

Restorative Conferencing in Inner-city Albany: From Retribution to Resolution

BY MARY SHAFER

There is promise inherent in conflict. That's the vision of John Cutro and Dennis Mosley of Albany, New York, restorative practices consultants who are combining their vision with a flexible approach to the emotionally charged process of restorative conferencing. The result is an inner city that's getting a handle on its school and street violence, while its citizens take back the power to make proactive decisions about their quality of life.

Restorative conferencing as a dispute resolution tool opens doors to real communication and understanding that remain shut in the face of more traditional methods. Conferencing works because it draws its power from within the community, instead of being imposed upon it from outside.

Cutro previously worked in the New York Capitol Defender's Office, where he learned that the traditional justice system "is *not* a system, and it's ineffective. It's a process that produces case activities, not justice. It's adversarial by nature, which causes polarization. Justice is the last thing you'd logically expect to come out of a process like that."

Instead, Cutro has embraced restorative practices, including conferencing, which works on a few basic premises. Restorative conferencing:

- directly involves parties on both sides of an ongoing issue or specific incident;
- requires people to own responsibility for and involvement in their situation;
- provides a chance for all parties to be heard (and hopefully, understood);
- offers the opportunity for genuine interchange of sincere ideas to try to

"It Definitely Works"

John Cutro facilitated a restorative conference in the wake of a violent fight in a McDonald's restaurant in Albany, New York. Six months later, he conducted "verification and learning" interviews with conference participants. Tracy Coleman, mother of a girl present at the fight, who attended the conference, said, "It [conferencing] definitely works. It made an abundance of difference. It [the conflict] wouldn't have been resolved this fast." Her daughter, Chanell, added, "I think they'd still be fighting to this day." Regarding school mediation efforts in response to the incident, she said, "As soon as we left [mediation] we were fighting again. We didn't get to talk about what had happened, like we did in the conference."



Missy Oliver (left) and Chanell Coleman (right) were present at the McDonald's incident. Chanell's mother, Tracy Coleman (center), attended the conference with her daughter.

make something good out of harm done, to the extent that is possible.

When in February 2004 a teen-age girl got slashed with a razor during an ongoing series of violent incidents, Cutro took notice. He learned about the frightening escalation of violence from another conference facilitator he had trained whose daughter was friendly with someone involved in the incident. He facilitated a conference with the participants, giving them the chance to express their feelings.

Though it helped for a while, the participants had displayed less than complete commitment to the process, leaving ten-

sion that continued to simmer just beneath the surface.

A cycle of retribution for real and perceived harm continued to intensify. It came to a head on St. Patrick's Day this year, culminating in a significant public fight between two groups of Albany High School students at a nearby McDonald's restaurant.

The case was referred to Cutro for resolution through the Albany City School District, because he had worked on the related slashing case. He voiced his concern to the mother of the slashing victim, who confirmed that her daughter, feeling powerless, had begun acting out.

FORUM

And there were rumors of a “hit” circulating. The awareness of this potential “hit” was making students and faculty very nervous.

Cutro approached Paul Pettit, director of security for the Albany City School District. Paul referred him to John Bounds, head of security for Albany High School, who helped him make contact with the students who had been involved in the McDonald’s incident.

Cutro had mixed levels of success preparing the individuals who had indicated willingness to participate in the conference. Some people were inaccessible, some were less than cooperative in pre-conference meetings. This was a sign that some parents might have encouraged their children to fight in order to keep their respect, and that the parents felt uncomfortable about the conference.

One way to avoid this is to engage what Cutro calls “bridge participants,” people who know offender and victim and have credibility with both parties. Such individuals don’t always exist, but they did in this case.

Cutro added another tool to make the McDonald’s conference successful: a “normative group” of people representing different viewpoints to offer perspective on an incident. If enabling behavior such as that previously mentioned is occurring, the normative group provides a reality check—credible people who can point out the consequences of such behavior.

“In a conference, we’re dealing with what happened, and then how [the participants] feel about it. You need to structure the conference so responsibility is admitted for other parties to gain confidence in the process. That’s the point in the Silvan Tomkins process where we move to neutral affect and can transition toward the positive.” (*The late psychologist Dr. Silvan S. Tomkins developed a theory of innate emotions, which he*

called “affects,” and stated that human relationships are best and healthiest when there is free expression of affect. In restorative conferences, participants routinely move from “negative affects” through the “neutral affect” to “positive affects.” —Ed.)

The restorative conference, which was attended by 35 individuals, including the teens who had participated in the incident at McDonald’s, their friends and family members, was held in a Quaker meetinghouse to provide an atmosphere of sanctuary and help keep interaction as low-key as possible. However, during a conference, “people are at a high affective level, in a heightened emotional state,” said Cutro. “It’s the only way the learning can occur. It must have a strong enough impact to provide an effective counter-experience to the original traumatic incident.”

As general conference practice, “opposing sides” are physically separated until everyone has arrived, “so no external processes start” to distract from the task at hand. This adds to the atmosphere of a controlled, formal process, which provides a sense of safety and security for participants.

Said Cutro, “I try to provide enough structure to let them know it’s formal and controlled, and that work needs to get done, but I don’t let that structure get in the way.” In working with the Albany community, Cutro follows what he calls an “abbreviated script,” referring to the facilitator guidelines in the Real Justice *Conferecing Handbook* training manual.

Usually, the script calls for a certain amount of verbal introduction and a slow “easing into” the difficult topics that need to be discussed. However, because many of his conferences involve highly escalated situations, “there’s not a lot of patience for not getting to the heart of the matter.” Generally, everyone in the

circle knows each other, so Cutro skips the initial go-around as a redundant obstacle to progress. “It really depends on the class and race situation” in any given conference, he said.

Cutro thinks it’s important to respect differences when facilitating conferences with participants of varying socioeconomic and cultural backgrounds. “Sometimes this means putting aside our own personal bias about what constitutes disruptive behavior during a conference. For some socioeconomic and cultural groups, blurting out ‘burning questions’ and demanding and receiving answers are a necessary and acceptable part of effective communication and the free expression of emotion.”

The heightened emotional state often requires Cutro to tread a fine line between maintaining a formalized, controlled atmosphere and allowing more spontaneous interactions to occur. At one point in the Albany conference, the exchange became seriously heated. “I had to let them shout it out,” he recalls.

Though it was an “off-script” event, it wasn’t really an exception to the way things frequently develop in his conferences. “I often think I’ll be the first facilitator that will have to hold a conference about an incident [that happened during] my own conference.”

This attitude works not as a detriment, but an attribute, and has won him the admiration of many colleagues. Said Beth Rodman, IIRP executive director, “John is a very clever, inventive person and has been the most adventurous person in the world,” applying his IIRP training to push the envelope in exploring how conferencing can be used.

Cutro’s co-facilitator, Dennis Mosley, isn’t surprised or disturbed that Cutro sometimes plays a bit loose with the recommended structure. “In terms of doing this stuff [restorative practices], it comes out of indigenous peoples’ tribal ways,

FORUM

and we're just regurgitating it. This isn't just a program, it's a practice...a way of life." Mosley is glad that some African-Americans in Albany have made conferencing their own.

"You can't just come in and impose it on people. Especially in such isolated and fragmented communities as the inner city, people are used to someone coming in from the outside and, in effect, colonizing them, telling them what to do and imposing their version of what should happen. It breeds resentment, whereas conferencing is an empowerment tool. It turns the power back to the community."

The participants in the McDonald's conference, particularly parents, could freely express their frustration with the perceived failure of the legal and school systems to insulate them from ongoing, dangerous situations. The participants were encouraged to accept as "experiential reality" the limitations of these systems to solve their problems.

The conference process, according to Cutro's final report, "affirmed and exercised each participant's innate ability to recognize their unique power to form an effective community capable of putting a stop to this ongoing conflict and its particular role in the larger cycle of youth violence."

Said Mosley, "the whole 'us and them' mentality is born of fear and breeds apathy, because we shut down when we feel powerless. Class and race are both issues involved in these challenges, and in fact form the basis for many of the prejudices and misconceptions that cause problems."

When Mosley provides training in restorative practices, he deals with these issues explicitly; the same is true during conferences. "[The conference] starts with smaller admissions, and ends up with a very cleansing feeling. The breaking down of misconceptions—a central

purpose of conferencing that allows the 'us and them' perception to turn into 'them is us'—allows a reinterpretation that emotionally allows people to want real resolution, as opposed to retribution. All the masks come down, and people take responsibility for their actions, which allows others to own the part they've played."

According to the conference report, "all participants, including some under the age of 10, expressed the need for the cycle of violence to stop. Parents and others acknowledged the need to get and stay involved with what is going on with their children and at school. Several individuals familiar with the school mediations about the same conflict felt the conference, with its larger mix of participants, made a real difference. A unanimous verbal conference agreement was reached. The cycle of violence associated with the fight at McDonald's was over."

On a more personal level, Cutro wrote, "I was unexpectedly saddened by the apparent success of this conference. It's a drop in a big bucket. Investment in much more than a few labor-intensive community conferences will be needed to hit a performance outcome of reducing by 50% the number of incidents causing injury and death to our precious youth in Albany."

Mosley feels the McDonald's conference was a success, and explained why: "The people [involved] aren't engaging in the same kind of behavior now. They've had a taste of another way of dealing with [their differences] where they're empowered to say how they feel and have a different outcome."

Cutro and Mosley run their programs not like charities or special services, but like mini-corporations. Even though they're publicly and privately funded, they believe they need to show that those funds are being used to get results, to help the programs' long-term survival.

They draw up mini-business plans—not long documents, just a page or two that describe what they hope to achieve. The plans contain metrics—measurable, realistic goals, such as numbers of people who will benefit and how—that can be used to determine their success rate.

All of this information is contained in a letter to the funding body explaining the kind of "return on investment" they can expect from their contribution.

Mosley looks to the future with hope. "When people see, over time, a change in how things are done, the apathy goes away, the resentment level lowers and no longer turns in on itself. It empowers self-care and makes people take more responsibility for their own well-being."

This can be a multi-generational effect. In a restorative conference, a grandmother lends background to a situation by explaining old community relationships and how things got to be the way they are. She is valued for her knowledge and the sense of roots she lends to the children. Mom communicates that she worries about her child all the time, and the child recognizes the responsibility of belonging to a family. Father acknowledges a child's misdeed, but expresses that he still loves his child. Bonds are strengthened instead of families being ripped apart.

From its start in the conference, the sense of empowerment spreads through the generations, said Mosley. "They get so turned on by the sense of having a real, positive impact; the enthusiasm is amazing. Parents want to become more involved. They volunteer to be trained as conference facilitators."

This spread of empowerment through different generations is promising, said Mosley, because "they say it takes a generation to truly change a paradigm." ☉