



Center for Conflict Resolution's Juvenile Re-Entry Mediation Program

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The Cook County Juvenile Temporary Detention Center (“JTDC”), located in Chicago, Illinois houses juveniles awaiting adjudication and youth who eventually will be transferred to the criminal court system. The risk of recidivism is high for juveniles who have been residents at the JTDC: Research has found that over a three-year period, incarcerated juveniles in Illinois experienced recidivism at a rate of 87%.¹ Recidivism impacts juveniles by repeatedly removing them from school and the community and lessening their likelihood of success in high school graduation and future employment.² The Center for Conflict Resolution (“CCR”) has partnered with the JTDC to provide restorative practices to residents and has created the Juvenile Re-Entry Mediation Program (“JV REM Program”). The JV REM Program provides conflict skills training and mediation opportunities

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¹Illinois Criminal Justice Information Authority, *Examining the Extent of Recidivism in Illinois After Juvenile Incarceration* (Apr. 2019), <https://icjia.illinois.gov/researchhub/articles/examining-the-extent-of-recidivism-in-illinois>.

²Anna Aizer & Joseph J. Doyle, Jr., *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges*, NBER Working Paper No. 19102, 1, 3 (June 2013).

during re-entry to allow juveniles and their support systems an opportunity to plan for a successful departure from the JTDC.

I. Center for Conflict Resolution

CCR is an independent, not-for-profit 501(c)(3) organization located in Chicago with a mission to work with individuals, communities, courts, and other institutions to manage and resolve conflict. Since 1979, CCR has accomplished this mission by offering pro bono mediation services and conflict management training to Chicago area institutions, organizations, and businesses. Each year, CCR serves 5,000 clients and mediates over 1,500 cases. The majority of these cases are referred to CCR by the Circuit Court of Cook County, which has long depended on CCR to expand access to justice by providing alternative dispute resolution options, particularly for low-income and unrepresented parties.

Each year, CCR helps resolve hundreds of cases in a manner less expensive, less time-consuming and less intimidating for self-represented litigants than the court process may be. CCR's services benefit a variety of clients including homeowners facing foreclosure, juveniles, and adults arrested for misdemeanor crimes; families disputing guardianship of minor children; parents in conflict over parenting time and decision-making; tenants and landlords involved in eviction proceedings; and community and religious organizations embroiled in complex conflicts. In each of these circumstances, CCR provides the opportunity for a free, efficient, and informal process that allows for client self-determination, full exploration of complex issues, and the crafting of durable agreements.

CCR uses a corps of 180 certified, volunteer mediators to provide mediation services using a facilitative model. Mediators participate in a 40-hour basic skills training followed by a three-month mentorship program and skills-based assessment before being certified to mediate cases. Once mediators are certified, they are peer reviewed semi-annually to assess performance and provide opportunity to build new skills. Additionally, CCR provides monthly continuing education opportunities and trainings to its volunteer community to ensure continued mediator skill growth. CCR's case management staff provides support to volunteer mediators in every case by briefing

the mediators before the case begins, by being on-site and available during the course of the mediation to answer questions and review agreements, and by debriefing every case at its conclusion.

Under CCR's facilitative model, mediators do not provide advice or opinion, but create an opportunity for parties to have productive conversations about the incident that brought them to mediation, with an eye towards realistic resolutions. When the parties come to a resolution, the mediator may memorialize the agreement in writing: each party signs it and leaves with a copy. In some cases, the parties reach an informal agreement and are never required to put their plan in writing.

In addition to CCR's robust mediation program, CCR also offers training programs. CCR provides 40-hour mediation skills training as well as various workshops and training programs. CCR's training programs focus on the conceptual and practical knowledge in the field of Alternative Dispute Resolution and Conflict Management. CCR offers classes to the general public and customizes workshops for corporations and organizations. CCR's trainers are professional mediation practitioners who coach and deliver trainings to meet participant's specific needs.

II. Juvenile Victim-Offender Program

Since 1992, CCR has operated a Juvenile Victim-Offender Mediation Program in Cook County. This restorative justice initiative brings juvenile offenders, their parents/guardians, and victims together for a facilitative mediation. The program serves cases where juveniles have been arrested for offenses such as battery, assault, robbery, criminal damage to property, trespassing, and theft. During the mediation session, juveniles, their families, and victims discuss the crime committed, the impact of the actions taken by the youth, and ways for the harm to be repaired.

Cases are referred to CCR through a number of referral partnerships. CCR's primary referral partner is the Juvenile Justice Division of the Circuit Court of Cook County. Diversion and Probation Officers meet with juveniles and their families and then make referrals into the program. CCR also receives referrals from detectives at the Juvenile Intervention and Support

Center as well as other community partners that provide services to juveniles who have been arrested.

The facilitative mediation model provides an opportunity for all parties to participate equally in the dialogue. The agenda for each mediation session is set at the beginning of the session, after the participants provide an initial statement in joint session. The mediator is not required to cover any particular topics, but mediations often cover the incident that resulted in the arrest of the juvenile, the impact of the incident on all parties, any previous communications or attempts at resolution, and an opportunity for interest-based negotiation. Additionally, mediators help youth think through their options for responding should similar circumstances arise in the future. While participating in mediation, juvenile defendants are able to cultivate life skills such as problem solving and communication. The goal of this program is to improve the competence of juveniles in these areas by providing an individualized, community-based restorative justice mediation session that allows for a diversion at the arrest stage, reduced reliance on detention and incarceration through diversion, and a reduction in recidivism rates by providing a formal opportunity for reflection on accountability, relationship-building, and restorative conversation. The Juvenile Victim-Offender Program allows victims a forum for meeting with juvenile defendants, in order to participate in a restorative justice process that results in closure and understanding.

III. Expansion to Juvenile Family Mediation

In 2012, CCR identified a need of program participants and expanded the services of the Juvenile Victim-Offender Mediation Program—mediation for juvenile offenders and their families. CCR's mediation model involves a joint session, a caucus with each party, and a second joint session. CCR staff began to notice a theme in debriefing cases with mediators. Where the victim was a corporate representative without any personal stake in the case, the joint session was rather relaxed and low-conflict. However, when the mediator would separate the parties for caucus and meet privately with the juvenile and their parent, there was a great deal of conflict and emotion between the family members. Parents often expressed their disappointment, anger, and fear around their child's arrest. Juveniles expressed

their inability to explain their motivations, limitations in resources, and the frightening impact of consequences they had experienced as a result of being arrested. Mediators would find themselves providing a second shorter mediation session inside the caucus between the family members.

CCR staff began discussing their observations with referral partners and found enthusiasm for a mediation session that would allow the juvenile and their family to discuss the incident and make a plan for resolution, even where the victim was unwilling or unable to participate. The expansion of the model also allowed referral partners to send cases where the victim is a family member.

Since this expansion in service, CCR has always offered an opportunity for a family mediation session if the victim is unwilling or unable to participate in the session. Additionally, CCR receives direct referrals for family mediation sessions.

Since 1992, CCR has held more than 2,000 mediations for youth, family members, and victims. In 97% of mediations, parties are able to reach an agreement that helps all parties move forward productively. This Juvenile Family Mediation Program is the model CCR relies on for the Juvenile-Re-Entry Mediation Program.

IV. Juvenile Re-Entry Mediation Program

The Juvenile Re-Entry Mediation Program (“JV REM Program”) offers eligible JTDC residents conflict resolution training and an opportunity to participate in a mediation with key individuals from their lives (parents, siblings, school officials, or other people the resident identifies) as they prepare to leave the JTDC.

A. Program Inspiration

CCR’s JV REM Program is inspired by Community Mediation Maryland’s (“CMM’s”) Re-Entry Mediation Program. CMM’s program works with adults living in detention centers throughout Maryland. CMM has generously made best practices of their program available so that other community mediation centers can replicate the program.³

³Community Mediation Maryland, <https://re-entrymediation.org/>.

While the CMM Re-Entry Mediation Program serves adults who are incarcerated, CCR has adopted a number of their best practices in development of the program in operation at the JTDC. Similar to the CMM Program, CCR provides a conflict skills training to residents and introduces the opportunity for re-entry mediation during the training. CCR also developed a re-entry mediation training for mediators who will volunteer in the program.

B. Listening Sessions

To ensure a program that would be responsive to the community it was designed to serve, CCR staff held listening sessions in early stages of program development. CCR met with JTDC staff, public defenders, and juvenile residents at the JTDC to establish relationships with stakeholders, address concerns about the program, and identify interests for consumers of the program and other influencers.

The listening sessions began in late 2019 and continued into the first half of 2020. CCR was able to complete sessions with JTDC staff and Public Defenders before the JTDC was closed to visitors due to COVID-19. Staff was eventually able to hold the sessions in May via Zoom video conference. Initially, the lengthy delay in meeting with juvenile residents was discouraging; however, it resulted in much more effective sessions with the youth. During these sessions staff was able to gather feedback from the residents on their experiences with programming broadly, but also as it related to virtual learning.

Juvenile residents easily identified a number of values for a successful training. A few values stood out and supported CCR staff in the development of the training: residents wanted to learn skills that were realistic and would apply to their relationships, they wanted the staff present with them to also participate in exercises, and they were interested in working in teams and in working independently.

C. Conflict Management Training

The JV REM Program offers eligible JTDC residents conflict resolution training and an opportunity to participate in a mediation with key individ-

uals from their lives (parents, siblings, school officials, and others) as they prepare to leave the JTDC. The training is designed to help residents think critically about conflict, to explore ways to engage in conflict productively, and to introduce the opportunity to use these skills in a mediation with people critical to their success.

The conflict resolution training program comprises four sessions designed to encourage residents to engage with the topic of conflict with the hope that they will be better prepared for a mediation if they choose to participate, as well as helping the residents build skills that will support them in building better relationships after they leave the JTDC. The sessions build on one another starting with basic definitions and understanding of conflict, to providing skills for managing conflict.

The first session covers conflict modes by using the Thomas-Kilmann Conflict Mode Instrument. Residents are taught the five different conflict modes: competing, collaborating, compromising, avoiding, and accommodating. After reviewing these concepts, residents have the opportunity to talk through three different real-world scenarios and discuss how they would react, explaining their reasoning with the conflict modes. Residents find this session to be of particular interest as it gives them the space to think through how each reaction can have different consequences on relationships.

The second session addresses emotional triggers and flooding. In this session residents are taught about the brain's reaction to trauma, practice coping skills for reducing trauma-based responses when triggered, and learn how to help others when they observe someone else experiencing flooding. The session focuses on two coping skills: "4-7-8" breathing and progressive muscle relaxation. These two skills were chosen with the reality of incarcerated youth in mind. Often residents have very little physical room or autonomy over their environment. These specific skills provide youth with practical and accessible tools to reduce stress and manage their own responses to conflict.

The third session focuses on causes of conflict and best practices for approaching different types of conflict. In this session residents practice asking questions with a goal of understanding the speaker and discuss what vague, but valuable terms like "respect" and "trust" mean to them.

The fourth and final session is a feedback session, where residents are given the time to provide the JV REM program coordinator suggestions to make the program better accessible for youth moving forward. This also provides another opportunity to discuss mediation as a resource. After each session residents are provided with evaluations to share their thoughts on the day's material with the JV REM program coordinator.

During the first year of operation at the JTDC, the JV REM Program has elicited a range of reactions and interest from juvenile residents. This program has provided residents with the opportunity to talk about conflicts they manage in their lives, to think about anticipating the future, and to learn from one another skills to manage conflict. The trainer works hard to ensure that conflict is neutralized, regularly reminding the residents that conflict is something that occurs in all of our lives and that it can be dealt with in many different ways. There is no judgment or shame for conflict approaches that have occurred in the past, and instead residents engage in conversation with their peers, the staff at the JTDC, and the CCR trainer to gain a greater understanding of the motivation and impact behind different reactions to conflict. Residents have an opportunity to practice new skills and improve upon their good instincts for conflict engagement during the four weeks of the training.

At the conclusion of each training session, resident's complete evaluations about their experience. Here are some examples of their feedback:

- "That you don't always have to fight or get angry and punch something, there are other things you can do like talk about the situation or if you have coping skills use those because it could help."
- "I learned more ways to understand how to control my attitude when I'm not in the mood to talk to anybody."
- "I learned how to use different coping skills when I'm angry or going to get into an argument."
- "This process could help you with a better future."
- "I learned to contain my emotions and express myself better"

- “Learned how to talk to people more and stop fighting with them”
- “I learned to deal with my emotions and accept consequences”
- “Different ways to solve conflict”
- “That I should not instantly fall into/onto violence”
- “Different ways to resolve conflict or deal with anger”
- “How to resolve conflict with words”
- “Processing before responding”

D. Re-Entry Mediation Services

CCR is relying on its decades of experience working with juveniles and their families to provide a strong foundation for re-entry mediation sessions. Mediators for re-entry cases have experience mediating in the Juvenile Victim-Offender and Family Mediation Program and are required to participate in an additional, one-day training on re-entry mediation at the JTDC.

This training was held to ensure all mediators were well-informed on the realities of incarcerated youth by using a trauma-based lens to mediation and conversation with youth and their loved ones. The first part of the training focused on understanding the gravity of incarceration for youth, while the second part of the training refreshed mediation skills for mediators. Due to the particular nature of incarceration, mediators were trained on JTDC resident daily life to provide a greater sense of understanding when mediating with residents. This first part of the training was essential for mediators to have knowledge on the different set of norms that incarcerated youth and their families experience.

The mediator training emphasized the importance of creating a safe and judgment-free zone for residents to engage with conflict without feeling assessed by the adults in the conversation. CCR mediators are trained to be neutral and this training provided mediators with tools to assess if their neutrality had faltered. This was done by engaging mediators in conversations about biases of incarcerated youth (e.g., incarcerated people are guilty;

arrested people did something wrong; or parent is right, child is wrong). Unpacking these biases is essential to building relationships with parties during mediation. The training focused heavily on the importance of understanding power dynamics between youth who are incarcerated and the adults who participate in the mediations, as well as mediators. Additionally, the training covered the importance of language during mediation. Mediators were trained on using proper pronouns and people first language.

Re-entry mediation sessions are intended to provide an opportunity for transition planning as early as possible. There are two main groups of JTDC residents: youth who are being charged as minors who will likely be released from JTDC to their homes and adult transfers, who are youth being charged as adults who will leave the detention center once they turn 18 for incarceration at an adult facility. Re-entry mediation is appropriate for all of these residents.

Traditional re-entry mediation, where the juvenile is returning home after a period of detention, allows the juvenile and members of their support system to have a conversation about the upcoming major transition. The mediation session provides a space for a candid and thoughtful conversation about expectations and communication, and is focused on future planning. The mediation is not an opportunity to discuss the incident that resulted in detention, and mediators are trained to support the participants in developing a strategy for their present circumstances.

Mediation is also available as a resource for residents who will be leaving the JTDC, but will not be returning home. Their transition to a new facility will have an impact on their support systems. For example, the resident's new placement might have different visitation opportunities and a parent's work schedule might make regular visits more challenging. The mediation is a chance to address those impending changes, set expectations, and communicate clearly.

E. Impacts of COVID-19

In March of 2020, the JTDC placed strict visitation restrictions due to COVID-19. No visitors are allowed inside the facility. CCR was still able to

begin programming as scheduled in summer of 2020; however, all training has been virtual via Zoom video conference.

Both CCR staff and the residents have adapted to the limitations of the virtual training space. Fortunately, the trainings were developed with feedback from residents about virtual learning and reflect those values. Another consequence of virtual training is that it decreases the opportunity for CCR staff to connect with individual residents and JTDC staff members to discuss referrals for mediation. CCR continues to work with residents and staff to identify protocols to make mediation accessible, including regular check-ins during the training, opening communication between CCR staff and resident case managers, and easily accessible forms for residents so they may request mediation confidentially.

COVID-19 restrictions at the JTDC strictly prohibit visitors. There has been an increase in phone access for residents; however, a consequence for residents is less contact with family and support systems outside the JTDC. These restrictions have certainly had an impact on the residents' experience at the JTDC. Programming is limited and virtual: Residents spend the majority of their time in their housing pod and are not able to attend classes in classrooms, experience hands-on training, or enjoy recreational time in other spaces.⁴ As a result of these restrictions, the weight of incarceration is tenfold, often leading to conflict amongst residents and a decrease in communication between residents and their families. CCR remains optimistic that mediation will be a resource to support some of the unique dynamics brought on by the pandemic.

Another consequence of the pandemic is a decrease in the resident population at the JTDC. Before COVID-19 JTDC population averaged at 300 residents at any given time, now population numbers are closer to 100.⁵ This

⁴Megan Crepeau, *Frustration reigns amid efforts to get youths out of Cook County's juvenile detention center before virus hits*, Chicago Tribune (May 4, 2020), <https://www.chicagotribune.com/coronavirus/ct-coronavirus-juvenile-court-20200430-lyfe4vlg5vddtmbpj6ui2xadnq-story.html>.

⁵Cook County Juvenile Temporary Detention Center Foundation, <https://jtdcfoundation.org/about-us.html>.

is due to lower arrest rates during the pandemic and judge's willingness to use diversion programs to avoid overcrowding at the JTDC.

As of publication, nearly 100 juvenile residents of the JTDC have participated in the conflict skills training. CCR has received three referrals to mediation, two of which were direct requests from youth.

V. Conclusion

Although the consequences of COVID-19 impacted the JV-REM Program, CCR has been able to establish successful conflict skills training and has begun making connections with residents and other partner agencies to provide mediation services. Moving forward and once restrictions decrease, CCR will begin providing JV REM services inside the JTDC in hopes of forming stronger connections with residents and staff. CCR is planning to provide mediations via Zoom as long as necessary. Additionally, CCR has formed new relationships with other organizations serving juvenile residents and recent residents at the JTDC. The Conscious Community Network ("CCN") is an agency that works with youth who are dually-involved in both the child welfare and juvenile justice systems. Chicago Public Schools is also developing a program to support residents who once attended Nancy B. Jefferson, the school located inside the JTDC, as they return to their school at home. CCR is accepting mediation referrals from both organizations.