

GANG INTERVENTION MEDIATION SPECIALISTS: A PRACTITIONER'S TRAINING MANUAL



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FOREWORD

The practice of gang intervention specialists has grown significantly over the past twenty years since the authors of this manual began working to bring peace to the streets of Southern California. Since then, both the public and private sectors have come to recognize the importance of working with youths to overcome the conflicts that otherwise escalate and, too often, lead to violent deaths. Several millions of dollars annually are spent in attempts to control youth violence, not including the expense of suppression and incarceration. This investment requires tools that specifically address the conditions found in our streets and schools.

Since 2000, Cavitt, Garb, Godinez and Martinez have trained gang intervention specialists and others who work with youths. We found a lack of materials appropriate to gang mediation. Between 2000 and 2008, as we provided training through the Edmund G. “Pat” Brown Institute for Public Affairs at California State University, Los Angeles, we created much of the information and materials presented in this manual. We have expanded both the lesson plan and support materials so users have more options for how they teach. We have also expanded the examples available, so the reader can fit local environments as closely as possible. We encourage readers to create their own materials--particularly role-play scenarios—to fit local needs.

Two of the authors are full-time gang intervention specialists. Jerald Cavitt founded and, since 2002, has led Chapter Two, a community and gang intervention specialist organization. He was a primary factor in brokering one of the largest gang truces in our history, known as “The Understanding”. This agreement brought peace between the Crip and Blood families, and is an integral reason for the decline in gang violence in Los Angeles that we have witnessed over the last ten years.

Johnny Godinez has worked with Latino neighborhoods for fifteen years through Soledad Enrichment Action, a Los Angeles countywide community services agency. Johnny and his staff are constantly striving to reduce gang violence by working out conflicts as they arise.

We thought that to put both gang intervention specialists and gang mediation in context it is important to hear directly from people who confront youth violence every day. The following are how Jerald and Johnny see their work:

Jerald Cavitt (Executive Director, Chapter Two):

“Gang intervention is hard. I’m on the clock and then I’m off the clock. I answer calls 24/7. I may get a call at 3 in the morning, and I have just recently, and I’ll find out someone is dead and I’ll have to wake up out of my sleep to get somebody there and also get there myself, because I got a sense that I want to also be there.”

“How does this affect me? I’ve seen too many people dead, seen too many kids dead. I sit down and I sit by myself and I get a remote and turn the TV on, watch a little TV, and I think a little, I watch a little TV and I think a little. And I think what else can I do? What haven’t we done? Are we missing something? We failed a whole generation of kids, lost,

gone. It's our responsibility as adults. We carry all of that. We all need to think about what could better help them and do that. I don't get much time to do that, but I try not to take a lot home. Sometimes you find yourself unloading it somewhere until I catch myself. It wasn't intentional.

"You're telling somebody about this kid, 13 years old, 3 years older than 10. And when you looked at him he looked 10. The last thing that this kid said when they put him in the ambulance, his grandmother crawled in, he had been shot 5 times—3 times in the chest, once in the neck and once in the leg. And he told his grandmother to hold him and to put him to sleep. 'I want you to hold me and put me to sleep.' This was somebody's baby. What did we miss? I ask myself. Then we start again. When we can, we sit down and get a moment of silence. Maybe that will do it. Something does it for everybody. I have to be there. It helps me.

"What gets me up in the morning? I've got a lot of reasons why I do this work. One of the reasons is I want to give something back. I want to turn around things that we were partially responsible for. I want to help save kids. I want kids to know there's another way. Just because they were taught a certain way doesn't mean that it is correct. We need to go forward. I have so much to give back to my kids for.

"What was my turning point? We have been to too many funerals. I personally have boxes of obituaries. Most of these are the obituaries of cats that I knew, or women that I knew. At some point you get a sense of knowing that this is not right, this don't smell right no more, and I've lost two sons. And that was definitely a turning point. I don't want anyone to go through the things I've been through. I did my tour. I've been to prison. I've been connected in a neighborhood for years and years. But now I have respect about somebody giving back all he can. People contact me to figure out a way they can get out. We know you helped those cats over there, Pee¹. How can you help us over here? That gives me a good firm feeling that things we're doing now, we're headed in the right direction. It's going to take the whole village to raise the kids. It's going to take the whole community to change the community. People can't go in the house, lock the door inside, and want change in the morning. You have to be a part of it. We can't all do the same thing, but we all can do something.

Johnny Godinez, Soledad Enrichment Action:

"In this field you won't get rich. If you want to save lives this is the field for you. I lost over 70 friends, my mother, 3 brothers, and a sister. That doesn't include all the other people I've buried. If you're not in this with your heart you can get yourself hurt and others hurt. Work the area where you work, and work it well. Some want to get the whole world. We want to gain the whole world but you can lose your soul. Be very serious about the work you do. If you care about people, visit them, visit the widows, the hospitals, visit people there. I pray a lot, that helps me a lot, my Savior. From my experience being an ex gang member, they say once a gang member always a gang member, but that's not true,

¹ Jerald's street name.

² Three of the co-authors (Cavitt, Godinez, Martinez) work in gang intervention and mediation; Garb facilitates dialogues in conflicts in the international arena, and teaches mediation at the University of California, Irvine. All four authors were instructors for 8 years in the Youth and Gang Violence Intervention

I'm not packing anymore. I started with a zip gun at 12 years old. I lost so many people and have nine children. I have a teacher in Pomona, a daughter is a chef, and another daughter owns her own salon. We have to be a good example to our own kids, otherwise how can you help other kids.

“Plant seeds when you're in the neighborhood: Ask people, ‘How you doing?’ I say ‘My name is Johnny,’ and I say, ‘Check this out...’ In our organization we do life skills, community services.

“What do you do with a kid who wants out of the neighborhood? ‘How do I get out of the neighborhood?’ a kid asks me. I need to know the neighborhood, so I know if the guy wants to get out just to get in a new gang, or because he ratted on someone. But if it's because the person wants to go on and get an education, that's another matter. So, you go to the gang and ask the gang to let out the person because they don't have their heart in it, and don't want to do any harm to the gang. Say that this person might be the future of your children or grandchildren. You have to have a license to operate to do this.

“A lot of us go through this guilt because you think you could have done something more for this kid. Take it a day at a time and do the best you can.

“Females can do this work too, sometimes even better.

“The License to Operate is when you go outreach, you knock on every door until they know you, and they see you're helping them. First you get a permit, but it takes the whole community to get the license, you have to earn it. It did for me, especially when all the gangs were against me. I service my community where I grew up, in the East Side, but I know how to network all over. You need to go in with your colleagues to neighborhoods where you don't have a License to Operate. Even former rivals don't mess with me.

“They want to get people with PhDs and Masters to do work in the streets. They don't know anything but they want to do well. There's room for everybody. If you're concerned and want to help and that will get their respect. That's how you earn it. They won't open up for awhile, because they don't know you.

“You've got to learn how to get along with the people with influence, the young leaders. The young leaders need guidance.

“You need to keep your integrity, raise the bar high. Don't date your clients. Everybody will know.

“I get paid through Homeland Security. We're part of safety. [Los Angeles Chief of Police] Charlie Beck says we need more intervention because they know we can keep peace out there. We get probation contracts, too.

“Find out what gangs are out there. There are some boundaries out there, don't go there. If you see five guys and three are drinking and they call you over, don't go over to them.

“We’re taking the young taggers up to the mountains to educate them. Camp Tagger is what we started with Topper (Henry Toscano), may he rest in peace. Taggers are the new breed, they’re going into gangs. We’re educating them not to deface people’s property, and to stay alive, but taggers are still getting killed.



We give you this manual, and our best wishes, that you may bring peace to your community.

Jerald Cavitt
Paula Garb
Johnny Godinez
Bill Martinez
Al Valdez

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INTRODUCTION

This manual, with its accompanying role-play videos, presents best practices and lessons learned in bringing about short-term and sustainable peace through mediation in U.S. communities prone to gang violence. Unlike traditional mediation training manuals, this program presents the special qualities of mediating in violent contexts, not just between peers, but also between youths and adults. Also included are lessons learned when mediating between groups, such as street gangs and law enforcement.

The book is the product of eight years training gang intervention specialists, and another dozen years working as gang intervention specialists. The approaches presented evolved from the authors' practice over two decades leading gang intervention specialist programs in the Greater Los Angeles area. They are based also on the experience of training gang intervention specialists without having training manuals and role-play videos that related mediation specifically to these contexts, and based on the experience of mediating violent conflict internationally.²

Youth violence among young men and women in the U.S. is a phenomenon that continues to challenge parents, teachers, law enforcement, counselors, recreation center staff, and others who live or work with youths. At some point, almost everyone who works regularly with youths in these violent environments is called to mediate conflicts.

Two factors are of particular importance to this work, and were a motivation to develop this mediation manual. The first factor is the greater reliance on violence by gang-involved youth as a decision-making tool no matter the setting. While gangs have used violence throughout their history, it is becoming a more available option for youth because of the increased exposure to violence in homes, streets and schools, and the easy availability of weapons.

The second factor increasing the need for mediation is a growing alienation and disenfranchisement by youths—and their parents before them—from the major institutions of our society. Most youth prone to violence are also exposed regularly to violence in the home and streets, and to low levels of employment and income in their families and communities. These youths have minimal academic achievement, low self-esteem, and minimal problem-solving capabilities. Many accept that violence can and must be used to resolve conflicts since that is their experience. A primary function of a gang intervention specialist is to provide alternatives to violence during the decision-making stage of a conflict.

Why This Manual is Different and How to Use It

² Three of the co-authors (Cavitt, Godinez, Martinez) work in gang intervention and mediation; Garb facilitates dialogues in conflicts in the international arena, and teaches mediation at the University of California, Irvine. All four authors were instructors for 8 years in the Youth and Gang Violence Intervention Specialist Training Program at California State University, Los Angeles, a program sponsored by the City of Los Angeles and certified by the City, Cal State system and California Office of the Attorney General. Al Valdez is a leading expert on gangs, with vast experience in law enforcement, and is a certified mediator. All the authors have been instructors in Orange County's first gang intervention training program.

While the rules of mediation apply across the board, there are some distinctive aspects of working with groups—and specifically gangs—that require special attention and approaches. Traditionally, the general approach to managing youth violence was to build relationships between individuals (interpersonal conflict resolution). Since the 1980s nonprofit agencies and individuals have refined a process of gang intervention specialists that recognizes the group decision-making process related to gang violence. Gang intervention specialists interact with street gangs so that they can get involved when conflict does occur between rival neighborhoods and thereby prevent escalation. Such mediation occurs in a context of violence, either existing or pending.

Our work in this field has led us to identify five special categories of mediation in the youth context. The first three categories include individual mediation between peers, youth and the adults in their daily lives, and youths and authority figures. We cover individual mediation of conflict between individuals because gang specialists are regularly called upon to resolve these types of conflict.

The fourth and fifth categories are group mediation involving gangs in conflict with different neighborhoods, and also with authority figures, specifically law enforcement. While it may seem unusual to think of mediation between street gangs and the police, there are, in fact, many circumstances that can benefit from such mediation focused on preventing or stopping violence. The specifics of mediating conflicts in all five categories of relationships will be covered later.

The skills and approaches presented here will be useful also to those who work with youths in communities with gangs in almost any setting, from the classroom, to recreation centers and the home. Several case scenarios are provided that students can role-play to practice mediation in a variety of confrontational environments.

The manual is designed primarily for gang intervention specialists, and ideally in a classroom setting. We recognize, however, the need for various professionals to add to their skills when working with a very difficult population. Therefore, we have designed the role-play scenarios to cover a variety of conflict situations, including conflicts between peers; youths and parents; students and school staff; a youth and probation officer; and neighborhood gangs, and gangs and law enforcement.

Before reading the manual it is important to understand that this knowledge is only a part of what is needed to become an effective gang intervention specialist. Other skills that should be in one's toolkit are: a fundamental understanding of group dynamics generally, and local gang structure and dynamics specifically; how to be an advocate for individuals and for youth generally; the availability of alternatives, not just to violence during the decision-making stage of a conflict, but also the availability of alternatives to the lifestyle, such as social, recreational and employment opportunities.

Finally, it is important to recognize that adolescents and adults are distinctly different beings. It is essential that we understand the developmental stages of youths, and not treat them like children or like adults. Rather, we need to know how teens think, what is important to them, and how they communicate. While not a part of this mediation curriculum, it is important for any gang intervention specialist, or anyone else trying to

mediate between them, to fully understand the importance of this knowledge to be effective.

If an agency assigns its youth specialists in pairs, it is best to have both team members participate in the training together, whether in a classroom setting or on their own, so they can recognize each other's strengths and weaknesses. It is important to accept that mediation is both a skill and an art. Mediation might come naturally to some; however, with intent and practice, this is also a skill that can be learned and refined. Not every specific type of situation can be covered in one manual, nor dealt with thoroughly, so it is up to readers to adapt the principles and skills presented here to their own context. The bibliography contains other books on mediation. These recommended books were not written specifically for gang intervention, but they are excellent manuals about mediation and can give a gang intervention specialist excellent tools and methods that can be adapted to different contexts.

The manual proceeds with a description of gang intervention work and an overview of the history of the field in the United States. Next, we examine the role of relationships in youth violence mediation. The manual then turns to a discussion of the styles and principles and process of mediation. Throughout the next section, which is on the stages of mediation, the reader can view transcribed dialogues of the mediators and the parties illustrating from the accompanying videos key points about each stage of mediation. Links are also provided to the accompanying role-play videos that are online. The final section provides samples of role-play scenarios that can be used in training mediators.

AN OVERVIEW OF GANG INTERVENTION

Throughout our history as a nation, we have dealt in a myriad of ways with youth violence. For a few hundred years, the remedy of choice was incarceration. All that began to change during the Great Depression, and in the period following World War II. With the help of sociologists, social specialists and other progressive policy-makers, we began to understand that many youths are deeply affected by the environment in which they live.³ Their approach was primarily to help kids exit gangs by providing alternative experiences. While there was some attempt to help end gang wars, this was not typically the focus of these programs. In general, these programs were run through specialized youth service departments, or a city or county parks and recreation department.

Starting in the 1970's specialized gang teams were formed in many of our large cities to control gang violence through direct intervention. The people working in these programs were often former gang members who understood the pressures of gang life better than anyone. In Los Angeles Community Youth Gang Services (C.Y.G.S.), a project co-sponsored by the City and County of Los Angeles, first employed this model in 1981. The primary responsibility of the C.Y.G.S. gang intervention specialists was to respond to gang violence across both the city and county by mediating conflicts.

In several Los Angeles communities highly impacted by gang violence 1992 was a significant year. That year three separate efforts were initiated to create treaties among warring neighborhoods. These efforts were organized in the Harbor/San Pedro, Watts and San Fernando Valley areas. Dozens of gangs and thousands of members participated. Two of the three treaties, in San Pedro and San Fernando, continue to hold primarily because they were sponsored by nonprofit agencies that could assign staff to the maintenance process. Since then, on-going meetings provide a forum for the neighborhoods to communicate petty differences and resolve conflicts before there is any chance for escalation.

Orange County, where this manual was first used to train local gang intervention specialists, does not have gang intervention specialists assigned to police or probation departments that work with specific public agencies. This is the case in many other cities across the country where this manual can be used for training local specialists. The Orange County Department of Education, Safe Schools and Support Services unit currently handle gang intervention. When gang problems arise or violence is imminent members of the Safe School team respond to local high schools or elementary schools and mediate after being called by school administrators. However, this is only at the school level; often the problems started before the students attend school.

There are no public gang intervention services available to Orange County cities or police departments. There is a need to start such services and this is why gang intervention training in Orange County was developed. As seen in Los Angeles County gang

³ An explanation of how one's environment impacts our behaviors is found in "The Social Construction of Reality" (1966) by Peter L. Berger and Thomas Luckmann.

intervention is not easy, but is a necessary part of the formula to decrease violence within a community.

Gang intervention is generally defined as any type of support given to individuals caught up in the gang lifestyle. Interventions can range from mediating gang-related violence to helping kids return to school, get a job, remove their tattoos, or by helping the youth and their families receive the mental health support required due to a life-time exposed to violence.

Gang intervention specialists are not anti-gang, but anti-violence. The distinction is important, both in the streets and in using this manual. The ability to work with gangs around those issues that place them in conflict with others requires a level of understanding of those conflicts, which are often tied to illegal behaviors. Anyone who considers participating in gang intervention must understand and accept this point before proceeding, since it will impact existing community relations. This why understanding local gang behaviors and histories is essential to this work.

Intervention specialists must develop a license to operate, that is, acceptance by the gangs of their role as peacemaker. The intervention specialist does not try to talk members out of the gang lifestyle, although they will support those who are ready to step out of the life. It is important that the gang intervention specialist recognizes that the gang leaders are gaining some benefits from the gangs, in prestige, money, power. In the gang leaders' minds, there is little reason for them to step out of these roles, making the role of a gang intervention specialist very difficult. Some gang leaders may not want the violence to stop. Developing and maintaining a **license to operate** allows the gang interventionist to work with gang leadership in their environment. The process of intervention and mediation can provide opportunities to promote alternative behaviors.

There are two types of gang violence. **Gang-motivated** violence is perpetrated by the neighborhoods to further their own ends. Controlling turf, establishing or expanding their drug market share, or controlling access to public resources are all likely to set off conflict with others. Hard core gang intervention is more specifically focused on the group identity and motivations of street gangs, and the violence created toward these ends.

Gang-related violence, by contrast, refers to violence that is perpetrated by gang members, but not necessarily for the benefit of their gang. For instance, holding up a liquor store is gang motivated if the take is shared with other gang members. Or beating up someone from another set because that person sold some bad drugs is more likely based on an individual relationship, and does not necessarily impact the gangs directly. A more common occurrence is one guy trying to pick up someone else's girl friend. Depending on the history of relations between the two and their gangs, this type of activity can quickly turn into a shooting war. Unfortunately, too often a gang-related incident can turn into a gang war if there is no attempt to recognize when individual gang members are using their relationship with their respective gangs to further their personal goals

Historically, former gang members have proven to be best suited to conduct gang intervention mediation because they know the life and the players. They also are familiar with the specific issues and historic relationships that cause tensions between certain

neighborhoods. Often they have a foot in two different parts of the culture. Former gang members have an insider understanding of gang behaviors and histories. They use this specialized knowledge and life experience to help decrease violence. This type of gang interventionist is like a “player-coach.” This is one reason why former gang members have street credibility; this allows them to be a more effective interventionist.

This does not mean that someone without such experience cannot be a successful gang interventionist. Someone without gang affiliation can be an effective gang interventionist with proper training and experience. Former gang members tend to already have that training/education that must be learned by non-gang members. They are ahead of the learning curve by virtue of their life experience.

In many cases, mediators can be exposed to an in-depth understanding of a gang’s illegal activities. Laws regulating the level of confidentiality that a certified mediator can maintain in such matters vary from state to state. In any case, it is beneficial to let local law enforcement know that there is a mediation process underway so that space can be provided to operate effectively. In most cases confidentiality is very limited. Mediators must make it clear to the parties what kind of information cannot be kept confidential. At all stages of intervention and mediation care must be taken not to gain information of specific criminal activity in order to prevent becoming a witness in a criminal case. This can destroy a mediator’s license to operate.

Through the late 1990’s and into the 2000’s, programs for gang intervention specialists began to improve the quality and professionalism of this work by designing approaches specific to each aspect of the work. As part of this effort, the following five stages have been identified in the development of a gang intervention specialist’s relationship with each gang.

1. **Gaining a License to Operate.** In this stage the specialists begin developing relationships with leaders of the various gangs, sets, cliques, etc. The primary goal is recognition by the gang that the intervention specialist is not working for the police, but is trying to help avoid violence. This is very important to remember.
2. **Individual Referral.** While the set or clique may not be ready to accept the offers of support, individuals will test the intervention worker by asking for help. Conflicts with one’s probation officer, or the need to get a job, are some of the first actions taken in proving one’s sincerity and authenticating the interventionist’s street credibility. This is a way of starting in small steps.
3. **Mediation.** Once the gang recognizes that the intervention worker is not trying to undermine them or their activities, they will allow the worker to intervene when violence occurs. Caution must be observed here in order not to gain knowledge of criminal activities because confidentiality laws are quite limited in protecting interventionists. The process begins with what is known as rumor control, or finding out the facts behind the violence. From there, the intervention worker will determine the best ways to assist in conflict resolution.

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4. **The Peace Process.** A review of the 1992-gang truces in Los Angeles showed that providing a regular forum for gangs to expose and work out conflict was a valuable approach to dealing with conflict before it became serious. This process helps stabilize a truce and gives it longevity.

 5. **Maintenance of the Peace Agreement.** Leadership in a gang changes constantly. It is imperative for the gang specialist not just to keep up with the changes, but also to recognize future leaders and begin working with them in advance. Knowing when particular gang members will be released from incarceration is also important because of the disruption that someone in this circumstance can create. The disruption is based on the fact that gang members returning from jail or state prison tend to have more influence on their peers; especially if they were a gang leader or a gang member in line for leadership.

THE ROLE OF RELATIONSHIPS IN YOUTH VIOLENCE MEDIATION

There are five types of relationship conflicts that involve youths, either as individuals or as members of gangs. These five groups are:

- Youth and Youth (Peers),
- Youth and Adult (Parent/Caretaker),
- Youth and Authority Figure,
- Neighborhood and Neighborhood, and
- Neighborhood and Public Agency (Authority Figures)

Each relationship has special qualities that affect the approach to, and impact of any mediation effort, including the relationships and history between the two parties. These are issues that any mediator must consider when preparing to mediate, and the locations where conflicts and mediations might occur.

There are two significant issues that are important to develop a clear understanding of these five different relationships. These issues are: power and control, and individual vs. group dynamics.

1. Power and Control: The term “power and control” is derived from the domestic violence arena, and refers to the members of a domestic relationship. In general terms, power and control refers to the relative balance of responsibilities and decision-making between both parties in these relationships. In most functional relationships, there is general harmony, e.g., balance of power, between both parties. Some relationships, however, are characterized by an imbalance or domination, more often by men, in the use of physical, emotional, sexual and economic/financial threats or actions.

The concept of power and control is also applicable to the relationship of a youth with other individuals around him/her. For instance, a newborn baby has almost no control in the relationship with parents. In this case, the parent can take extreme actions to which the infant cannot respond, from physical harm to withdrawn emotional support. During childhood, children are often given incremental opportunities to shift the balance; changes occur around how late a child can stay out, sleep over at a friend’s house, and take small jobs around the neighborhood.

Even when given greater latitude, there is still a fair amount of parental/adult oversight. Nonetheless, the balance through childhood reflects that level in the developmental process when a child is still heavily dependent upon older family members for support. This relationship holds for parents, uncles and aunts, grandparents, and adult friends of the family. Even older siblings might qualify based on the type of relationship that exists within the family structure.

When a child enters adolescence, however, things change quickly. The developmental stage is marked by the individual’s drive to become part of the community outside the home. Adolescents are also motivated to participate in risky behaviors, as they attempt to define social boundaries and develop their social identity

Adults can recognize the apparent physical changes that occur when a child reaches adolescence, but may not be so aware of how the child might be overwhelmed by the pace and breadth of the physical, psychosocial and emotional changes. Conflict in the home is often marked by the youth attempting to take greater control in a relationship, and parents' unwillingness to relent. Parents may be overprotective or unsure of their child's maturation. In any case, much of the conflicts within the parent/child relationship during this period can be portrayed in the naturally changing balance of power and control. This can be even more complicated depending on the influence of gender, culture or language.

By comparison, a youth's relationship with authority figures—school officials, police and probation officers, etc.—is almost always marked by a one-sided dominance in the power and control relationship.

- A school's dean of students can suspend or expel a student for a variety of transgressions. While there are some student protections, the decision-making process is typically among adults, and imposed on the student.
- A police officer has wide latitude to exercise power and control. This relationship is often impacted by a youth's desire to challenge authorities as a way to establish their place in the community. An arrest does not typically follow a problem-solving discussion.
- Parole and probation officers also have almost complete power and control relative to the individuals assigned to them. Their ultimate tool is to issue a violation if the terms of probation are broken. In this circumstance, it is often necessary for a probation officer to continually reinforce the imbalance, because it also impacts on the rest of his/her caseload.

In some respects, the same relationships hold for groups. The gang versus gang scenario is akin to the peer interactions noted above. However, included in this manual is a recognition that these groups often interact with authority groups—most often with law enforcement; sometimes these interactions are violent. In these cases, the power and control is again all on one side. **Therefore, the goal of mediation should not be to undermine the need to maintain authority, but instead, to help create a “Win-Win” solution that will promote peace and peaceful activities.**

The training materials presented here are designed to help both sides recognize the inevitable developmental change, balanced by a concern for maturity and safety. The role of the interventionist, then, should in part include educating both parties about the natural changes that are occurring, while supporting a need by parents to maintain some safeguards.

2. Individual Versus Group Dynamics: Typically, mediation practices for youth are based on one-on-one dynamics, the traditional peer-to-peer relationship. A distinctive quality of this manual is its attention to mediating between groups that have experienced violent conflict. In taking this approach to mediation, it is important to recognize how group dynamics impact the mediation process. Generally, in intergroup mediation it is necessary that many more people must agree to any solutions proposed. It is also likely that, no matter how good the mediation process, there can always be a few members from either side who do not support any solution, and for a myriad of reasons. For instance,

while one neighborhood might be ready to enter into an agreement with another, the personal histories between individuals on both sides might make it difficult, if not impossible, for everyone to agree without losing face within the neighborhood, or possibly with their own family.

The second aspect of group mediation in violent environments is that most of the work, and sometimes all of it, will occur in separate meetings, through shuttle diplomacy (the work of going back and forth between conflicting factions until issues are resolved or some type of mutual accord is reached). Given the violent nature of the historic relationships between some gangs, it is not always advisable to get both sides to the table until a resolution has been reached in separate meetings. A mediator's license to operate will allow safe passage in the gang's turf and make shuttle diplomacy effective even if two gangs are warring with each other.

In some cases, mediators will not bring both parties together at all, or at least not until after they have each agreed to the terms and conditions through shuttle diplomacy. In these cases any face-to-face sessions are primarily ceremonial. The same conditions can occur when mediating between law enforcement and a gang. If the gang is on an **injunction**⁴, or some members of the negotiations have records or warrants, then getting them together to meet with police is too risky, and could quickly jeopardize the mediator's relationships with both entities.

As noted earlier, there are five distinctive types of relationships that require mediation. There are special issues and various settings for mediation that are associated with each relationship.

1. Youth and Youth (Peers): Growing pains apply too more than the physical strain of growth. As children enter adolescence they want to find their place in the context of the larger society, independent of their own family. Conflicts are numerous, and range from the mundane to potentially life-threatening challenges. Disputes are part of the learning process, and provide the stimulation needed for growth. However, without proper guidance, even simple disputes can escalate into violent or fatal confrontations.

Issues: Peers often disagree or come in conflict with each other. This is particularly true of adolescents who are attempting to find their own identity and status, and recognize their strengths and weaknesses. Each individual develops at a different pace, providing further opportunity for conflict. Even life-long friendships can be challenged by the discovery of intimate relations, peer pressure, or random conflicts in school or the streets.

Siblings often come into conflict over regular household activities, such as chores, control of the television, shared spaces, or other situations. As an individual grows, jealousies can build as their relationships with others, particularly caregivers, continue to change at an accelerated rate.

⁴ Injunctions are civil orders prohibiting individual gang members from engaging in what would normally be considered legal behaviors. Since this is a civil proceeding those served with injunctions are not allowed the legal protection one would get in a criminal matter.

Settings: Disagreements between youths can occur anywhere and anytime. Home is most common for siblings, while school or a work site is often the setting for disagreements with friends or others. Recreational and social settings, such as a school dance, recreation center or house party, also provide opportunity for conflicts to occur. Disagreements with others where there was no previous relationship, or where the relationship was minimal, can occur anywhere that two people come into close proximity, including school, work, or common gathering places, such as the mall, movie theaters or other locations.

2. Youth and Adult (Parent/Caretaker): Conflict is a normal part of family dynamics. In addition to sibling conflict, there is constant tension between youths and their parents. The primary cause for much of this tension is the developmental growth of the kids. Youths see their own maturation very differently than their parents, grandparents, or whoever is responsible for providing guidance. This is all a function of a developing brain and natural instinctive drives that are turned on during this time.

Issues: As youths mature the balance of power and control naturally changes. However, the child wants this change to occur at a more rapid pace than parents are usually willing to accommodate. Curfews, friends, clothes, alcohol/drug use, school performance and many other daily items reflect and contribute to these tensions. Cultural values and language issues, particularly within an immigrant community, can add even more unease to the relationship. Often, parents or guardians do not fully understand the maturation process, so are ill equipped to deal constructively with the challenges their children present. Furthermore, the child's peers, the media, and other external influences add greater stress to family dynamics.

Settings: The primary setting for the youth/adult mediation is in the home. It is often necessary, however, to find a more suitable location so that other family members are not drawn into the discussions. The home of a neighbor or relative can provide a neutral location, as well as the mediator's office or workplace. Whatever location is selected, it should be mutually agreed to, easily accessible by both the parents and child, and provide a high level of privacy.

3. Youth and Authority Figure: Most youths are under the guidance of adults for most of the day, including teachers and other school representatives or employers and supervisors. In some cases, other authority figures who are part of a youth's life are a court-appointed probation officer, a medical professional, lawyer, and related persons. In many communities, law enforcement personnel can be a major daily influence on youths.

Issues: Of primary importance when evaluating this type of relationship is to understand that power rests almost entirely with the authority figure. The potential to suspend or expel a student, fire a worker or send a youth to jail are all examples of power held exclusively by one of the two conflicting parties. Other than in the cases where power is being abused, most times the authority figure has the right to cause extreme hardship by following guidelines that allow harsh treatment. For instance, many school districts have one-strike policies regarding drugs or weapons on school grounds. The more options in determining a response to these episodes of illegal or inappropriate behavior, the more likely a person in authority can act subjectively in those determinations.

When a mediator begins to evaluate these relationships, it is important to identify appropriate trade-offs that the authority figure can use to ensure a youth's ability to behave properly in the future, while not at the same time undermining the authority figure's general authority over their entire caseload. For instance, a probation officer might have a reputation as being harsh. This reputation cannot be subverted without undoing the controls that person holds over all their charges. So, solutions must be effective and acceptable to both sides, but not cause any changes in the basic operating conditions of the authority figure.

Settings: Typically, conflicts between youths and authority figures occur outside the home. Schools are often a frequent setting, as is a job site for those who are working, or the streets for the growing number of youths who are both out of school and out of work. For many youths, court-based sites, including the probation department, can be one such setting, particularly when a youth asks an intervention specialist for accompaniment to a hearing or another event. In all cases, it remains important to find a quiet location out of the public eye.

4. Neighborhood and Neighborhood: Gangs, neighborhoods, sets, and cliques are names given to groups of youths looking for companionship and support. In many environments, these groups engage in illegal activities for personal gain or momentary amusement. In either case, our general community—and the law enforcement agencies entrusted to protect us—often see gangs as violent and illegal, and something not to be tolerated.

Mediation between these groups typically will be in response to a violent act, or where violence is imminent. Because the conflicts can revolve around illegal activities, police or other civic organizations do not always support attempts to mediate this type of conflict. However, if an intervention specialist already has established contacts or relationships with gang members from these neighborhoods a possible solution would be to meet in a neutral location and start shuttle diplomacy from there rather than within the neighborhood.

Issues: Neighborhoods are informal collections of youths, often with elders (*Veteranos* or *OGs*) who are advisors to the lifestyle, or manipulators using the kids to support their own illegal activities. Often these older gang members maintain a certain degree of control and influence over their younger wards and their leadership influence may be in the background. The structure of gangs and their decision-making process are at times very informal and arbitrary. It is extremely important that anyone who engages in mediation within this environment has a complete understanding of the neighborhood's history and current status.

Much of the conflict arising between neighborhoods can stem from illegal or violent actions. Therefore, it is important that anyone intending to work in this environment have positive relationships (a license to operate) with both parties before attempting to mediate any situation. It is also necessary to understand the organizational and decision-making structures of both parties before engaging in conflict resolution; this includes knowing who is allowed to speak on behalf of each neighborhood.

While it is important to stem violence, it is also important to understand that involvement in discussions of these activities can lead to entanglements with various law enforcement

entities. Therefore, it is recommended that direct participation in discussions around specific illegal activities be left to the participants after suitable guidance has been given. Some states grant mediators immunity from prosecution because of what might be discussed during the fact-finding and mediation stages. **It is important to research the mediator's rights and limitations in this regard, wherever these mediations occur.**

Many cities and towns have aggressive approaches to curbing youth violence that rely on suppression tactics, such as gang sweeps, injunctions, enhanced parole and/or probation violations, etc. In all likelihood, law enforcement is aware of intervention activities, so it is good practice to keep them informed about interactions with gang members in hopes of brokering a peace, or are bringing representatives from two warring factions to mediation. This can eliminate the potential for a raid by the police, particularly if they stumble upon the meeting on their own. This is why it is important for mediators to have positive working relationships with key law enforcement personnel before entering into this type of mediation. Whatever information can legally be kept confidential must not be shared with local law enforcement agencies. The exceptions will be discussed later.

Respect is a word often used by gang members. It is a basic human need and represents the intangible assets of a neighborhood, including its honor, history, size and strength. It is important that efforts to resolve conflict do not openly threaten a neighborhood's respect. Given that gangs are more often in poorer communities, the individuals who comprise these groups typically do not have monetary wealth outside what they gain from gang membership. Therefore, it is also important that mediation does not benefit one side at the expense of the other, for if it does, any resolution will probably be short-lived.

Traditional mediation is typically conducted face-to-face. By contrast, most street mediation is conducted primarily through shuttle diplomacy. This means that intervention specialists may have to travel around and in neighborhoods that different gangs claim.

A great deal of time may be required to find out the details of an incident. Fact-finding will show if the conflict is gang-related or gang-motivated. In the first case, at least one of the two conflicting parties is gang-involved. Typically, these conflicts are personal in nature, involving money, drugs or personal relationships (boyfriend/girlfriend). The guidelines given under the youth and youth section above should be used in those cases. Gang-motivated violence pits neighborhoods against each other and has greater potential to erupt into street wars. Before proceeding, it is important to conduct rumor control; to determine which neighborhoods are involved in the conflict; and the exact nature of the conflict.

Because of the respect factor and the perceived need for retaliation, it is often necessary to establish a ceasefire or cooling off period before beginning to try mediation. For instance, the time before a funeral often can be used to establish a temporary truce. Moving too quickly can cause setbacks to the work. This is a very important consideration all mediators should consider for personal safety and the safety of others who work with the mediator.

Neighborhoods have a variety of decision-making practices. It is important to understand how the groups you are working with operate. Some topics that you must be aware of include:

- How decisions are made by each group
- Who is directly involved in the dispute and their role within the neighborhood
- The role of those individuals directly affected by any resolution, and the need for on-going maintenance of the resolution

Settings: In general, mediation requires going to each side of a dispute, and then back and forth between the groups. The locations for these meetings are important, and must be secure from the opposing side, law enforcement, and any other parties who could benefit from a failure to reach an understanding. This often requires going onto the turf of each set, although alternative neutral locations can be agreed upon. For instance, the offices of nonprofit agencies that work with this population may be suitable, as well as recreation centers, libraries, churches or other sites that are willing to allow such meetings. It is always wise to have on-going relationships with the managers of these facilities in advance of need; if people already know who you are and what you are about, they are more likely to work with you when you make these types of requests. Having a license to operate extends to these groups as well.

5. Neighborhood and Public Agency (Authority Figures): Youth gangs often are representatives of their community. Their anger and frustration can reflect what elders (*Veteranos* or *OGs*) may have done at an earlier time, but they are worn down by the weight of years.

Conflicts often end in death, which sets off a chain of events where public agencies, e.g., law enforcement, must become involved. Planning a funeral, establishing a safe place to conduct mediation between warring gangs, and helping the gang members learn alternatives to violence, are all issues that require mediation between the neighborhoods and public agency representatives.

Issues: A neighborhood's involvement in illegal activities is always an obstacle when trying to work with public agencies. Representation, when face-to-face, should avoid participants whose own behavior or history could be a distraction or cause the conversations to get off track.

As with the youth and authority section above, the authorities typically have most of the control over situations. Law enforcement is particularly in control, although parks and recreation staff, for example, can deny access to their facilities or locations. This is where a relationship with local law enforcement may be of benefit. Advising the local law enforcement agency of an ongoing attempt at mediation may assist them in temporarily backing off of suppression programs. Good mediators will attempt to develop a professional working relationship with the local law enforcement agency. The success of these meetings will be significantly enhanced in relation to the preexisting relationship with the representatives of these agencies.

Funerals are stressful because individuals are exposed while they pay homage to their fallen comrades. Their emotions can hinder negotiating any free-zone around funeral homes and cemeteries.

Settings: Most mediation sessions of this type will probably be in or around some public building. Many public authorities, particularly law enforcement representatives, are willing to meet at neutral locations.

STYLES AND PRINCIPLES OF MEDIATION

Styles of Mediation

There are three styles of mediation—facilitative, evaluative and transformative. This manual follows the **facilitative approach**, the style developed in the 1960s and 1970s when volunteer mediation was evolving in the United States. Mediators using the facilitative style **do not judge the actions of the parties and do not offer recommendations for solutions.** The role of the mediators using the facilitative style is to structure and lead the process of interaction between the parties, to ask questions, help clarify the issues, search for common interests, and help the parties create a final agreement. The authors present the facilitative style in this manual. Our experience has shown that this approach usually leads to **a mutually satisfactory resolution**, that is, an agreement with commitments that the parties have developed on their own and therefore are most likely to honor.

Evaluative mediators operate more like a judge. In this style mediators **point out the weaknesses of the parties' cases, and make recommendations to the parties.** When the authors began training gang intervention specialists in facilitative mediation in Los Angeles they saw that in the role-play exercises how difficult it was for the student mediators to refrain from judging and recommending solutions. This was despite the fact that during the instruction and introduction of the role-plays we stressed the facilitative principles. We concluded that the gang intervention specialists must have been practicing the evaluative style. Since the specialists were adept at the evaluative style we realized it was all the more important for us to offer them a new approach, and thus focus our training on the facilitative style.

The development of **transformative mediation** followed that of facilitative and evaluative mediation. This style was first presented in the early 1990s in “The Promise of Mediation: The Transformative Approach to Conflict” by Robert A. Baruch Bush and Joseph P. Folger (1994& 2005). Mediators who use this approach assist the parties in determining the direction of their own process. The mediators **enable the parties to take the lead in structuring both the process and the outcome of the mediation.** Mediators using this style believe that the parties can transform their relationships in this process, thus leading to **a resolution that is much deeper and longer lasting than the results of the other approaches.**

We encourage readers who are interested in knowing more about these three styles to seek other sources of information in the bibliography. If mediation courses offered specifically for gang intervention specialists are unavailable in the reader's area we recommend taking any mediation course that is available. Such courses are offered across the country by community organizations, schools, colleges and universities. The various styles, principles and stages taught in these courses can be adapted and applied in any conflict setting. We know from our own practice that if people can learn to mediate a case successfully, for

instance, in small claims court, they can adapt those techniques to make them culturally appropriate to other types of conflicts and venues where they do have expertise.

All mediators develop their own personal style over time. Mediation is as much an art as it is a skill. For example, some mediators who feel comfortable with emotional demonstrations of conflict might find it useful in the process to allow parties to vent their emotions. Other mediators, in contrast, might be more effective if they do not permit any venting.

Mediators must be aware of their personal styles and preferences, and communicate them to their co-mediators before entering into an intervention together. Successful mediators, no matter what style they prefer, show an authentic desire to assist the parties in conflict. They are empathetic in helping both parties resolve the issue.

Basic Principles of Mediation

The general principles of mediation apply across the board. There are some distinctive aspects, however, of working in violent environments and with groups that require special approaches. Much attention must be given to **balancing the power** because of the enormous differences in power, whether perceived or real; for example, between youth and authority figures or gang members and the police. Later we will explore other differences and how they can affect gang mediation.

Mediators of these types of intergroup conflicts usually are former gang members who have become gang intervention specialists. They can do what law enforcement cannot do because of their status as former gang members who are trusted by their neighborhoods. Law enforcement generally cannot go into these communities and mediate peace between warring gangs. Gangs do not approach the police to ask them to help them resolve their conflicts because traditionally the police have been regarded as an enemy authority figure or gang rival. Gang intervention specialists **have the community's trust**; they also **know who's who in the neighborhoods**. They know whom to contact to help get a resolution in difficult situations. After a shooting, law enforcement ideally might give gang specialists a call in hopes that they can prevent a cycle of retaliation that will end in several deaths.

The only way gang intervention specialists can be effective mediators is by upholding a key principle of mediation, **confidentiality**. Their **personal qualities** tried and tested integrity, a passion for their work and for their neighborhoods, are of the highest standards. Non-gang member intervention specialists can also develop a strong attachment to the people they work with and for. Empathy will allow them to gain full trust.

Intervention specialists' everyday behavior in their families, with their neighbors and co-specialists are beyond reproach. They walk the talk. Cavitt says, "Everyday my organization, Chapter Two, which is a Black and Latino organization, goes out as a team, Black and Latino, not only to talk how it should be, but to actually show that we practice what we preach. This has a major effect on us being allowed to have these conversations in the neighborhood."

Mediators using the facilitative style must be able to conduct themselves with **neutrality**, even if they are affiliated with one or another neighborhood. Neutrality means that the mediators have no stake in the outcome. The parties, not the mediator, own the outcome. **The parties must come up with how and what they will agree on.** If mediators feel they cannot be neutral, if they even begin to waiver, they must step back and dismiss themselves.

The success of any mediation depends on the **quality of the preparation.** Mediators need to agree:

- Whether the conflict can be mediated
- If the timing is right for good to come of the mediation
- If the intervention will do no harm or will do good
- Who should be at the table from the different sides (these people are often called ambassadors)
- Who should mediate
- What is a neutral safe space for the mediation
- How to approach the parties
- On potential outcomes from short-term to long-term solutions

If the wrong people (mediators and/or gang members) are at the table the situation can become worse than it was before the mediation. When the parties are not ready to end a conflict it is helpful to continue in shuttle diplomacy to have conversations with them about suspending violence until a suitable cooling off period has passed. Mediating a gang dispute, more so than in other kinds of intergroup disputes not involving violence usually requires much more effort to bring the parties to the table.

Most, if not all mediation with gangs is accomplished by going back and forth between both sides. There are times when both sides never actually sit together, but the conflict is resolved through shuttle diplomacy. Separate meetings might occur over dinner with a couple of people, or in a sit down with them at home, in a school, or in a park.

The mediators discuss whenever possible about the reality of peace over death, life of the kids instead of imprisonment. If people are willing to listen, then it is possible to get to the next step. “Until they’re ready some fires just gotta burn for awhile,” says Cavitt. Usually when people are ready for mediation the gang specialist will be contacted. This is an indication that the parties are war weary and more likely to reach a resolution.

Sometimes the shuttle diplomacy can take dozens of meetings, but often it takes four to six sessions. It is possible to get a ceasefire without bringing people into the same room. Some parties are never ready to sit down in the same room with the others. Sometimes it’s possible to find something to put on the table to take back to the other side, for instance, to agree at least to stop the killing.

Even when it begins to seem obvious that a major agreement is not attainable, there remains the possibility to begin whittling away at the conflict by gaining agreement to smaller issues. For instance, a local park may have been a point of contention for years, although not a factor in a recent shooting. Access to the park can become a smaller agreement to help stave off violence until both parties are better prepared to conduct a more comprehensive mediation.

STAGES OF MEDIATION

1. Pre-Mediation Stage

Pre-mediation is when the mediators begin talking to each side separately to see if they can bring the parties to the table. The primary task during pre-mediation is fact-finding and determining whether the parties are ready to find a solution together, and if so, how the mediators can facilitate a resolution. During these separate meetings the parties will blame the other side for all the troubles and insist that the others cannot be trusted. The mediator must listen carefully, and not worsen the conflict by challenging the gang members if it seems that information is being withheld or distorted.

In the video transcript of the Gang Intervention Mediation, the mediator lets the parties know he gets what they say and what they're feeling without taking sides:

Gang Intervention Mediation: Pre-Mediation One (00:04-00:26) at <http://www.peacebuilding.uci.edu/node/11664>

Mediator: "I get it. I understand. You're tired of the killings, the senseless killings. You're tired of having to watch your back. You're tired of having to watch out for what may happen, or what could possibly happen. I get it. I understand it. And I feel exactly where you're coming from."

To break through the resistance to a meeting the mediator explains how mediation can help the sides find common ground and how the situation can only worsen if they do not find a mutually acceptable solution.

When speaking to one side at a time the mediator will bring up some of the misery caused by the conflict and the violence, and will ask the parties if this is an issue for them. The other side will be talked to in the same way. Eventually both sides usually agree that the violence has to stop, that their "homeys" have to stop going to jail for life, that the kids have to stop dying, that the mothers have to stop burying their children. In this way the mediator will be successful at demonstrating that both sides have a stake in the negotiations. Each side will see value in what they are attempting to do.

Both sides usually come to the table wanting to blame everything on the other side and to claim that their side is doing all they can to prevent or stop the violence. If it looks like it will take days or weeks to get the parties to the table, the mediators can suggest that the sides agree not to be the aggressor no matter what develops. This can keep the peace long enough for the parties to get ready to come together to resolve the bigger conflict. This quiet time can help to build enough trust to begin the resolution process.

By contrast, in the case of an interpersonal conflict, especially one that does not involve violence, it is usually easier to bring the parties together and advisable in order to transform the relationship for a long lasting resolution. In the video, Mediation of a Probation Case, we can see an example of how pre-mediation works in an interpersonal conflict involving a

youth and an authority figure. Notice the approach the mediator takes with the authority figure (who holds all the power over the youth) to see the value in meeting with the youth before sending him back to juvenile hall:

Mediation of a Probation Case: Pre-Mediation One (00:34-03:56) at <http://www.peacebuilding.uci.edu/node/11682>

Probation Officer: So, Mike thanks for coming in. You know this kid Bobby that I mentioned; he's already missed 3 days of school. You know, on probation that can't happen. Do you know what's going on with him?

Mediator: No, I don't know exactly what's going on. I know that they have some gang wars going on at the school, but that's the most that I know. I know that he's a good kid. I know that he got in trouble at some point for shoplifting.

Probation Officer: Yeah, that's originally why he got sent up.

Mediator: I think he's been pretty clean since then.

Probation Officer: Right up until high school, and since he's been in high school he's been ditching. And now it's been three days straight, and that can't happen. I'm going to have to send him back to juvenile hall.

Mediator: Oh, no.

Probation Officer: So, I just wanted to give you a heads up, and see if you knew anything about him, what's going on. Do you know?

Mediator: I think that should be the last resort if that's possible. If we could find some type of alternative to sending him back to juvenile hall...

Probation Officer: Such as what?

Mediator: How about we have a sit down. How about we get together with him and find out exactly what's going on...

Probation Officer: With him?

Mediator: Yeah. Just to talk, find out what he has to say. Cause I'm sure there has to be a reason.

Probation Officer: I'm sure he's going to plead his case, and tell me some sob story or something. You know I've heard it before. The law's the law. I can only do so much.

Mediator: But I have a feeling about this kid. I have a feeling that there is more to it. I don't think he's one of those. I don't think he should get lost in the system. I think we should just give him a chance.

Probation Officer: You know there are a lot of good kids that get lost in the system every day. Why is this one different? I just know what I see, or what we're not seeing and that's him in school. If he's hanging out with some gang, or what is it that's keeping him out? Do you know this kid?

Mediation of a Probation Case: Pre-Mediation One (00:34-03:56) at <http://www.peacebuilding.uci.edu/node/11682>

Mediator: *I've spoken to him once or twice. He is friends with my nephew. I think that there may be a little more going on under the surface. I think that before we pre-judge him; let's give him a chance. If we could just sit down together and talk.*

Probation Officer: *You know, I can't favor one kid over another. I've got to treat them all equally. I've got too many cases, you know. We've been friends for a long time, but I can't do any favors.*

Mediator: *I think what happens a lot is that kids get lost in the system everyday. It's unfortunate. And sometimes there's that one that just sticks out. There's something about this kid. Let's find out what's going on. I think this is one of those situations.*

Probation Officer: *You've got a big heart.*

Mike: *You too.*

Probation Officer: *Somewhere in there I guess.*

Mediator: *So could we do that? Have a sit down?*

Probation Officer: *Sure, sure. You know, I can't promise you anything, but I'm willing to try if you think it will help.*

Mediator: *All I'm asking is to sit down and talk. Okay?*

Probation Officer: *You got it. Name the date and time and I'll be there.*

Mediator: *Okay, I'll find out. Thank you.*

We recognize that probation officers must follow clearly defined procedures when a client is in violation of probation, and mediation is not part of these procedures. We also know that gang intervention specialists can be successful in opening up channels of communication between probation officers and youths leading to mutually satisfactory results for the agency and for its clients. This is possible even in cases of clear-cut violations. The scenario played out in the Mediation of a Probation Case is based on the actual experience of gang intervention specialists who build trusting relationships with all parties, and are highly skilled mediators.

2. Preparation Stage

After the separate meetings and the parties have agreed to meet together, the success of the mediation will depend largely on how well the mediators prepare. The mediators need to decide:

- If the mediators know all they need to know about the situation
- Who else they need to consult or bring in as co-mediators
- The location of a neutral and safe place to hold the meeting
- How the mediators plan to divide up their roles during the mediation based on their conflict styles, their relation to the parties in conflict, their knowledge of the conflict, and their distinctive mediation skills and styles
- What the ground rules will be and how they will be enforced
- What difficulties they expect to encounter and how they will they respond
- What they hope will emerge from the meeting, the minimum and the maximum

Mediation should take place in a neutral site where everybody agrees to meet. This information must be kept confidential among a minimal number of people. Locations of mediations are often kept confidential for security purposes, even from the participants. In this case participants might be driven to the site or told where the site is at the last minute. This is to prevent any side—or law enforcement—from staking out the sessions. The presence of rival gang members or law enforcement can lead to a loss of credibility between the mediators and the involved parties, and months of mediation work can be lost.

Keeping the site of the mediation and the content of the mediation confidential is core to the success. Mediators must avoid learning about information that could cause them to be witnesses in a criminal case. Cavitt stresses that “None of my employees would be able to do any good if they got on the stand one time about any of this, just one time, because they lose their license to operate in these communities. We don’t talk about who did what, we don’t talk about names of people, about cliques. Our job is not to be crime investigators, but to prevent criminal activities and to de-escalate violent situations.”

3. Opening Statement of the Mediator

The mediators' task is to put the parties at ease during the opening statement, and to congratulate them on taking this big step. They should assure the parties that the mediators are not there to judge but to help the parties engage in problem solving conversations. They explain what mediation is, how the process works, and that the goal is to help the parties reach a mutually satisfactory agreement. The job of the mediator is to direct the "motion of the ocean," as Cavitt points out, to steer things in the right direction, ensure that the ground rules are followed, show how to be good listener, how to put aside biases, how not to draw conclusions about who's right and who's wrong. In their opening statement mediators explain the ground rules and make sure before proceeding that everyone agrees to these ground rules:

Gang Intervention Mediation: The Mediation (00:05-02:59) at <http://www.peacebuilding.uci.edu/node/11667>

Mediator One (Dion): *I want to thank you all for coming down here today. I know it took a lot for you to get here. We really appreciate you guys taking this first step to move forward. I know there's been a lot of conflict, a lot of animosity, a lot of anger and rage. Hopefully we can get some kind of resolution on the table today. We're not here to point fingers, to blame anyone. We're here just to hear exactly what you feel is going on so that we can all have a better understanding of the situation and try to move forward from there. We don't want this situation to get any deeper. We don't want it to escalate. There are a lot of rumors. We want to take this time to find out what's going on, get it all on the table, and go from there.*

Mediator Two (Johnny): *Thank you. My name's Johnny and I'm thankful that you guys are here together. You know that there's been a lot of tension. So I want to spell out the ground rules. Whatever we talk about in here stays right here, because rumors out there start leading to other things. We don't want that. I'm glad they sent you guys because you're good leaders in your neighborhoods. If you could, if you have a phone, I'd appreciate it if you would turn them off because we don't want to get distracted by family or friends. We want to take care of business right here. If it gets a little flared up and you need some time out just let us know and we'll have a break. Does that sound good?*

Parties: *Yes.*

Mediator Two (Johnny): *All right. Thank you.*

Mediator One (Dion): *So, once again, we don't want anyone to point fingers. We want to let each other say what they have to say, make their points, be respectful. This is a time for us to just listen and be open-minded. You guys took the first step in being here. So again I appreciate it. Let's start with you and find out what you feel is happening right now.*

Next is an example of how the mediator makes the opening statement in the probation violation case. The mediator gives each party equal eye contact, and the body language backs up what he says about his neutrality, about his role, which is not to judge, but to create a safe environment for the parties to find a solution themselves. Also, notice how the mediator asks each party if they agree to each of the ground rules. When the mediator has each party's full agreement it is easier for the mediator to enforce the ground rules when necessary.

Mediation of a Probation Case: The Mediation (00:08-02:56 at <http://www.peacebuilding.uci.edu/node/11684>)

Mediator: *I want to thank you for taking the time to come in today. I know it's a little difficult. There's a lot of high energy, emotions, and I know it's a little bit out of your comfort zone. So, thank you for coming. Today we're going to have a mediation to discuss what's going on and to try to come to some type of resolution. It's going to be neutral. In mediation we don't judge each other. We give each other an opportunity to speak and hear what each other have to say. It's a very comfortable and safe environment that we want to have here. What I want to do is first start by setting some ground rules. The first one is, let's not interrupt each other. It's a very big thing. If you interrupt while the other person is speaking we have a very tough time coming to a resolution. Can we agree to that? [Looks at Probation Officer]*

Probation Officer: *Sure.*

Mediator: *Can we agree to that, to let each other talk? [Looks at Bobby]*

Bobby: *Yep.*

Mediator: *Okay. I'm going to give each of you equal time to talk, so that you don't have to worry about not being able to say what you have to say. Remember, no name-calling. If you're going to address each other, let's use our first names. Can you agree to that?*

Probation Officer: *Nods in agreement.*

Bobby: *[Hesitates, then says] Yep.*

Mediator: *Okay. So also I want you to be aware that this is strictly confidential, nothing that's said here today will leave this room. You can speak freely, openly and honestly. So, can we agree to that, that this is confidential?*

Probation Officer and Bobby: *[Nod in agreement]*

Mediator: *In addition to that, just realize that this is extremely voluntary. If it gets to the point that you feel like this isn't working for you, or you don't feel comfortable. We'll either stop or we'll take a break. Just let me know how you're feeling and we'll go from there. Okay? Yes? Voluntary?*

Probation Officer and Bobby: *Sure.*

Mediator: *Great. So, let's go ahead and start. So, what's been happening? [Mediator looks at Bobby]*

Please note how the mediator facilitates the interaction, first by welcoming the participants, then by setting easy to understand expectations for both parties, including non-interrupted speaking time, and how to address each other. Also notice how the mediator stresses the voluntary nature and the confidentiality of the mediation. As mentioned earlier, mediators cannot guarantee confidentiality of all information; they must disclose to the parties in the opening statement what the limits are in their state. The type of information that cannot be kept confidential can vary from state to state, depending on the regulations for mediation in that state. According to **The Dispute Resolution Programs Act of 1986 (DRPA)** in **California, mediators cannot guarantee the confidentiality of information that could be admissible evidence in a criminal case.**⁵ Mediators in gang intervention must know the laws that apply in their states, and in their opening statements make these exceptions to confidentiality clear to the parties. It is imperative that whatever the mediators can by law keep confidential must never be disclosed anywhere; otherwise mediators lose their license to operate.

⁵ This type of evidence can include but is not limited to admissions to crimes, conspiratorial actions, eyewitness testimony or obstruction of justice type behaviors or refusal to appear in court after being lawfully served a subpoena.

4. Uninterrupted Time

The mediator starts the actual mediation with uninterrupted time. In this stage each side has a chance to talk without interruption. As mentioned earlier, it is important to get everyone to agree to the ground rules so that if the mediators have to enforce the rules they can say, “Remember, we all agreed not to interrupt each other,” or “not to be disrespectful,” or whatever other ground rule was broken. Here is an example of how mediators can enforce the ground rules:

Gang Intervention Mediation: The Mediation (04:24-05:15) at
<http://www.peacebuilding.uci.edu/node/11667>

Mediator One (Dion): Hey Guys, if we could just talk one at a time it would really help this process go a little faster [interruption]. Hey Guys, this is what I want to do real quick. You know, you had an opportunity to speak. You’re going to get another opportunity to speak. But we’re going to let them speak now and say what’s in their heart.

Mediator Two (Johnny) You can hold those comments. We’ll give you another opportunity to speak.

This is another example of enforcing the ground rules:

Gang intervention Specialists Mediation: The Mediation (03:15-03:36) at
<http://www.peacebuilding.uci.edu/node/11667>

Mediator Two (Johnny): Hold on, hold on please. We said we wouldn’t point fingers. In the beginning we all agreed with that. Let’s stick to the agreement, okay?

Party One: Okay.

Mediator Two (Johnny): Thank you.

Sometimes it is harder for one party to talk openly than for another, especially when there is an imbalance of power. In the probation case the mediator helps Bobby speak up about his problems when he’s at the table with the probation officer, the person who has complete power over Bobby’s future. **One way to help a weaker party feel more comfortable at the table with an authority figure is to tell the parties to look at the mediator when airing their grievances, not at the other party.**

Even when the parties are not interrupted during this stage, the mediators should make sure that the parties put on the table all their concerns. Mediators do this by asking each party,

“Is there anything else you want to add?” even when they seem to be finished with their statements. Often parties will remember one more point they want to make. Repeat the question “Is there anything else you want to add?” again and again, until the parties say that they have nothing else to add. This ensures that the parties feel heard, and know that the mediator is actively listening. The practice of asking the parties “Is there anything else?” is also useful when the mediators have done good preparation and know about an issue that should be talked about, but for some reason was overlooked.

The key to shifting the parties into a problem-solving mode is to **actively listen** to the parties so well that the mediator can **reframe** what they hear the parties say about their grievances and how they’re feeling. Active listening involves a conscious effort to hear not only the words that another person is saying but also the emotions conveyed in the body language, and the full context of a statement in order to understand the complete message. The goal in reframing what the parties say is to help them hear each other fully and understand the concerns of the other side. This is an example of how a mediator can reframe blaming statements so the other side can really hear the concern, and see it as a shared concern.

Gang Intervention Mediation: The Mediation

At <http://www.peacebuilding.uci.edu/node/11667> (06:10-08:32)

Latino Gang Member: *When they hit me up I’m gonna do what I’m gonna do if I catch ‘em slippin’. Cause if they hit me up and disrespect me however I feel about ‘em I’m gonna do what I’m gonna do, Man. I’m not gonna point fingers, I’m not gonna...this is the nature of what we do. So, right now I’m here and we’re here because we’re trying to come to an understanding. I can put myself in your position. Your little brother, for example...cause I can see the same thing, you know, cause I want peace. I want your little brother to go to school. But if my little brother or sister gets hurt I’m gonna retaliate until I’m gone if one of my family members gets hurt.*

Mediator (Dion): *So it sounds like what you’re saying is, let’s start with you first [mediator looks at Latino gang member]. You’re saying that there needs to be a level of respect that you’re here, that this community belongs to you as well, and either there needs to be a line drawn or you need to figure out how to share, or live together.*

Latino Gang Member: *Yeah, because we’re not goin’ anywhere and I’m sure they ain’t goin’ anywhere. We need to work this out or we’re just gonna keep killin’ each other. That’s what it just keeps comin’ down to.*

Mediator (Dion): *Well, how do you feel about that [looks at African-American gang member]. Do you think that you can coexist in the same community?*

African-American Gang Member: *The killin’s got to stop. That’s the bottom line. It’s like, if we get one killed we’re gonna go back and kill 2-3 of your folks. So, it’s on going*

Continued ... Gang Intervention Mediation: The Mediation (06:10-08:32) at <http://www.peacebuilding.uci.edu/node/11667>

Mediator (Johnny): Okay. So everybody at this table has something in common. You guys [mediator looks at Latino gang members] want to live happily in your own neighborhoods. [Looks at African-American gang members] You do too, right? You want to see your little baby boys and girls grow. We're here because we wanna make this happen, start the process of making this happen. You guys have credibility and you guys have credibility. Now I think it needs to start with you guys. Your homeys sent you for a reason, to represent, and your homeys sent you to represent. Now, where do we draw the line?

Often the concerns raised, no matter how inflammatory they may be articulated, are essentially common issues, such as safety, livelihood, and respect. The mediators will have heard many of these during the shuttle diplomacy, and will be prepared to reframe the concerns so that the different sides can regard these as shared concerns.

5. Separate Meetings/Caucuses

At any stage of the mediation, including the very beginning, during Uninterrupted Time, the meeting can break down despite all the mediator's efforts to enforce the ground rules and keep the parties on track. When this happens the mediators often can move the process forward if they talk to the parties separately.

There are several reasons for calling a **separate meeting or a caucus**. The first reason is to give the sides a break from the tensions of the difficult conversation. Second, the mediators might get information about underlying problems that the parties do not feel safe enough to express in the mediation. Third, it's an opportunity to balance the power. In any conflict there is usually some imbalance of power.

That is certainly the case when a youth on probation has a conflict with the probation officer. In the probation case, during the early stages of uninterrupted time, both parties interrupt each other several times. After the mediator has made several attempts to enforce the ground rules without success, the mediator decides that there is no use to continue. So he stops the mediation to take a break with the intent to go into separate meetings. The mediator is assertive and brief in calling for a break.

Mediation of a Probation Case: The Mediation (06:43-6:52) at <http://www.peacebuilding.uci.edu/node/11684>

Mediator: Okay. We're going to take a break. Let's talk.

When setting up the break with the separate meetings the mediator should assure each side that he'll spend more or less equal time with each one, and use a space where no one else can see or overhear the conversation. This is a good time to probe for information about the conflict that the parties may not feel comfortable revealing in a joint meeting, to give feedback about the way the parties are conducting themselves at the table, and to discuss the parties' concerns about the process. Sometimes the parties will not agree to return to the table right away, or at all. If this happens, a mediator should not insist on returning to the table if the parties resist. Mediation must always be voluntary for it to be successful. As you can see in the video of the Separate Meetings in the Mediation of a Probation Case, with Bobby and the probation officer, the mediator does some gentle coaxing so the parties can see the benefit of returning to the mediation.

Mediation of a Probation Case: Separate Meetings (00:00-05:36) at
<http://www.peacebuilding.uci.edu/node/11685>

Mediator: Look, I understand that you're upset. I know that you're angry. Emotions are running wild. But you can't just throw...

Bobby: She doesn't... She's so... Ugh. She just irritates me. She's always on my case about something. She doesn't give me any chance to explain anything.

Mediator: Okay. I understand that. But that's why we're here. I told you that I set ground rules so that you guys can respect each other, number one, and number two so that you two can hear each other.

Bobby: All she wants to do is put people down.

Mediator: Look, I told you in the beginning that we're here to find some alternative measures so that you won't be sent back to juvenile detention. Okay? That's what we need to do. The reality of the situation is that if you walk out of here, I know this is voluntary, but if you walk out of here there's nothing else I can do to help you. You have to understand that.

Bobby: I can't go to school. You don't understand. It's different than it was before. There's so many people, it's a bigger neighborhood. I'm under more pressure now because I have these people over here wanting me. And then I have these people over here. They just come at me. And what... And then... And then she comes around and she's just like... She's intimidating. She just likes to intimidate you and she just likes to put you down, and that's all she.... She doesn't know anything about me. She doesn't know anything about my life. She doesn't know what I've been through. All she wants is to get paid.

Mediator: That's why you have to tell her. When we go back in there you have to tell her what's going on. If you don't say anything she'll have no idea. She'll just know that you're not going to school, and that's not good.

Bobby: I'm not going to school because of them, and because my mother is sick. I have to give her medication all the time. I have to be there for her. If I'm not there who else is going to be there for her? I'm scared because I might not ever be able to go back home again. I don't know.

Mediator: What I'm saying is that these same things you're telling me are what you have to express to her, the exact way you told me, the exact way you say things are going on at home, about these other students and how they're affecting you...

Bobby: I tried.

Mediator: You didn't try. You through a pain, that's what you did.

Bobby: Because... she judges everyone.

Mediator: That is totally unacceptable. You need to give this a chance. I'm trying to create a safe environment, an opportunity for you to express yourself, but the way you're doing it and handling it right now, that's not adult like. What is adult like is coming to a resolution. That's what we need to do. Okay? [Pause]. So, we're going to go back inside and we're going to try this again. And we're going to do it right. Okay? Okay?

**Mediation of a Probation Case: Separate Meetings (00:00-05:36) at
<http://www.peacebuilding.uci.edu/node/11685>**

Bobby: *[He looks at the mediator but doesn't speak.]*

Mediator: *I'm here to help you. Just like you're volunteering to be here, I'm volunteering my time as well, to help you. You have to trust me. Okay?*

Bobby: *[Bobby nods in agreement]*

Mediator: *All right.*

[They both leave the room. In the next scene the mediator returns to the room with the probation officer.]

Mediator: *What we had going on in there just can't happen.*

Probation Officer: *It wasn't working.*

Mediator: *It wasn't working because you wasn't giving him a chance.*

Probation Officer: *What do you want me to do?*

Mediator: *I want you to listen.*

Probation Officer: *I was listening. He wasn't saying anything.*

Mediator: *You were overriding what he was saying. He's scared. He's nervous. You're not taking that in, not taking that into account.*

Probation Officer: *Am I supposed to pull the information out of him? He wasn't saying anything I haven't heard before.*

Mediator: *That's the problem. He's different. He has potential. We need to give him a chance and you're not giving him a chance. I understand you have a caseload, and you have other cases you have to deal with...*

Probation Officer: *That's not it. He is just...I don't see anything different in him than in anyone else I deal with on a day to day basis.*

Mediator: *But I just spoke to him. We had a heart to heart. He's ready. He's ready to open up, ready to talk, ready to make changes. But we have to listen. We set ground rules just so that it can be a safe environment so he can share what he has to say. Trust me. He has something that he has to say. It's very important.*

Probation Officer: *Is he going to say it?*

Mediator: *He's going to say it. Will you promise to give him a chance to talk, and not override him?*

Probation Officer: *Okay, I'll hear him out.*

Mediator: *Okay. You know, I appreciate you being here. But you just need to...you're tough. You're tough and you know it's scaring him. Try not to roll your eyes. I need you to listen a little more to him.*

Probation Officer: *I know, it's all my years on the job, I guess. I lump them all together and I should look at them more as an individual. Okay. I'll try.*

Mediator: *Okay. Good. Now let's do it.*

Probation Officer: *Okay*

[They both leave the room smiling.]

During the separate meetings in the probation case notice how the mediator talks to each party. In the video you can hear that the mediator talks to Bobby differently than he talks to the probation officer. The tone of voice is different and the choice of words is different. The mediator balances the power in his separate meeting with Bobby by using a softer tone of voice when he urges Bobby to speak up about his fears of getting mixed up in a gang at school and being unavailable to help his ailing mother. In his separate meeting with the probation officer the mediator uses a stern tone of voice to persuade her to actively listen to Bobby and to stop interrupting the young man.

When there are separate meetings the mediators must carry information back and forth between both parties. In these cases, it is important that the mediators not take sides, not argue too strongly for one side against the other. It is also important that the mediator establish the same balance of power that would have been targeted were both sides sitting around a table. The exchange of information must also be accurate. It must be relayed as if the other party was present. Do not put your own interpretations into the information. During separate meetings take notes and ask questions if you are not sure about any information. Reframe often so that the mediators and parties have a clear understanding of the information that will be conveyed.

6. The Exchange

After the parties have aired all their concerns during Uninterrupted Time, and the mediators have reframed the issues, it is time for the mediators to facilitate a constructive discussion with the parties and between the parties. During the Exchange, parties usually want to counter the other side's grievances against them. Mediators most likely will have questions for the parties to further clarify issues raised, and to probe for common ground. The mediators may have clarifying questions for the parties.

During this stage it's important to ask questions that get the parties to recall the times when relationships worked in the neighborhood or between neighborhoods. Sometimes it's necessary for the mediator to remind different communities that these communities were not always divided, that people did coexist without being violently disagreeable.

By the end of the exchange the parties should feel as though they laid all their issues on the table, had an adequate opportunity to explain fully their side of the conflict to each other and to the mediators, and were heard completely.

The mediators should feel they fully grasp all the issues presented. The mediators might even think they know the best solutions for the issues. They must resist the temptation to suggest solutions. **The parties must arrive at their own mutually satisfactory resolution of the conflict so that they will be more likely to honor their agreement.** Nevertheless, it is important for the mediators at every stage, including during the Exchange, to be thinking through what they regard as workable solutions, and interim steps toward a more comprehensive peace. In the problem solving stage the mediators can help both sides consider these points.

Once the parties have aired all their grievances, answered each other's questions, and the mediators are clear about all the issues, it is time to set the agenda for the problem solving stage.

7. Setting the Agenda

How carefully the mediators set the agenda will influence the success of the problem solving stage. This is a function of how well the mediators understand the issues of the involved parties and relates back to how well the mediators prepared. In setting the agenda the mediators must be able to accurately identify the problems that the parties want to solve. To set the agenda it is necessary for the mediators to indicate to the parties what issues they heard in order to make sure that these are, indeed, the issues that the parties want to resolve. The issues must be framed in a neutral way to reflect what both sides care about and want to address. This is when the parties will begin to see the common ground they share, as we saw above happening in the video transcript of the reframing process.

These are some issues that will almost always be involved in neighborhood conflicts, in interpersonal conflicts, and that reflect shared interests: personal and family safety, livelihood, respect, tagging, communication, access to schools, parks and businesses. In the probation case one important issue is articulated by the mediator as “school attendance” (not “Bobby’s poor school attendance”). Another important issue is articulated by the mediator as “communication with the probation officer” (not “Bobby’s obligation to communicate with probation officer”). These issues are deliberately articulated in the most neutral way **so that neither party feels blamed** and each party will actively participate in brainstorming solutions.

In all cases of mediation, one issue is always constant and should be the last item on the agenda: “steps the parties will take themselves to maintain their agreement and resolve their future conflicts”. It is essential for mediators to impress upon the parties the need for them going forward to resolve their own conflicts without having to bring in a third party. Mediators must model throughout the mediation the kind of constructive dialogue skills and behavior that the parties can assume. Maintenance of any mediated agreement is necessary for the continued success of the agreement. This is why the last agenda item of the mediation becomes just as important as the mediation itself.

All other issues can be discussed in the order the parties choose. Some mediators prefer the parties start with the easiest issues in order to see quick results, and then take on the harder ones with a sense of accomplishment. Other mediators suggest starting with the hardest issues because after those are solved the less difficult problems to solve will take very little time. Which approach the mediators choose is a matter of preference. Both ways are valid.

8. Problem Solving Stage

When the parties and mediators have determined the order in which they will tackle the issues identified in the previous stage they are ready to begin seeking solutions to each issue. At this time the mediators reiterate that it is not the role of the mediators to generate solutions. The parties themselves must come up with solutions that they find mutually satisfactory so that they will honor their commitments. If parties are skeptical about solutions the mediators can remind them about the realities of their situation when they do not reach an agreement. They can help the parties understand that they can get along, that they can coexist in an area that both parties claim as their own.

One of the most effective ways to conduct the problem solving stage of the mediation is to encourage the parties to use **brainstorming techniques**. In this case the mediators explain that central to brainstorming is that the parties can offer any solution without judgment. The rules of brainstorming are (1) to refrain from any verbal or nonverbal positive or negative judgment of an option and (2) the more ideas the better. This approach provides the best chance for creativity and thinking outside the box. Mediators can help by asking the parties to consider what solutions would benefit both sides of the conflict, such as access to stores, gas stations, parks, schools, and shopping centers.

After the mediators have written all the brainstormed ideas for solutions under each issue, they ask each party's opinion about each idea. Only the ideas that each party agrees on should be negotiated, then fine-tuned, and included in the final agreement.

A final agreement does not happen every time. Sometimes, no matter how good the mediators are managing the process, the parties may not be ready to negotiate for a solution. This has no reflection on the mediators; the parties simply may not be ready yet to resolve their issues.

Here's an example of a mediation that is beginning to get resolved.

Gang Intervention Mediation: The Mediation (10:15—10:41) at
<http://www.peacebuilding.uci.edu/node/11667>

***Mediator One (Dion):** So what can we do, what can we do to coexist? That's a great word that you used. What can we do?*

***Latino Gang Member:** We need to set some kind of rules.*

***African-American Gang Member:** Yeah we need to set some major ground rules and then follow 'em.*

***Latino Gang Member:** And you know, it might have to be with the weapons and stuff. We might have to set times when we can cross into each other's neighborhoods. We need more here, or leave out the transcription.*

By this stage in the mediation the parties are probably genuinely interested in finding solutions. However, if one or the other party, or both, do not seem to want to negotiate in good faith, and this is confirmed in separate meetings, the mediators need to end the mediation, and resume shuttle diplomacy.

9. Reaching an Agreement

In this stage, as well as any other, mediators must remember that they own only the process, not the conflict and not the outcome. An agreement is possible when the parties are willing to negotiate in good faith, and the mediators have created a productive process. We see what that final stage of the mediation looks and sounds like in the Gang Intervention Mediation video. Notice that in this stage the mediators begin to listen to the parties more than they talk. At this point they simply let the parties negotiate their agreement, stepping in only to keep the parties on track. The mediators also encourage the parties to keep making progress. Here is one example of such encouragement.

Gang Intervention Mediation: The Mediation (15:56-16:16) at <http://www.peacebuilding.uci.edu/node/11667>

Mediator Two (Johnny): It takes a lot of heart to do this, you know. It's not going to be easy, but you guys are headed the right way. I feel that with you guys in leadership, all these little issues you're going to have to agree on, they're going to happen.

10. Finalizing the Agreement

When finalizing the agreement, the mediator should review the agreement point by point, writing down every detail, and get the final agreement signed by the parties. See example of how the mediators go over each point that is later written down in greater detail:

Gang Intervention Mediation: The Mediation (18:45-19:15) at
<http://www.peacebuilding.uci.edu/node/11667>

Mediator One (Dion). *This is wonderful. Also another thing that we mentioned was a ceasefire. Is that correct?*

All Gang Members: *Yeah.*

Mediator One (Dion): *Safe passage, yeah? For our kids. What about going to school?*

Latino Gang Member: *They've gotta be safe. That's the only reason why I'm here.*

African-American Gang Member: *The main boulevard. That's for safe passage. You cross that line you ask for problems.*

Latino Gang Member: *I agree.*

The very last agreement to make, and the most important part of this stage, is an agreement by the parties on a plan for how they will conduct themselves if they feel the other side has broken the agreement. The parties can solve their own problem without a mediator, or can access other resources that can also help in this process, such as gang intervention specialists, school counselors, religious representatives, or others. Let's see an example of that kind of an agreement in the Probation Violation Case.

Probation Mediation Case: Resuming Mediation (06:45-08:24) at
<http://www.peacebuilding.uci.edu/node/11685>

Mediator: I think the next thing we should talk about is how do you keep an open line of communication between the two of you from this point forward? Do you have any suggestions or ideas on that?

Probation Officer: I think it's just essential that we keep communicating. You were able to talk to me here today [she smiles at Bobby]. Do you always need this guy here, or do you understand that if you tell me what's going on I'm going to listen. There's a whole bunch of stuff that you had going on that you weren't telling me about. So, if we can communicate like we did here today I can help you, I can try to help you. But I can't help you if you shut me out.

Mediator: What specifically can we do to make sure that we keep the communication lines open, whether it's phone calls or something else? Any suggestions?

Probation Officer: Well there's the mandatory contact that you have to have with me. But it doesn't have to be just then. I'm here for you whenever you need me. If you just want to talk about stuff, let me know what's going on, I'm here for you.

Mediator: She says she's here for you. Do you have her contact information, her telephone number? Do you know where to find her if you need to come in and talk to her?

Bobby: Yeah.

Probation Officer: My door is always open.

Mediator: This is a great start.

In the Gang Intervention Video you'll also see that the mediators will help the parties develop their last agreement involving (1) a list of situations that will necessitate the two sides phoning each other, and (2) an exchange of phone numbers so that the gang leaders from both neighbors can be in direct contact with each other.

Now let's see how the mediator ends a successful mediation by congratulating the parties on their effective work and finalizing the agreement.

Probation Mediation Case: Resuming Mediation (08:33-08:48) at

<http://www.peacebuilding.uci.edu/node/11685>

Mediator: This is great. Well, I just wanted to thank you for taking the time. I'm glad we were able to talk and come to some type of a resolution. We can definitely move forward from this with a great outcome.

11. Post Agreement Maintenance

Intervention specialists use this period of peace immediately following an agreement to engage the larger community in addressing the conditions that have led to violence. This is when the specialists need to be proactive in talking to the neighborhood, and talking to the families. As Cavitt says, “The families have to understand that this is not just a neighborhood issue. The families have to say no; no, we’re not going for this anymore. Everybody can coexist here. We need the community to stand up about this.”

Any agreement is fragile. An agreement can be violated by accident or deliberately by spoilers who want to derail the process. Thus, it is important to monitor how people are following the agreement and how they are reacting. It is important that when conflicts flare up the response has to be immediate. Intervention specialists get calls from the community, from law enforcement, and from the gangs when violence erupts or is expected. They must respond within one hour, knowing that their work within the first 24 hours is the most crucial. They need to know who to call for information and assistance among local gang intervention specialists, and in the neighborhoods. If possible, they will facilitate dialogue immediately to control rumors, get a ceasefire, or take other measures to quell the violence.

Achieving lasting peace in the post agreement phase can take as long as the war itself, sometimes even longer. Efforts can seem to be going nowhere. In this and all other phases of conflict resolution relationship building and nurturing are the key to success. It is a lifelong job, Cavitt explains: “The ambassador who signed the peace agreement five years ago may not be around when the agreement is violated. You’ve got to find out who he passed on the ambassadorship to. Will this guy have a level head, will he be at the table, or will he want war? And this goes on and on. The mediator has to do maintenance all the time.”

AFTERWORD

It is clear from this manual that gang intervention mediation is not easy. To be successful requires managing all stages of the process skillfully, and a long-term commitment to do the crucial work of relationship building and nurturing. These skills and commitment can provide a tiny opening and rare opportunity to assist a youth who is up against powerful authority figures and systems, to help rival gang members reach an understanding, and to ensure the long-term maintenance of a neighborhood agreement.

This manual has only touched the surface of how to be a successful gang intervention mediator. We have provided the reader with the basic best practices of this field. It is up to readers to take from this manual what works best in their environments and what needs to be adapted. We encourage readers to study the books we have included in the bibliography and to take local mediation courses even if they are not targeted for gang intervention specialists. These sources can give ideas for how to enhance one's own mediation skills and style. Mediation is as much an art as it is a skill.

To be extraordinary in this field requires a long-term commitment to serve individuals and communities who live on the margins of society, the courage to walk into situations that most others would avoid, and the patience of a saint. The authors of this manual wish you a safe and rewarding journey as you travel this rocky road to create a safer world.

ROLE-PLAY SCENARIOS

Neighborhood and Neighborhood Conflicts

Two guys, one Black (Aaron), one Brown (Abel), have known each other for years. Their neighborhoods have co-resided for decades. Abel, the Latino has connections that bring drugs into the community that both his set and Aaron's neighborhood sell.

There are complaints in the streets that the stuff going through Aaron is bad and has caused some sicknesses. Abel gets pressured by his set to find out what's wrong. Abel lets Aaron know about the pressure and the need to give up whoever is messing up the product. Aaron refuses to give up his compatriot, and a war ensues.

Because it is both a gang and drug war, the FBI gets involved.

There is additional pressure to allow the war to continue because some people do not like the fact that Blacks and Browns were getting along in this business before. So the incident is used as a wedge to cause further conflict between the two neighborhoods.

This scenario is a straightforward Black/Brown conflict that allows us to examine the “honor” involved in protecting one's own.

* * *

Two Latino sets are at war. Bobby goes to shoot up Blinky, who is spotted sitting in his car in a neutral area. Bobby wounds Blinky but fatally shoots Byonice, the daughter of a local Crip OG shotcaller.

Bobby is from a new neighborhood, and doesn't care for the peace that has existed between Blinky's set and the Crips. So Bobby won't apologize to the Crips or Blinky. In fact, because of the war, Bobby is even more stubborn about working out the problem.

Youth and Youth Conflict

Two guys, one Asian (Charles) and one Latino (Carlos), grew up together on the same block. They continue as friends into Middle School. One of Charles' older cousins, Chip, was a member of the local Asian gang set, but was served with an injunction, so he and his family moved away. But Chip comes back on the weekends to party with his gang.

Chip has problems with Charles' friendship with Carlos. This newer friendship begins to deteriorate because Chip has more influence over Charles.

Youth and Authority Figure Conflicts

Jimmy and Stan are heading for school. Stan was recently threatened by some other kids, so has brought his dad's 9mm automatic to school with him. He is determined that, if confronted, he can scare off the other teens by flashing the weapon. The gun is unloaded.

Some of their fellow students heard Stan mentioning the weapon to Jimmy, and went ahead to inform school authorities.

As Jimmy and Stan near school, they notice that Assistant Dean Monroe is waiting at the front gate. Stan backtracks and hides the gun behind some boxes around the corner. He asks Jimmy to hang around to be sure that nobody else finds his dad's gun. Stan heads for school, leaving Jimmy behind.

Dean Monroe noticed the two youths heading away from the school, and when Stan shows up shortly, decides to find Jimmy. Jimmy is where Stan left him, trying to look normal. Dean Monroe, however, recognizes that Jimmy is nervous about something, and presses him. During their conversation, the Dean notices the gun that had been left partly uncovered. He takes Jimmy to his office, and begins the process of documenting Jimmy's expulsion under the School's Zero Tolerance Policy.

School police are summoned to document the episode. Jimmy claims to not know where the gun came from, or who owns it. Because he is unwilling to provide that information, Dean Monroe continues the expulsion process.

Meanwhile the school's gang intervention specialist does his own investigation. As a result of knowing more about the situation than the school authorities, he engages all parties in shuttle diplomacy to work toward a mediated resolution.

* * *

Maria is an above average high school student headed for college. Her senior year is enjoyable, although she continues to have clashes with her parents, and particularly her father. Both parents are immigrants, but Maria and her three younger siblings were all born in the U.S.

Maria has decided that she has earned the right to enjoy her senior year, particularly since she has already been accepted to college, has a small weekend job, and is well-liked by her fellow students. She was recently notified that she will be awarded a National Merit Scholarship. Maria was never one to party extensively, although she does hang out with a party crew most weekends. More important, she begins to dress "shamelessly," according to her father.

Short skirts, tights, and short tops replace the bulky clothes that her mom would find for her. To her father's complaints, Maria states that she wants to blend in not stand out like an old maid. She also tells her parents that, once in college, she will dress any way she wants.

For the sake of peace at home, Maria keeps a second set of clothes at a friend's home, where she changes before and after school each day. This works for about two months, until her parents are asked to visit the school and officially recognize Maria's scholarship. Nobody told Maria that her parents would be at school that day. When she is called to the office for the official announcement, she runs into her parents in the hallway. Her father is immediately upset and borderline violent. Her mother tried to restrain her husband.

Maria's father throws several insults at Maria, who by this time has been reduced to tears. School staff attempts to keep them apart, but aside from making sure that Maria is not struck by her father, do little to deflect his verbal barrage. Nothing that her father says is new to Maria until he commands that, because of her disrespectful behavior, he forbids her from going to college. Maria immediately turns and runs off.

For the next three days, Maria stays with friends. Her parents are unable to locate her, and while they trust her friends, they still want their daughter to return home. Maria sends a message that she will return if her father takes back what he has said. He refuses, claiming that she is still his daughter, and he runs his family.

The school and the family agree to mediation after the gang intervention specialist gets involved.

* * *

Ernie "The Enforcer" Jones is director of loss prevention at the university bookstore. He was recruited because of his excellent record of apprehending shoplifters and in recovering stolen merchandise. Lately the bookstore has suffered significant loss at the hands of student shoplifters. He has strong values regarding right and wrong. He sees things only in black and white. Gray areas simply don't exist in his thinking. He apprehends and arrests

Joe/Josephine for taking a pen from the bookstore without paying for it. It is valued at \$10.00. Joe/Josephine did however pay for the other merchandise prior to leaving the bookstore.

As he/she walked out of the store Ernie handcuffed him/her in front of other students. As you walked him/her back into the store to complete the report. He stated, “I take pleasure in apprehending thieves. I think they are scum,” as he laughs.

When Joe/Josephine tried to explain that it was an honest mistake in which he/she put the pen in his/her pocket out of reflex and that they did pay for the other items, Ernie regarded it as an excuse, which angered him even more.

Joe/Josephine takes this matter to the university’s mediation office to have the case revisited to see if anybody will consider dropping the charges. After talking to both sides the head of the mediation office decides to handle the case.

Joe/Josephine comes to the mediation wanting to be vindicated, to have the charges dropped, and to get a public apology from Ernie. Ernie comes to the mediation determined to prove that it’s a done deal that the facts are what they are.

We may provide more gang based and school based scenarios, and create scenarios typical in recreation centers.

BIBLIOGRAPHY

Klein, Malcolm. 1971. Street Gangs and Street Workers. Englewood Cliffs, NJ: Prentice-Hall.

Baruch Bush, Robert A. Folger, Joseph P. 2005. The Promise of Mediation: The Transformative Approach to Conflict. San Francisco: Jossey-Bass.

Beer, Jennifer E. and Eileen Stief. 1997. The Mediator's Handbook. Gabriola Island, BC: New Society Publishers.

Drew, Naomi. 2004. The Kids' Guide to Working Out Conflicts: How to Keep Cool, Stay Safe, and Get Along. Minneapolis, MN: Free Spirit Publishing.

Effective Mediation Resources at <http://www.internetmediator.com/medres/pg1.cfm>

Fisher, Simon, et al. 2000. Working with Conflict: Skills & Strategies for Action. New York: Zed Books, Ltd.

Kipper, Bobby; Ramey, Bud. 2012. No COLORS: 100 Ways To Stop Gangs From Taking Away Our Communities. New York: Morgan James Publishing.

Lederach, John Paul. 1999. The Journey Toward Reconciliation. Pennsylvania: Herald Press.

Stone, Douglas; Patton, Bruce; Heen, Sheila; Fisher, Roger. 2010. Difficult Conversations: How to Discuss What Matters Most. New York: Penguin Books.

Svenson, Isak; Wallensteen, Peter. 2010. The Go Between: Jan Eliasson and the Styles of Mediation. Washington, DC: US Institute of Peace Press.

Zumeta, Zena. 2000. Styles of Mediation: Facilitative, Evaluative, and Transformative Mediation. Mediate.com. at <http://www.mediate.com/articles/zumeta.cfm>

Valdez, Al. 2010 Gangs Across America. Law Tech Publishing, San Clemente, California

Valdez, Al, Enriquez, Rene. 2010 Urban Street Terrorism, The Mexican Mafia and the Sureños. Police and Fire Publishing, Santa Ana, California

Videos of simulated mediation and negotiation for gang intervention workers can be found at http://www.peacebuilding.uci.edu/pb_gangs