps us define this as successful. I was a little frightened in the beginning because



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Tom Dwyer is coordinator of Juvenile Accountability Conferencing, a program of the Rochester Police Department's Family and Victims Services section.

most of the police departments with such programs were small and served communities of less than 50,000 people. And I was a little concerned about how this process would work in a large police department with a more diverse community. I would go around at conferences asking, "How big is your community?" and, "Is there somebody around who is doing this in a community of 250,000 people that is multi-ethnic and has varying backgrounds?" I didn't meet anybody. There were a few attempts in private agencies, but I didn't meet anybody within the police community. That is in this country (USA). I think in other countries, it is different. So it was a concern.

I don't have that concern now. It is a bit bureaucratic. It's a little bit more difficult because of the largeness of our organization. However, I don't think that's the fault of restorative practices, I just think it is the problem of trying to implement a program in a large organization.

Q: What kinds of offenses are you dealing with in this program?

A (Len): Based on the advice of a few people and my own notions about starting new programs, I tried not to make too many hard and fast rules. We said we would target juveniles, 15 and younger. We decided we would look for minor crimes, where children have minimal involvement with the police or none, but that we would not keep ourselves from felonies or other situations outside that definition if we thought they were appropriate. We also decided that we wanted to hold conferences pre-court rather than post-court, again with a few exceptions.

Also, the fire department been having difficulty with arson and juveniles. Aside from a very small percentage of children who set fires who have mental health issues, most kids set them because they are playing with matches. It's accidental, but it's very scary, obviously. In New York state, all fires, regardless of who sets them or what the intent is, are felonies. They don't feel comfortable charging 9-year-olds with felonies. So they were at a loss

for several years on what to do and how to manage this. I suggested to Tom to go talk to the arson investigator about using conferencing as an alternative tool. He has, in the last three months, gotten a lot of conferences from that.

Q: Tom, how would you describe your experience with this program?

A (Tom): We've had 140 conferences to date and I get goose bumps from the 140th one just like I did from the first one. We see that the process is really working and, in turn, there are some positive outcomes that come from conferences. It's exciting to be a part of this and it just keeps getting better for me.

Victims, offenders and their supporters really like this process. They feel there should be more of it and they wonder why it didn't happen years ago.

-Tom Dwyer

Q: Are you personally involved with each conference?

A (Tom): Yes, I go to just about all of the conferences as the coordinator. If I have facilitators that come in, I like to go through the conference afterwards with them, to debrief them and give them some feedback on their facilitating. I also get feedback from the participants. At the end of each conference, we pass out surveys to all the participants and get their feedback. We value their input as well and file each survey.

Q: Can you tell me the kind of feedback you have received?

A (Tom): It's been exceptionally positive in just about all cases. Victims, offenders and their supporters really like this process. They feel there should be more of it and they wonder why it didn't happen years ago. They really embrace the process. Everyone needs to sign the conference

agreement at the end, so if they're not satisfied, they need to work that through during the conference. There is a dialog that occurs. Most of our questions come from a script. However, a lot of our conferences, after all of the questions are asked in the script, it's open to dialogue – people sharing more of their story and more about their experience with each other.

Q: Can you tell me about a particular conference that really had an affect on you or really stood out for you in some way?

A (Tom): There's been many. There is such a dynamic about each one that is very special. It's really difficult to find just one. (To Len) Which one should we pick?

A (Len): Tom, I don't attend very many anymore, but I used to, and I used to facilitate them. One that Tom facilitated, and I'm sure he remembers, was after Columbine and during the school shootings that were occurring around the country. We had a 14-year-old boy who had a replica of a Beretta handgun. It was not a red-handled gun, so it looked very real. He was waving it around in front of the school and pointing it at children and passersby.

The officer that arrested him was very concerned that this kid just didn't get it. He didn't get the distress that he had caused all these people. The officer was more concerned about the kid understanding this than he was about the punishment. The officer called Tom and asked, "What can we do about this?" Tom suggested a conference. In the course of the conference, the child heard from teachers, passersby and other students about how his actions affected them, seeing that gun, imagining something terrible was happening in their community like they had seen on TV. Particularly, I remember one man who was on the second floor of a museum across the street who could not hear anything but could see what was happening. He was too frightened to come to the conference – still. But he wrote a letter that he asked to be read. The child began to break down and cry, feeling the impact of what he had done. To me, that was very powerful – and still is.

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Q: Was his family there?

A (Tom): His mother was there and the boy's employer came to the conference. The victim, the police officer and school officials came to express how it affected them.

Q: Has there ever been another problem with this child?

A (Tom): No. He's done well. He found a lot of support at the conference. He realized that people weren't out to get him, but just wanted him to know the effect of his actions on other people. That was really important for those that came, that was the most important thing.

Q (Len to Tom): Do you remember the one about the wastepaper basket?

A (Tom): Yes. This incident occurred at a middle school when a boy, on a dare, threw a wastebasket over a railing and hit a girl down below. This could have been a tragic incident.

I first heard about it through the victim's godfather, who knew about restorative practices and knew about what the police department was doing. The victim's family was very religious. They were seeking answers as to why this happened to their daughter. These two students had never met each other.

The conference brought all of those people together to share how they were affected by the incident and what they wanted as an outcome. One of the outcomes of the conference was that this boy, as a community service project, would go out to the schools with a police officer to tell other young people about peer pressure, about accepting a dare and the consequences of his actions. Interestingly, the young lady wanted to join him and talk about her feelings and how she was affected. That was completely voluntary and wasn't planned going into the conference. That was from the stories and people talking about their feelings. Everyone embraced this. In fact, the offender, out of his own personal fund, brought her flowers before the conference even occurred. Those were presented to her before the conference even began. I had no idea that was going to take place. It just showed the profound effect

it had on the offender, as well as the victim and their families.

Q: Tom, did you do other police work before you started this sort of facilitating, were you a police officer?

A (Tom): No. Actually, I worked in the finance area, working with police grants. I also did some volunteer work with the victim assistance unit within the Rochester Police Department, so I knew a lot of the personnel in the department. I had a lot of human services experience. The job and the philosophy behind restorative practices, it was something that was a part of who I was. I think it's part of my belief system: forgiveness, reconciliation, healing, positive communication and people taking responsibility for their actions. I feel that is the most important thing about working in this position: that your belief system is consistent with restorative practices.

Q: Do you both feel that the work you are doing is having an impact on the community at large?

A (Tom): I know it is. I think the people make it possible and the police officers that give us the referrals. You can't do this work alone. It's other people identifying with the same issues as I just explained, the same personal issues. I think we have all been victimized at one point or another in our lives and this is how we would want to deal

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-Len Wildman

with it in our own personal situations. It's very helpful that it is out there because most people really don't want to go to court. I see it as a win-win situation for the police department and the community to have a process that includes all the people that are affected and gives everyone equal ability to express their emotions. It's the kind of program I see building from the bottom up. No one really embraces the program until you really experience it and see it for yourself. Len and I both do presentations and talk about juvenile accountability, but it's not until you participate, in some role, in the conference that you see the dynamics and sparks really happening. You see the receptivity of the community and how they rally around it. It's a growing process. The best way to become educated about it is to take part in the process. We also bring in a lot of community members that just want to observe our conferences and they're more than welcome to come and see any of our conferences. It's a very open format.

One of the things that has additionally come out of conferencing and marketing is that the Rochester Police Department has contracted out with many agencies in the Rochester community. These agencies work with offenders when victims have asked that as a consequence for the crime or violation that the offenders give back to the community. So a lot of the victims and their families are asking that there be a community service project for that youth. That's another way for the community to know more about restorative practices. In fact, we do not enter into a contract with agencies until we spend some time educating them about restorative practices. We want them to know what a conference experience was like for that young person and some of the issues that may have come out of that conference. Additionally, we share the conference agreement with the community service agency, so they know the responsibilities that the young person has in carrying out the conditions that were set up for him or her.

Some of our young offenders are working with painters, painting houses inside

and out. They are working with carpenters and learning carpentry skills along with doing their community service project. The offenders really embrace some of the skills they learn along with the projects. They come to know of the resources that agency can offer them. We have an open door mission, so the kids serve food to the homeless and less fortunate. All these kids are supervised in their community service projects. It's another form of outreach for us where the community gets involved and becomes part of the process.

A (Len): In the beginning, Tom would have to scurry around and find an agency that might do community service. We would have to explain what we were about and what kind of a community service project we wanted the youth to do. We weren't interested in children picking up papers on the side of the road. We wanted them to get something out of it, an added value, something beyond the actual work. In the second year of our grant, we talked about finding agencies that would work with us. If the agency was in the neighborhood where the child lived, we would go to them and ask, "Can you take this child? What could you do?" For example, in the third year of the grant, Tom came to me and told me about two 7-year-old kids who had broken some windows. Their community service was to work in a voluntary vegetable garden in the community. They apparently enjoyed this because after their service was up, I think it was 10 hours, they asked the volunteer coordinator of that agency if they could stay for the rest of the summer. So the agency called Tom and asked, "Is it OK if these kids stay? They want to learn about gardening and we want to teach them about adult relationships." Tom said, "Yeah, if they want to!" I think the idea is, "Why not take the next step?" It seems natural. It allows them to connect with the child and bring the child back into the community.

Q: Do you see restorative practices expanding to other departments within the police department? Would you like to see that?

I see it as a win-win situation for the police department and the community to have a process that includes all the people that are affected and gives everyone equal ability to express their emotions.

-Tom Dwyer

A (Len): Yes, I would like to see that. I have some notions that I've been kicking around about how restorative practices can be part of ethical practices and how to integrate that into the way we operate as a police department or, for that matter, any organization. I also see that it could become part of management, the way we manage and supervise each other. I've been experimenting a little within my organization, with my own section. Also, there is a group of people who have formed something called the Finger Lakes Restorative Justice Consortium, of which Tom and I are members. They are more interested in promoting restorative justice in its many forms, not just the forms we use. We are a part of that effort. Also, the county of Monroe, which we are in, has about one million people and there are many different governmental agencies—school districts and police departments—who have inquired about what we are doing and how it works. The juvenile detention center, which is county-operated, is asking us how they could use that practice in their detention center. We are very willing to talk about what we do, what we believe in and in keeping with the practice of restorative justice, let them decide what's best for them.

Q: Has this begun to spread to the schools in your area?

A (Len): In our area, the schools utilize our program. They like it because Tom

can be there in a few hours. He can usually set up a conference in less than a week, as opposed to slower court or school processes. They love that Tom gets involved in addressing issues they're having with the child, when they don't think the school process will work fast enough or well enough from their perspective. They have all seen what the conferences can do. Something that I thought 3 years ago I think is beginning to happen now. It has snowballed. Now there are times when Tom may conference 5 to 10 a week, as opposed to 5 to 10 a month, to the point that we've hired a part-time person to work with Tom to help him with the process. We still want to keep to the belief that face-to-face contact with each of the participants and sitting down with them and talking to them about their roles and expectations of the process is better than phone conversations. We are on the brink of becoming overwhelmed as people the process as an effective tool. I'm very glad for The Finger Lakes Consortium because they can help in directing people. There are so many ways of doing this. It doesn't have to be our way or a particular model. Our model works for us, but there are other models that may work for other people. Also, I know two districts outside the Rochester City School District have already explored training some people and doing their own conferencing.

A (Tom): Additionally, I want to make mention of one middle school that has endorsed us completely. It is the collaborative effort of many folks. In lieu of short term suspensions, they agree to juvenile accountability conferencing in place of a suspension, which they feel is punitive and doesn't serve the needs of their students or the families that are involved. We have a school resource officer, two of them actually, in one middle school. The administrators in that school have come to endorse and believe in restorative practices. In that school, the teachers know us. There are many instances of bullying, different low-level assaults and theft at that school. We have a little location within the school. We're allowed to use some of the equip-

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ment in the school to make copies of our agreements, to use the phones and to work with some of the staff in educating them about restorative practices. We go where we're wanted and where we can be a resource to the community.

Q: What advice would you give to a police department that wants to get into restorative practices?

A (Len): You have to find a few people who really believe in it. We eventually targeted one school and one section of the police department—we have seven—to see if we could create some interest. So it was a slow start. We require, with a few exceptions, that the arresting officer be a part of the conference. So we have to arrange for that person to be there at a time that is convenient for everybody. As they saw the process, they thought it was really good. They would go out and tell a couple more police officers. One person who was a supporter held the rank of commander, a high-level management position. She believed in it. And because she believed in the idea, she allowed me to do it and gave me the opportunities to do it. When she was promoted and no longer in my particular bureau, she still supported it. I always felt I had an advocate. Also, it was important to find someone like Tom Dwyer, who is very sincere, very patient and flexible. I hired Tom primarily because when he asked me what the rules were, I told him, "I don't know." When he asked me what the parameters of the program would be, I said, "I don't quite know yet." He liked that. Most of the other people I interviewed had social work backgrounds. They were very competent and probably, in some ways, more qualified than a person with an academic background in finance and accounting. But they wanted to know what the rules were and what the parameters were. I didn't want to set those yet because I didn't know how it would grow. He's comfortable with that. That is the advice: don't get too comfortable with the rules. Let this play out. It's kind of organic. It won't hurt anybody. I had a professor in college when I was in the

master's program in counseling who said, "No one ever died from counseling, so don't worry about it." No one is going to die from this process. We learn from mistakes we make or we learn from the process. People teach us, I think, all the time.

Q: Anything else you would like to say?

A (Tom): I'm just anxious to get back to Rochester to do more conferencing. Someone else in the conference earlier mentioned that she was anxious to get back to do circles. That's where I really get my satisfaction. That's what excites me, running the conferences and meeting all these families that have the same concerns that I would with my family.

A (Len): I have been employed with the department for many years as I mentioned. I have done many different projects and I am thinking seriously about retiring in 6 months. So, for me this has been a very satisfactory way to leave my agency. I feel that this is a wonderful piece, to see it grow and live. It certainly will live well beyond my employment in the department. I think when I do retire, between fishing trips and gardening, I might write about my experiences. It feels very satisfying to have been a part of this contribution to the community and see how the community has reacted to it. I think the best way to leave someplace you work is when you feel good about it and I feel good about it. ☺

If you would like to learn more about the Juvenile Accountability Conferencing program or have any questions you may contact Len Wildman or Tom Dwyer at (585) 428-7236.

For more information about the IIRP's Real Justice program and available trainings go to: <http://www.realjustice.org>